

COMMON CAUSE

VOICE OF "COMMON CAUSE"

STOP CRIMINALISATION OF POLITICS

A Judgement of paramount importance has been passed recently by the Delhi High Court which can greatly help to cleanse up the system of elections to Parliament and State Legislatures. It has been given on a Petition that was submitted by the Association of Democratic Reforms.

This pronouncement is based on the provision in the Constitution that a citizen has right to receive information regarding a candidate's criminal record and also to know facts which have a bearing on the candidate's suitability and competence for being elected as parliamentarian or legislator, so that the elector casts an informed vote. The question before the Court was whether a voter should as a matter

of right be allowed to peep into the past of a candidate for making an estimate for himself as to whether the person who is standing for the election, has a background which makes him worthy of the vote.

In examining this important matter the High Court has taken into account a wide range of views and judicial pronouncements. It has cited the concern expressed by the Election Commission in its special publication "Electoral Reforms - Views and Proposals", in which the Commission has expressed its deep concern regarding the anti-social and criminal elements making inroads into the electoral and political fields and the need to amend the Representation of People Act, 1951. It has emphasised that there is a growing nexus between the political parties and anti-social elements which is leading to criminalisation of politics, where the criminals themselves are now joining election foray and often getting elected. Some of them have even adorned ministerial berths and, thus, law breakers have become law makers.

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Difficulties arising from the present provisions of the law, in relation to this problem, have been mentioned by the Election Commission. In strict legal parlance a criminal will be one who has been convicted by a court of law. Common man, however, perceives otherwise; in his eyes a person charged with certain types of offences, and is an undertrial, is also a criminal. He considers it criminalisation of politics if he sees the history-sheeter or a notorious bad character involved in various crimes, though not convicted, particularly in heinous crimes such as dacoity, rape or murder, contesting elections and getting elected.

Election Commission is stated to have issued an order in August, 1997, under Article C-24 of the Constitution, whereunder all candidates for election to Parliament and State Legislatures are required to file affidavits about their convictions in cases covered under Section 8 of the Representation of Peoples

* **CRIMINALISATION OF POLITICS**

* **STRIKES & BANDHS**

* **RAIL DISASTERS**

* **FIGHTING CORRUPTION**

* **POPULATION PROBLEMS**

* **CONSUMER PROTECTION**

*Act, and this disqualifies the candidates convicted of such offences.

High Court has cited also a Resolution passed by the Parliament in August, 1997 whereunder the Parliament showed great concern regarding the increased criminalisation of politics, expressing deep concern that those who live by breaking the law are also turning into makers of law. 170th Report of Law Commission has also been cited where strong views were expressed about politicisation of crime, use of criminals at the time of elections and increasing electoral malpractices.

Certain judgements of the Supreme Court have been mentioned by the High Court in this judgement, wherein it has been emphasised that Article 19(1)(a) of the Constitution not only guarantees freedom of speech and expression, it also ensures to the citizen a right to receive information. While emphasising that the right of people to know is derived from the concept of freedom of speech and expression the Supreme Court has stated that the people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearings. In another case the Supreme Court laid down that the freedom of speech and expression includes the right to acquire information and to disseminate it. Freedom of speech and expression is necessary for self-expression and self-fulfilment. It is only the vehicle of political discourse which is essential to democracy. This obligation flows from the Preamble to our Constitution which seeks to ensure to all its citizens liberty of thought, expression, belief and worship. Freedom of speech and expression is basic and indivisible from a democratic polity. It encompasses freedom of Press. It includes the right to receive and to impart information.

Delhi High Court has held that in the context of various decisions of the Supreme Court it is apparent that right of freedom and expression includes several specific rights which are bound together and through which a common string passes. These include: Right to voice one's opinion; Right to seek information and ideas; Right to receive information; Right to impart information. Right to receive information acquires great significance in the context of elections. It will be a farce if a citizen casts his vote in ignorance, without knowing the background of a candidate; it will not amount to intelligent and rationale voting. It is, therefore, imperative that the voter should receive the information which is essential for casting his vote.

For making a right choice it is essential that the past of a candidate should not be kept in the dark; antecedents of a candidate should be placed under public gaze and that is possible only when all wraps gathering information about him are cast away. Real education of an electorate contemplates informing him of the past achievements and future plans of the political party and their candidates. For democracy to survive it is necessary that men of high moral and ethical values should win the election on positive note obtained on their own merits, and also that impact of money power should not be allowed to adversely affect the chances of election of persons of merit.

Supreme Court in another case has also held that parliamentary democracy is part of the basic structure of the Constitution. Electorate has fundamental right to receive information which springs forth from the Right of freedom of speech and expression. If criminalisation of politics is to be prevented and purity in the system of government is to be infused, this right needs to be enforced. Voter must be aware of the criminal propensities and activities of a candidate; persons with questionable background do not deserve to occupy the seats in Parliament and State Legislatures. Such persons need to be eliminated from the race. Political parties will think twice before putting up their candidates with criminal records if the people are given information about their activities. The electorate must know about the competence and suitability of the candidate for the high office of the Member of Parliament or of a State Legislature. Such information is a sine qua non for a meaningful, effective and vibrant democracy.

On the basis of these views expressed by the Supreme Court and certain other authorities the Delhi High Court has directed that the Election Commission should secure the following information pertaining to each of the candidates standing for election to the Parliament and to the State Legislature and the parties they represent :

- (i) Whether the candidate is accused of any offence(s) punishable with imprisonment? if so, details thereof.
- (ii) Assets possessed by the candidate, his or her spouse and dependent relatives.
- (iii) Facts giving insight in candidate's competence, capacity and suitability for acting as parliamentarian or

legislator including the details of his/her educational qualifications.

- (iv) Information which the Election Commission considers necessary for judging the capacity and capability of the political party fielding the candidate for election to Parliament or State Legislature.

The Election Commission has been authorised by the High Court to issue directives to the concerned government(s) or department(s) e.g., Central Government, State Government(s), Intelligence Bureau, etc., to render assistance to gather the requisite and relevant information as the Election Commission deems fit and proper and the said authorities shall be duty bound to provide the same.

It has also been emphasised by the Delhi High Court that it shall be incumbent on a candidate standing for election to the Parliament or State Legislature to submit the requisite information at the time of filing nomination papers with the Election Commission. Furnishing of false information in the affidavit will result in prosecution of the candidate. It will be open to the Election Commission to file complaint against a candidate in a criminal court in case the affidavit contains false information. Non-compliance of the directions given by the Election Commission to a government/department or the intending candidate will entail the consequences according to law.

While dealing extensively with these requirements the Delhi High Court, in this judgement, has also directed that Doordarshan shall arrange and telecast pre-election debates in which the authorised representatives of political parties fielding candidates present their manifestoes, programmes, plans and background as well as capabilities of their candidates, and answer questions posed by the audience relating thereto.

The Election Commission has been asked to prepare the norms and modalities for carrying out and giving effect to these directions of the High Court, in a period of four months from the date of the Order.

Considering the fundamental importance of this decision of Delhi High Court, for cleansing up the processes of election to Parliament and State Legislatures COMMON CAUSE has addressed letters to the concerned authorities including the Home Minister, Law Minister, I&B Minister, and Chairman of Law Commission of the Government of India, conveying to them that in the interests of improving the health of democracy in the country and for cleansing the body politics, it is earnestly hoped that the government will not consider filing an appeal against this judgement of Delhi High Court so that these positive directions of the High Court are given effect.

We are placing this entire matter before the people so that, where possible, they should also write to these concerned authorities of the Government of India and communicate their views to them. This is obviously a matter of great importance for the country and people need to raise their voice in support of the directions given by Delhi High Court.

For purposes of making any reference to this decision of Delhi High Court and the various Supreme Court judgements quoted in it we give below the relevant information. This judgement was given on 2.11.2000, by the Bench of Mr. Justice Anil Dev Singh and Mr. Justice Dr. M.K. Sharma. The judgement was given on the Civil Writ Petition No. 7257 of 1999 filed by Association for Democratic Reforms Versus Union of India and anr. The Supreme Court Judgements quoted in the Delhi High Court Judgement are following :

- (i) Gadakh Yashwant Rao, Kankarao Vrs. E.V. Balasahab Vikhe Patil and Ors. - AIR 1994 SC 678.
- (ii) State of U.P. Vrs. Raj Narain & Ors. (1975) 4 SCC - 428.
- (iii) Secretary, Ministry of I&B, Government of India and Ors. Versus Cricket Association of Bengal & Ors. (1995) 2 SCC - 161.
- (iv) S.P. Gupta Vrs. Union of India & Anr. 1981 (Suppl.) SCC 87.
- (v) Indian Express Newspapers (Bombay) Private Limited & Ors. Versus Union of India & Ors. (1985) 1 SCC - 641.
- (vi) His Holiness Kesavananda Bharti Versus State of Kerala & anr. (1973) 4 SCC - 225.
- (vii) R.V. Narasimha Rao Versus State (CBI/SPE) (1998) 4 SCC - 626.

IT'S TIME TO STRIKE AT STRIKES AND BANDHS

H.D. Shourie

Citizens feel greatly perturbed at the frequency and multiplicity of strikes that are taking place in the country. Almost every third day there is news about some workers or staff members going on strike. In the past few weeks there has literally been a plethora of strikes. Country's banking system was plunged into chaos a few days ago with a day-long total strike by 15 lakh employees. They were protesting against the proposal of reducing government stake in nationalised banks. It was threatened by their Union that if government goes ahead with present policy the employees will go on indefinite strike. Financial transactions of hundreds of crores of rupees were affected by this one-day strike.

Few days ago teachers of all Central Universities had given the call for strike resulting from a tussle between teachers and the University Grants Commission and the Ministry of Human Resource Development on demands of the teachers for introduction of higher grades and scales for them. Some days ago Mumbai faced the very severe indefinite strike by 1.4 lakh employees who were asking for higher ex-gratia payment. This Mumbai strike has in fact been an annual phenomenon, for pressurising the civic administration despite the known fact that it is not possible for the Corporation to meet their demands because of its financial position. The recent strike paralysed many essential services in the city; huge dumps of garbage piled up everywhere, posing serious health problem.

In Delhi another serious problem has now arisen from government decision to close down about one lakh small industrial units, employing over ten lakh employees, operating in non-conforming and residential areas; their unions have threatened that Bandh will be organised, and violence in the streets has already been in evidence. 80,000 three-wheeler scooters of Delhi recently went on one-day strike, affecting 2,00,000 commuters.

There have been strikes by almost all sections of employees, practically in every sphere of civic life. These have manifested in strikes by doctors of hospitals as well as by nurses, operators of buses, workers of airlines, telephone employees, electricity employees, petrol pump operators and various other services. These strikes cause extreme disruption; they compel the employing institutions and organisations to revise the grades and raise the wages even though this brings about serious financial problems. Stoppage of buses, for instance, leads to enormous difficulties for lakhs of commuters who inevitably depend on these for attending their offices and professions, and for school children. Strikes by doctors and nurses bring about serious miseries to the people who need immediate medical attendance.

Strikes by workers of essential services have doubtless become a serious menace in our country. The strike in industrial enterprises is a somewhat separate matter. These generally result from disputes between the workers and the employers. Establishment of trade unions for conducting negotiations with the management has been recognised under the law relating to trade unions; rules and procedures are prescribed under this law for conducting negotiations. This law is the Industrial Disputes Settlement Act which has been in existence for over 50 years.

While industrial disputes cause certain problems for the people, depriving consumers of the availability of products and services of affected industrial units, the problems assume serious proportions when strikes take place in services which are of basic and essential nature, affecting citizens in general. In relation to these strikes in essential services a very important law has been enacted in the shape of Essential Services Maintenance Act (ESMA). This has been in existence for about 20 years. The provision of this law imposes certain conditions which are additional to those contained in the Industrial Disputes Settlement Act. For instance, refusal to work overtime for meeting the essential requirements, and any conduct which is likely to result in cessation or reduction of work in any essential service, are made punishable under this Act.

Essential services have been defined as those which are vital to the society and those "which if interrupted, would endanger the life, personal safety or health of the whole or any part of the population". These include: Defence, Police, Fire Services, Medical services, Telephone and Telegraphic services, Aeronautical services, Railways, Transport services, Municipal and Sanitation services, Electricity services,

Services related to production of sources of energy like Petroleum, Banking and certain others. It is obviously necessary that the government machinery should remain adequately equipped to deal with breakdown in these essential services and accordingly the necessary provisions have been made in ESMA.

Strikes are one form of stoppage of work or cessation of production of goods or provision of services. The other malady that our country has been facing is that of Bandhs. Generally both these terms are being used in mentioning the inconvenience that is caused to the people by cessation of goods and services. There is, however, a distinct difference. Bandhs are severer form of strikes; these paralyse the entire life and movement in a town or city. In observance of a Bandh all forms of transport are forcibly stopped, shops are closed, and quite often force is also resorted to by the perpetrators if there is defiance of their decree of observance of the Bandh.

On Bandhs the courts have come down quite heavily, holding that these are totally illegal, and the organisers of Bandhs cannot be allowed to disrupt the lives of citizens. Kerala High Court has given very clear ruling to this effect, and this decision has been upheld by the Supreme Court. Generally the organisers of Bandhs and Strikes have been placing reliance on the provision of the Constitution that the banning of these amounts to deprivation of the fundamental right of expression. It is true that this fundamental right is important, but its exercise cannot be allowed to disrupt the life of citizens who suffer serious inconvenience and deprivation of their fundamental right to life which too is provided in the Constitution, and cannot be allowed to be affected. On the basis of this argument there has been a tendency in the judiciary to hold that certain types of strikes too, which affect the life of the people, are illegal. There is, however, disinclination to totally ban strikes because it is generally felt that employees and workers should have freedom to express their problems.

While viewing the totality of this growing menace of strikes and bandhs, it is necessary to emphasise that people, residents of city or town or of a village, have fundamental right to life; in this context the word "life" has been defined broadly as comprising various aspects of living of an individual or of the people. This fundamental right, provided in Article 20 of the Constitution, has enabled people to secure from the courts various important decisions relating, for instance, to matter of suppression of corruption, securing expeditious dispensation of justice, straightening out the procedure for levy of taxes, proper maintenance of roads, ensuring provision of water supply, etc.

In this context it is worthwhile mentioning also the unfortunate circumstances of the strike which was resorted to last year by lawyers all over the country, and particularly at Delhi. This matter has had repercussions in the Supreme Court, but Delhi High Court has already given a very important ruling that strike by lawyers is illegal because it affects the fundamental right of the people who are seeking justice from the courts. This decision has put to rest the unfortunate development that had emerged because of certain circumstances relating to amendments made in the Civil Procedure Code for expediting the course of justice.

Whereas, therefore, it is necessary that employees and workers in industry or in any office, transport organisation, hospital or educational institutions etc. should continue to have the fundamental right of expression of their demands, it is necessary in the interests of maintenance of peaceful living of the citizens that there must be some curbs on the exercise of this right. There is need of detailed and comprehensive examination of this entire matter by the Parliament and the Government, taking into account the existing laws and rules and the circumstances as they have evolved over the last two decades, particularly in the context of the threatened disruption of life of citizens through strikes and agitations, for determining what measures need to be taken to obviate the increasing prevalence of this unfortunate menace. Possibly there may be need of establishing properly empowered and senior-level Commissions at the Centre and in the States to expeditiously effect settlement of disputes, and to inflict punishment if necessitated, and for effectively dealing with the problems which emerge from the defiance of terms and environments etc. of employment in various sectors of the economy and living of the people.

THREE MOST precious words:

Hope, Love and Friendship.

SUPREME COURT DECISION ON STRIKES BY LAWYERS ADVOCATE TO BEAR CLIENT'S LOSSES

The Supreme Court has ruled that the striking lawyers are liable to pay damages for the suffering caused to litigants because of their non-appearance in courts.

A division bench, comprising Justice K.T. Thomas and Justice R.P. Sethi, warned the lawyers that they would be answerable if the litigants suffered on account of their non-appearance in the courts because of a strike.

"We put the legal profession to notice that in future the advocate would also be answerable for the consequence suffered by the party if the non-appearance was solely on the ground of a strike call" the division bench said.

The court's observation came while imposing a cost of Rs.5,000 on a litigant whose case was dismissed by a Delhi court when his lawyer failed to turn up for the hearing due to a strike. The Bench restored the case and gave him the liberty to realise half of the cost from the striking lawyer.

"It is unjust and inequitable to cause the party alone to suffer for the self-imposed dereliction of his advocate," the Bench said.

The Court said that the lawyers could be absolved of their liability if they could justify their absence. "But (such) an advocate cannot get absolved merely on the ground that he did not attend the court as he or his association was on strike", Justice Thomas observed.

"Majority of the courts in the country have been implied sympathisers by not rising to the occasion by taking positive stand for the preservation of the high traditions of law and for continued restoration of the confidence of the common man in the institution of judiciary", he said.

"If any advocate claims that his right to strike must be without any loss to him but loss must only be for his innocent client, such a claim is repugnant to any principle of fair-play and cannons of ethics", he said.

The court said the advocate must be prepared to bear at least the pecuniary loss suffered by the litigant client who had entrusted his brief to the advocate with all confidence that his cause would be safe in the hands of that advocate.

Justice Sethi said it was not too late even now for the courts in the country to rise from slumber and perform their duties without fear or favour.

(Cutting from Hindustan Times).

AS A CHILD he had lost the sight in right eye during a playground mishap. When he reached 40s he needed to get glasses. At the optometrist's office, the doctor's young assistant pointed to an eye chart. "Cover your right eye and read the line there", he said.

"I am blind in my right eye", he told him. "It's a glass eye".

"Okay", he responded. "In that case, cover your left eye".

ON CHRISTMAS EVE, a Christian mother who lives in Mumbai received a long distance call from her daughter in Atlanta, U.S.A. Barely had she started talking when her grand-daughter, Anjali, six, came on the line to list the gifts she wanted. The mother's friend could hear her daughter repeatedly saying "Anjali, that's enough."

Then Anjali snapped back, "Mama, stop interrupting me. Don't you know this call costs a lot of money?"

TWO FRIENDS were having lunch at a cafe. They noticed a man sitting alone at an adjoining table. When the waitress approached him, they overheard her ask, "Are you waiting to be joined by a tall, thin woman with long, blonde hair?"

He answered, "In the larger scheme of life, yes. But today I'm meeting my wife".

RAIL DISASTERS

Recent Rail Disasters have caused very serious concern about the functioning of railway system, its equipment including rails, rolling stock, signals and personnel. In 1999, there were two serious disasters, one near Khanna and the other Gaisal accident which claimed 400 deaths and 600 injured. In 2000 there has been serious accident on 3rd December, not far from the site of Khanna; Express train collided with the derailed bogies of goods train claiming 40 deaths and over 100 injured. There have been Press reports that even though inquiry had been ordered into the serious Khanna Disaster, which was desired to be completed in four months, it has apparently made no palpable progress even in a period of two years; railways had tried to shrug off the tragedy describing it as freak accident.

In a previous issue of this Periodical we had furnished information about the Rail Disasters which have unfortunately been happening in the country, and had given some figures of accidents. We had mentioned that from the platform of COMMON CAUSE, considering the importance of this subject, we had filed a Writ Petition in the Supreme Court. There have since been demands for more details of the Writ Petition filed by COMMON CAUSE. We have considered it necessary, therefore, to publish the Writ Petition in this Issue.

In this connection the statistics of accidents are worth repetition. In a period of only five months of 1998, from July to November, there were as many as 211 accidents other than Khanna tragedy, resulting in 157 deaths and 403 injured. In the previous five years there were 165 collisions, 1660 derailments, 318 level crossing accidents, involving 728 deaths. In one year alone, 1996-1997, there were 2965 rail accidents, 12580 engine failures, 37150 cases of defective wagons, 3140 cases of poor power-brake and astounding number of 1,25,259 signal failures.

These facts are very disturbing indeed. There are indications that often the smaller failures and mishaps in the railways are deliberately suppressed by the staff. The size of the system in the country is of course stupendous, with rail length of over 66,000 kms., employing 1.6 million workers, carrying 13 million passengers and 1.2 million tonnes of goods, running 13,000 trains every day.

In the Writ Petition we have prayed that special groups of experts of known merit, from within the existing system as well as from outside, should be set up to undertake assessment of essential requirements of technological upgradation in all aspects of railway system functioning, for determining the measures that need to be taken to bring about modernisation in the entire functioning, including introduction of electronic elements and highly modernised safety devices, as well as the upgradation of staff capabilities, and that these groups should be directed to submit their recommendations within three months and the railway system should indicate within one year the progress made in relation to implementation of these recommendations.

Supreme Court had issued notices to the Respondents. A Counter-Affidavit has been submitted on behalf of the Respondents and a detailed reply to the Counter-Affidavit has been submitted by COMMON CAUSE. Details regarding these had been published in the previous issue of the Periodical.

The Writ Petition submitted before the Supreme Court is reproduced hereunder:

COMMON CAUSE
(A Registered Society)
through its Director
H.D. Shourie,
A-31, West End,
New Delhi - 110021.

... Petitioner.

Versus

Union of India,
1. Ministry of Railways,
Rail Bhawan,
New Delhi - 110001

- Through Secretary,
Ministry of Railways.
2. Railway Board,
Rail Bhawan,
New Delhi - 110001.
Through Chairman,
Railway Board.

... Respondents.

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, DIRECTING THE RESPONDENTS TO TAKE IMMEDIATE STEPS TO SET UP THE REQUIRED GROUP OF EXPERTS FOR RECOMMENDING CONCRETE MEASURES FOR TECHNOLOGICAL UPGRADATION AND FOR EFFECTING MODERNISATION IN THE EXISTING RAILWAY SYSTEM, AND TO ENSURE THE IMPLEMENTATION OF RECOMMENDATIONS OF THESE GROUPS OF EXPERTS, FOR OBTAINING THE CHANCES OF ANY ACCIDENTS TAKING PLACE ON THE RAILWAY SYSTEM IN THE COUNTRY WHICH PRESENTLY HAS A VERY POOR RECORD OF FREQUENCY AND SERIOUSNESS OF THE ACCIDENTS, CAUSING LOSS OF LIFE AND ENDANGERING RAILWAY TRAFFIC IN THE COUNTRY WHICH CONSTITUTES INACTION VIOLATIVE OF ARTICLE 21 OF THE CONSTITUTION.

To

Hon'ble The Chief Justice of India and His Lordship's Companion Justices of the Supreme Court of India.

The Humble Petition of the Petitioner abovenamed, MOST RESPECTFULLY SHEWETH:

1. That our railway system is spread over the length and breadth of the country and constitutes the largest network for transport of goods and passengers. It has expanded over the last many decades and is now of stupendous size which can be gauged from the fact that its rail lines have the length of 66000 kms., employing 1.6 million workers, with annual budget of Rs. 28,000 crores, carrying 13 million passengers and 1.2 million tonnes of goods daily, running 13,000 trains every day.
2. That over the years country's railway system has unfortunately developed serious shortcomings which are evidently resulting in a series of accidents. During the last few years there has apparently been serious deterioration in the functioning of the system on account of various factors of the system not having kept pace with the essential requirements of modernisation, technological upgradation, additional financial investments for meeting the demand of essential capital intensive propositions, incapability of getting rid of uneconomical lines, overcoming the redundancy of staff, and non-removal of primitive and antiquated equipment and practices. The inevitable result of these deficiencies is evident by the number of accidents which need to be taken note of seriously.
3. That the record of railway accidents of Indian railways is a matter of very serious concern. Increase of accidents, their causes, and general failure in various matters including surveillance, modifications required in signalling circuiting, installation of auxiliary warning systems, machine maintenance practices, modernised maintenance facility of wagons and coaches, introducing ultrasonic testing of rails and rolling stock, effective training and upgradation of expertise of the staff, and such other related matters, have started causing a severe setback to the reputation and safety standards of this enormous transport network.
4. That figures of accidents, equipment failure and human failure, collected from various sources, including information furnished by the Transport Minister to the Parliament, Year Book of Railway, Status Paper issued by the railway authorities, and reports appearing in the Press, are very disquieting. The recent two serious railway accidents which have in fact been disastrous have appeared prominently in the Press. The July 1999 accident, which is now widely known as Gaisal Accident accounted for nearly 400 deaths and

600 injured. In the November, 1998 accident, which took place near Khanna in Punjab where two trains rammmed headlong into each other, had resulted in 210 deaths and about 400 injured. These major accidents sent shock waves across the country, but as time passes these will also merely become statistical data. The statistical data of some recent years comprises following gruesome revealing facts:

- (i) In the first five months from July to November of 1998 there were as many as 211 accidents, other than the Khanna accident, and 166 derailments, resulting in 157 deaths and 403 injured. Inquiries into these accidents revealed that 133 of the accidents had been caused by human error. These accidents took place on almost all the railways, the Central Railway, Eastern Railway, Northern Railway, North Eastern Railway, Southern Railway, South Central Railway and Western Railway.
 - (ii) It is easy to cite the statistics of railway accidents; it is impossible to depict the harrowing scenes that come about as a result of accidents. In case of Gaisal Accident "railway coaches piled up like a multistoreyed building; one on top was burning; people were screaming and there were bodies all over the place". "Victims in the front carriages were torn to pieces by the mangled metals; limbs ripped from the bodies of passengers hung from the gaps in the wreckage; torn arms, hands and feet, littered carriages, and broken bodies had been tossed like scraps of meat across the wreckage. It was a scene from hell."
 - (iii) In the five years from 1993 to 1998 there were as many as 165 collisions, 1660 derailments (practically 350 every year), 318 level crossing accidents (about 60 each year) involving 728 deaths.
 - (iv) In these last five years there were interruptions to traffic to the extent of 7630 hours; cost of damages caused by accidents was of the order of Rs. 21,696 crores.
 - (v) According to the reports in the Press, in one year alone, 1996-97, there were 2965 rail failures, 12580 engine failures, 37150 cases of defective wagons, 361 failures of passenger coaches, 3140 cases of poor brake power and astounding number of 1,25,259 failures of signals; these figures are indicative of the defects noticed in the system.
 - (vi) There are reports that all failures, defects and even accidents are not fully reported; in fact there are indications that 40 percent of the occurrences are not reported by the concerned staff and do not get reflected in the statistics. During 1996-97, for instance, it is reported that there were in fact 381 train accidents; occurrences incorporated in the statistics only were: 26 collisions, 286 derailments and 67 levels crossing accidents. It is reported that the concerned officials usually keep the actual figures under wraps; the low level staff "filter" the accident reports because they feel that the smaller accidents are not important enough to report. Delhi Division of Indian railways is stated to have claimed that there were only 40 accidents in the current year; unofficial figures are that accidents numbered ten times this number.
5. That basic causes of these accidents and mishaps are: (i) continuous dependence on human element even in the present era of modernisation, (ii) over-aged assets, (iii) lack of reliability of equipment, (iv) technological backwardness and (v) inadequacy of safety devices that could cancel a wrong operation due to human failures.
 6. That another important cause for the failures and accidents is attributable to political pressures of populist requirements of expansions and alterations which may not normally be feasible nor necessary. In the past few years over 900 new trains have been introduced, large number of them on political demands because the political masters of the railways consider this agency as "patronage facilitator". Quite a lot of capital gets diverted to populist and unproductive projects for creation of Zones and Divisions, and also on laying of lines for the sole objective of expanding vote banks.
 7. That it needs to be particularly emphasised that the safety aspects are not being presently given that much of consideration which is absolutely necessary. It is reported that the railways spend nearly Rs. 14,000 crores annually on dispensing salaries but it sets aside only about Rs. 250 crores in the year for the requirements of signalling and communications, connected with safety aspect.
 8. That there has been a stupendous increase of traffic on Indian railways in the last 40 years. Freight traffic volume is stated to have increased by over 600 percent and passenger traffic by over 500 percent, whereas the expansion of investment and increase of capacity has been only about 200 percent. Train corridors connecting the metros in the country have 30 percent of the rail network but they carry more than 70 percent of the passengers and goods which inevitably over-stretches the system leading to serious defects which get reflected in faults, failures and accidents. These facts have inevitable bearing on safety aspects; the

- introduction of every additional train erodes and reduces the margin of safety.
9. That another important matter relating to the functioning of the existing system of railway administration is that reports of inquiry of accidents are not published; these are treated as private documents, giving the impression as though the property of railways is the private property of Railway Board, Respondents No. 2. No information appears to be available about action taken against the officials whose omissions/commissions have caused the accidents and tragic loss of lives and of property. There is no indication available whether in relation to any of the gruesome serious tragedies of the accidents, in which such enormous loss of lives has come about, any severe penalties have ever been imposed and cases brought before courts for trial. In fact, there have been reports to the effect that where any action is eventually taken against any official, that is also written off in due course. There was report about an Inspector of South Eastern Railway having been held responsible for a serious accident wherein an Express train was wrongly given the main signal and was thereby sent hurtling over non-existing rails. He was merely suspended for six months and rejoined duty thereafter; he did not even lose his pay during the suspension period. These facts have serious implications in the context of the absolute need for fixation of responsibility on the individual officials for having created such chances which lead to accidents.
10. That it is fundamentally important for the entire railway system to be attuned to give high priority to the essential requirements of safety aspect. Relentless efforts need to be made to obviate any possibility of train accidents. The Year Book published by the Indian Railways does have a Chapter on Safety and it is necessary that this should not be allowed to become a mere routine. There must be very thorough and detailed analysis, by special Groups of Experts, of each and every aspect of the functioning which has relationship to the operation of railways and running of trains, for picking up and rooting out every possible scope of accidents of any variety. In particular, following aspects of safety requirements need to be rigidly observed by the entire railway system:
- (i) As the expansion of the system has been inevitable because of the continuously increasing demand, there is primary need of technological upgradation with effective safety devices, and for this purpose priorities of investments have to be corrected. The demands for spending to meet the populist requirements on political grounds must be effectively curbed through suitable screening high-level procedures. The political considerations must be convinced of the need of utilisation of resources for modernisation and rehabilitation which are of primary importance for the expansion that has already taken place.
 - (ii) There must be around emphasis on ensuring greater safety. In relation to the existing spread and its equipment, and also particularly of the requirements of any further expansion and addition, safety considerations must be given paramount importance. Where the existing corridors are intensively used there will be need of construction of third and fourth lines for creating new tracks for passengers and goods; while these are planned there must simultaneously be primary stress on technological upgradation with better safety devices.
 - (iii) Studies are stated to have brought out that more than 50 percent passenger trains accidents take place due to failure of the track. Maximum possible attention must be given to the absolute safety technological correctness of the track, to obviate the chances of causation of rail "fractures". The manual methods for attending to maintenance requirements must be replaced by mechanisation. Safety tolerances for tracks and rolling stock must be rigidly observed. Proper maintenance of coaches likewise, must be rigidly enforced.
 - (iv) Existing system of maintenance of tracks and coaches of our railways has apparently not kept pace with the scientific and technological advancements. It is generally described as ante-diluvian. The entire system must be modernised. It is reported that recent sample study of the important train Shatabdi Express (New Delhi - Bhopal), spread over ten weeks, found 23 hanging parts of undergear, each one of which was critical danger for derailment.
 - (v) Statistically about 70 percent of accidents take place due to human failure. These are in fact related to technological backwardness, obsolescence of equipment, lack of effective management practices. Instead, responsibility for the failures is generally placed on front-line workmen. Where the failure is eventually traced to be due to serious negligence of the workmen, even then there is failure on the part of the management to give any exemplary punishment. In the entire history of these various accidents, including those which have caused loss of many lives there are no instances of any outstanding cases of serious punishments to the defaulting staff either at the lower levels or senior levels. In fact, there are

instances reported in the Press where persons placed under suspension on the occurrence of a serious tragedy have later been reinstated when the news of the accident becomes cooler. A positive impression needs to be created in the entire staff that the railway system will no longer tolerate faults and defaults which involve the possibility of any accidents and damage of railway property and which in any way affect the reputation of railway functioning.

- (vi) The formalities of instituting inquiries are observed in the railway system after every serious accident. Report of inquiries do not get published nor is any information disseminated about action taken against officials who are found to have defaulted, leading to the particular accidents. These attitudes of railway management have to change. Systems need to be introduced where the responsibility fixed on an individual, of any level, must be very strictly enforced and if there has been any laxity in the discharge of the responsibility, suitable and exemplary punishment must be inflicted on him so that the staff remains thoroughly vigilant and that lapses of such nature are not allowed to occur. Arising from the recent serious Gaisal tragedy, an important inquiry has been ordered with the appointment of former Supreme Court judge, Justice G. C. Ray; the country will eagerly await the outcome of the Report of this inquiry and particularly of the action that is taken on the recommendations by the railway system on the recommendations arising therefrom.
- (vii) There must be some constant monitoring, inspection, training and retraining at all levels of the railway administration particularly for ensuring the safety of the movement and strict observance of rules and practices. The impression presently prevailing is that cadres of inspection staff and supervisory staff seem to have lost self-motivation and the higher management gives the impression of having become over-bureaucratic. A system dependent solely on such human material, in the absence of effective modernisation and installation of technologically improved electronic equipment is likely to continue to face problems of safety in this vast network of railway operations. Primitive equipment and practices must give way to modernisation and specialisation in every field and at every level.

11. That in view of the above the present petition is being preferred on the following

GROUNDS

- (a) Because of the Railway system, which constitutes a vast network and provides the most important means of transport of passengers and goods in the country, has during the last many years been showing evidence of serious shortcomings, comprising mainly of human failures and equipment failures which has resulted in a large number of accidents, some involving large-scale loss of life and consequently posing serious threat of further continuance of such accidents.
- (b) Because the analysis of facts relating to these accidents reveal a very disturbing state of affairs. In six months period of 1998 there were as many as 211 accidents and 166 derailments resulting in 157 deaths and 403 injured, other than the 210 deaths caused by one major accident in November, 1998. Very recently there has been another very serious accident known as Gaisal accident which alone has involved about 400 deaths. 70 percent of the accidents are stated to be due to human failure which is a very serious matter.
- (c) Because very disquieting are the figures that in one year, 1996-97, there were 2965 rail failures, 12580 engine failures, 37,150 cases of defective wagons, 3,140 cases of poor brake power, and astounding number of 1,25,259 failures of signals. These figures lead to the inevitable conclusion that there must be something seriously wrong with the functioning of railway system of the country.
- (d) Because the facts lead to the inescapable conclusion that in the present era of modernisation and electronic developments our railway system is burdened with over-aged assets, inadequacy of reliability of equipment, technological gaps, and inadequacy of safety devices.
- (e) Because another cause of defaults and failures evident in our railway system is that resources are quite often diverted to unproductive and unnecessary projects and schemes which are undertaken due to populist requirements wherein new trains are introduced and new Divisions and Zones are established, attributable to the demands of political pressures and expansion of vote banks.
- (f) Because it is of fundamental importance that safety aspects should be a primary consideration in the operation of the existing railway system as well as in any further expansion. Technological upgradation must be given paramount consideration in all spheres of the functioning of the railway system. Measures need to be taken so that possibilities of any failures of railway tracks are totally eliminated. Maximum

possible attention needs to be given to safety aspects.

- (g) Because systems need to be introduced to ensure that any failures and defaults, at any level of the staff, are dealt with severely and in such manner that exemplary penalty is imposed, for removing the existing general impression that hardly ever any serious punishment is given to any staff member even in cases of serious default.
12. That the above grounds are being taken without prejudice to one another and the Petitioner craves leave to add to or amend the above facts.
13. That the present Petition is being preferred bonafide, in the interests of bringing about essential improvements and securing technological upgradation in the railway system, in general, in the interests of the country and the people.
14. That no other Writ Petition or Proceeding has been initiated by the Petitioner in any High Court or the Supreme Court of India on the subject matter of the present Petition.
15. That the Petitioner has no alternative equally efficacious remedy in law for the cause of action being agitated herein.

PRAYERS

In the above premises, it is prayed that this Hon'ble Court may be pleased :

- (i) to issue a Writ, direction or Order or in the nature of Mandamus and/or any other appropriate writ, direction or Order directing the Respondents 1 and 2
- (a) to immediately give consideration, at the highest level, to the setting up of separate groups of experts of known merits from within the existing governmental system as well as from outside, to undertake assessment of essential requirements of technological upgradation in all aspects of railway system functioning, for determining the measures that need to be taken to bring about modernisation in the entire functioning, including introduction of electronic elements and highly modernised safety devices, as well as the upgradation of staff capabilities, for eliminating the possibilities of accidents through human failure, equipment failure or due to any other avoidable reason;
- (b) to report to the Hon'ble Court in a period of not more than one month the measures taken to constitute the required groups of experts, composition of the groups alongwith the background and expertise of individuals, and the terms of reference specifically designed for each of the groups;
- (c) to ensure that the groups of experts submit their reports, with very definite and concrete recommendations, within a period of not more than three months from the date of their establishment and that their reports and recommendations are made public for inviting any further suggestions for effecting improvements;
- (d) to report to the Hon'ble Court as to how the Respondents propose raising the resources which may be required for effecting the requisite modernisation, technological upgradation and any other improvements which may be recommended by these groups of experts;
- (e) to indicate the approximate period, not exceeding one year from the date of submission of reports of the groups of experts, during which recommendations made by these groups of experts will be implemented and brought into effect.
- (ii) to pass such other and further orders as may be deemed necessary on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY.

Petitioner

(H. D. SHOURIE)
DIRECTOR, COMMON CAUSE

A WOMAN who went to the police station to report her husband missing, described him as "29 years old, 190 centimetres tall, fit and handsome".

"I know your husband", pointed out the desk sergeant. "He's 48, short and overweight".

"Sure he is", the woman answered. "But who wants him back?"

FIGHTING CORRUPTION

N. Vittal,
Central Vigilance Commissioner

Corruption is not the exclusive characteristic of the bureaucracy. We have corruption in politics, we have corruption in judiciary, we have corruption in bureaucracy, we have corruption in cricket and we have corruption in business. In fact, like God is supposed to be present everywhere, corruption in India is present everywhere. The issue before us today is not to merely catalogue the sorry tale of corruption but also to explore how we can tackle the issue of corruption. In my approach to tackle the issue of corruption, I am guided by five concepts. The first is a concept articulated by Bertrand Russell who said that every opinion becomes respectable if you hold it for a sufficiently long time. The second is the concept of Victor Hugo who said that nothing is more powerful than an idea whose time has come. The third concept is that of Alex De Tocqueville that the inevitable becomes intolerable the moment it is perceived to be no more inevitable. I believe that corruption can be tackled. After all Hong Kong has done it through the Independent Commission Against Corruption (ICAC). Rudy Giuliani in the context of crime in New York showed that zero tolerance of crime can bring results. In the Manipuliti movement of Italy, the magistrate showed that Mafia can be tackled. Lee Kwan Yew built up Singapore as a model of rectitude over three decades. The magistrates in France also tried to check corruption. So it is not as if that corruption is an unalterable and inevitable fact of modern society and we have to live with it. It can be tackled.

If our strategy has to be effective in fighting corruption in bureaucracy we must tackle the issue of corruption in bureaucracy as a part of an overall strategy to tackle corruption in all sectors of Indian society. The three pillars of governance under the Constitution are the judiciary, executive and the legislature. As CVC, I am only concerned with the executive and that too the bureaucratic executive. The political executive is not under the purview of the CVC. At the same time I realise that corruption in the other elements in the society also will have to be tackled. I think it will be proper on my part to at least tell the truth and make certain suggestions. I hope this will not be interpreted as the CVC exceeding its limits. As a concerned citizen of the country who is also concerned with implementing effectively the charter given to CVC I am placing before the country certain ideas which can be debated.

We should also take note of the fact that the common citizen himself also contributes to the prevailing sense of corruption. At one level it may be helplessness. I have been saying that corruption is like AIDS. AIDS comes out of uncontrolled sexual behaviour. Normally it is exploitative corruption which I call as financial rape. This happens when a common citizen goes to any office and finds that he has to grease the palms of the public servants to get things done. What is interesting is that many officials who have held important positions in life find that they become powerless once they become common citizens. I know the case of a former Director General of Anti-Corruption who had to pay fifty rupees to the clerk in the Municipal Corporation to see that his deceased mother's name was properly corrected in the municipal records of Bangalore.

Where do we begin? What should be the basic principle? I think the basic principle must be that a strategy of carrot and stick. People should be motivated by the sense of enlightened self-interest. We must make everybody and each of the players in the corruption game realise that it is in integrity that the welfare of the society and the benefit of all resides. It is interesting that the World Bank is now identifying how when it comes to economic development a country run by a corrupt regime attracts less foreign direct investment than one which is perceived to be less corrupt. According to the estimate of the UNDP report on South Asia 1999, if India's corruption level comes to that of Scandinavian countries, the GDP will grow by 1.5% and the foreign direct investment will go up by 12% .

We may now consider the issue of political corruption. Can we make the politician realise that it is in his interest to have a corruption free government? Normally in our system the politicians act only under two conditions, (i) when there is no alternative, the TINA factor or (ii) where the final advantage in terms of electoral gains. How to ensure that politics does not become a profession for making quick money? This will call for serious soul searching and national debate. No political party must be permitted to contest

the elections unless it has got the latest annual accounts duly audited by an auditor as may be prescribed by a notified agency like the Election Commission, the CAG or the Supreme Court etc. No political party must be permitted to contest the elections unless it has cleared its income tax dues and has got the requisite certificate from the income tax authorities. Complaints regarding corrupt practices during elections can be looked into by the Election Commission even before the date of polling. The Election Commission has an excellent communication system to receive complaints of this type and can immediately take action so that there will be a healthy check and deterrent effect on corrupt practices during elections. Effective Governance as I understand means effective rule of law. It means a situation in which every organisation performs the tasks allotted to it and that too effectively. As I see it, effective governance will depend on the following factors:

There should be absolute clarity of the roles of public servants which include the responsibilities of organisations also. There should be transparency in the operations so that the citizen is clear about his rights and the processes by which he can get the promised services from the various public organisations. There should be accountability which means that in case of failure to deliver and discharge the responsibility by concerned officials in the public organisations, they will be punished. There has to be efficiency and productivity in operations. In other words, there should be minimum delay in all-public transactions.

The role clarity of the bureaucracy has to be enhanced. To bring in changes in the bureaucracy what we need therefore is greater transparency of information. There is already Freedom of Information Bill before the Parliament and greater access to government decision making process and access to information will empower the citizens. The experience of the CVC for example in putting on its web site was a serendipitous experience of understanding how removal of the cloak of secrecy from a traditional area like departmental inquiries in which the charged officers' names were generally not known brought a paradigm change. This in turn has helped not only to build public confidence that there are systems which try to bring the discipline of law even at the highest levels in the bureaucracy but at the same time, if there are delays, they will immediately be highlighted and pressure will be put on disciplinary authorities to see that action is expedited. Another positive spin off of that experience was that if some of the charged officers were in sensitive positions, they could be removed to less sensitive posts. The web site experience showed that delays and secrecy are the two reasons why corruption and inefficiency flourishes in our system. If we want to bring better and more effective governance, we will have to focus on these two aspects.

From a recent speech delivered at Bangalore.

LOK PAL FOR CHECKING CORRUPTION

People have been keenly looking forward to the establishment of Lok Pal for which a Bill is presently before the Parliament. There are certain features of the Bill, however, which tend to weaken its effectiveness, including particularly the attempt to exclude legislators from the purview of this enactment. The Delhi-based Organisation LOK SEVAK SANGH, which is affiliated to the Transparency International, has been very strongly pursuing the objective of enactment of Lok Pal statute. It has inter alia recently addressed a self-contained communication to the Prime Minister on this matter. We reproduce hereunder the important portions of this letter.

Portions of the Lok Sevak Sangh letter to the Prime Minister

- (1) The moment MPs are excluded from Lok Pal jurisdiction, all the State MLAs of India shall demand similar exclusion of MLAs from the jurisdiction of their respective Lok Ayuktas, reducing the Lok Pal and also Lok Ayukta Legislations to a mockery. No effective forum will be available to the aggrieved citizen or institution against the excesses and transgressions of our elected representatives in Central and State Legislatures.

- (2) An apolitical panel of eminent Indians, after careful study of the relevant material, had listed about 72 MPs in the 12th Lok Sabha with corrupt and criminal antecedents but there was no forum to initiate any enquiry or action against them. This number is reputed to be now about 40 in the 13th Lok Sabha. Exemption from Lok Pal purview will give them a field day. At any rate it is essential that our MPs should not only be persons of character and integrity but also appear to be so; resistance to their inclusion in Lok Pal purview would compromise their position and reputation in the public mind, even if they are honest.
- (3) It is being argued by some MPs that, since the Supreme Court has held the MPs to be public servants, with the Prevention of Corruption Act applicable to them, there is no need for them to be subjected to Lok Pal's jurisdiction. If this argument is valid, then the Union Ministers can similarly argue that they also can be proceeded under the Prevention of Corruption Act, rendering Lok Pal legislation unnecessary. The PCA stipulates that no prosecution can be launched against any public servant without prior approval of the competent authority. Such approvals are not likely to be forthcoming if the ruling party or its supporting party MPs or Ministers are involved. The Lok Pal will have much wider jurisdiction and will not require such approval. Assuming, though not admitting, that such approval may be forthcoming, it will take atleast 10 years if not more to secure the conviction of the wrong doers, for which we need not give examples of cases pending in Law Courts.
- (4) (A) It is also being urged by few MPs that the Ethics Committees should be adequate mechanism for going into any complaints against them without the need of a Lok Pal. The Ethics Committees are no substitute for Lok Pal. Even the bi-partisan Ethics Committee of USA has not been really effective in controlling the wrongful conduct of the Senators and Congressmen there; it is not likely to do better in India. It will be a case of 'you scratch my back and I will scratch yours'. On the other hand the proceedings before the Lok Pal are going to be quasi-criminal and the Lok Pal will have to give its findings within six months. The previous Lok Pal Bill also contained a time bound provision for all MPs to declare their assets within 90 days of their election (which salutary provision will also go if MPs are kept outside the Lok Pal purview).... The argument that the MPs would not like their conduct to be adjudicated by any outside agency, is untenable... Nobody should seek to be judge in his own cause".
- (B) The Ethics Committee of Rajya Sabha kept quiet when the National Press and the Chief Election Commissioner in the last biennial election, raised grievous doubts about some MLAs being bribed by Rajya Sabha candidates. As far as Lok Sabha Ethics Committee is concerned, its Chairman and a former P.M. is facing Court proceedings.
- (5) The substantial majority of MPs and Ministers are honest but they have not been able to control the small minority of the corrupt and the criminal in their ranks. Several developed countries of the world have effective mechanisms to deal with misdemeanours of their MPs and Ministers. Even a military dictatorship like Pakistan have their Accountability Bureau and even a country like Thailand have now provided for a Counter Corruption Council for handling cases of their political leaders. Having wasted more than 30 years, why can't we put in place an effective legislation to handle the corruption of elected representatives and Ministers without further procrastination.

SINCE HER husband's job required him to rise extremely early, she didn't feel it necessary to drag herself out of bed each morning, especially since she had three small children to care for all day. Quite often one or more of the little ones would crawl into bed with her.

One morning, she awakened to the shrill ring of the phone. Half-asleep, she picked it up. "Hello", she muttered groggily. "Has Ashok left for work yet?" It was her husband's boss. "I'll check", she answered, still not awake. "Someone's in bed with me. Let me see if it's him".

...

A REAL friend never gets in your way unless you happen to be on the way down.

...

HE WAS at the doctor's for a follow-up examination. When asked if he had any problems since his last visit, he thought for a while. Then he answered, "Now that you mention it, I did have a flat tyre a couple of weeks ago".

...

POPULATION PROBLEMS

India's population reached the one billion mark in May this year (2000), with population density of 267 persons per km. and a substantial number living below the poverty line. Out of the 500 million people living in absolute poverty in South Asia, India alone has as many as 360 million people below poverty line (defined as per capita earning less than one dollar a day). Even those who have some income may not have access to basic amenities. Many in India live not only without safe drinking water, sanitation, and medical care, but also without homes. Sustainable livelihoods need to be created in millions. Around seven million jobs need to be created every year. Added to this, education facilities need to be provided to all children. 48 per cent of the adult population in the country is illiterate. Lack of education of such a large percentage of the population makes the situation still worse.

Reproduced from Development Alternatives Magazine

POPULATION CONTROL

More than 2 kids? Hide them in closet

Small-time Politicians in Orissa are beset with the problem of plenty: many of them have 'too many' children.

In 1994, municipalities and panchayats in the state adopted a two-child norm: Councillors and panchayat heads who had two children before March 31, 1994, would be disqualified if they were blessed with a third after May 30, 1995 (by municipal law) and December 31, 1995 (by panchayat law).

For Puri municipality chairman Surendra Das, such a blessing proved to be a curse in disguise. His election was declared null and void following 'revelations' that he fathered a third child as late as 1996.

Though the High Court has stayed his dis-qualification, Das's example has sent many others scurrying for cover, so to speak. While some have resorted to doctoring medical records, a few have gone to the extent of legally disowning their children. And those who can't think of any way out simply refuse to answer the query: how many kids do you have?

Surendra Das initially pleaded that he was being confused with one Sumendra Das. But when hospital records showed he had reserved a delivery room in the Puri district hospital for his wife Anita in June 1996, he called it a "conspiracy".

However, the doctor who was on duty at the time of delivery, has testified that the Das couple were indeed 'blessed' with a baby boy four years ago.

Vice Chairman of the Pipli Notified Area Council, was similarly disqualified. He too is planning to take the matter to the High Court. But for the present, his household seems to have been trained for momentary bouts of deafness. Just say the words "How many kids?" and suddenly everyone is hard of hearing.

Lady Sarpanch of Ragadipada panchayat in Cuttack district is also desperately trying to avoid the question. Under directions from the High Court, Cuttack's district magistrate sought to ascertain whether she had a third child. Her first reaction was similar to Das's.

(From Hindustan Times)

NOWHERE CHILDREN

Someone from CRY (Child Relief and You) has sent in some literature with the following shocking statistics about Indian children.

About 90 million children are neither enrolled in schools nor accounted for in the labour force.

India has the maximum number of out-of-school children in the world.

Only 60 percent of Indian children (the total child population below 14 years is 228 million) reach grade V, and many of those completing primary school cannot read or write.

One out of every three girl child does not live to see her 15th birthday.

Every sixth girl child's death is due to gender discrimination.

INTERESTING FACTS ABOUT INDIA

These facts were recently published in a German magazine that deals with world history facts about India.

- India never invaded any county in her last 10,000 years of history.
- India invented the number system. Aryabhata invented zero.
- The world's first university was established in Takshila in 700 BC, more than 10,500 students from all over the world studied more than 60 subjects. The University of Nalanda built in the 4th century BC was one of the greatest achievements of ancient India in the field of education.
- Sanskrit is the mother of all the European languages. Sanskrit is the most suitable language for computer software reported in Forbes magazine, July 1987.
- Ayurveda is the earliest school of medicine known to humans. Charaka, the father of medicine consolidated Ayurveda 2,500 years ago. Today Ayurveda is fast regaining its rightful place in our civilisation.
- Although modern images of India often show poverty and lack of development, India was the richest country on earth until the time of British invasion in the early 17th century.
- The art of navigation was born in the river of Sindh 6,000 years ago. The very word navigation is derived from the Sanskrit word navgatih. The word navy is also derived from Sanskrit word nau.
- Bhaskaracharya calculated the time taken by the earth to orbit the sun hundreds of years before the astronomer Smart.
- The value of pi was first calculated by Budhayana, and he explained the concept of what is known as the Pythagorean Theorem. He discovered this in the 6th century long before the European mathematicians.
- Algebra, trigonometry and calculus came from India; Quadratic equations were by Sridharacharya in the 11th century.

AN ELDERLY lay moaning in his bed in death's agony; he suddenly smelt the aroma of his favourite chocolate cookies creeping up the stairs.

He gathered his remaining strength and lifted himself from the bed. Leaning against the wall, he slowly made his way out of the bedroom, and with even greater effort forced himself down the stairs gripping the railing with both hands.

With laboured breath, he leaned against the door frame, gazing into the kitchen. Were it not for his dying agony, he would have thought himself already in heaven; there spread out upon newspapers on the kitchen table were literally hundreds of his favourite chocolate cookies.

Was it heaven? Or was this one final act of heroic love from his devoted wife, for ensuring that he left this world a happy man?

Mustering a great final effort, he threw himself toward the table, landing on his knees in a rumpled posture. The aged and withered hand shockingly made its way to a cookie at the edge of the table, when it was suddenly smacked with a spatula by his wife.

"Stay out of those," she said. "They're for the funeral".

WHAT THE CONSUMER PROTECTION ACT MEANS TO YOU

We are all consumers in one form or the other, but in the present socio-economic scenario, we find that the consumer is a victim of many unfair and unethical tactics adopted in the marketplace. The untrained consumer is not match for the businessman who works on an organised basis and through trained professionals. He is very often cheated in matter of quality, quantity and price of goods or service. The consumer who was once the 'King of the market' has become a victim. He is not supplied adequate information as to the characteristics and performance of many consumer goods and suffers due to the unfairness of many one-sided standard forms of contracts. The concept of consumer protection to the thinking person, throughout the eighteenth century at least, meant

- a) protection from excessive prices levied on primary commodities, and
- b) protection from short measure.

Guidance to a purchaser, what to buy, where to buy from, when to buy, how to buy and how to make the best use of what he does buy in order to get the best value for his money, is very essential to protect the interest of buyer.

Consumer guidance societies provide leaflets to guide how pure is your goods. Such societies have been formed in Delhi, Mumbai, Ahmedabad and in other big cities to guide the consumer. Have the spices and pulses been artificially coloured? Has starch been added to the milk to add to its thickness? Is the grocer trying to palm off vanaspati as pure ghee? Many a consumer is troubled by these nagging doubts when he visits his grocer, milkman or kirana merchant. The consumer guidance societies have brought out handy leaflets which can settle the consumer misgivings once and for all.

Such societies shall be formed in every city and town so as to let guidance reach to a large number of consumers. The consumer protection should start at a lower level and work upward.

The consumer Protection Act is a welfare legislation, mainly tilting towards the consumer. Just as the Industrial Disputes Act is loaded in favour of Worker. The aim and object of the Act is, as given in the preamble to the Act, better protection of the interest of the consumer and for settlement of consumer disputes. The consumer should thus be in a position to make effective use of the provision of the Act.

The Act applies to all goods and services in private, public or the co-operative sector. Thus, the consumer can initiate action under the Act against the defective goods or deficient services rendered even by the public sector government undertakings such as the Railways, the Department of Telecom, Airlines, Banks, State Electricity Boards, State Roadways etc.

The Act was first amended by the Consumer Protection (Amendment) Act, 1991. The amendments came into force w.e.f. June 15, 1991. The Amendment Act was to repeal and replace the Consumer Protection (Amendment) Ordinance, 1991 (Ord. 6 of 1991). The Amendment Act made it clear that the proceedings of the District Forum may be conducted by the President and one member and not necessarily by all the members. The Amendment Act inserted new provisions regarding the filling up of the vacancy in the office of the President, and also the vacancies or defects in appointment not to invalidate the orders of the District Forum, the State Commission and the National Commission.

However, comprehensive amendments were made in the Act by the Consumer Protection (Amendment) Ordinance 1993, promulgated by the President of India on June 18, 1993. The Ordinance was issued during the pendency of the Consumer Protection (Amendment) Bill, 1993, which was introduced in the Rajya Sabha on March 31, 1993. The Ordinance contained all the amendments which were provided in the amendment bill, 1993. The Ordinance has now been repealed and replaced by the Consumer Protection (Amendment) Act, 1993, with same additions and modifications. The scope of the Act has been extended so as to cover the restrictive trade practices within its ambit. The 'housing construction' has specifically been inserted in the definition of service. Provisions have been made in the Act for filing class action complaints. The Consumer Disputes Redressal Agencies have been empowered to award costs to

the parties, and to order to recall the goods which will be hazardous to life and safety of the people. The salient features of the Act are summed up as under:-

- The Act applies to all goods and services unless specifically exempted by the Central Government.
- It covers all the sectors whether private, public or co-operative.
- The provisions of the Act are compensatory in nature.
- It enshrines the following rights of the consumers:-
 - i) The right to be protected against the marketing of goods which are hazardous to life and property;
 - ii) The right to be informed about the quality, quantity, potency, purity standard and price of goods so as to protect the consumer against unfair trade practices;
 - iii) The right to be assured, wherever possible, access to a variety of goods at competitive prices;
 - iv) The right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;
 - v) The right to seek redressal against unfair trade practices or unscrupulous exploitation of consumer and
 - vi) The right to consumer education.
- The Act envisages establishment of Consumer Protection councils at the Central & State levels whose main object will be to promote and protect the rights of the consumers.
- To provide simple, speedy and inexpensive redressal of consumer grievances, the Act envisages a three-tier quasi-judicial machinery at the National, State and District levels. At the National level, there will be a National Consumer Disputes Redressal Commission (to be known as the 'National Commission').

At the State level, there will be Consumer Disputes Redressal Commission (to be known as 'State Commission') and at the District level, there will be Consumer Disputes Redressal Forums (to be known as 'District Forums').

The Consumer Protection Act, vide Section 3 thereof, is in addition to and not in derogation of any other laws for the time being in force. As such, there are many other laws which provide for remedies to a consumer. For example, the M.R.T.P. Act is very close to Consumer Protection Act and one can seek the remedy under Section 12-B of the said Act for compensation. The Contract Act and other civil Acts are also available for seeking remedy. The consumer should first choose which of the form should suit him the most.

Normally, the easy, immediate and less expensive machinery is the Consumer Forum. Depending upon the pecuniary value of the case, the complaint should be made to the District Forum/State Commission/National Commission, as the case may be.

PEARLS OF wisdom:

* Joy and grief are as day and night. They have to be put up with, gone through. If you refuse, they won't stop happening. If you desire, they won't start happening.

* 'Budhi' is the quality that makes a person a 'Purusha' or perfect man. It is not the dress or the moustache that makes out the man.

* Recognising one's error is the first excellence of a good person. It is the beginning of wisdom.

THE CLEANING lady of the bank gave notice, saying, "You don't trust me".

The branch manager replied, "How can you say that? I even leave the keys of the safe lying around".

Said the cleaning lady, "That's true, but none of them fit."

NOISE POLLUTION

People have been suffering from various types of pollution; noise pollution is one of them. Various courts have issued directions to the authorities to take such steps as to keep the noise below particular level of decibels, particularly at the time of festivals like Diwali, Durga Puja, etc. The cause was recently highlighted by young boys and girls who advocated 'no use of high sound crackers etc'. There was a noticeable improvement in Delhi at the time of recent Diwali.

However, the nuisance of noise pollution still prevails and affects the common people, particularly the students, sick people, etc. The authorities are wary of enforcing the rule strictly, specially in the case of religious functions and discourses delivered from places of worship. Supreme Court has recently given a significant judgement to the effect that religion of one's choice does not mean aggravating noise pollution through amplifiers and loudspeakers. A Bench of the Apex court dismissed the appeal of Chennai based Church of God (Full Gospel) in India against the Madras High Court order that directed necessary action against vehicles honking loudly, and making the Church "to keep the noise level of speakers at a lower pitch". It has said that, "the activities which disturb old and infirm persons, students or children having their sleep in the early hours or during day-time, or other persons carrying on other activities cannot be permitted in the name of religion in a civilised society..... The young babies in the neighbourhood are also entitled to enjoy their natural right of sleeping in a peaceful atmosphere".

A resident's welfare association had sought the High Court direction to the local police and the pollution control authorities to restrain the church from using loudspeakers, drums and other sound producing instruments while reciting prayers. The church contended that since the association's petition had an oblique motive to "prevent a religious minority institution from pursuing its religious activities", the court could not prevent it from "practising its religious beliefs".

The Apex court stressed, "Undisputedly, no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice-amplifiers or beating of drums". It said the state machinery should intervene to bring about a voluntary harmony.

(From Time of India)

DRUGS AND COSMETICS RULES, 1945

The Ministry of Health and Family Welfare has issued a notification No. G.S.R. 834 (E) dated 24th October, 2000 incorporating draft rules to amend the Drugs and Cosmetics Rules, 1945. There have been different reactions from various quarters. Though reaction of authorities in hospitals, like AIIMS, has been guarded, others have protested, particularly against the proposed provision of deputing inspectors from the Ministry of Health and Family Welfare to inspect the manufacturing plant(s) abroad for registration which is proposed to be made mandatory. Majority of the drugs imported from abroad fall under the category of 'life saving drugs' and are manufactured by well reputed multinational companies. We feel that any provision which may result in non-availability of such drugs will be detrimental to the health of general public. Life saving drugs may get scarce, and become available only at exorbitant prices. We have written to the Government, Department of Health, that before introducing any new rules and regulations, it should be ensured that the imported life saving drugs do not become scarce forcing the patients to pay exorbitant prices for the same and/or suffer without proper medication. We have also suggested that various authorities, including manufacturers, associations of medical discipline, reputed doctors of well-known hospitals, etc. may be consulted before finalising the matter.

STUDENTS' CAUSE

COMMON CAUSE recently took up the cause of students of Bachelor of Information Technology (BIT) and Bachelor of Information Science (BIS) of Delhi University. These courses were upgraded and converted into four-year courses of BIT/BIS from the existing three-year courses of Bachelor of Computer Applications (BCA) and B.Sc. (H) Computer Science. These courses were approved by the Academic Council in February, 2000 for the existing students; fresh students were also admitted in various colleges with effect from the academic year 2000-2001.

These courses were reportedly not recognised by the UGC/AICTE. Further, the Delhi University suddenly decided to revert back to the original three-year courses. The decision adversely affected the career prospects of students, some of whom were even offered jobs by reputed companies on the basis of on-campus selections. They apprehended that the companies may withdraw the offers if they were not granted degrees of BIT/BIS.

We wrote to the Vice-Chancellor of University of Delhi. Copies of the letter were also endorsed to the UGC/AICTE and Secretary, Department of Education, the latter was requested to intervene in the matter. Director, COMMON CAUSE got a telephonic assurance from the Vice-Chancellor that no action would be taken which will adversely affect the students. Due to delay in decision leading to uncertainty and rumours, the students resorted to agitation and protest rallies. Ultimately, at an emergency meeting the Academic Council decided to retain the four-year courses for the existing students who will be awarded degrees of BIT/BIS instead of four-year BCA and B.Sc. degrees.

THIS ELDERLY was a bachelor and hated people with large broods of children. A neighbour couple with three girls called on him and suggested that he accompany them to a theatre as they had an extra ticket. The six waited for a bus and the first one had only room for four (No overloading). The second one came after five minutes and had only 3 vacancies and the third had two. So they decided to walk the distance instead of being late for the show.

The elderly with his walking stick was tramping on the cobble stones on the pavement and tuck-tuck-tucking. The father, already irritated with not getting the bus remarked, "Dammit, friend can't you put a piece of rubber at the end of your stick?"

Pat came the reply: "If you had put one at the end of yours, we would have got into a bus."

TWO MEN met in heaven. "What did you die of?" asked the one.

"I died of extreme cold. And what about you?"

"I came home from work and heard my wife talking to a stranger. On entering the house I searched every nook and corner of the house but could not find anyone anywhere. I felt so guilty of my behaviour that my heart failed."

On this, the other one said, "Had you cared to open the fridge, neither of us would have died."

MAID: "WHAT do you want, sir?"

Visitor: "I want to see your master".

Maid: "What's your business, please?"

Visitor: "There is a bill....."

Maid: "Ah: He left yesterday for his village...."

Visitor: "Which I have to pay him...."

Maid: "And he returned this morning".

TALKING ABOUT two liners. These are some of the good one liners and two liners:

Money is not everything. There's Mastercard and Visa.

Love thy neighbour. But don't get caught.

Success is a relative term, it brings so many relatives.

Never put off until tomorrow, what you can put off today.

LAW OF NOMINATION RE:PROPERTY

There is no separate Act which deals with Law of Nomination. In the absence of law, courts have stepped in and Law of Nomination is judge-made law.

There is a misconception in the minds of people that on death of spouse, property is inherited by NOMINEE or LIVING SPOUSE. Both misconceptions are unfounded and not as per law propounded by the Hon'ble Supreme Court.

Many Acts – Insurance Act, 1938, Employees Provident Fund and Miscellaneous Provisions Act 1952, Employees State Insurance Act, 1952, Factories Act 1948 and Rules, Payment of Gratuity Act, 1972 have provision for person to appoint nominee who can receive money on his/her demise.

Legal position of nominee has been made clear by Supreme Court in the case of Sarbati Devi Vs Usha Devi (AIR 1984 SC 346) as follows:

"A mere nomination made under section 39 does not confer on the nominee any beneficial interest in the amount payable under the Life Insurance Policies on the death of the insured".

The court further observed that the nomination only indicates the hand which is authorized to receive the amount. The amount, however, can be claimed by the heirs of the assured in accordance with the law of succession governing them.

In a very recent judgement as reported in "The Hindustan Times" and "Times of India" dated the 20th Aug. 2000, Supreme Court has held that if a person holding a National Saving Certificate (NSC) or an Insurance Policy dies, his legal heirs would have the sole right over the money on maturity rather than nominee mentioned in the certificate.

A bench comprising Justice K.P.T. Thomas and Justice R.P.Sethi said the nomination only indicated the person who was authorized to receive the money from the insurer. This ruling came in a case where a person after taking some debts from his brothers had made them the nominees in his NSC. On his death, brothers claimed they were entitled to the money due from the deceased even though the deceased's wife and daughter claimed otherwise. Justice Sethi said a mere nomination under the Insurance Act did not have the effect of conferring on the nominee any beneficial interest in the amount payable under the Insurance Policy on the death of the insured.

NOMINATION AND LABOUR WELFARE ACTS

Para 61 of the Employees Provident Fund and Miscellaneous Provisions Act 1952, Section 6 of the Payment of Gratuity Act 1972 deal with the procedure for nomination by the member. The right to nomination is restricted to only family (members) which has been defined in the Act. In case member does not have a family any one can be nominated as a nominee. **However, as soon as a member has a family as defined in the Act, earlier nomination becomes null and void and a new nomination has to be filed with the employer.**

PUBLIC PROVIDENT FUND ACT, 1968

Section 8 of the Act says that all amount standing to the credit of the member shall go to nominee (whether a member of family or not). Where there is no nomination, the amount goes to all heirs after obtaining succession certificate from the court.

In case a member has opened an account before marriage, he should change the nomination in favour of his/her spouse/family.

NOMINATION AND THE SOCIETIES AND DDA FLATS

The legal position remains same as explained in Supreme Court case i.e. nominee is a mere trustee with whom Society can initially or prima facie deal with on the death of the person.

On the death of person, if there is no will, all the heirs will be the owner of the property.

it. Is advised as follows:

- 1) Make spouse as Co-allottee in the property / flat.
- 2) Write "WILL" in favour of spouse and register same.

LAW ON TRANSFER OF SHARES ON DEMISE

A provision has been provided in the Companies Act, 1956 providing for nominee in shares, bonds, debentures etc.,. It is advisable that spouse/family member be made nominee in financial instruments.

FIXED DEPOSITES OF BANK/COMPANIES

It is advised that all bank accounts, fixed deposits of banks, companies lockers, be jointly held with spouse/family members with proviso for withdrawal by either or survivor.

FOLLOWING CONCLUSIONS CAN BE DRAWN

Nominee is the person to whom the money is paid by LIC/GIC/Employer in case of death of assured/employee.

Nominee is a trustee who receives the money due under the policy/PPF, P.F., Gratuity from employer for the benefit of the legal heirs of the deceased. Nomination does not affect the title to the money secured by policy, schemes, fund(s) or property. It only provides a mode of payment to particular person who is the nominee for convenience.

In spite of such a nomination, the policy holder or owner of the fund or the property retains complete power of disposition which he can exercise either by transfer or assignment and which operates during his life time or by a WILL which operates subsequent to his death.

The rightful claimants to the sum under a policy or scheme or share in the property are the LEGAL HEIRS of the deceased and NOT THE NOMINEE. Though legally nominee receives money as "TRUSTEE" as opposed to a beneficiary yet in most cases, nominees are reluctant to hand over money to rightful heirs i.e., wife and children due to one reason or other. In such circumstances legal heirs have to fight legal battle which takes 5 to 10 years or even more.

In order that there is no legal hassle to legal heirs getting their share in the policy, Society/DDA Flat / house and movable property, it is NECESSARY to bequeath the movable and immovable property by way of WILL preferably registered. **Best course is that nominee and beneficiary under the Will are same person.** A WILL alone puts into affect the wishes of th person (testator) after his death.

Making Will is a simple affair. Write Will and get it registered. Do not leave to law to distribute your property. it is your privilege and use it.

Last but not the least, never distribute your assets and money to your children/any one else during your life-time.

N. AHUJA
CONSULTANT

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A FARMHAND in Westland went to the doctor with a broken leg.....

"Well, doc, 25 years ago....."

"Never mind the past. Tell me how you broke your leg this morning."

"Like I was saying.....25 years ago, when I started working on the farm, that night, after I had gone to bed, the farmer's beautiful daughter came into my room. She asked me if there was anything I wanted. I said no, everything was fine". "Are you sure?" she asked. "I'm sure", I said. "Isn't there anything I can do for you?" She wanted to know. "I reckon not", I replied....."

"Excuse me, "said the doctor. "What does this story have to do with your leg?"

"Well, this morning", the farm-hand explained, "When it dawned on me what she meant, I fell off the roof:"

OUR ACTIVITIES AND PROGRAMMES

COMMON CAUSE, a registered Society with membership all over the country and operating on All India basis, has earned reputation and credibility as an Organisation dedicated to public causes for seeking redress for problems of the people. Its initiative in public interest litigation, for solving the common and collective problems of the people, has greatly contributed to the evolution and spread of the system in the country and its adoption by the people on a substantial scale for effecting redressal of public grievances.

A large number of writ petitions have been filed by the Organisation in the Supreme Court and Delhi High Court, and quite a few important cases have been taken to the National Commission established under the Consumer Protection Act. The very first case taken up by COMMON CAUSE, almost two decades ago soon after its establishment, related to the problems of pensioners. Almost four million pensioners benefited from the three important decisions which the Organisation was able to secure from the Supreme Court, relating to the extension of liberalisation of pension, restoration of commutation of pension and

OUR GRATEFUL THANKS

We have the privilege of receiving assistance also from the well known Friedrich-Naumann-Stiftung of the Federal Republic of Germany, the Foundation which is supporting various projects and activities connected inter alia with consumer awareness, entrepreneurship development, economic and civic education, environment protection, legal services, income generation and rural development. The Foundation is named after the known socio-liberal statesman Friedrich Naumann and works towards his ideals and the vision of Liberal society. In India the Foundation operates from USO House, 6, Special Institutional Area, New Delhi-110067

We are also grateful to Kumari L.A. Meera Memorial Trust, Kerala, for providing us financial assistance for our activities.

extension of the scheme of family pension. An important matter relating to the pending criminal cases of the courts of the country was taken to the Supreme Court. In our writ petition specific suggestions were submitted for adoption of procedures for dealing with backlog. The important decision given by Supreme Court in this case led to the discharge of large number of accused persons and release of prisoners whose cases had dragged on for long periods. These directions have brought about termination of hundreds of thousands of cases all over the country. On the subject of general malfunctioning of Blood Banks a writ petition was formulated and taken to the Supreme Court. Directions given by the court on this important matter has led to the evolution of system for registration of Blood Banks and stoppage of use of professional blood donors. On the general matter of corruption and establishment of the institutions of LOKPAL and LOK AYUKTAS in the country the Supreme Court, on a writ petition of the organisation, gave a verdict of severe punishment in a particular case, and the matter relating to the appointment of Lok Ayuktas has continued to be pursued by issuing direction to all States. On another writ petition the Supreme Court gave very important direction in relation to the conduct of election campaigns by the political parties, in relation to a provision which has been incorporated in the election law. The Court also directed strict

compliance with law in relation to the submission of Income-tax Returns by the political parties.

In Delhi High Court a number of writ petitions have been filed by the organisation. Problems of general importance, such as anomalies arising in the Property Tax and the difficulties encountered in the operation of old Rent Control laws, have been taken up and are being pursued. There has been large-scale theft of electricity in Delhi on account of which electric distribution has often got disrupted and the authority has had to resort to load-shedding; these problems have been taken to Delhi High Court and are being pursued. A major problem in Delhi has been the large-scale establishment of unauthorised residential colonies. There has been demand for their regularisation; this was challenged by the organisation and the matter continues to be further pursued.

An important matter relating to Rail Disasters which have taken place in the country in recent years has also been taken to the Supreme Court. Other important matters recently taken to the Supreme Court include the functioning of Fake Universities and ineligible Teaching shops, Crime and Violence on TV, Telephone freebies to over 3 lakhs employees, required change-over to two Time Zones, and deficiencies found in the implementation of Voluntary Disclosure of Income Scheme (VDIS) of GOI. The National Commission established under the Consumer Protection Act has, on our submission, issued certain important decisions on matters such as use of iodized salt, stoppage of malfunctioning in relation to intravenous fluids, operation of buses on Delhi roads and strikes by Banks and Air India. Important decisions in general interest of consumers secured from the Supreme Court include establishment of Consumer Forums in all districts of the country and price printing also on all imported packages.

Membership of the organisation is open to all. Membership fees are Rs. 100 for annual membership for individuals, Rs. 500 for life membership and Rs. 200 for annual membership of organisations and associations. Quarterly Periodical COMMON CAUSE goes free to all members; it has no separate subscription. Donations to COMMON CAUSE are eligible for exemption available under Section 80-G of Income Tax Act. Everybody can take membership of the organisation. No form is required. Send your name and address, written in capital letters, along with cheque/DD, drawn in favour of COMMON CAUSE.