

# COMMON CAUSE

VOICE OF "COMMON CAUSE"

## THE NEW YEAR

COMMON CAUSE conveys to all members the season's greetings and the best possible wishes for the New Year.

We in this public interest organisation have enjoyed dealing with the common problems of the people and have derived great satisfaction from whatever little benefit we have been able to snatch for them from amidst formidable odds. In full humility, and with grateful thanks, we accept their words of praise for our efforts and our achievements. We hope that the organisation will continue to render similar useful services in the years to come.

Increasingly, the attention of the organisation has switched on to the enormous problems created for the people in the areas related to consumerism. The consumers all over the country have had a raw deal at the hands of manufacturers and the wholesalers and retailers. They have all been paying lip sympathy to the consumer, proclaiming that customer is king, and putting him on the pedestal, but the fact is that they have bled him white, deceived him, and played foul with him. The slogan mouthed by them has throughout been, "Buyer Beware", throwing the responsibility entirely on the consumer. Time has come when the consumers have to strengthen themselves, for taking full advantage of the statutory infrastructure that has emerged in the past few months, and to put the manufacturers and dealers in their places and put to them the counter slogan. "Seller Beware".

The recent legislation has put very significant powers in the hands of the consumers. The machinery contemplated under the Consumers Protection Act has yet to take concrete shape in the form of Grievances Redressal Forums which will operate as courts in districts and which will be backed by the State Commissions and the Central Commission. Once the consumers start feeling that this machinery can be approached for redressal of their grievances, the consumers will come into their own, and the manufacturers and traders will not be able to exploit them the way they have been doing.

COMMON CAUSE has before it the agenda of helping the consumers and their organisations to imbibe the requisite strength.

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Annual Report &

Statement of Accounts

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## COMPENSATION FOR ACCIDENTS

It is necessary that people should become acquainted with problems relating to compensation for accidents. In the present day living accidents are increasingly becoming more and more frequent. The accidents are of different varieties: air travel accidents, railway accidents, motor vehicle accidents, hotel or multistoreyed building fire accidents, man-hole fall accidents, scaffolding fall accidents, etc. While, of course, it is a matter of primary importance that the organisations and departments concerned with the varieties of accidents need to take maximum possible care to avert accidents and to take immediate steps to meet situation arising from each accident, we would like the people to become acquainted with the provisions for the award of compensation to the victims of accidents.

It is singularly unfortunate that in India the citizen conscience has not yet sufficiently woken up to the need of organising assistance to the victims of accidents and their families in securing their legitimate rights of compensation. We hope that this lacuna will be filled by public spirited persons who can initiate action to set up centres at various places in each city for dealing with problems of securing compensation for the victims of accidents and their families. Under the Motor Vehicles Act there is now provision for the grant of compensation to the extent of Rs. 15000 on a death and Rs. 7500 for causation of grievous injury and Motor Vehicles Claims Tribunals have been set up in the States for dealing with this requirement. The unfortunate fact is that the poor widows as well as victims of accidents are often not aware of these provisions and quite often they fall into the clutches of unscrupulous persons who take away a substantial portion of the compensation while demonstrating their sympathy and extending some help in securing the compensation. Likewise, in cases of other types of accidents it is necessary that the problem of compensation should be studied

and the victims and their families be provided help to secure the compensation expeditiously.

In this context, we give below some examples of compensation which have come to our notice. These examples will show that where diligent effort is made the necessary provisions can be sought and appropriate steps taken for securing compensation for the accidents and negligence.

**COIMBATORE.** A city lower court has ordered Tamil Nadu government and Coimbatore Medical College Hospital to pay Rs. 50,000 as compensation to parents of a two year old boy who became crippled following a hernia operation at the hospital. The Sub-Judge also ordered the treatment of boy until he becomes normal. It is alleged that during the course of surgery the boy suffered cardiac arrest after he was allegedly administered excessive doses of anaesthesia. The boy was revived but suffered cerebral palsy apparently caused by over-dosage of steroid. The crippling was obviously caused by shortage of oxygen to the brain. The Sub-Judge has held both the paediatric surgeon who performed the surgery and the anaesthetist directly responsible for causing the boy's plight and mental agony to the parents.

**DELHI.** The Supreme Court has awarded compensation of Rs. 75,000 to the wife of a gardener who got entangled in a high intensity electric power cable while returning to her village from the neighbouring forest laden with wood on her head. She received severe burns on her arms and legs. After hospitalisation and treatment her right arm had to be amputated and her fingers of the left arm got distorted. The electric power cable was stated to be hanging loose close to the ground and could not be noticed by her. Her husband, through the help of a public spirited advocate, reported the incident to the Chairman of U.P. State Electricity Board. There was no response. Petitions were submitted to various authorities including the Public Grievances Cell, Legal Aid Board, State

Government, but with no result and not even an acknowledgement. Eventually, the gardener along with his wife one day appeared personally before the Chief Justice of India in his open court hearings. The Chief Justice took note of the helpless poor couple and admitted the representation as a petition. Free legal counsel was appointed and notice issued to the U. P. Government and State Electricity Board. Eventually, a compensation of Rs. 75,000 was awarded to this poor woman. It was ordered that out of this award an amount of Rs.60,000 would be put in fixed deposit in a Bank for ten years in the name of this lady, yielding interest to her.

DELHI. The Supreme Court has awarded compensation to the extent of Rs. three lakhs to be given to the widow of an Army Major who died through electrocution in the early hours of the morning when he was pushing his car which got stalled in the water accumulated on the road. Live electric power cables were found lying on the road, submerged under the accumulated rain water, and the contact with these cables caused the death of the Army Major. His widow, through the effort of certain helpful citizens, continued knocking at the various gates for providing her compensation for the loss suffered by the death of her young husband. It was a matter of disgrace that Delhi Electric Supply Undertaking offered her the compensation of only Rs. 10,000 which she declined. Eventually, she took this matter to the Supreme Court where she was awarded the compensation of Rs. three lakhs.

JAIPUR. Compensation of Rs. 50,000 has been awarded to a young Rajasthan housewife who has got paralysed resulting from a tubectomy operation. It was at the instigation of Government propaganda that she went in for an operation at a small hospital in Sardar Shahr in Rajasthan where she is reported to have been given a wrong dosage of an anaesthesia. She suffered cardiac arrest on the operating table. For five minutes heart stopped working and she could have been declared dead but the doctor pumped her back to life. She has since been completely paralysed. Damages to

the extent of Rs. fifty lakhs had been claimed to see her through during the next fifty years which is the life expectancy the court put on her but the case has been decided to the extent of granting her compensation of Rs. 50,000

BOMBAY. Mr. Ramanand Hattangadi, a Bombay Advocate has been paralysed from waist down since his car was smashed by a truck six years ago. He needs the help to do even the simplest things like raising himself or turning on his side. Mr. Hattangadi did not allow his disability to get him down. Fighting his own case in the Motor Accidents Claims Tribunal he wheeled himself to court 43 times examining 53 witnesses. Finally, after a battle spanning six years, the court award him Rs. 26 lakhs as compensation. He has won victory for compensation but he has yet to fight the long battle of life without legs.

COIMBATORE. An officer of the Indian Navy, who sustained multiple injuries in road accident in which his wife was killed and his daughter injured in 1985, has been awarded a compensation of Rs. 10 lakh by the second additional sub-judge Coimbatore. Capt. Sushil Kumar, who was based in Bombay was returning by van with his wife and daughter from Udhagamandalam when a bus belonging to the State-owned Cheran Transport Corporation hit the vehicle. The judge who heard the case, ordered a sum of Rs. 4 lakh as compensation for the injuries suffered by the officer, a sum of Rs. 3 lakh for the loss of his wife and another Rs. 3 lakh for injuries sustained by his daughter.

U.S.A. Talking of compensation for accidents it would be of interest to know how claims for compensation yield millions of dollars in United States. A lady Mae Roberts in Utah was having trouble opening a plastic two-litre bottle of a well-known cold drink. So she took a wrench to it, as she had done many times previously, but the results were disastrous. The cap shot off like a cork and struck her in the left eye, destroying most of the iris. She sued the Seven-up Company and the jury has ordered the company the local bottler 10.5 million (about Rs. 13 crore) in

damages to her who is declared legally blind in her injured eye.

DELHI. While mentioning about the bigger compensation awarded in the above cases it would also be of interest to know how the persistence of a person ensures procurement of compensation for a loss caused to him. A Sub-Judge of Delhi has issued a decree of Rs. 400 against the Delhi Transport Corporation being the cost of inconvenience caused by it to a commuter Mr. J.M. Gupta Advocate. He was travell-

ing by a DTC bus and when he stood up to offer a seat to a women passenger, his new shirt was torn by a nut on the seat. He recorded a complaint in the complaint-book kept in the bus, but the complaint remained unattended. Finally he filed a suit against the DTC. The case lasted two years, but eventually it was decreed in his favour the court issuing the decree against the DTC for the cost of shirt, court expenses and compensation levied for raising false and vexatious defence during the proceedings.

## SAVING JUDICIARY FROM COLLAPSE

We are all interested in expeditious disposal of cases in courts and the reduction of the vast accumulation of cases in the District Courts, High Courts and Supreme Court. The accumulation of arrears in the courts has assumed frightening proportions. Total number of cases in the courts of the country is now over one crore; cases hang on for years and decades and over generations. There is virtual collapse of the judiciary under the weight of this enormous backlog. We feel that sufficient attention is not being paid by the Government at the centre and in the states, as well as by the Supreme Court and the High Courts to this important matter and that at best minor expedients of filling the existing vacancies in the Supreme Court and the High Courts are being talked of. Essential requirement is of the overhaul of the existing procedures which involve the delays and which are utilised by the unscrupulous litigants as well as members of the bar to defeat the purpose of Justice.

In this context the following article of Mr. R.D. Sharma which appeared in the Time of India will be of interest to the readers.

If the number of civil and criminal cases pending in the various courts of the country is taken into account, the warning sounded some time ago by the former Chief Justice Mr. P.N. Bhagwati that "the judicial structure would collapse under its own weight unless radical futuristic reforms are undertaken soon" may not be an exaggerated view of the problems.

The Supreme Court of India has a backlog of 1,40,412 pending cases and at the present rate of disposal it will take over 30 years to clear this. The number of pending cases in the country's 18 High Courts is staggering, to say the least. As on June 30, 1986, 2,88,060 cases were pending in the Allahabad High Court alone.

### COMMON KNOWLEDGE

The causes of delay and the consequent build up of arrears are manifold. Paucity of judges at all levels is one factor. That a large number of vacancies remain unfilled for long is common knowledge. For example, the Supreme Court had on July 1, 1987 11 vacancies to fill including the eight due to the increase in the strength of the court from 17 to 26 after the enactment of the Supreme Court (Number of Judges) Amendment Act 1986. Allahabad, the country's biggest court in terms of the number of judges and lawyers, had on June 30, 1987, 17 unfilled vacancies. Apart from vacancies, the Supreme Court has consi-

derably added to its workload in recent years by initiating "Public Interest Litigation" (PIL),

Lawyers find their interest well served in seeking frequent adjournments on flimsy grounds. A study made of criminal cases (of and below the rank of sessions court) in Delhi indicated that 90 cases underwent 1,404 adjournments in 12 months. The practice of endless "oral arguments" results in much waste of time. Specious arguments about justice being seen to be done are advanced in support of this practice. Many lawyers prefer this mode because this way they escape the discipline of having to think rigorously about the issues that "written arguments" would involve.

A number of litigational problems are created by the government which has developed the tendency of applying party and power solutions to the problems of the day. This narrow outlook is responsible for creating issues which engage our higher judiciary for years together in examining their constitutional and statutory validity. There are appeals over appeals and even such disputes occasionally land in the Supreme Court.

Current court procedures also provide ample scope for obstructing and stultifying the legal process. The main stages after submission of the petition are service of summons, filing of documents, examination of witnesses, submission of arguments by lawyers, writing of judgements and pronouncement of final orders. Each stage is a hurdle marked by legally validated obstacles which may not be cleared for months even years. Even the passing of final orders by the judge and the writing of judgment, for which there is no time-frame, is not the end of the journey. In fact implementation of the court's order is another odyssey.

Invoking the law seems to mean only wasted years, heavy financial expenditure and emotional and physical trauma. Under these conditions the common man's faith not only in the process of law but in democracy as a whole will erode. Hence the need for making our judicial system more efficient, effective and responsive.

In order to fill up vacancies without delay there

should be a panel of names—at least one-fifth of the sanctioned strength of the Supreme Court—so that the day on which a judge retires the first in the panel takes over automatically. There should also be a substantial increase in the number of judges and courts, including temporary appointments of leading members of the bar as additional judges to help clear arrears, and better emoluments for judges and judicial officers of lower courts and mobile courts to meet the needs of the rural population.

The legal strategy should aim at conciliation and not confrontation, in keeping with our genius which is rooted in a tradition of tolerance and accommodation. Thus the slogan should be "conciliatory legal realism". A judge should not merely sit like an umpire but participate in the effort to iron out differences and induce the parties to arrive at a settlement. This will undoubtedly result in reduction of the heavy backlog of cases, avoidance of resort to a multi-tier litigative process, provision of substantial justice on an expeditious basis and reconciliation of legal disputes amicably and without bitterness, thus making the judicial system relevant to the needs of society.

The endless appeals by the state and its instruments against its citizens must end. This practice negates the spirit of Article 14, of the Constitution, for the state is not a citizen and it should not be equated with one. Engaging an aggrieved citizen in an unending legal battle is also violative of Article 21 of the Constitution.

Preference for oral statements and arguments to presentation of a case in writing is a relic of medieval times. A very large number of cases can be decided on merit on the basis of documents and written submissions filed by the both parties without the fanfare of formal court sessions and the personal attendance of petitioners and respondents and their authorised spokesmen, the lawyers. There is less risk of miscarriage of justice through direct representation by the parties of facts and reason than from oral arguments conducted in the din and bustle of crowded court-rooms.

### ORAL ARGUMENTS

A sensible compromise would be to follow the practice in the U.S. Supreme Court and have oral arguments in addition to the obligatory written arguments and limiting the former only to amplification clarification. It is great pity that such a proposal by the Supreme Court a few years ago was scuttled.

To interpret constitutional provisions and constitutional amendments it is necessary to have a separate constitutional court which will have jurisdiction only in the field of constitutional interpretation. Such a court would have greater time and leisure at

its disposal to interpret the constitution.

Once the problem of trial suits in grassroot courts is adequately tackled, it will have a verticle impact in that there will be fewer appeals to the district courts and fewer to the high courts. Adequate measures will have to be devised simultaneously to deal with the problems of arrears in the district and high courts so as to relieve the congestion in the Supreme Court. In addition, punitive fines may be imposed for unnecessary or frivolous litigation. In this way, the judiciary can be made self-financing. Punitive fines would also discourage unnecessary litigation.

## CONSUMERS' RIGHTS

Rights of consumers have now been spelt out in the Consumers Protection Act. Obviously it is not enough that these rights should merely remain embedded in the statute. It is necessary that consumers and their organisations and associations should become acquainted with these rights and with the measures they need to take to assert these rights.

M RTP Commission has, during the past 2/3 years, made a distinctive mark in protecting the interests of consumers. A large number of cases of alleged unfair trade practices of the manufacturers and traders have been brought to its notice, and the action taken by the Commission has roused a general sense of satisfaction among the consumers.

In relation to the need of asserting the rights by consumers and the role that MRTP is playing in protecting the interests of consumers, we reproduce below two articles of Ms Pushpa Girimaji which have appeared in the Indian Express and an editorial which recently appeared in the Statesman.

### ASSERTING CONSUMERS' RIGHTS

In 1983 when the Gujarat State Transport Corporation hiked its bus fares, an Ahmedabad based consumers organisation opposed the validity of the move in the high court. As a result, the court struck down fare revision and suggested instead the appointment of "rating committee" to review the fare structure.

More recently, a small causes court in the capital awarded a Delhi transport corporation commuter Rs. 10 as compensation for the inconvenience caused to him by the breakdown of a bus in which he was travelling.

Unfortunately, such success stories are rare in the annals of Indian consumer movement. For every commuter who asserts his rights, there are thousands of others who meekly submit to exploitation.

We, as a nation, recognise the power of collective bargaining. We therefore have trade unions, associations of bankers, doctors, lawyers and teachers. But compared to the enormity of the problems facing the consumers, there are hardly any consumer organisations. The apathy of the Indian consumer is reflected in the fact that for a population of 770 million, there are just over 400 consumers organisations in the country.

### APPALLING SERVICES

Today there is no guarantee for the quality of food and drugs sold in the market. While substandard and spurious drugs together are said to constitute about 20 per cent of the total drugs sold in the market, at least 12 per cent of the food available to consumers is adulterated, according to official figures. There are many stringent laws to curb the menace and rescue the consumers from the rapacious trader. But their enforcement has been so slack that the consumer can no longer depend on these government agencies for his protection.

Apart from the hanky-panky by traders on quality, quantity and pricing, consumers also have to contend with the appalling services rendered by the public utilities. In the circumstances, should the consumers continue to remain passive, accepting every violation of basic consumers right as the prerogative of the manufacturer or the trader? Alternatively, what should the consumer do to safeguard his interest?

With the passage of the Consumer Protection Act, an attempt has been made for the first time to establish the sovereignty of the consumer. Soon consumer grievance redressal machineries will be set in motion and the consumer will have an exclusive forum for justice. But mere legislation cannot reform the Indian marketplace, which even today runs on the maxim 'caveat emptor' or let the buyer beware. Nor can it convert the docile, Indian consumer overnight into a breed of alert, assertive activists. The solution lies, therefore, in concerted action by consumers as a group.

To become an effective countervailing force against market place chicanery consumers will have to unite and use the law only as a last resort when collective action fails. Even the well-thought of consumers protection legislation has certain inherent weakness and it is therefore wise, at least in the beginning, to bring before consumers courts only such cases that will have far reaching implications or affect a large section of the population. Crowding the courts with too many cases will, only slow down the process of justice and render the law ineffectual.

### NO RESPONSE

Indian consumers and consumer groups have always fought shy of organising protest demonstrations dharnas and even public boycott of products as a means of registering protest. Even the call by a few consumers organisations and environmental groups to boycott Union Carbide products, in protest against the measly amount being offered by company as compensation to victims of methyl isocyanate poisoning, did not elicit a good response from consumers. Considering the magnitude of the disaster and the attitude of the company towards the victims, the whole nation should have been up in arms against Union Carbide.

In fact, this could will have been the beginning of a strong consumer movement in the country. But the reaction from the consumers to the proposal was not even lukewarm. Consumers in the west have successfully used this kind of ostracism to force traders and even manufactures to sea reason. Blacklisting of all Ciba Geigy's products by consumer group, to force them to withdraw Mexaform the anti-diahrroel drug responsible for crippling and blinding thousands of people in Japan, is a case in point. There has also been similar rejection of Nestle's products in protest against their continued promotion of breast milk substitutes.

At the retailer's level, residents associations can effectively boycott shopkeepers for unfair trade practices, thus forcing them to mend their ways. Small local adalats in residential colonies can also successfully help solve problems at that level. Fear of ostracism and the consequent loss of business are bound to have a salutary effect on erring shopkeepers. Resident's associations can also bring down prices during times of shortages, by purchasing directly from producers and wholesalers and thus eliminating costly middlemen.

Some time ago, the Delhi Administration authorised 'inspectors' from voluntary consumer organisations to oversee the working of the public distribution system. Consumers groups in other districts in the country could also introduce a similar systems of inspection of fair price shops, with the help of the local administration.

To deal with the poor services rendered by public sector undertakings, consumers will have to form associations of specific consumers groups—like telephone subscribers, power consumers, bank depositors, LIC policy holders. Each association can collect a small monthly subscription from members and in turn take up their complaints with the public utilities. Whenever persuasive measures fail, they can take up the matter in a consumers court. As member of an association, the consumer has more clout and better chances of being heard. Consumers education should also form part of the functions of such associations.

It is in fact in the interest of public utilities to encourage the growth of such organisations that will foster a healthy relationship between the consumers and the suppliers. In many countries in the West, the managements of such public sector undertakings finance independent consumers bodies. In Britain for example the banks gladly accepted the suggestion of a bank ombudsman, made by the National Consumer Council, on the lines of a very successful insurance ombudsman set up several years ago. Though financed by the banks, the ombudsman will act impartially while dealing with consumer complaints. Similarly, in the United States, any upward revision proposed by public utilities will have to be approved by an independent commission, that will go into the fare structure, before giving its verdict. Consumers and consumers groups also have access to all relevant information. If the undertaking is not happy with the commission's decision it can request the commission to reconsider its judgement, failing which it can appeal to a court to strike down the decision of the commission. But very rarely do public utilities take such a stand. The office-bearers of the commissions are elected representative of the peoples and the chairperson is an expert on the subject he has to deal with.

#### THE ROLE

Though organisation of specific consumers groups are not common in India, a few like the Bombay Telephone Subscribers Association and the All India Bank Depositor's Association have successfully fought

many battles in support of consumer rights. But for the Bank Depositors' Association, many genuine account holders would have lost their deposits. Some time ago in Bombay, when a group of cheats, in connivance with a few bank employees, started withdrawing money from bank accounts & the banks in turn refused to return the money to the depositors, the association intervened on their behalf to secure justice. Similarly, when a few banks started deducting Rs. five while returning fixed deposit amounts to clients, as part of their service charges, the association informed the depositors that it was an illegal practice amounting to a breach of contract, as the amount returned was less than the contracted amount. Finally the banks were forced to stop the practice.

Another specific area where consumers and consumers groups have to play a more dynamic role is in curbing the menace of adulteration of food and drugs. With the recent amendments to the Drugs and Cosmetics Act and the Prevention of Food Adulteration Act, consumers and consumer organisations can get samples of food or even drugs, suspected to be sub-standard or adulterated, tested and launch prosecution against the manufacturer and the trader. It is an expensive and time consuming process, but it can also be a strong weapon in the hands of consumers.

The Consumer Protection Act provides for the establishment of consumer grievance redressal forums at the district, state and the national level. A quasi-judicial body, with powers of a civil court, the forums can receive complaints from any consumers body or the government or any unfair practice besides defective good and service. The legislation also provides for compensation to the aggrieved consumers. However these forums can become powerful consumers courts only if the redressal is quick. But given the inadequate testing facilities in the country, cases that require testing of goods are bound to get bogged down by delays. Besides, complainants have to bear the cost of testing, which may be high. Eventually the cost may be received from the respondent, but only if he is proved guilty of the charge. It is a chance the complainant has to take.



### EXCLUSIVE COURT

Consumers also have an exclusive court in the monopolies and restrictive trade practices commission. Here the advantage is that the commission investigates the complaint and it also has the power to grant interim Injunction. However, the biggest drawback here is that the commission has no jurisdiction over public sector undertakings. Even otherwise it must be remembered that the judiciary has always remained sympathetic to the consumer's cause and a few consumers bodies in the country have won major victories only through legal battles, however protracted.

The Consumer Protection Act, amendments to several other relevant acts and the far-reaching changes brought about in the MRTP act to bring all unfair trade practices under its purview, have all created an atmosphere highly conducive to the growth of a strong consumers movement in the country. It is now up to the consumers to utilise this opportunity; failing this even the new legislations will only remain another set of atrophied laws.

The Monopolies and Restrictive Trade Practices Commission (MRTPC) has stolen a march over consumers courts to be set up under the new Consumers Protection Act.

A unique "complaint box" system, set up at the office of the Director General (Investigation and Registration) now give consumers direct access to over 20 companies, for quick redressal of grievances.

All that the consumer needs to do is to mail a letter detailing his problems to the office of the Director General. These letters are sorted out daily and the complaints registered, before putting them into individual complaint boxes installed by the companies.

An officer from each company picks up the letter and on his next weekly visit, reports to the Director General the action taken by the company regarding the complaint.

Each Company's performance, with reference, to redressal of grievance, is regularly scrutinised by the

office of the Director-General. So far over 5,000 complaints have been received and over 4,000 sorted out, to the satisfaction of consumers. A majority of grievances pertain to non-refunding of deposits taken by two-wheeler companies for booking scooters

According to the office of the Director-General, it all began with a complaint from a consumer about a defective hearing aid. The dealer had refused to replace the faulty aid despite repeated requests from the consumer. Even though the MRTP Act had not been amended at that time to give individual consumers *locus standi* to complain before the commission, the DG's office pursued the case till the complainant got a replacement for the defective hearing aid.

By then, the DG's office had started receiving a large number of complaints of individual nature resulting in the birth of an "individual complaint cell" to deal with such complaints.

The DG's office soon found that a majority of letters from consumers pertained to the failure of a scooter manufacturing company, Lohia Machines, to return deposits collected for booking scooters. The Director-General's successful intervention in the matter only resulted in a flood of similar complaints.

The DG's office then asked the company to install a complaint box and report back regularly on the action taken on complaints.

Andhra Pradesh Scooters soon followed suit, setting up a complaint box of its own. Even though the MRTP Act does not have any jurisdiction over public sector undertakings, Scooters India, AP Scooters and Maruti Udyog complied with the Director General's request and installed similar complaint boxes to deal with consumers problems.

Initially the complaints pertained only to non-refunding of scooter deposits but the success of the redressal system encouraged the Director-General to extend it to complaints of other nature also. Following a large number of complaints on delay in receiving share certificates or refund from Reliance Industries,

the DG's office asked the company to set up a complaint box.

Close on its heels came another box, this time set up by Ross Murarka. Next it was the turn of refrigerator companies redressing complaints about after-sales service.

Following an interim injunction passed by the MRTP against misleading advertisements given by M.S. Resorts a Delhi-based company, several investors wrote to the commission wishing to withdraw from the holiday resort project. So M.S. Resorts also set up a complaint box. The latest additions to the list are All India LPG Dealer's Association and Bajaj Electricals,

The office of the Director General hopes that more companies would take the initiative to set up such complaint boxes, that would establish a direct link with the consumers and also help build up the company's image, in terms of its response to consumer grievances.

However, only those companies which have an office in the Capital are allowed to set up complaint boxes. Grievances pertaining to companies which have no representative in Delhi are dealt with by mail but quite successfully.

Nearly 200 complaints are sorted out by the DG's office daily and besides those which are routed through the complaint boxes there are many relating

to anything from defective textiles and television sets to poor after sales service by manufacturers.

The success of the "individual complaints" cell can be gauged by the fact that in Mangalore, Karnataka no cloth merchant can hope to get away with selling poor quality cloth.

Similarly, LIC policy holders often seek the Director General's intervention in solving their problems, even though LIC is outside the purview of the MRTP Act. However, the DG's office has successfully helped consumers with problems relating to LIC policy as well as fixed deposits in banks.

The redressal is generally quick taking about a week to 10 days. All complaints should be addressed to the Director General (Investigation and Registration), Travancore House Kasturba Gandhi Marg N. Delhi. A complainant need send only one copy giving all particulars but if the complaint pertains to more than one company then they should be written or typed out on separate sheets of paper.

Following are companies which have complaint boxes at the office of the Director General : Lohia Machines Hero Honda, Mahendra and Mahendra, All India LPG Dealers' Association, Standard Motors, Kelvinator, Escorts, Reliance Industries, Bajaj Automobiles M.C. Resorts, BSA Motorbikes Scooters India, TVS Suzuki, Andhra Pradesh Scooters, Maruti Udyog Hind Motors, Godrej Refrigerators, Kinetic Honda Premier Automomobiles, Ross Murarka, HMV, and Bajaj Electricals.

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## PROBLEMS OF THE PEOPLE

In the numerous letters we receive from the people there are always a large number which convey specific and important common problems encountered by them or on which they feel that action should be initiated. Invariably the letters are acknowledged and action is initiated, remitting the problems to the concerned government departments and institutions, following them up for securing appropriate remedy. Likewise, various problems come to our notice suo moto, and these are taken up with the concerned authorities.

A large number of communications relate also to individual matters of pension, gratuity, family pension, fixation of pension quantum, non-consideration of DA etc. We do not deal with individual problems but in hard cases, particularly of widows who are deprived of the family pension, we have been referring the matters to the concerned departments, and it is a matter of great satisfaction that on our initiative these problems have often been satisfactorily solved.

It would be interesting for the members to know about the various problems which are taken up by us on our own and the problems that are referred to us by the members. We give below samples of these.

#### NOISE POLLUTION

We have previously written on the matter of noise pollution and particularly about the affliction of loud speakers on the residents in the neighbourhoods of temples and gurdwaras etc. This public nuisance continues to be brought to our notice from various quarters. It is obviously necessary that stringent action should be taken by the concerned authorities to stop this serious public nuisance wherein the loud speakers from various places of worship, vying with each other in creating loud noise which can be extremely irritating, endanger the health of the residents in the neighbourhood and has the potential of leading to law and order problem. It is desirable that people should write strongly on this problem to the District Magistrate and the Superintendent of Police of the district, and also request the legislators to raise the issue in the legislatures for strict enforcement of the law relating to the stoppage of public nuisance as under the Indian Penal Code as well as the Police Act.

#### LPG DISTRIBUTORS

In a recent advertisement it was claimed on behalf of the Oil Marketing Companies that third party risk is being taken by the LPG distributors in order to provide insurance to the users where any accident may take place on account of a fault in the LPG cylinder. We immediately took up this matter with the Ministry of Petroleum & Natural Gas, Government of India, asking them whether it is correct that all LPG distributors are under obligation to take third party risk which is utilisable for the benefit of the users of LPG. We have not yet received assurance on this score. A senior officer of the Ministry has written to say that the position is being ascertained from the Oil Marketing Companies and that information will be communicated

to us shortly. This is obviously a matter of vital importance and it is desirable that the consumers organisations should continue to pursue it with the Ministry of Petroleum & Natural Gas (address : Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001). Our objective should be that every LPG distributor must take the third party risk insurance for safeguarding the interests of the LPG users.

#### POSTAL PROBLEMS

We have had the opportunity of transmitting to the Director of Vigilance in the office of the Postmaster General, Delhi Circle, certain problems which were transmitted to us by the members, and we have noted with great satisfaction that the Director (Vigilance) has been very prompt in dealing with the matters referred to that office. As an instance, a cutting from a newspaper was sent to the Director of Vigilance in which a correspondent had stated that he had not been able to secure information from the postal department about a savings bank account opened by his sister who passed away some time ago. On the matter being referred to the Director of Vigilance enquiries were forthwith made and reply was sent to us within two weeks furnishing full information about the mentioned savings account.

#### TELEPHONE ENQUIRY

We have represented to the Ministry of Telecommunications against the charge levied on the calls made to the telephone enquiry number 197. The enquiry number 197 is at present operating on the basis of metered calls. It is obviously the obligation of the telecommunications department of the respective Mahanagar Telephone Nigams to supply complete and satisfactory directories of telephones, and if a user makes enquiry about a

number from the Exchange it should be assumed that he has not been able to find the number, or the correct number, in the directory. Accordingly, there is no justification for the '197' calls to operate on the basis of metered calls. We have suggested that the government and the Mahanagar Telephone Nigams should examine this matter and take appropriate decision. No reply has yet been received from the Ministry of Telecommunications or from the General Manager of Mahanagar Telephone Nigam Ltd., Delhi, to whom a copy of this letter was endorsed.

#### PUBLIC CALL TELEPHONES

It came to our notice some time ago that the Government of India in the Department of Telecommunications had invited tenders for the import of 15,000 public call telephone instruments of highly sophisticated technology based on the system of operation with "cards" instead of insertion of coins. It was learnt that the f. o. b. cost of each instrument was expected to be of the order of about Rs. 40,000/50,000 and that the after payment of Customs Duty etc. the cost per instrument on installation would be of the order of Rs. one lakh. For these 15,000 public call instruments the total expenditure was estimated to be of the order of Rs. 100/150 crores.

This matter was taken up by us and brought to the notice of the Press, Public call telephones are being indigenously manufactured. Even though there are deficiencies in the present indigenous instruments, it was obviously unnecessary that such heavy expenditure should have to be incurred in importing the instruments of high sophistication and technology when indigenously manufactured instruments could meet the present requirements to the extent that they have till now been doing.

This matter, after requisite verification and enquiries, was highlighted by the Press, pointing out the anticipated waste of funds and foreign exchange. Resultant upon this exposure of the problem in the Press the department of telecommunications cancelled

the tenders and the proposal of importing the public call telephone instruments was thus given up.

#### COMMUNITY HALL

The Residents' Association of the Green Park colony of New Delhi brought to our notice a case of blatant injustice which appears to have been done to this colony. For twenty years they were asking for the construction of Community Hall. It was promised to them by the Delhi Municipal Corporation; estimates were prepared; funds were sanctioned; tenders were invited; but suddenly, ostensibly through some pressures, the Community Hall was instead given to another colony in the immediate neighbourhood which had not even asked for it, and the Green Park colony was left high and dry in relation to its demand.

Since then the Green Park colony has been pursuing this demand with the Delhi Municipal Corporation, and has even offered to incur its own expenditure on the construction of Community Hall, but no satisfactory response is being received by it. All its efforts continue to be in vain. It is merely asking for allotment of land and sanction for the construction.

It is distressing that a residential colony which is willing to do something for its residents at its own cost, is facing such a stone wall in pursuing its objective. We have taken up this matter and represented to the Lieutenant Governor of Delhi Administration requesting him to ask the Delhi Municipal Corporation to urgently report to him as to why Community Hall is not being allowed to be constructed by the Green Park Association and why land for it is not being allotted when they are willing to incur expenditure on its construction. The Community Hall will be for the benefit of the community and the requisite agreement to this effect can be secured from the Association of the colony.

#### THE MARRIAGE CERTIFICATE PROBLEM

A most strange clause exists in the Application Form prescribed in the Union Territory of Delhi for

registration of marriages under the Hindu Marriages Act. Apparently nobody has cared to notice this clause or to raise its issue. The clause is as follows :

"We hereby declare that neither of us in an idiot or lunatic at the time of marriage"

The Application Form prescribes that the bride and bridegroom should both sign certain declarations, and the above clause is a part of these declarations. These declarations have to be signed by the bride and bridegroom who have already solemnised the marriage and who come for registration of the marriage to the Magistrate entrusted with this responsibility.

The absurdity of this clause is self-evident. The necessity of such a declaration, in these absurd terms, apparently arises from certain provisions in the Statute, but surely the words could be so devised which would meet the requirements and would not be so idiotic as these words are. A declaration, for instance could be taken that "both of us are of sound mind" or some words to that effect.

This matter came to the notice of COMMON CAUSE and we have written a letter to the Lieutenant Governor of Delhi who is the head of Delhi Administration. He has promised to get the matter examined.

#### POWER-OF-ATTORNEY SYNDROME

The Metropolitan Council of Delhi, which in substance is the top elected body of the Union Territory of Delhi and functioning as a substitute of the legislative assembly, invited comments and suggestions from the public on a decision taken by it on the problem of power-of-attorney strategy which has for many recent years continued to be adopted by the people to sidetrack the restrictions imposed on the purchase and sale of immovable property and to avoid the taxation relating to such transactions. The decision taken by the Metropolitan Council was the following :

"This House resolves that purchases, sales and

other transfer of interest in land or property that have been done through General Power of Attorney prior to this Resolution be treated as valid sale, purchase or transfer of interest for practicable purposes. Appropriate amendments be carried out in law for achieving the object of this Resolution."

From COMMON CAUSE we conveyed the views and comments on this decision. This matter has wide ramifications because strategies of similar nature are being adopted practically everywhere in the country, and it is necessary that people should be aware of the legal implications involved. We reproduce hereunder the opinion and comments transmitted to the Chief Executive Councillor of the Metropolitan Council:

"You have been kind enough to invite suggestions on this subject. We have secured opinions from various people. Based on these opinions and our examination of this matter we convey hereunder our considered views -

- (i) Any such decision, fixing a cut-off date, will be open to the charge of being arbitrary, depriving the people subsequent to the cut-off date from the benefits which are being accorded to the others. This type of arbitrariness will be distinctly violative of Article 14 of the Constitution of India which prescribes: "the State shall not deny to any person equality before the Law or the equal protection of the laws." This decision will be challenged in courts and there are numerous authoritative pronouncements to support this view.
- (ii) We strongly feel that the Power of Attorney system is wrong and has led to many abuses. But, the emergence of this system is attributable directly to the wrong policies of the Government inasmuch as the Government disabled the straight-forward transactions of real estate through unnecessary and impractical restrictions. It should have been recognised by the Government long ago that consequent on the scarcity of building

plots and the connected escalation of prices (which are related to the failures on various fronts including those of Urban Land Ceiling Act and the rent control laws) strategies of the nature of Power of Attorney had become inevitable. There were people who were in need of building-plots and built accommodation; there were others who had these and wanted to derive the benefit therefrom. They had to find the ways and means of overcoming the artificial and meaningless hurdles created by the Government. Now that this system has been operating for many years and has solved the problems for those who want to purchase and those who want to sell, it would be foolish on the part of Government to abolish the system without creating proper substitute to it. Its abolition will create enormous problems and lead to multiplication of challenges to the Government in courts as well as outside. Already because of the fears that this system is being abolished all sorts of clandestine transactions are being conducted, within Delhi and by effecting registration outside the jurisdiction of Delhi.

- (iii) We strongly feel, therefore, that the appropriate thing to do for the Government is to find suitable substitute to this prevailing system. In fact, we feel that time has come for the government to re-consider its policies in regard to transactions of real estate properties. The prices have sky-rocketed. Controls will only raise them further. If, on the other hand, the Government were to allow the transactions to take place and encounter the market forces, the situation might improve. If any persons receive allotments of plots in the developed or developing cooperative housing societies, or if any persons receive allotments of DDA flats, etc. they should be allowed to sell these openly. This will lead to lowering of the prices, raise the revenues of Government from registration

charges, and reduce the requirements of under-hand deals which have so manifestly eroded the moral fibre of the society.

We earnestly hope that you will give serious considerations to these suggestions, not put into operation the Resolution passed by the Metropolitan Executive Council, and request the council to reconsider the entire matter".

#### STANDARDS FOR ICE-CREAM

Our enquires have shown that matter of prescription of standard for Ice Cream, corresponding with the present day requirements, have been pending for many years with the Government of India. This obviously is a matter of great concern because it relates to the problem of public health and the supply of sub-standard Ice Cream can endanger the health of children

The present standard relating to Ice Cream was formulated more than thirty years ago. It prescribes inter alia that Milk Fats content in the Ice Cream should be not less than ten percent. This limitation was prescribed when the use of fats was not so deeply connected with the problem of cholestol and also when there was greater availability of Milk Fats. The matter of reducing the limit of Milk Fats content has now been pending with the government for over ten years.

Our information is that in the European countries the limit of Milk Fats content in the Ice Cream has been fixed at five percent. We have accordingly urged that this matter should be expeditiously decided by the government, taking into account primarily the interest of consumers and fixing the limit at a practicable and desirable minimum.

Secondly, vegetable oil fats are allowed to be used in the Ice Cream in western countries. Therefore, there is no reason why, in view of the present condition prevailing in India, the vegetable oil fats should not be prescribed for the manufacture of Ice Cream in this country. Suitable identification name can be given to the Ice Cream containing vegetable oil fats.

This matter was referred by us to the Government of India in the Ministry of Health as well as to the Department of Civil Supplies, Ministry of Food & Civil Supplies. We have since received confirmation from the Directorate General of Health Services that the matter regarding prescription of different standards for low/medium/high fat Ice Creams is receiving the attention of the government and that the draft PFA Rules in this regard will be shortly published in the government gazette.

#### TRAFFIC

Dr. M.L. Dewan of New Delhi has sent to us the following suggestions relating to the unprecedented expansion of traffic on the roads of the towns in the country :-

"I think suitable training programme for drivers who get driving licence on truck, buses and even small vehicles should be taken. There is a need for a computer for National Registry of Vehicles. I also sure that there will be many voluntary facilities available to help the authorities for the inspection of vehicles. Many people both boys and girls from school (age 15-20) can be very helpful to the traffic police to control the traffic. With the help of school students the traffic police can help reduce the disorders of traffic systems".

We have transmitted these suggestions to the authorities dealing with the problems of traffic control and the Delhi Transport Corporation.

#### PROPERTY TAX

Mr. D.R. Kohli of Delhi has remitted to us the following matters which, he states, need to be taken up with the Delhi Municipal Corporation :-

Section 115 of the Delhi Municipal Corporation Act 1957 exempts from general property tax places of public worship and charitable institutions run by a society or body for charitable purposes. His contention is where a dispensary operates on charitable basis it should be entitled to claim this exemption. He, however, states that water charges on

charitable dispensaries are being levied at rates applicable to commercial organisations, whereas the charitable dispensaries which are run by municipal corporation are being given this exemption. He feels that this matter is obviously violative of the spirit of S. 115 of the DMC Act and that the distinction between charitable dispensaries aided by the municipal corporation and the other charitable dispensaries would be untenable as it would infringe the Article 14 of the Constitution of India.

This matter has been referred for legal opinion. Meanwhile, there is a feeling that it would be difficult to make out a case of discrimination and that the municipal corporation would ostensibly be within its rights not to levy water charges on its own charitable dispensaries.

#### LOTTERIES

Mr Banamal Dhanamal Jumani has written from Ahmedabad complaining that his prize winning ticket of the Meghalaya State Lottery, Shillong, was not being honoured and no reply was sent to his representations. A photocopy of the contended prize winning ticket was sent by him. This matter has been referred by us to the Ministry of Home Affairs, Government of India, a section of which deals with the problems of lotteries from the point of view of regulating them. The matter has since been forwarded by the Government of India to the State Government.

Where any persons come across instances of mismanagement or wrong doing on the part of any organisers of lotteries it would be appropriate for them to write to the Ministry of Home Affairs, Govt. of India (address : North Block, Secretariat, New Delhi-11001).

#### NAMING OF ROADS ETC.

Mr. Subhash Chander Aggarwal of Delhi has written to us about the complaint about re-naming of old roads and colonies, giving them long name and also particularly using the full name instead of naming the roads in abbreviated form. He has cited

examples such as "Bhadur Shah Zafar Marg" which could easily be names as "Zafar Marg", and Kasturba Gandhi Marg which could also be easily named as Kasturba Marg, and so on. He also considers it unfortunate that hospitals etc. which carried certain name for long decades have suddenly been given new names which are often impronouncably long, attaching them to the names of certain dignitaries or erstwhile leaders. Similar position obtains, according to him, in relation to localities and markets etc. Often the names given to the localities, roads and markets are such which overlap and cause considerable confusion. For instance, there are two totally different localities in Delhi one of which is Shalimar Park and the other Shalimar Bagh. Similar position obtain in the matter of localities like Rana Pratap Bagh, Pratap Park, Tagore Garden, Tagore Park, Anand Nagar, Anand Niketan, Anand Lok, Vasant Vihar, Vasant Enclave, Vasant Lok, Shakar Pur, and Shakoor Pur. He had also further pointed out that there are places and market which have common names; for instance, there are many Arjun Nagar, Krishan Nagar, Ram Nagar, Sant Nagar which are situated in different parts of the city.

It is most unfortunate that no effort has been made by the municipal authorities of the various cities to lay down some guidelines for the naming of colonies, roads and markets etc. Great lot of confusion to the general public as well as to postal authorities and visitors can be obviated by some intelligent rationalisation of the names.

We have taken up this matter with the Ministry of Home Affairs requesting them to look into this entire problem for providing appropriate guidelines.

#### DEPOSITS - INVESTMENTS

We have from time to time received a number of letters from various places wherein the people have complained about non-refund of the deposits which have been made by them with certain companies for investment purposes as well as for the allotment of scooters etc. Dr. K. V. Rao from Varanasi complained about the difficulties encountered by various

persons who made fixed deposits in Swadeshi Cotton Mills, Kanpur. The mills stopped payment of interest and principal to the creditors from 1977. When the government took over management of the mills it was expected by the deposit-holders that they would receive repayment of the deposits. It appears that the concerned office issued only a notification in the government gazette in February '87 asking creditors to come forward and make their claims within the stipulated period of thirty days of the notification, failing which their claims would not be entertainable. It was felt to be unfortunate that a mere notification to this effect was given in the government gazette, with the result that the depositors did not come to know about it and failed to make their claims within the period allowed. This matter has been taken up by us with the Department of Company Affairs, Government of India.

Brigadier Grant from Pune has brought to our notice that almost about 500 cases of non-refund of scooter deposits have been received by the Consumers Guidance Society of India. We have suggested to him to take up this matter with the Director General (Investigation) of the MRTTP Commission (address : Travancore House, Kasturba Gandhi Marg, New Delhi-110001) bringing specifically to his notice the problems encountered in relation to the deposits which have been made by the prospective buyers of scooter. Lately, MRTTP Commission has been taking considerable interest in the this matter.

Mr. B. P. Bhatt has written from Pune highlighting the problem of non-convertible debentures and fixed deposits in which investments have been made by a large number of pensioners. His contention is that the buy-back guarantee, offered by the companies has been a failure as many companies do not fulfil this promise and that the fixed deposits are not being returned by the companies on one ground or the other. His contention is that the Bill recently introduced in the Parliament by the Minister of Industry for amending the present law will at most bring about cosmetic changes. His view is that the Government of India should provide full protection to the investors in real



terms including immediate refund of the deposit in accordance with the conditions of acceptance.

#### UNFAIR TRADE PRACTICES

Mr. S.P. Tupta of Delhi has brought to our notice an advertisement by a clinic of Azadpur in which it is claimed that the eye sight can be corrected and spectacles removed within four weeks. He has stated that in response to the advertisement he visited the clinic and was allowed entry only after a fee of Rs. 40 was collected for the initial consultation. After the test he was promised that his eye sight would be corrected by the advertised treatment and that fee would be Rs. 200 per week, treatment to be given twice a week at the clinic and completed in the period of four weeks. It was claimed that eye sight had been restored at this clinic in the case of a number of blind persons.

Mr. Tupta has since complained about this to the MRTP Commission.

M/s. Avanti Overseas Pvt. Ltd. New Delhi, brought to our notice that a company providing the facilities of installation of postal franking machines had not kept their promise of regular maintenance and had unjustifiably increased the rates. On our advice the company has remitted this matter to the MRTP Commission.

#### CONSUMERS ACTIVITIES

Dr. Hargopal Rao, Chairman of Universal Consumer Association of Narasaraopet, Guntur district, Andhra Pradesh, has brought to our notice certain useful activities undertaken by the Association for helping the cause of consumers. It was noticed by them that the suppliers of tents etc. in their town and the surrounding areas had grouped themselves into an association and had doubled the rates for the provision of tents. This Consumers Association took up the matter with the Tent House Association and they have been able to dissuade the escalation of charges by mutual negotiation. Another matter taken up by this consumers organisation related

to the sale of crackers in residential areas and shops, causing dangar to life. This matter was taken up by the consumers organisation with the district authorities and the sale of crackers has since been got centralised at specific places, thereby obviating the danger in residential areas. An amusing incident of a local advertisement by a restaurant has been brought to our notice by this consumers organisation. The restaurant advertised that they would give one whisky peg free to any body who buys two pegs and one beer bottle free who buys two beer bottles. This matter was taken by the consumers organisation with the advertising restaurant and the advertisement has since been withdrawn. Still another incident of active work done by this consumers organisation relates to the problem which was created by the fair price shops in the area. Some spoilt wheat was forced on the consumers, tying it to the sale of edible oil. This matter was taken up by the consumers organisation with the District Collector for securing remedial measures.

#### FOOD ADULTERATION

Mr. L. N. Kshatriya of Ahmedabad has for long been crusading against the malpractices of manufacturers in the matter of adulteration of food items. He has, through columns of newspapers, highlighted the malaise of adulteration. In particular, he has also brought out the dangers inherent in scented and sweetened supari which is often used by people who chew betel nuts. He has referred to the report of a team of food technologists of Tamil Nadu Agricultural University which has detected deadly toxin in a sample of scented supari and has cautioned supari lovers to be wary of supari made from damaged and moulded nuts. The toxin identified as "patulin" is stated to be highly poisonous. This toxic material is secreted by a fungus that tends to grow in badly stored arecanuts, the raw material for preparing sweet and scented supari. It is believed that fungus infested arecanuts are probably diverted to the production of selected varieties since the artificial scent helps to hide the bad smell of moulded nuts.

Raja Garden Residents Association of New Delhi wrote very forcefully about the encroachments which are being made by small shops etc on pavements, varendas of markets and on roads as well as in the residential areas in general. They feel that these encroachments are all being made with the connivance of the concerned authorities and that they pay "haftas", "monthlies" to the officials who are entrusted the responsibility of enforcing the law. They also complain bitterly about noise pollution, conversion of residential premises into small factories/commercial activities/shops, parking problems etc. They have taken up these problems with the concerned authorities.

Mr. V. K. Aggarwal, Secretary of Saharanpur Citizens Welfare Society, has sent to us a detailed analysis of the Regulations recently framed by the U.P. State Electricity Board in regard to the metering of electric supply, raising of demand, disconnection on failure of payment etc. This has been done particularly with reference to the recent judgement which COMMON CAUSE has secured from Delhi High Court wherein it has been laid down that where the demand by the electric supply company is made on the basis of a stopped or a faulty meter and the procedure prescribed in the relevant provisions of Indian Electricity Act has been followed, the demand is illegal and the payment recovered from the consumer would be refundable.

Dr. V. Dutt Mullick, South Petal Nagar, New Delhi complains about the excruciating delays in courts, criminal and civil. He expresses grave concern, particularly about civil cases in which elderly citizens are parties, and feel that it would be impossible, in the present systems for them to expect the decisions in the cases during their life time.

Air Marshal I. W. Sabhaney has written from Secunderabad seeking the help of COMMON CAUSE in the matter where he along with certain other persons are alleged to have been persuaded to part with heavy amounts on the plea of sale of pieces of land to them near the city in spite of the fact that the land had actually been notified by the Government for

acquisition. He has already lodged report with the police.

Mr. S. Santokh of Sheikh Serai, New Delhi, complains about the arbitrariness of Delhi Development Authority wherein it allots built residential flats to the applicants after years of waiting and then asks them to pay the big total price in lumpsum under the threat of cancellation of allotment.

Mr. V. K. Gupta retired Chief Engineer, of New Delhi, complains that the dealers of cars, when sending allotment letters, ask for payment at least two weeks in advance of the delivery where he feels that in the normal business practice the demand for payment should be at the time of delivery or at most 2/3 days in advance.

Mr. Ashok Aggarwal of Dhanbad strongly feels that local organisations have to strengthen themselves for taking up the common problems of the people. He feels that local organisations must build up pressures for forcing the concerned departments and institutions of the government etc. to listen to and respond to the demands of the people, and where the organisations have monopoly, like in the supply of water and electricity, they must be taken to task for their failures. He wishes to launch campaigns for such tasks through a special committee of the Potary Club of Dhanaad.

Mr. Mitter of Greater Kailash, New Delhi, has in a long letter spelt out certain problems relating to house tax procedures of Delhi Municipal Corporation. He feels that assesses need to be given more information and guidance, which can be provided through their associations, pensioners organisations etc, and they should also be guided about engaging lawyers and fighting the cases in courts.

Mr. Satish Aggarwal of Alipore Road, Delhi, has been expressing great concern about the extant problems of car parking charges and the way the contractors, often self-appointed, fleece the car owners and scooter owners in the payment of parking charges.

Mr. Asit Kumar Dhar of Paul Avenue, Calcutta, wrote to complain that the postal authorities have not been responding to his request for looking into the

problems of loss of National Saving Certificates and the action subsequently taken by him in submitting Indemnity Bond. He states that he could not secure redressal of his problems on his own. He has since received the payment.

General 'Secretary of the Govt. of India Press Workers Union, New Delhi, complained about the sudden cutting off of water supply of their colony. He desired that CPWD should be requested to look into this matter because it is affecting a number of families.

Mr. B. Chakravorty of Vikhral, Bombay, complained about the non-stoppage of the bus on a particular mentioned route, which caused extreme difficulty to him and his family members who had to trudge long distance, and that similar complaints previously made had not borne fruit. He separately wrote also about certain misleading advertisements which are being put across by quacks masquerading as doctors through which they offer quick remedies in the areas of "vigour and vitality". He has initiated a crusade on his own against certain maladies of this nature which affect the society.

Mr. M. B. Lal of New Delhi has written that the grant of House Rent Allowance to the government employees etc, without their having to produce the receipts of rent paid by them leads to corruption and is proving unfair to landlords because they receive higher house rent allowance than the rent paid by them, thereby holding on to the premises taken on rent. His suggestion is that the government should lay down the rule that they should not be paid rent more than that paid by them for the accommodation taken on rent.

Smt. Prem Lata of New Delhi has written that Maruti Udyog Ltd. adopted the tactic of not delivering to her the car in February '87 even though she had deposited the full price on 10.2.87 soon after receiving the allotment information and had been informed by the dealer that the car would be delivered by 20th February, 87. On 31st March '87 she was asked to pay Rs. 9339.52 more for taking delivery of the car. Apparently, the company and dealer waited for the

budget and its impact before delivering the car. This action on the part of a private sector company would ostensibly amount to unfair trade practice.

Maj. Pansare, Hony. Secretary of India Ex-Services League, Pune, brought to our notice the discrimination felt by the retired college and university teachers who were denied the benefit of pension liberalisation by the Government of Maharashtra, depriving the persons who retired before the prescribed date. We suggested to the Association that this would be a matter worth being taken to the High Court in the Maharashtra, on the basis of verdict in the case which we had taken to the Supreme Court and which resulted in the verdict in favour of pensioners who had retired prior to 1979. The Association took this matter to the High Court, and the Nagpur bench of the Bombay High Court has since decreed the case in favour of these retirees, striking down the date which was held to be violative of Article 14 of the Constitution. The Association has conveyed its grateful thanks to the COMMON CAUSE for having suggested this action which has won them this case.

#### BANK PAYMENTS

A member has brought to our notice the problems encountered on securing payment of the balance amount lying in the bank in the account of a person who has passed away. When the request for transfer of the balance, which was of a small amount of Rs. 109,50, was made by the widow of a deceased railway pensioner, asking only for transfer of the amount to her account in the same bank branch, she was asked to comply with all the formalities, namely, submission of affidavit, disclaimer certificate, indemnity bond, heirship certificate etc., after completion of these in the court of law. All these documents are required to be executed on non-judicial stamp papers; these would normally necessitate for the widow to engage a lawyer, travelling to the district

courts, and all the attendant hassles. The question is whether it is not possible for the bank to secure satisfaction about the genuineness of the claim by asking for a declaration from two sureties having accounts in the same bank. This question has been addressed to the Indian Banks Association and to the Banking Department of the Ministry of Finance, Government of India.

#### REFUND OF DEPOSITS

Mr. S. Sampat Kumar of Madras has written about the difficulties experienced by a number of persons, whose particulars and addresses have been furnished by him, about their not receiving refund of the deposits they made to Lohia Machines Ltd., Kanpur, for Vespa scooters. No reply is being given by the company to these persons. We have taken the initiative of writing to the company to let us know why their deposits are not being refunded. We have also referred this matter to MRTP Commission and to the Department of Company Affairs, Ministry of Industry, Government of India.

#### WORKERS IN SEWERS

We came across a photograph on the front page of Hindustan Times in which a sewage worker of the Delhi Municipal Corporation was standing in a man-hole with sewage water literally upto his neck. This was a very telling picture. We immediately wrote to the Commissioner of Delhi Municipal Corporation sending him the cutting and pointing out the serious hazards to which sewerage workers are exposed. It was pointed out that it is of paramount importance that in the interest of life and safety of these workers they should be provided with diving suits which would help to protect the skin when the body is exposed to such hazardous occupation. No reply has yet been received. This matter will continue to be pursued.

#### JUTE MATERIALS COMPULSORY PACKAGING

The Punjab Haryana Delhi Chambers of Commerce & Industry brought to our notice the problem which is likely to be caused by the recent enactment of the Jute Packaging Materials (Compulsory Use) Act. The units which are manufacturing synthetic packaging material would obviously be affected by this enactment under which the government can pass orders from time to time prescribing as to what specific commodities and products must be compulsorily packed in jute packing. Our concern in this matter is primarily from the viewpoint of consumers. We took up this matter with the Minister of Food & Civil Supplies, Government of India, stating that the enactment of this legislation by the Ministry of Textiles is likely to affect the interests of consumers significantly. If certain commodities like sugar, cement, fertilizers, wheat flour etc are perforce packed in jute bags as a result of this legislation it will be construed as a step backwards disregarding the benefits that consumers derive from the advancement in packaging technology through the evolution of synthetic materials for packaging. We have expressed that before this legislation was proposed by the Ministry of Textiles they should have consulted the Department of Civil Supplies to secure the viewpoint of consumers, and that it was necessary for the Department of Civil Supplies to examine the proposal from the viewpoint of interests and convenience of consumers. We have since received a reply from the Minister of Food & Civil Supplies. The contention of the Government of India is that jute industry has been passing through severe crisis on account of stiff competition from synthetic substitutes. There is acute necessity of protecting the interests of jute industry. Government would issue, under this new legislation, orders specifying certain commodities or classes of commodities or percentage thereof which should use jute materials in packaging for distribution or supply of commodities. This matter will need to be further pursued by the consumers organisations.

## MISCELLANEOUS

### PENSIONS

Major problems of the pensioners have already got resolved through the judgements of Supreme Court on the writ petitions of COMMON CAUSE, in the matters of extension of pension liberalisation benefits to the pre-1979 pensioners, grant of family pension benefits to the pensioners who retired before 1.1.64, and the restoration of pension commutation to those who have completed fifteen years since retirement. We now await decision on the representation of pre-1973 pensioners which was decided in favour of the pensioners by the Central Administrative Tribunal, and which matter is now pending in appeal submitted before the Supreme Court by the Government of India. We hope that this appeal will be decided in the month of January '88. Second important matter pending before the Supreme Court relates to the demand of defence pensioners, voiced by the Indian Ex-Services League that equal pension should be given for equal rank. This matter is now likely to come up before a Bench of five judges. It cannot at this stage be said with any certainty as to when this case will be heard.

It is heartening to see how individual pensioners and their organisations continue pursuing various other matters, making representations to the concerned authorities and taking the matters to the concerned High Courts or the Central Administrative Tribunal. These are symptomatic of an awakening which has come about amongst the pensioners, encouraging them to fight for their rights.

### HOUSE TAX

The problems of House Tax assessment vis-a-vis the Delhi Municipal Corporation have been got considerably resolved through the writ petitions of COMMON CAUSE before the Supreme Court. The judgements of Supreme court have application on this important problem throughout the country. We have been receiving letters from various places seeking clarification of certain issues relating to these points.

The orders of Supreme Court in relation to the cases of premises constructed in stages have clarified the issue which had arisen from the judgement of Supreme Court in the case of Dr. Balbir Singh & Others Vs MCD decided in December '84. MCD authorities have submitted Review Petition to the Supreme Court. Decision on the Review Petition has not yet become available, but till any modification comes about in the previous judgements they remain operative. This position should be clear to all assesses. The MCD authorities cannot seek justification for not complying with the decisions of Supreme Court merely on the ground that a Review Petition has been submitted by them.

### ELECRICITY CHARGES

The matter relating to escalated electricity charges, based on the averaging after replacement of a defective or stopped meter, has already been resolved by the Delhi High Court in the judgements on the two writ petitions of COMMON CAUSE. Information about this has already been given in our previous issues.

It is a matter of great regret that Delhi Electric Supply undertaking (DESU) has not been following this decision of the Delhi High Court in the matter of raising demands in similar cases, taking the plea that the decisions of High Court on the two writ petitions relate only to the cases of consumers mentioned therein and that these orders cannot apply to all cases of similar nature. It is also unfortunate that till now DESU has not refunded the amounts even in those cases which had specifically been decided by the Delhi High Court. Meanwhile, DESU has submitted appeal which has been admitted by Delhi High Court. The mere fact that an appeal against the decision of Delhi High Court has been "admitted" does not mean that the operation of the previous decision of the High Court is in any way affected. This position should be clear to the electricity consumers. It will be for them to fight for their rights, based on the above mentioned decisions of the High Court.

## BALANCE SHEET AS AT 31st MARCH 1987

LIABILITIES	AMOUNT Rs.	ASSETS	AMOUNT Rs.
<b>CAPITAL FUND ACCOUNT</b>		<b>CASH AT BANK</b>	
<b>LIFE MEMBERSHIP SUBSCRIPTION</b>		In S.B. A/c with scheduled Bank	
Opening Balance 1.4.86	1,86,976.00		23,830.33
ADD : Subscription received during the year	<u>22,950.00</u>	<b>STAMPS IN HAND</b>	
	2,09,926.00		1,422.20
<b>CORPUS FUND</b>		<b>FIXED DEPOSITS</b>	
Opening Balance 1.4.86	1,92,790.65	With Indian Bank, Shanti Niketan, New Delhi	
ADD :			3,65,000.00
Donations received during the year	<u>13,652.50</u>	<b>INTEREST ACCRUED</b>	
	2,06,443.15	On Reinvestment Fixed Deposits with Indian Bank Shanti Niketan, New Delh	
			29,163.94
<b>RESERVE ACCOUNT</b>		<b>FURNITURE</b>	
Opening Balance 1.4.86	<u>12,000.00</u>	Opening Balance 1.4.86	
	4,28,369.15		3,790.80
<b>EXPENSES PAYABLE</b>		ADD :	
	4,420.77	Additions during the year	
			<u>998.00</u>
			4,788.80
		<b>LESS :</b>	
		Depreciation	
			<u>478.90</u>
			4,309.90
		<b>OFFICE EQUIPMENT</b>	
		Opening Balance 1.4.86.	
			715.30
		<b>LESS :</b>	
		Depreciation	
			<u>107.30</u>
			608.00
		<b>DEFICIT ACCOUNT</b>	
		Excess of Expenditure over Income per Annexed Income & Expenditure A/c	
			12,197.29
		<b>LESS : Balance in Surplus Account 1.4.86</b>	
			<u>3,741.74</u>
			8,455.55
			<u>4,32,789.92</u>
	<b>Total Rs. 4,32,789.92</b>		<b>Total Rs. 4,32,789.92</b>

NOTE : Subscriptions from members have been accounted on cash basis.  
AS PER OUR REPORT OF EVEN DATE

## INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31st MARCH, 1987

EXPENDITURE	AMOUNT Rs.	INCOME	AMOUNT Rs.
<b>Printing &amp; Stationery</b>		<b>SUBSCRIPTION FROM MEMBERS</b>	
(Including Printing of periodical)	27,290.35	Ordinary	
Duplicating Expenses	3,081.15		13,570.00
Postage, Telegrams & Tel ephones	12,598.60	Associate	
Part Time Staff	18,500.00		<u>5,900.00</u>
Other Establishment Expenses	2,400.00	<b>INTEREST RECEIVED</b>	
Conveyance Expenses	5,880.00	From S. B. Account	
Legal Expenses	2,060.00		1,108.41
Honararium to Auditors :		From Fixed Deposits with Bank	
—Honararium	500.00		<u>29,149.96</u>
—Expenses	<u>212.00</u>		30,258.37
	712.00	<b>INTEREST ACCRUED</b>	
Books & Periodicals	609.70	On Reinvestment Fixed Deposits with Bank	
Bank Charges	835.05		13,886.49
Miscellaneous Expenses	572.50	Excess of Expenditure over Income Transferred to Balance Sheet	
Depreciation on Assets	586.20		12,197.29
Interest on Bank Loan	686.00		
	<u>75,812.15</u>		<u>75,812.15</u>
	<b>Total 75,812.15</b>		<b>Total 75,812.15</b>

Place : AS PER OUR REPORT OF EVEN DATE  
New Delhi A. S. R. GOPAL RAO (RAO & RAVINDRANATH) Chartered Accountants