

COMMON CAUSE

VOICE OF "COMMON CAUSE"

OUR SUSTENANCE

Our sustenance lies in the areas of satisfaction our humble efforts succeed in creating in the lives of various people. There is this case of a lady in Nagpur. She is 85 years of age. Her husband passed away in 1922, more than 65 years ago, when she was only 18 years, leaving a child with her, who has now retired from service. Her husband was a junior official in the Telegraph office. The family recently came to know of her entitlement for family pension benefit because her husband was in service. They searched for papers to establish the fact of her husband's service but could not find any. Eventually, the existence of a small link in the central telegraph office enabled this fact to be established. She has now started receiving pension and has also been paid arrears from 1977. She has conveyed her blessings to COMMON CAUSE. Such blessings are our sustenance.

Numerous types of problems come to us. These range over practically every possible aspect of middle class living, right from complaints relating to civic services, to fixed deposits, telephones, taxes, railways, telegraphs, insurance, and banking etc. It would be of interest to view a sample of the range of matters we take up.

We have recently written to the Chief Executive Councillor of Delhi about the multiplicity of similar names which have been given to various housing colonies, such as, Vasant Lok, Basant Nagar, Basant Enclave, Vasant Vihar, Narain Vihar, Naraina, Narain Nagar, and many such like. Such multiplicity of similar names cause confusion to visitors and to postal authorities. We have suggested that a small committee of two or three officers should examine this matter in detail and determine ways and means of evolving suitable names with some imagination and innovativeness.

We received complaints that the New Delhi Municipal Committee and Delhi Municipal Corporation were

(Continued on Page 23)

Property Tax

Redressal of Consumers Grievances

Our Case Against DESU

Report on Telegrams

Our Case Re. Indian Airlines

Note on Telephones

For Pensioners

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PROPERTY TAX

RESTRUCTURING & RATIONALISATION

The problem of property tax continues to vex the people of Delhi. Its aberrations, distortions and anomalies have been highlighted by us on various previous occasions. Recently, the Chief Executive Councillor of Delhi Administration had announced the establishment of a high level committee for going into this entire question consequent upon the loud voice raised by the houseowners against the outrageous notices received by a number of assesseees of Delhi and New Delhi. COMMON CAUSE set up a people's committee on this subject and a comprehensive questionnaire dealing with various aspects of the matter was sent very widely to all the organisations and associations of houseowners, group housing societies, housing colonies etc. Replies were received from a large number of these associations and organisations as well as individuals. Based on these replies a final report has been prepared embodying the suggestions and views on a variety of problems connected with this subject. This report, along with the questionnaire, is reproduced in the following paragraphs.

REPORT

COMMON CAUSE sent a comprehensive questionnaire to all houseowners associations, welfare associations, housing societies, group housing colonies etc. for securing their suggestions on various aspects of the problems of property tax. Copy of the questionnaire is attached.

Large number of replies have been received from the organisations, associations as well as individuals. These have been taken into account in presenting the present note.

Certain facts relating to Property Tax of MCD

Before presenting the summary of views and suggestions received from the various organisations, associations etc. it would be desirable to take note of the various facts relating to the property tax administration of MCD. These facts are presented hereunder.

- MCD issues property tax bills to 3.95 lakh properties, out of which 3.05 lakh are residential and 90,000 commercial.
- Nearly 2.25 lakh of houses or resettlement colonies are not issued any bills, on the assumption that their rateable value is less than Rs. 1,000.
- Nearly 2.06 lakh of properties, mainly within the walled city area, Civil Lines, Shahdara, Kal-kaji and certain older areas of Karol Bagh, are not issued any bills because they are stated to be below the rateable value of Rs. 1000.
- Therefore, nearly half the number of properties in Delhi presently remain exempt from payment of property tax. These comprise the resettlement colonies, unauthorised colonies and the regularised colonies. The colonies of jhuggies & jhonparis in any case remain exempt from the imposition of property tax. Nearly one-fourth of total population lives in jhuggies and jhonparis.
- Government properties are paying only a small service charge. These number about one lakh. The people living in the government properties are not paying any tax to the municipal authority. Nor is any tax being paid by about five lakh of people who come into Delhi every day for working.
- The number of residential premises and commercial premises presently assessed to property tax, in the respective categories are as under:—

Rateable Value	Rs.	
	Residential	Commercial
Upto Rs. 10,000	2,46,200	67,528
Rs. 10000—Rs. 20000	43,800	12,900
Rs. 20000—Rs. 50000	12,660	6,200
Rs. 50000—Rs. 1 lakh	1,450	2,100
Rs. 1 lakh—Rs. 2 lakh	20	450
Rs. 2 lakh—Rs. 5 lakh	105	590

- Total annual recovery of property tax is about Rs. 100 crores. Out of this total amount the recovery from residential premises is of the order of Rs. 35 crores and from commercial premises and industrial factories the recovery is about Rs. 65 crores. Out of total recovery of Rs. 100 crores, the recovery against recurring demand is Rs. 70 crores, the balance being made up of recovery of arrears.
- The above figures will show that residential premises above rateable value of Rs. 20,000 (which attract the maximum property tax rate of 30%), number only about 14,000 out of total of about 2.5 lakh residential premises. This fact is important, from the point of view of determining justifiability of the property tax rate of 30 percent. The commercial properties attracting rate of 30 percent property tax total about 9,000 out of the aggregate number of 67,528.

From the replies received to the questionnaire of COMMON CAUSE it is evident that there is general agreement from all quarters on the following points:—

- There is no reason why there should be any discrimination in favour of the government buildings in the levy of property tax. If the law so requires it needs to be amended. At most, for maintaining a distinction, the government properties can be subjected to a levy of property tax at about 95 percent as levied on other premises.
- There should be no difference of the rate of pro-

perty tax between the areas of MCD and NDMC.

- The higher rate of tax, above 20 per cent of the rateable value, as presently prevailing in MCD area, is extortionate and unjustified. The maximum rate should be not more than 20 per cent.
- The separate levies of fire tax, conservancy tax and education cess unnecessarily complicate the calculations and create the impression or imposing additional burden. There should be only a round figure of the total tax imposition, out of this requisite appropriations should be made for these specific purposes.
- There should be provision for first appeal within the department, to be heard by a senior independent officer. Second appeal should preferably be before an institution of the nature of Lok Adalats.
- The provision in the law, which makes it compulsory to pay full amount before the appeal can be heard, needs to be amended. The appellate authority should have discretion to determine the amount to be paid before the appeal can be heard. In the areas of MCD and NDMC the provisions regarding appeals should be the same.
- System of administration of property tax should be devised in such a way that there is no discretion in the hands of subordinate staff.
- Property Tax cannot be directly related to the quantum of municipal services. Any system based on such consideration will be impracticable.
- Scheme of self-assessment, such as in the case of Income-Tax should be introduced, with provision for making lumpsum annual payment (with a suitable incentive) or in not more than three instalments as in Income Tax. For this purpose, "pass books" should be made available to the owners. (There are some views to the effect that the existing system should continue and the self-assessment may create difficulties for the illiterates and weaker sections).

- Scheme of lumpsum payment for 10 years, which was introduced by the MCD, has- apparently not yielded satisfactory results, and MCD is not guaranteeing that there will be no subsequent demand; hence, this scheme needs to re-considered.
- There should be some system of rebate for the first 5 years of construction, to give encouragement to the construction activity.
- Wholesale exemptions, as at present given, should be reconsidered and abolished. In the case of charitable institutions, including schools, dispensaries and hospitals etc. there should be no wholesale exemption; only those which are non-profit making and do not show any profit at the end of the year should be entitled to such exemption. Secondly, there should be no wholesale exemption on the basis of rateable value as presently operating.
- In relation to property tax there is no justification for categorisation of properties into leasehold or free-hold.
- The properties need to be categorised into (i) residential, (ii) commercial and (iii) industrial, and not merely residential and non residential. Justification for separate categorisation of industrial properties is obvious.
- There should be a reasonable rebate for self-occupation, and there is need of categorisation into self-occupied, rented and partly rented, partly self-occupied.
- On vacant plots, or large unbuilt areas of plots, there should be imposition of tax for compelling owners to build on them.
- On premises which are presently yielding very low rentals, the payment of property tax should be made the responsibility of tenants, because there is no justification for completely exempting such premises from property tax.
- In no case should the recent amendment of the Rent Control law have any impact on the assess-

ment of property tax.

- Valuation reports of approved valuers should be invariably accepted, excepting where justifiable cause exists for non-acceptance thereof.
- All residents of the city, to the extent of their capacity, should participate in the raising of revenues for the municipal services, and burden should not fall on any particular classes or on the newer housing colonies only.

Basis of Assessment of Property Tax

On the basis of assessment of property tax the replies received from various organisations show divergence of views. These are given below:

- (i) One view is that the property tax assessment should continue to be related to the Rent Control law as at present, excepting that the recent amendment of the Rent Control law should have no impact on it. Over-all consideration is that where cases have already been settled under the existing law and procedures they should not be disturbed. Difficulties in relation to this view, as expressed in the various replies, include the following :
 - a) Recent constructions, with skyrocketed price of land and high cost of construction, will present distortions. Supreme Court observation about the avoidance of differential between recent constructions and older constructions will not be implementable in practice.
 - b) Where assessments have been made on cost basis, after expiry of five years of rental, and the premises are now enjoying high rentals, there may be disinclination on the part of municipal authorities to forego participation in the rental yields.
 - c) Almost about 4,00,000 houses, comprising nearly half the total number of residential premises in the city, are presently exempt from the levy of property tax merely on the consideration that their rateable values are less than Rs. 1000.

- ii) Second view is that where recent constructions are involved, the price of land and construction cost should be related in those cases to the year 1971 because the escalation of prices/costs started from that year. This will help to solve the problems of distortions relating to recent constructions, who have other problems connected with previous alternative.
- iii) Another view is that the assessments should be made on "capital value" of the property, based on the land price as recorded in the Deed of Conveyance, and that a multiplier of 10 should be used. This will be applicable to self-occupation or portion of the property which is in self-occupation. It will not apply to rented properties or to other categories of properties, namely, commercial and industrial. (This suggestion has emanated from the Vasant Vihar colony). Problems connected with this approach are stated to be the following:
- a) There will be large number of properties which do not have Conveyance Deeds. These Deeds will be operative mainly in newly developed areas. As such, a large number of properties will face problems and lead to misuse by subordinate staff.
- b) Old localities of the city will continue to totally escape from the levy of property tax as at present.
- c) Properties fetching rents, which are in any case subject to Income Tax, will have cause to remain dissatisfied under this agreement.
- iv) Another approach, claimed to be based on simple method, is that assessments should be made on the basis of area of plot and the built area of premises, and that a suitable multiplier, determined on the basis of detailed study, should determine the tax. For instance, the area of land and the built area, both converted into one measure of square metres, are added, and the multiplier of, say, 5 is used for calculating the property tax. Figure thus arrived at should be

inclusive of all other property taxes, namely, fire tax, conservancy tax and education cess, and the municipal authority can set apart suitable percentages out of this for the respective purposes. This approach is stated to be subject to the following :

(a) There should be two classes of properties, namely, those of RCC construction and others. Multiplier for the second category can be considerably low as compared to be multiplier for RCC construction premises.

(b) There should be a rebate for self-occupation, which may have to be even upto 50%, depending upon the multiplier that is eventually determined. The premises will be considered self-occupied where the self-occupied portion is not less than 40%

(c) There should be a minimum charge for each residential unit which will be payable by the owner and which he should be entitled to recover from the tenants where applicable. This minimum charge will be applicable to those premises which are presently exempted from the property tax. The minimum charge can be a figure of about Rs. 500.

(d) Valuation Report, in relation to the area of land and the built area, should suffice. These facts are verifiable from municipal records.

(e) In the case of rented premises there will be higher tax (because of rebate on self-occupation) but the tax will not have relationship to the quantum of rent, which will be taken care of by income Tax.

General

- * There is general consensus that the existing law and procedures will have to be changed in substantial measure.
- * There is also a general feeling that in any change-over that is effected the persons who feel satisfied with the present assessments and do not welcome the change, should be allowed to remain undisturbed for a period of 5 years whereafter the position will need to be reviewed.

(This stipulation will obviously be applicable only if MCD is willing forego the yield in relation to properties which are presently assessed on cost basis, after the period of five years of rental, even through they are presently on rent.

- * In all these alternatives the land area and built area are inevitably involved (either in the determination of price or value or cost). The municipal services are not related to cost, or price or value, but these are related to the physical dimensions.
- * Over-all objective should be to raise adequate revenues for the municipal authority and not in any way to cause their reduction. The scheme should be as simple as possible and should evoke participation of the people.

Questions Regarding Property Tax

1. Are the existing provisions of property tax defective? Can the problems be solved by improvement of procedures or does the law have to be changed?
2. Should the property tax provisions have any linkage with rent control law?

Basis of Property Tax :

- (i) Should it have any relationship to rental? Standard rent or actual rent?
- (ii) Should it have relationship with price of land, either the original purchase price or on commencement of construction?
- (iii) Should it have relationship with the year of construction?
- (iv) Should it have relationship with land area?
- (v) Should it have relationship with built area?
- (vi) Should it have relationship with value of property, and how should value be assessed?
- (vii) Should it have relationship with quantum of municipal services?
- (viii) Should it have relationship to Zoning areas?
- (ix) Should there be consideration of appropriate return on investment of owner? What should be the criteria?
- (x) Should the auction price/purchase price of constructed premises be the criterion?

4. What categories of properties should be kept in view?
 - (i) Residential, Non-residential; or Residential, Commercial & Industrial;
 - (ii) Self occupied, rented, partially self-occupied & partially rented;
 - (iii) Constructed on lease-hold land or free-hold land;
 - (iv) Old construction, recent construction;
 - (v) Vacant plots.
5. Can different Zones be demarcated? What should be the basis of such demarcation? Can Zones be demarcated on basis of quantum of services, or old constructions and new constructions?
6. Should there be difference in MCD and NDMC areas?
7. Will problem be solved by a rebate to self-occupied residential premises? Where part-rented and part-self-occupied, whether such rebate should operate?
8. Where rent is low, on account of rent control law, can some responsibility be placed on tenants?
9. Should property tax be levied on government property?
10. Should any exemptions be given? What exemptions are justifiable? Can there be a concept of a minimum charge?

Procedures & other Points

1. Should there be a provision for self-assessment as in Income Tax? And, for advance payment, either in lump-sum or instalment?
2. Should there be annual assessment?
3. Should there be provisions for notification, objections, disposal of objections?
4. Should there be a first appeal before the Department?
5. Should there be provision for payment of entire amount before appeal can be heard?
6. Should there be provision for lump-sum payment for ten years? What should the commitments of municipal authority be?
7. How can discretion in hands of subordinate staff be eliminated?
8. Should there be any relaxation for first five years of construction, to provide incentive for construction?
9. Appeals in the case of NDMC assessments, to ADM? Need of change.

Our Case Against DESU

The facts we presented before the National Consumers Disputes Redressal Commission in our case against DESU comprised a wide range. This public sector enterprise is a typical example symbolising the insensitiveness to public demands and opinion. It continues to behave as a monopolistic public sector enterprise, not accountable to the people. Numerous complaints are voiced by the citizens against this undertaking, giving vent to their dissatisfaction on various aspects of its functioning.

There are nearly 1.5 million consumers of electricity in Delhi. Nearly 2.6 million electric meters have been installed in the premises of consumers. Numerous people have not been receiving bills for months, and quite a number have not received bills for periods even ranging upto one or two years. The excuse put forth by the undertaking is that delay in the transmission of bills have been caused by the change-over to computers. Bills started being received recently in various colonies but they covered period to almost about one year. Naturally, the citizens feel that the non-recovery of dues from the electricity consumers must be presenting serious problems of ways and means position to the undertaking which would necessitate taking loans & paying interest, which in turn would inevitably lead to increase in tariff, causing further burdens on the consumers. The budget of the undertaking is stated to be about Rs. 200 crores. There are reports that the undertaking has incurred losses of about Rs. 2000 crores and that even at present nearly Rs. 300 crores continues to be outstanding including about Rs. 150 crores from consumers. The consumers feel that if the undertaking were to send bills regularly to the consumers and effect recoveries uninterruptedly then there would be better availability of funds and the burden on the consumers would be correspondingly reduced by the tariff not having to be further hiked.

Meter Readers

There are nearly 330 meter readers appointed by the undertaking. It has been ascertained that instructions have been issued to the meter readers that each one of them must read not less than 186 meters per day. There have been complaints that the target of 186 meter readings per day is impractical. Normally it would take not less than about 4-5 minutes for the meter reader to go from one premises to the other, get the door opened, clean the meter area, take and record the reading, and move to the next premises. This way it would not be possible for the meter reader to do more than about 70-80 readings per day. It is understood that the meter readers are also expected to attend office for 2/3 hours per day. Accordingly, the feeling is irresistible that the target of 186 meter readings per day is unrealistic and impractical. Therefore, there have been accusations that the meter readers record fictitious and average readings, on the basis of which the bills are communicated.

In this context suggestions have been made that DESU should attempt to introduce the system of self-assessment by the consumers. Certified booklets can be attached to the meters and the consumers should be persuaded to record the readings themselves every month, on the basis of which they should make payments on two-monthly basis.

The readings can be occasionally checked by DESU meter readers, and severe penalties should be imposed for non-compliance with the instructions relating to self-assessment procedures.

System of Payments

Another very important problem voiced by the consumers is the existing system of payments. Long queues, sometimes of 200/300 person, have to keep standing at the offices of DESU for making payments. It is generally contended in defence that the consu-

mers wait till the last prescribed date for making the payments and hence the long queues are formed. For obviating the difficulties of formation of long queues and the causation of inconvenience to the consumers it is desirable that there should be greater staggering of the prescribed due dates for different localities, and arrangements should be made for enabling the consumers to make payments in various branches of designated banks. The system of payment in larger number of branches of the banks was in force 3/4 year ago but got discontinued, ostensibly due to the pressures of the unions. It is most essential, in the interest of convenience of the consumers, that the ways and means should be determined for enabling the payments to be made without the hassles of standing in queues.

Theft of Electricity

There have been allegations of theft of electricity on considerable scale in certain areas, commercial, domestic as well as industrial. This malady exists very largely in the areas where unauthorised colonies or structures have developed, and it is generally believed that the theft of electricity is effected with the connivance and support of the subordinate staff of the undertaking. There have been indications that the theft of energy is of the order of not less than about 8 to 9 percent, and possibly of much larger figure. Besides regular theft of electricity there is also considerable misuse of electricity which includes the drawal of load in excess of the sanctioned loads, sub-letting of connections, tampering with meters and reversing the readings. The misuse and theft of electricity ultimately imposes further burden on the consumers and it is of paramount importance that all possible steps should be taken to minimise this malady.

Quality of Meters

There have been allegations that the meters installed by DESU in the premises are not of reliable standard and that quite often sub-standard meters are installed which lead to all sorts of problems of wastage of electricity and difficulties arising from wrong

billing. The position taken by DESU generally is that they are very particular about ensuring high standard of the meters and that the meters which are installed by DESU are of standard even higher than the standards prescribed by the Bureau of Indian Standards under the ISI certification marking. This contention needs to be further examined, but it is of paramount importance that the procedures of procurement of meters, their testing and installation should be improved to an extent that the possibility of use of sub-standard meters is totally eliminated.

Load Shedding

Load shedding and voltage fluctuations are frequent phenomena experienced by the citizens of Delhi. They recognise that quite often the voltage fluctuations and load shedding come about for reasons which may be beyond the control of DESU, but the consumers strongly feel that where load shedding has to be effected and is inevitable necessity, it should be done on some systematic basis, with advance information to the concerned localities and areas, so that the business and industrial functioning is not adversely affected. Voltage fluctuations, likewise, are a phenomena which must be minimised to the maximum extent possible because the fluctuations cause damage to equipment and electrical appliances. Severe complaints arise from various quarters of the problems created by such voltage fluctuations. In this context it is desirable to invite reference to the provisions of Section 18 of the Electricity Supply Act which inter alia lays down that the electric supply authority shall be charged with the duty to arrange for the transmission and distribution of electricity "in the most efficient and economical manner". This is a statutory responsibility imposed upon the electric supply authority such as DESU and it is for the undertaking to devise ways and means to ensure that this responsibility is appropriately discharged.

Stopped Meters

An important decision was secured by COMMON CAUSE from the Delhi High Court wherein it was

laid down that in cases of defective or stopped meters the electric supply authority, under the provisions of Section 26 of the Indian Electricity Act, cannot charge for a period of more than six months and that even for making such charge the undertaking must follow the prescribed procedure whereby the matter has to be referred to the electrical inspector appointed by the Government of India under this statute. There have been cases where DESU has been demanding and receiving payment for periods much longer than six months in case of stopped/defective meters. This was held by the High Court to be unlawful. It is unfortunate that DESU has been taking the position that the relevant decision of the High Court applied only to the petitioners who had gone to the High Court in the concerned petition and that this decision does not have general application. It is no doubt true that DESU has submitted Appeal against this decision of the Delhi High Court which was by a single-Judge Bench decision reproduced in ILR-1987-41. The Appeal will obviously come in due course before a Division Bench of Delhi High Court. However, mere fact of submission of an Appeal against the decision of High Court does not entitle DESU to claim that the decision is not applicable to other similar cases because no stay of the decision has been secured by the undertaking to such effect.

There are other problems experienced by the consumers of electricity of Delhi. These include the

inadequacy of street lighting in certain areas, procedures in the procurement of equipments and supplies, and matters relating to general treatment of the public complaints.

National Commission's Directions

These various problems of the consumers have been brought to the notice of the National Consumers Disputes Redressal Commission. The Commission has taken the general view that DESU must make efforts to rectify these various problems and difficulties of the consumers and that representatives of the consumers should be associated with two Central Advisory Committees which should be established by the undertaking, one for dealing with technical matters and the others to cover the areas of non-technical nature. The National Commission also directed DESU to consider the feasibility of setting up Complaints Committees in each of its districts which should consist of a Public Relations Officer and two other officials. These Committees should meet every week and should provide opportunity to the citizens for ventilating their grievances for effecting redressal. DESU has been directed by the National Commission to come up with specific suggestions of action which they would take for mitigating these problems. They have been given time till 9th August for effecting the requisite modifications for providing satisfaction to the consumers. The case will now come up for final decision on the 9th August.

Our Case Against Indian Airlines

COMMON CAUSE has made detailed submissions before National Consumers Disputes Redressal Commission on various aspects of the functioning of the Indian Airlines which have caused dissatisfaction and inconvenience to the consumers. The Airlines has been operating as a typical monopolistic enterprise, functioning on lines which cannot be termed

efficient, and exhibiting numerous areas of deficiencies and disregard of the interests of consumers, in general giving the impression that the enterprise is not accountable to the people. The inconvenience encountered by the consumers of the services of the enterprise is compounded by the problems of safety which is obviously of paramount importance in relation to the operations of an airline.

In general, there have been complaints that the aircraft of the Indian Airlines have continued to be over-utilised. maintenance is not upto the mark, and the over-utilisation and inadequacy of maintenance has in general led to the impression of endangering safety.

It is specifically prescribed in the Air Corporations Act, which was enacted in 1953 when the Indian Airlines and Air India were nationalised, that "it shall be the function of each of the corporations to provide safe, efficient, adequate, economical and properly coordinated air transport services" and the operations of Indian Airlines has in general given opportunity to the consumers to feel that this statutory responsibility is not properly being discharged. The complaint made before the National Commission by COMMON CAUSE ranges over various problems which are encountered by the consumers. Information submitted before the National Commission in regard to these problems is outlined in the paragraphs that follow.

Performance

It is undoubtedly true that Indian Airlines is the second largest domestic airlines in the world in terms of passengers carried per day. Nearly 11 million passengers are carried by the enterprise every year, through 95000 flights, to 64 destinations, operating nearly 270 flights a day, and with a staff of nearly 21000 employees. Fact remains, however, that the aircraft hull loss rate is one for every 2,15,000 hours of flying which is twice the world average of 4,65000 hours of flying per hull loss rate. Accidents encountered by the Indian Airlines have increased from 291 in 1981-82 to 389 in 1986-87. There have been four major non-fatal accidents since 1984 in which the aircraft was either totally wrecked or severely damaged. These are other than the fatal accident of October '88 near Ahmedabad.

Flight delays are very common in the operations of the Indian Airlines. Figures of September '88 showed that out of 8134 flights which took off in one sector, as many as 2914 got delayed, leading to the figure

of 40 percent delayed flights. 1240 flights took off from Bombay in September '88; 60 percent of those were delayed. 270 flights were cancelled in September '88 in one sector, leading to cancellation of 9 flights every day. Generally, for six flights reaching on time, four flights were reported not to be on schedule.

Delays of flights cause considerable difficulty and chaos at the concerned airports. These difficulties have continued to be highlighted in the newspapers and have been very severely commented upon.

Over-utilisation of Aircraft

In general there have been complaints of over stretching of the aircraft, of over ambitious expansion of operations, and consequent problems of indiscipline and morale of the employees. There have also been complaints of indiscipline, demoralisation, slippages in technical maintenance, compounded by over-utilisation of the aircraft and flying crew fatigue. An unfortunate feeling of inadequacy of safety has grown among the users during the last few months. There have also been complaints that the over-utilisation of the aircraft and over-stretching of the operations have generally been due to political pressures of opening of new routes whereas the existing availability of aircraft does not justify such stretching of the operations. Feeling has grown that the snags relating to maintenance and safety requirements have the tendency of being ignored, for keeping the aircraft flying, and that the aircraft have been pushed beyond endurance limits.

The enterprise apparently has not been allowed to expand the fleet to the extent which has been necessitated by the rising public demand. Whereas, the estimate of Indian Airlines of the expansion of public demand has been of the order of 11 to 12 percent every year, the Government of India, on the advice of Planning Commission, are stated to have restricted the expansion to 8 percent, which is contended to be impractical in the present circumstances. The contention on behalf of the consumers is that if the

Government of India had necessarily to restrict the expansion to a figure less than that estimated by the Indian Airlines, taking into account the various other problems of the Indian economy, it was for the enterprise to ensure that the flying strategy of its services and over-utilisation of its aircraft are effectively curbed. It has been stated that against the prescribed norms of Airbus and Boeing utilisation of 2700 and 2820 flying hours, respectively, the actual utilisation by the Indian Airlines of these aircrafts has been of the order of 3054 and 2887 hours.

Parliamentary Committee

In this context the report of the committee on Public undertakings (34th Report), presented to Lok Sabha on 9.3.89, has considerable relevance. In this Report following remarks have been made in relation to the operations of the Indian Airlines :

"In spite of these facilities available with the Indian Airlines, the Committee find that there were frequent mishaps including a major air crash in the recent past. The passengers were reportedly subjected to long delays at airports owing to technical faults in the aircraft which have of late been alarmingly increasing. There were also off-loading of passengers at the last minute. The Committee are unable to agree with the contention of the Indian Airlines that their maintenance of aircraft is of required standard. Rather they feel that the deterioration in the work culture of airlines is having deleterious effect on the maintenance and performance of their aircraft which has nosedived of late. The Committee cannot but deplore the callous attitude of the Indian Airlines towards the safety and convenience of the passengers. Considering the abysmal standard of air safety resulting in mishaps, frequent long delays, suspension and even cancellation of flights at the eleventh hour, the Committee have come to an inescapable conclusion that the maintenance of aircraft by the Indian Airlines leaves much to be desired.

"The Committee are astonished with the explanation given by the Government that as per

standard laid down by ICAO, provision of Instrument landing has not been considered as a mandatory requirement for safe landing of jet aircraft and also that the provision of ILS facility is a costly proposition and with the limited resources available cannot be provided at all airports in country. In this connection, the Committee have noticed that some of the major air crashes, like the one of Boeing 737 at Ahmedabad in October 1988 could have possibly occurred due to the absence of standard instrument landing systems at the airport. The Committee strongly feel that the safety of the passengers is of paramount importance and cannot be compromised for non-availability of funds. The Committee cannot but re-emphasise their original recommendation that the instrument landing system should be speedily provided at all the important airports in the country within some fixed time-frame and the airports which have jet operations should at least be provided with ILS facility by the end of the Seventh Plan. With the proposed expansion of fleet and network, the Committee strongly feel that there should be no compromise on provision of safety equipments, specially ILS."

Indiscipline

The Parliamentary Committee on Public Undertakings, in a previous Report relating to 1986-87, had stated that out of 152 flights surveyed it was found that cost could be recovered only in relation to 53 flights and that the remaining 99 services ran at a loss. 26, out of the airports three times this number, do not have Instrument Landing Systems, and the concern of consumers is evident also from the fact that the pilots of the enterprise refused to fly to 18 of the airports which did not have the Instrument Landing facilities. Indiscipline is stated to have spread to various levels of the technical and managerial staff including pilots. There have been reports of development of hostility between pilots and the management; in some cases pilots have not been on speaking terms with each other; the top management is also reported to be not on speaking terms at certain

senior levels; cockpit management in the aircraft has also suffered bouts of indiscipline and inadequate team work, and co-pilots of inadequate training have been inducted into the cockpits, endangering safety. There have been reports of top posts not being filled in time, inadequacy of the procedures of recruitment and training, and the inadequacy of the functioning of the regulatory body, the Directorate General of Civil Aviation, which is the authority for inspection of the aircraft and licensing of the pilots. In the matter of maintenance there have been complaints of general violation of the aircraft regulations and the maintenance norms. Problems of maintenance, which are directly connected to the requirements of safety, are of paramount importance which need to be dealt with by the Indian Airlines.

Bird Hits

The problems arising from the frequent bird hits have also been highlighted because the bird hits endanger safety and bring about severe damage to the aircraft. It is reported that the bird hits have been of the order of more than two every week during the last few years. Each bird hit costs enormous expenditure ranging from Rs. 50,000 for small damage, to Rs. six lakhs for more extensive damage, besides loss in the utilisation of the aircraft. In ten weeks of 1988 there were as many as 45 bird hits encountered by the aircraft of the airlines.

Over-all responsibility

The position taken by the Indian Airlines before the National Commission was that some of the problems encountered by consumers are related to the operations of the International Airport Authority of India (IAAI), National Airport Authority (NAA) and the Directorate General of Civil Aviation (DGCA), besides the problems encountered in relation to the restriction of availability of funds for expansion of the flight. Accordingly, on the request of COMMON CAUSE, the IAAI, the NAA, DGCA and the Union of India were sought to be impleaded in the case. This was allowed by the National Commission, and representatives of IAAI, NAA and DGCA appeared before the National Commission during the hearing on

18.5.1989. While these authorities were impleaded in the case it was made clear on behalf of COMMON CAUSE that the consumers are primarily concerned with the Indian Airlines because when they buy tickets they enter into carriage contract with the Indian Airlines. It is for the airlines to secure the requisite coordination and cooperation of the other authorities for ensuring that the inconvenience and inadequacy in the areas of maintenance and safety are maintained and obviated. It was stressed before the National Commission that the consumers recognise only the Indian Airlines in this context and do not have occasion to directly deal with either authorities. When a passenger goes to the airport he is given a boarding pass alongwith the tags for the booked baggage by the IA staff. He is taken to the aircraft by IA coach and seated in the aircraft by the IA staff. The baggage of passengers is containerised by IA loaders under supervision of IA staff. It is conveyed on IA baggage trolleys to the aircraft by IA lifting equipment. On reaching the destination the ladders for disembarking are provided by IA and IA coach brings the passengers to the terminal building. The baggage is unloaded by IA staff and taken to the terminal through IA baggage trolleys upto the conveyor belts. In this context it is of obvious importance to recognise that the consumers depend for the services only on the Indian Airlines and it is for this enterprise to secure the requisite technology, help and equipment from the other authorities for providing the services required by the passengers.

The National Commission, after hearing the parties, has given a general direction that the Indian Airlines alongwith the IAAI, NAA and DGCA should prepare and put forth detailed instructions and guide lines which would need to be followed for minimising and obviating the difficulties presently encountered by the passengers in the areas of convenience as well as safety. These various authorities have been asked to submit the complete material, alongwith requisite affidavits, to the National Commission before 8th August '89 when the final hearing would take place.

REDRESSAL OF CONSUMERS GRIEVANCES

Consumers need to be made aware of the redressal they can secure of their grievances and disputes from the redressal machinery established and contemplated under the Consumers Protection Act. It is a matter of great concern that implementation of this important enactment has been very tardy. Even after 2½ years of its enactment the District Forums, which are to be established under this Act for redressal of consumers disputes, have yet been set up in only about a score of the districts out of 439 districts of the country. The District Forums obviously constitute the main fulcrum of the entire machinery because the consumers are expected largely to reach out to them for redressal of their grievances. Appeals against the decisions of District forums are to go to State Commissions, and the appeals from the State Commissions are to go to the National Commission. Without the establishment and operations of District Forums, therefore, the functioning of State Commissions and the National Commission will also remain considerably handicapped excepting that these Commissions will of course be able to entertain complaints which are within their respective monetary jurisdictions.

It would be of interest, however, to note that the District Forums can provide a very effective instrument for redressal of the grievances of consumers. We give below summary of cases handled and decided by two District Forums, namely, of Patna and Delhi, and also some cases decided by the Forums established in Andhra Pradesh. The types of cases brought before these Forums and the nature of decisions taken by them, would be of interest to all consumers in the country:

Patna Forum

- * An Advocate complained that a particular shoe purchased by him had developed cracks and the manufacturer was not prepared to change

the shoe. As soon as the notice was issued to the manufacturer, the matter was satisfactorily settled by effecting the desired change of the shoes.

- * A complaint was filed that in spite of timely deposit for installation of a telephone at the residence of complainant the telephone department had failed to instal it. On issue of notice to the telephone department, the telephone was installed.
- * A journalist filed complaint against excess charging of scooter parking fee by the Railway Manager. Thereupon the railway authorities fined the contractor and have issued strict instructions against the practice of excess charging.
- * A complaint was filed against the chief executive officer of Patna Municipal Corporation for not providing street lighting even though the complainant had been paying the prescribed taxes to the Corporation which obviously include the cost of providing street lighting. On the issue of notice the Municipal Corporation provided the desired street lighting on the said road.
- * A complaint was made against a party for issuing a post-dated cheque, which was dishonoured by the Bank. On the order passed by the Forum the opposite party paid the amount of Rs. 8900/- in cash along with interest for the period of delay.
- * A complaint was filed against charging of additional amount for repairing of amplifier, along battery, which failed to work before expiry of the guarantee period. The District Forum ordered the replacement of equipment and refund of the excess amount charged.
- * A ceiling fan carried guarantee of two years, but the regulator of the fan developed certain defects during the guarantee period. On the complaint

filed by the purchaser notice was issued to the opposite party who agreed to replace the regulator.

- * A complaint was filed for non-printing of prices on the wrappers of certain brand of steering lock for the two wheeler. The Forum ordered the manufacturer to print retail price on all the wrappers of that particular brand of the lock.
- * A complaint was filed for replacement of a refrigerator which had been sent for repair. The Forum ordered compensation of Rs. 5,000 to the complainant in addition to the replacement of refrigerator.
- * A complaint was filed against the railway authorities about the inadequacy of arrangement of light and fans in the first-class compartment of an Express train. The Forum ordered that the complainant should be charged the second-class fare and the reservation charges should be returned to him. In addition, a compensation of Rs. 200 was ordered to be paid to the complainant.
- * On a complaint filed about the de-colouring of saree within one month of its purchase the Forum directed the replacement of saree.

Delhi Forum

- * A complaint was filed against a boutique regarding fading of colour of suit purchased by a lady. Cost of the suit was refunded to her on the order of the Forum.
- * A complaint was filed about a defective refrigerator. The dealer effected repairs but these were found unsatisfactory. Under the orders of the Forum further repairs were effected to the satisfaction of the complainant.
- * A complaint was filed against excessive charges made by a dealer for repairing a defective T. V. The defect could not be removed even after charging the excess amount. The service charges paid by the complainant were refunded under the orders of the Forum and the T.V. was repaired to complainant's satisfaction.
- * A complaint was filed regarding the non-fulfilment of the promise by a plumber to lay the pipeline. Under the direction of the Forum the complainant obtained relief to his satisfaction.
- * A shopkeeper filed a complaint against a manufacturer of soft drinks that a VIP suitcase, which had been promised on the sale of 300-400 crates of soft drink, had not been given to him. The Forum directed the fulfilment of promise.
- * A shoe store was directed to effect replacement of defective shoes which had shown signs of tearing off within two week of the purchase. The complainant received back the price of shoes.
- * A complaint was filed against DESU for the settlement of claims, with interest, for outstanding dues on the removal of meter. DESU made the payment to complainant to his satisfaction.
- * A complaint was filed for the supply of poor quality furniture and for its replacement. The Forum directed payment of compensation of Rs. 2100 to the satisfaction of complainant.
- * A complaint was filed against a TV manufacturer for refund of the cost, interest and compensation for defective TV set. Under the orders of the Forum the set was repaired to the satisfaction of complainant and a fresh guarantee was also given.
- * On a complaint for the replacement of a juicer attachment the replacement was done under the orders of the Forum and a fresh guarantee was provided.
- * On a complaint against the dealer for unsatisfactory service relating to a watch, the watch was serviced to the satisfaction of complainant and a fresh guarantee was issued.

- * A complaint was filed against DESU for issuing bills on average basis. The forum ordered the bills to be based on correct reading.
- * A complaint was made against a hospital for return of advance with compensation, which was deposited for booking a single room in the hospital. The Forum directed the refund along with compensation.
- * A complaint was filed against a TV manufacturer for compensation and recovery of amount towards buying certain components required for removal of defect in the TV set. The complainant was given compensation of Rs. 7000 under the orders of the Forum.
- * A complaint was filed against the Municipal Corporation of Delhi for the non-filling of the pit in the cut made in the road. Under the orders of the Forum repair was carried out to the satisfaction of the complainant.
- * A housewife complained against a dairy industry for compensation for mental torture and expenses incurred due to impurities in the milk powder. The Forum directed payment of compensation of Rs. 1500 for the expenses incurred by the housewife.
- * A complaint was filed against the Delhi Mahanagar Telephone Nigam Limited for the refund of bill amount paid after disconnection of the telephone, along with interest and compensation. Under the orders of the Forum the Telephone Nigam paid a cheque of Rs. 4061 to the complainant to his satisfaction.
- * A complaint was made for refund of cost of sarees which were found defective. Under the orders of the Forum the price of sarees was totally refunded for used sarees as well as unused sarees.
- * A complaint was filed against Punjab National Fertiliser Corporation for the non-refund of fixed deposit maturity amount. Under the orders of the Forum the payment was received by the complainant to his satisfaction.

Forums in Andhra Pradesh

- * On receiving a complaint the Nellore Forum directed the dealer of H.P. Gas Agency to give a gas connection to the complainant.
 - * On receiving a complaint Nargonda Forum directed the Depot Manager of transport corporation to refund the excess fare collected from two passengers.
 - * A complaint was made to Khammam Forum that the gas company was insisting on purchase of gas-stove manufactured by a particular manufacturer. The Forum directed the gas dealer not to insist on purchase of that particular stove.
 - * A complaint was made before Khammam Forum about the delay in installation of new telephone connection under special category of "small scale industry". The Forum directed the installation of telephone within one month.
- ### Cases Decided by Bihar State Commission
- * A sitting judge of Patna High Court filed a petition before the State Commission, complaining about defects and deficiencies in a car purchased by him. On the notice issued by the State Commission the manufacturer forthwith undertook to remove all defects and carried out denting and painting of the car to the satisfaction of the consumer.
 - * A complaint was filed against supply of defective TV set. In response to the notice both parties appeared before the Commission and matter was settled to the satisfaction of the complainant.
 - * A complaint was filed before the Commission relating to defects in auto-clave machine. The Commission directed replacement of the machine and payment of compensation of Rs. 10,000 to the complainant. A fine of Rs. 2,000 was also imposed.
- A former judge of the Patna High Court filed a complaint against the telephone department relating to defective telephone. The telephone was forthwith set right.

- ★ A sugar manufacturing company filed a complaint against an engineering company relating to supply of old parts to them and the charge of Rs. 64,000 for partial repair done to the machinery of the complainant. Under the orders of State Commission the opposite party returned the amount of Rs. 64,000. along with interest @ 16 per cent which was given to him as advance, and to pay compensation of Rs. 20,000 for the loss suffered due to negligence of the party.
- ★ A complaint was filed against the General Manager of Eastern Railway, Calcutta, regarding non-working of fans and wooden shutters in coach of Express train on particular day when the complainant travelled. It was alleged that wife of the complainant got injury due to exposed nails of the upper berth in the compartment, as a result of which the complainant and his wife suffered mental torture, body injury and humiliation. The State Commission directed the Railway Administration to pay compensation of Rs. 10,000 each to the passengers.
- ★ A complaint was filed against an iron and steel dealer for charging excess price in connection with the sale of iron rods. The State Commission directed the return of amount of Rs. 12,500 along with a compensation of Rs. 10,000 to the complainant for his physical and mental torture and economic loss.
- ★ Chairman of a sugar manufacturing concern filed complaint against an engineering works for refund of the amount of Rs. 1.8 lakhs paid in advance and to pay compensation for the damages suffered by the complainant for non-supply & commissioning of the ordered material. The State Commission directed the refund of Rs. 1.8 lakhs with interest @ 18 per cent and a compensation of Rs. 30,000.
- ★ A complaint was filed against the railway authorities of Asansol complaining about the bad non-conditions of a retiring room at Madhur Railway station. It was alleged that the bed-sheet had not been provided, mosquito net was in bad shape and the electric fan was not working. The State Commission ordered the payment of Rs. 500 to the complainant as compensation.

Users of Telegraph Services

PLEASE NOTE

The consumers Protection Council, Tiruchirapalli, Tamil Nadu, has recently undertaken three important studies. These covered the areas of postal delays, toothpaste quality, and functioning of telegrams service. Useful data has been collected by the Council on these subjects. We give below the report of survey relating to the operations of telegrams. It shows how telegrams do not reach in time in a number of cases, and letters sent as substitutes can reach earlier.

Telegrams Survey

The Consumer Protection Council, Tamil Nadu and Seethalakshmi Ramaswamy College, Tiruchi B. Sc., Maths Students jointly conducted a survey on the

Telegraph Service.

The survey was done during the February March at Tiruchirapalli.

The objective of the survey was to monitor and find out the delay in Telegraphic service (ordinary).

It was assumed that Tiruchy being an important city, the service provided here would be as efficient as any other major town.

Modus Operandi

Our volunteers stationed themselves outside important Telegraph offices in Tiruchy and as the customers came out of Telegraph office after their telegrams, they were stopped by the volunteers and

the following information was obtained.

1. Name and address of person to whom telegram was sent.
2. Time and date of sending.
3. Name and address of sender.

On the same day, a reply post card was posted to each of the recipients of Telegrams informing them that a telegram has been sent to him/her from..... Telegraph office by person. They were requested to reply in the reply post card informing us the date and time of the receipt.

Our faith in Telegraph service was so strong that we forgot to include a column whether Telegram was received or not.

Survey Report

On the whole, our volunteers met 83 people who had given telegram on 17, 18, 19 Febtuary at various Telegraph offices in Tiruchi, and 83 cards were posted,

We started receiving replies from the third day onwards. Besides the information requested, we were given valuable comments by the recipients. About fifty percent responded.

The information in the reply card has been tabulated and analysed. It shows following results.

Six people said they did not receive the telegram at all. At least as on 28-2-89. Our subsequent correspondence as on 1-4-89 with them gave us no further information.

2. It so happened that all the telegrams given except three were to addresses outside Tamil Nadu. Of the relegrams for which we had received replies

we found that 18 per cent of the telegrams were not received at all.

24 per cent of the telegrams only had been delivered within 2 to 4 hours. Some of the messages were priority in nature.

12 per cent of the telegrams had been delivered within 4 to 6 hours.

9 per cent of the telegrams had been delivered within 6 to 12 hours.

Another 12 per cent had been delivered within 12 to 24 hours.

Another 12 per cent had been delivered within one day to six days.

3 out of 7 telegram to Madras from Tiruchi feached after 24 hours inspite of a Store and forward Miscrowave communication.

In telegraph services, what counts is the time it takes to go to the teleprinter and the time it takes for delivery. Transmission time is very little.

It appears from this random preliminary survey that only about 50 percent of the telegrams could serve the purpose.

In about 50 per cent of the cases, letters posted at the appropriate time had a chance of reaching earlier.

To boot, the printed words in the Telegraphic form says that the department is not responsible for any delay in delivery. And the Department has no norms set for the transmission and delivery of the telegrams.

In the next 8 months, the council plans to take a nation wide survey on this service in a large scale and force the department to become accountable and establish time bound norms for delivary.

Some Problems of Telephones

We have received a note from Mr. D. Parashar of Delhi who was previously connected with Telephones Department in a senior capacity. In it he has dealt

with some of the problems encountered by the users of telephones. The note is reproduced below :

Indian Telephone Department, now known as Department of Telecommunications, has over last two decades, steeply hiked its tariffs, while its services have gravely deteriorated, both qualitatively and quantitatively, over the same period. Those who lived in Delhi/New Delhi, during late sixties, would recollect that calls to 197 (Enquiries) used to be free (unmetered). The Department, through an arbitrarily taken administrative decision, changed scheme of things and calls to 197 became metered and charged. No explanations for such an arbitrary and adverse decision were considered necessary, by the Department, to its clients/subscribers.

Looked at it rationally, why does one feel any necessity of ringing up 197? In Delhi, seat of Central Government, number of changes of telephones taking place daily run into hundreds. Then there are also large number of telephones, which are left out of any issue of a Telephone Directory and a large number of entries are misprinted. Issues of Telephone Directory are brought out with inordinate delays. Why should hapless Telephone users be made to foot the bill for failures of the Department, remains unanswered.

Copies of Telephone Directory used to be delivered at doors of Telephone users, till some years back. Again an arbitrary administrative decision was taken, to the disadvantage of Telephone users and the practice was discontinued. Now subscribers are required to collect these from Directory Distribution centres themselves, which again are located at places convenient for the Department.

To start with, such distribution centres used to be located in each Telephone Exchange. Of late, these are located either at Eastern Court only, or at the most in offices of respective Area Managers. Such centres are naturally located at considerable distances from residences of subscribers. People are required to carry their Directories to these distant centres and then carry copies of new Directory back to their respective residences. Then at such distribution

centres, long queues form and it takes anything from half an hour to one hour, before one's turn comes. This entire process costs every subscriber from 1/2 a day to a full day, for the entire process to be completed. The Department has quietly passed on its responsibility to the subscribers, without compensating them in any manner whatsoever.

In a large and developing network, change of Telephone numbers is a normal phenomenon. In case of Delhi, it is a bit too frequent. In the past, change of numbers and transfer of areas, from one Telephone Exchange to another, was generally linked with publication of an issue of Telephone Directory, or at least publication of list of affected numbers in the change-over in a supplement. Copies of such supplements were supplied by the Department, to every subscriber. For last several years now, the Department feels that it has discharged its duty fully by just publishing list of such Telephone numbers, in Daily newspapers. To top it all, such changes are announced a number of times, during the period between two issues of Telephone Directory. So the onus of keeping track of such lists and consulting so many of them, at the time one needs to make a Telephone call, is again passed on to subscribers. Why can't the Department time such changes that are to be effected say once a quarter, and list of new numbers opened since publication of previous Directory, as well as those that are to be changed compiled in form of a supplement, copies of which are supplied to every subscriber?

Extent of complaint service (198) has been severely curtailed particularly in Electronic Exchanges. Supervisory staff is not available between 6 P.M. and 8 A.M. as well as on holidays. Similar is the case in respect of out-door supervisory staff. This has drastically reduced the time during which complaints lodged by subscribers of faults are attended to. Claim of the Department that complaints of subscribers are attended to within 2 hours is not correct. Instances are not lacking when faults continue for weeks on end.

It is announced in Telephone Directory that a sub

scriber should complain to higher officers in case duration of faults exceeds more than 2 hours. But in about 90-95 per cent cases these so called "higher officers" are not available on their Telephones, when some one wants to complain to them. Even if they are available in their offices, it is most common for their PAs and other staff, to blandly state that they have gone out. Some times one is unable to establish contact with officers even after making a dozen and more calls. The Department merrily continues to earn revenue for every call made. So while the subscriber is denied service of Telephone, the Department is better off, as it is earning revenues even for its failures. This is perhaps the only Department that benefits from its failures.

In days gone by only line-men used to handle faults. Now for several years this job is assigned to daily rated mazdoors. With no experience and training, they flounder their way. The fault rectification is not satisfactorily done and takes much longer than it should. This seems to bother no one. Nobody feels concerned as to why a Telephone develops faults repeatedly and at short intervals.

Tariffs of services offered by Department of Telecommunications have been rising steeply. This activity of Department bears no relation to proportionate improvement in functioning and services of the Department. The main emphasis is on somehow earning revenues.

The Department is becoming excessively top heavy. It is possible to get post of a General Manager sanctioned far more easily than that of a Clerk, a Telephone operator or a peon. For example, in case of Delhi Telecommunications itself, where there used to be one General Manager, assisted by 4-5 Additional General Managers, now there is one Chief General Manager, assisted by 4-5 General Managers. Story is the same in every move or exercise the Department undertakes, the most important motive is career promotion of senior functionaries, who func-

tion as a closed society, taking great care of mutual interests. Improvements in quality of service rendered to subscribers is of no consequence.

It is quite often observed that the Department pats its back for improvements brought about in services rendered. Much of it is due to the superior type of equipment being progressively used, viz. electronic equipment. It only functions much better, but also takes much lesser time to instal. It also requires much lesser space than in case of equipment used earlier. Improvement of service is not due to any improved efficiency of functioning of the Department for which they could legitimately take any credit.

It is imperative that telephone users are organised on a platform, from which they could move to look after their interests. It is also necessary that fleecing of subscribers is brought to the notice of National Commission Disputes Redressal and Consumer Forums, so that suitable directions are issued to the Department to stop its depredations.

The other day the Chief General Manager Telephones, New Delhi, patted his back, that revenue of the Department has risen considerably since formation of Mahanagar Telephone Nigam. This has in fact become possible due to accelerated opening of Telephone Exchanges, with imported Telephone equipment and steep rise in tariff from Rs. 200/- to Rs. 330/- for a period of two months. No one has bothered to see if increase in tariff is commensurate with improvement in services rendered to subscribers. Even a minor shower in Delhi renders hundreds and thousands of Telephones out of order, for periods longer than 15 days to 30 days at a time. Still the Department does not feel obliged to give rebate of rental to subscribers.

The Package Can Deceive

Nearly all the products in the markets of the country, except certain bulk products, are now being sold in packages. Importance of packages and the observance of rules prescribed under the packages Commodities Rules of the Standards of Weights & Measures Act is thus self-evident. We have previously highlighted the problems of the printing of price on the packages and the unfortunate connotation of the words 'local taxes extra'. There are certain other problems relating to packages and the description of their contents. Some of these are presented in an article of Ms Anjana Pasricha, which appeared recently in the Evening News of Delhi. We reproduce this article for wider dissemination to the consumers.

As a housewife or a customer who scours the markets for daily consumables, are you aware that the packaged form in which you buy most of your commodities can and very often do subtly mislead you into making a wrong choice? That you may select a face cream, a toilet soap, or a processed food which appears cheaper compared to competing brands simply because the manufacturer is using what is known as deceptive packaging.

Today, most commodities are sold in pre-packed forms. While this is definitely convenient in many ways, it also means that the customer cannot directly ascertain either the quality or the contents of the package.

Few people are aware that even leading manufacturers and large companies often take advantage of this and resort to what is known as "deceptive packaging". Fewer still, know that they need not be helpless spectators when they are duped in this manner as there are specific laws to prevent this and protect the interest of the consumers. These laws were formulated in India under the amended Standards of Weights and Measures Act, 1976.

According to these rules, "deceptive package" means a packet which is so designed as to deliberately give the consumer an exaggerated or misleading impression as to the quantity of the commodity contained therein, except where bigger dimensions of the package can be justified by the manufacturer/

packer on the ground that such dimensions are necessary for giving protection to the commodity contained therein, or for meeting the requirements of the machinery used for filling the packet.

However, some manufacturers continue to circumvent the provisions of the Act in various ways. The problem is particularly rampant in the cosmetics industry and to some extent in the processed foods industry. It basically stems from the fact that most consumers tend to judge the quantum of a product from the visual size of a bottle/jar/packet rather than by the net weight printed on it.

Secondly, even the discerning consumer can be fooled due to the proliferation in pack sizes which often makes a per unit price comparison difficult. Thirdly, manufacturers sometimes tend to reduce the quantity of a product marginally while retaining the price and the original pack size of the larger product. Let us examine a few typical examples.

A 150 ml bottle of shampoo may look as big as a 200 ml bottle if it uses a small base and a long, narrow neck. While selecting a brand, most consumers will simply judge by the display on a chemists shelf or in a general store rather than peer into labels on different bottles trying to read the weight and make a price comparison.

Many cosmetic creams are packed in jars with

unnecessarily thick walls and false bottoms to increase the overall package size. Detergent are sometimes filled in cardboard boxes or even plastic pouches where 25 per cent of the space is not filled. Biscuit packs (specially the large ones) may have a lot of unnecessary stuffing around them. This is specially true for the wide variety of 'gift packs' by biscuit, sweets and dry fruits manufacturers or dealers marketed at Diwali and Christmas time.

Officials of the Directorate of Weights & Measures point out that the discipline of using 'fair' pack sizes has been imposed to some extent on the organised sector in Indian industry. But subtle violations continue, specially because it is very often legally difficult to establish that a particular package is deceptive.

The cosmetics industry, for instance, often uses the plea that some insulation is necessary in bottles/jars to protect the product. Hence consumers would be well-advised to carefully read the weight printed on all items particularly soaps, detergents etc. before making a purchase.

Proliferation in unit sizes is another ploy used by manufacturers to fool people. This again has been controlled to some extent by the law relating to standard pack sizes. Under this law, 34 commonly used commodities such as tea, coffee, soap, tooth-paste, baby foods etc. can only be packed in weights as prescribed by the rules for each item.

Thus toothpaste was earlier packed in odd quantities such as 98 grams, 130 grams, 245 grams and so on. Now the rules prescribe that tooth-paste can only be packed in net quantities of 50 grams, 75 grams, 100 grams, 125 grams, 150 grams and hereafter in multiples of 50 grams. How does this help the consumer? the following chart provides the answer.

Non-standard packs :

245 grams—Rs. 6.90

525 grams—Rs. 14.50

Standard packs :

250 grams—Rs. 7.05

500 grams—Rs. 13.80

In the former case, the consumer would need a calculator to make out which is cheaper. In the latter the judgment is quick and instant.

Another example of such subtle deception is :

Marketed by A 450 grams for Rs. 20.70. Market by B 500 grams for Rs. 22.00.

• Calculated price : A 500 grams—Rs. 23.00, B 500 grams 22.00.

While the rules have safeguarded the consumer to some extent, there is still unnecessary proliferation in sizes. Thus shampoo is available in 150 ml., 180 ml and 200 ml sizes (besides others). Comparisons in this small range are often difficult. Most toilet soaps are available in the 100 gram size but occasionally there is a manufacturer who markets his product in the 75 grams or 80 grams sizes. The outer carton in this case continues to look very much like that of the former size. In such a case, the consumer must be wary and use his own Judgment.

Any gross and blatant violations of these rules can be reported by any consumer to the Controller, Weights and Measures, Delhi Administration, C.P.O. Building, Kashmere Gate, Telephone 2515573. Alternatively, you can take your complaint with the President (District Forum), Consumer Disputes Redressal Room No. 2 and 3, Old Civil Supply Building, Tis Hazari Court Complex, Delhi, or to the corresponding District forum of the district and the Controller of Weights & Measures.

For Pensioners

Pre-1973 Pensioners

The case relating to pre-1973 pensioners is back again in the Supreme Court. The Central Administrative Tribunal decided in favour of the pensioners. Government of India filed appeal against the decision of CAT. Pensioners gave up the claim relating to gratuity on the impression being given that the government would not contest the matter of pension; but later the government again moved the Supreme Court on the plea that there had been a misunderstanding. On behalf of pensioners a petition was submitted before CAT about contempt of court for non-implementation of its decision. Meanwhile, the government has been able to secure from the Supreme Court a directive that the entire appeal against the original [decision of CAT will be heard again. The hearing of the case is expected to come up after the summer vacations. Effort of the government is to somehow get this case tacked on to other pending writ petitions in which certain other claims made by the pensioners, arising from the original Supreme Court judgement on pensions case, [are pending. If this gets done, the case of pre-1973 pensioners will unfortunately languish and may not be decided for long.

The original CAT judgement regarding pre-1973 pensioners related to the claim of all-India Services pensioners. COMMON CAUSE filed application before CAT that this decision should have application to all pensioners and not be restricted to all-India Services pensioners. This matter has also been now taken to the Supreme Court by COMMON CAUSE in the shape of an intervention application which will come up when the main appeal is taken up for hearing.

Family Pension Benefits

We reproduce below a letter written by COMMON

CAUSE to the Pensions Department of the Government of India on which a favourable decision has recently been announced by the government, allowing the benefits of family pension to be extended also to the widows of pensioners who marry after retirement, provided the marriage has taken place during the period of five years after retirement or before reaching the age of 45 years whichever is earlier.

The letter reproduced below was addressed to the Pensions Department, with copy to the Defence Ministry :

"A matter of considerable seriousness has been brought to our notice relating to family pension of the Defence personnel I am referring it to you. I would be grateful for your kindly examining it in consultation with the Ministry of Defence.

As you know the Defence personnel, particularly in the ranks, retire very early. Besides the factum of early retirement] the jawans of all the three services, in early years of even twenties, face hostilities in the field, as in Sri Lanka at present. When a jawan suffers serious disability he gets disability pension. He is no longer utilisable for service and is therefore retired while he is still very young. We understand that if such a jawan, suffering serious disability, marries after he is discharged from service and after he is placed on retirement list, his widow will not be entitled to any family pension on his demise. This is obviously very cruel. We can understand the need of such a rule operating in the case of government servants who retire after the normal period of service, say at the age of 58 years; if such a retired government servant marries, his widow, on his demise, is not entitled to pension. Even in such a

case, where the marriage is genuine, it is hard to deprive the widow the benefits of family pension, but in the case of young jawan who gets serious disability and who marries after being placed on retirement list, such deprivation of family pension entitlement is totally unjustifiable. On suffering the disability he might marry so that his wife can look after him, then, why should his widow, on his demise, not be treated as the normal widow and be rendered entitled to the benefits of family pension? This would of course be equally applicable to the children who are made entitled to the benefit of family pension in the prescribed circumstances.

We understand that such deprivations are causing resentment in the defence personnel. Obviously, it is desirable that the Government should avoid giving opportunity of building of such resentment"

(Continued from Page 1)

not issuing to any person more than two copies of birth and death certificates at a time. As these are now-a-days required for various purposes and the applicants are prepared to pay the fees for the purpose there is now reason why this limitation on the number should be arbitrarily fixed. We took up the matter with the Chief Secretary of Delhi Administration. The government has now issued the requisite instructions that applicants should be given any number of copies they require.

We lodged a complaint with the Delhi Consumers Disputes Redressal Forum about the non-printing of price on the Kodak films. The plea normally taken by the dealers is that Packages of imported products do not need to comply with the Packaged Commodities Rules, which is obviously wrong. The Forum directed the concerned company, which imports these films, to ensure that price is marked on the film packages. Period of one month was given for compliance with the order. The company has not yet complied with the order. We have accordingly requested the Delhi Forum to now initiate action of passing sentence against the company under S. 26 of the Consumers Protection Act which provides for Imprisonment and fine for non-compliance,

Provident Fund Retirees

Enquiries keep coming to us from persons who retired on provident fund or, as is claimed, on full commutation. This matter was taken to the Supreme Court by some senior railway retirees, claiming pension in the present circumstances. The matter is still before the Supreme Court. One cannot conjecture as to when this case will be decided. Obviously, when the decision is taken it will get publicised.

Numerous other problems of pensioners, individual as well as collective, keep coming to us. We cannot of course deal with individual problems: these are forwarded to the Pensions Department or the Defence Ministry as the case may be.

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