COMMON CAUSE

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YOU TOO CAN

In this issue of our periodical we place before you the series of importance initiatives in courts which over the last ten years from the platform of COMMON CAUSE we have had the privilege of taking for ameliorating the problems of the people. These initiatives have yielded very satisfying and far-reaching results, literally benefitting millions.

Over and above these initiatives in courts we are constantly involved in dealing with numerous public causes which keep coming to us from all over the country. We of course cannot take up individual problems but these do inevitably come up; we refer them to the concerned departments, organizations and ministries etc. for appropriate action. The magnitude of our operations would be adjudgeable from the fact that during these years over 25000 communications and replies to letter have been despatched, other than the preparation of material of this periodical and its despatch.

1. We seek your help to expand membership. If you have faith in the services of COMMON CAUSE kindly reach out to others for taking membership.
2. Life Membership subscription is Rs.250; Annual Membership subscription Rs.50; organisation/association membership annual fee Rs.200. No form is required. We only need name and complete address, preferably written in capital letters, alongwith cheque/draft drawn in favour of COMMON CAUSE.
3. Kindly do not omit to inform us about change of address. Our address is A-31, WEST END, NEW DELHI-110021.

Our purpose in presenting this broad canvas of our initiatives and burdens is two-fold. One is to place before you what an organisation, motivated solely by the urge to render selfless dedicated service, has been able to achieve; and thereby to convince you that such achievements are within your reach too. They will need intensive and sustained effort, based on detailed study of the problems, and thorough acquaintanceship with the procedures of course if the remedy is sought there. Our exhortation to you therefore is YOU TOO CAN.

Second objective is to convey to you that although we have the full support of our members all over the country and of our high-level Governing Body there is inevitably a sense of failure to achieve the setting up of an effective organisational structure for enabling the important work to be carried on. We have sought help from large number of highly experienced and knowledgeable people; a number of people have come and offered help. But, when it comes to the need of intensive study of the individual problems for enabling initiatives to be taken of the nature outlined in this account, on dedicated and voluntary basis, it has not been possible for them to provide the help. The need is not of mechanical, routine office-work; help is needed for intensive study of individual problems, their legal ramifications, and preparation of material for filing writ petitions etc. This level of help perhaps may not be available on voluntary basis, and on this account the organisation has not developed.

We seek help and suggestions for enabling the organisation to be strengthen and carried on. We can take legitimate pride that various initiatives taken by COMMON CAUSE in taking public causes to courts have helped to inspire and stimulate the expansion of similar effort by various organisations and individuals. There is a general awakening among the people that matters of public interest, which languish in the hands of executive, can be fruitfully agitated before the courts for redressal. We are keen that COMMON CAUSE should with reinforced vigour be able to carry on this rewarding labour. Those with resources and urge for public service, and competence to further build and expand the organisation, would do great service to this endeavour by taking up this challenge and coming for to help. I have crossed 80 years, and hence my present anxiety.

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MISCELLANEOUS

PENSIONS

The trumpeted decision on the demand of "One Rank One Pension" has been announced by the government. It is contained in a big volume of 480 large sized pages. Perhaps the government expects that this large volume will convey satisfaction to the defence pensioners. Retired officers have felt disappointed with the decisions; these primarily convey certain benefits to the other ranks.

Civil pensioners have been demanding that we should raise this matter also for them and prevail upon the government to yield to their demand. We feel that this effort will be futile.

Secondly, the pensioners have been suggesting that we should demand enhancement of pensions of pre-1986 pensioners to bring them in line with the pensions of post-1986 pensioners. We feel that there should be a limit to the demands of pensioners, and are disinclined to take up this issue.

Thirdly, some pensioners feel aggrieved at the decision of the government to effect restoration of pension commutation 15 years from the date of commutation instead of 15 years from the date of retirement as was decided by the Supreme Court. In this matter too we feel disinclined to further pursue because commutation sometimes takes place or is asked for after lapse of substantial period from the date of retirement, and it is appropriate that the restoration of commutation should come about 15 years after commutation, which is in accord with the spirit of Supreme Court decision.

Fourthly, some pensioners have expressed that where the spouse of the pensioner, who was to be the beneficiary of the family pension, has pre-deceased the pensioner, and the pensioner had been subjected to two months' salary deduction from the gratuity (which deduction was subsequently done away with after September 1977) the pensioner should be given back the two months' deducted salary. This is a reasonable demand, and the government should refund the deducted amount. We have filed a Petition before the Central Administrative Tribunal and the matter is expected to be placed before a larger Bench of the Tribunal.

PROPERTY TAX

We continue pursuing this important matter. A self-contained note on this subject was recently prepared and sent to the government and municipal functionaries. In it we have given an alternative practical solution to this vexed problem, suggesting that instead of basing the determination of rateable value on cost of construction and price of land, which have escalated beyond measure in recent years, the calculation should be based on the area of plot and the aggregate area constructed on it; because these are related to the quantum of municipal services, the area of plot being related to the quantum of drainage, road length, street lighting, end the volume constructed on it determining the services of sewerage, garbage etc. We have recently written to the new Lt Governor requesting him to withhold further action of Delhi Administration on the recommendations of High Powered Committee whose recommendation regarding basis of rateable value assessment is likely to cause serious problems and may lead to agitations by the houseowners and to no-tax campaign etc.

LEASE-HOLD CONVERSION

In recent months the Delhi Administration has entered upon the scheme of conversion of lease-hold lands and government built flats to free-hold. While the objective in general is welcome to the people they feel that some of the provisions of the scheme are very unsatisfactory. The schemeenvisages that plots upto 150 sq mtrs and the government built flats will be compulsorily converted; plots

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PUBLIC INTEREST LITIGATION

A ROMANCE WITH PUBLIC CAUSES

H.D. SHOURIE

For over ten years I have now had a running romance with public causes. It has been a very satisfying, selfless, voluntary effort, a labour of love; its successes have enthused me and its failures have challenged me to greater effort. I feel everyone can pick up such challenges, imbibing the capacity and capability of handling them. I tell others, therefore : You too can do it.

The romance began on setting up the organisation COMMON CAUSE, in the shape of a registered society, through the support and cooperation of some friends and colleagues. I had hit upon the name on reading of organisation of same name in the United States; the name is self-explanatory and expressive. I wrote to this organisation in USA that we were adopting the name; it is combination of dictionary words; there would be clear understanding that there is no affiliation between the two organisations; and requested them if they had any objection. A letter came from the then President of the USA organisation saying that they could not object to the use of the name and re-affirming that there will be no affiliation between these organisations. Since then there has been no exchange of communications.

Through COMMON CAUSE I have taken up numerous public causes, from pensions to electricity billing, to property tax, intra venous fluids, lawyer's strikes, operation of blood banks etc. I have knocked at the doors of the concerned government departments, corporations and institutions, exploring the avenues for redressal of the grievances of the people, and eventually taken the matters to courts. My experience has been that while it is extremely difficult to get appropriate remedy from the government departments, particularly in cases of importance affecting large numbers of people, arising primarily from the malaise and the hesitation on the part of functionaries at every level to take decisions, the directions emanating from courts still carry weight, compelling the government machinery to act. Therefore, the matters raised from COMMON CAUSE which have succeeded in courts, for redressal of the grievances of the people, have largely got straightened out through such stratagem. Public interest litigation has, due to these various factors, gained momentum in the country during the last decade, and I have had the privilege of participating in its extension to certain public causes of great importance, involving interests of multitudes. In the present account I attempt present a glimpse of this saga of continuing effort. In this account relevant facts will be given about some of the important cases which have been taken up in courts from the platform of COMMON CAUSE.

PENSIONS

The first matter of primary importance taken to the Supreme Court was the one relating to pensions, which has attracted notice all over the country and has benefitted the total of over three million pensioners. In 1979 the Government of India had introduced a measure of liberalisation for its pensioners, altering the formula of calculation of pension and thereby according a substantial increase, to provide some relief to the pensioners, of the civil as well as defence establishments, against the developing inflationary pressures. In issuing the orders of liberalization, however, the government restricted the benefit of this measure only to those who were to retire after 1.4.1979. The then existing pre-1979 pensioners naturally raised howl, submitted representations, but all were turned down. Being myself a pre-1979 pensioner I took up the challenge. Through letters-to-the-editors in newspapers all over the country I asked pensioners to address representations to the then Prime Minister, Mrs Indira

procedure the decision derives its name from the previous petition.

Another matter related to family pensions has recently been filed by us, this time before the Central Administrative Tribunal. Employees of the central government, upon the introduction of the scheme in 1964, were expected to make contribution towards this provision, and two months' salary was deducted from their gratuity on retirement. This arrangement carried on till 1977 when the provision of deduction of two months' salary was dispensed with by the government. Some pensioners have raised the issue that where the spouse of the pensioner, who was to be the beneficiary of the family pension, has passed away, and the pensioner was subjected to the deduction of two months' salary, this amount should be refunded to him. This matter has previously come up before the Tribunal and there are conflicting decisions on it. We have submitted the petition to the Tribunal for its consideration by a larger bench.

PRE-1973 PENSIONERS

Another problem of pensions involves an unfortunate decision which has been taken by the Supreme Court on writ petition which was filed by Pensioners Association of All-India Services and in which we had intervened from the platform of COMMON CAUSE. In 1973 Government of India had introduced an initial element of liberalisation. This too had been made applicable only to those who retired after 1st January 1973 and denied to those who had retired earlier. On the basis of the Supreme Court judgement in the above-mentioned case it was claimed in the writ petition that arrears of the liberalisation element, between 1973 and 1979, should be given to all pensioners of All India Services. As the writ petition was restrictive in its claim only to the pensioners of All India Services we from COMMON CAUSE filed intervention application seeking the application of this liberalization to all pensioners of the central government, civil as well as defence. This case dragged on for a long while and had its ups and downs; it eventually came up for hearing before the Constitution Bench to which it had been referred. The Constitution Bench took the view that the writ petition had been filed after a long period of over ten years as the order of liberalisation was issued in 1973, and therefore it should be considered as barred by limitation. On this ground the legitimate demand of pre-1973 pensioners, a small number of whom are presently alive, has got rejected. From COMMON CAUSE I had in fact taken this matter also before the Central Administrative Tribunal in a comprehensive petition, but the Tribunal decided to abide by the decision of the Supreme Court on the writ petition of the All India Services Pensioners Association.

A very large number of problems of individual pensioners, as well as pensioners of some institutions and organisations, keep coming to COMMON CAUSE from all over the country. These are referred by us to the concerned authorities of the central government, including the pensions department concerned with civil pensioners, Railway Board in the case of railway pensioners, the Adjutant General's office for defence pensioners, and also to state governments and concerned institutions. Often these references have yielded positive results, and have brought blessings of the pensioners to COMMON CAUSE.

PROPERTY TAX

The basis and procedures of assessment of property tax by the municipal authorities are in general presenting serious problems to the owners of premises in towns and metropolitan areas. The levy is on residential and commercial properties as well as on schools, hospitals etc. People recognize that the municipal authorities need funds to enable them to provide the various services and that property tax has now become practically the major source of revenue for them. What the residents complain about are the anomalies, discriminations and distortions in the assessments, the areas of discretion available to the staff for determining the assessments and consequent accompaniment of

corruption, enormous delays in securing redressal on representations and appeals. The basis of assessment of property tax, in most of the municipal bodies, is the annual rental value, calculated on the rent which the building is expected to fetch from year to year; this constitutes the rateable value which is the determinant of the property tax payable; procedures are prescribed for annual preparation of lists of rateable values of all properties of the municipal authority and system is prescribed for inviting objections and finalising the rateable values of the respective properties thereafter.

Various aspects of these provisions have over the decades formed the subject of cases which have been decided by the High Courts and the Supreme Court, with the result that a virtual compendium of cases has emerged in relation to this matter. COMMON CAUSE had been feeling concerned about the problems encountered by the Delhi house-owners against the distortions and anomalies in the assessment of rateable values and resultant demands of property tax. One aspect of the matter, relating to the palpable differential in the rates of property tax in the contiguous areas of Delhi Municipal Corporation and New Delhi Municipal Committee was taken by us to the Petitions Committee of the Parliament but no satisfactory solution emerged from this effort. A comprehensive Writ Petition was then filed by me from the platform of COMMON CAUSE in the Supreme Court for seeking enunciation of the law on various aspects of the basis of assessment or rateable value/property tax in relation to the different categories of properties, namely, residential/ commercial, rented/self-occupied, partly rented/partly self-occupied, and constructed on lease-hold land and free-hold land. Details of the problems encountered in relation to these categories of properties were furnished in the petition, in the context of the statutory provisions and enunciation of the law as it then stood. The case was pursued in the Supreme Court by Harish Salve, senior advocate, and Pramod Dayal, advocate, who were kind enough to help us in it. The judgement given by the Supreme Court in this case is another landmark, cited as Dr. Balbir Singh & Others vs Union of India (1985-SC-351), in accordance with the normal procedure of the Supreme Court, on account of a previous petition of one Dr. Balbir Singh already previously pending in the court. In this judgement all the important issues were clarified by the court in detail. However, another problem later emerged, on the continuing demand of Delhi Municipal Corporation, of insisting to compute the escalated price of land on any subsequent addition to an existing construction. This matter was again taken to the Supreme Court by me for seeking clarification, which was given vide the decision recorded as citation (AIR 1987 SC 2211) wherein it was laid down that the price of land cannot be taken twice over when any subsequent construction comes about on the same plot.

This important decision on our main writ petition, and the clarification secured from the Supreme Court, solved problems for tens of thousands of owners of houses and commercial properties all over Delhi and New Delhi, and enunciated the law on the subject for providing guidance and help to people in all the urban centres of the country. The matter of assessment of property tax has, however, since continued to get increasingly entangled in rising demands of the municipal authorities and the inevitable resistance of the people. The municipal authorities have utilised all sorts of stratagems for raising the revenues from this source and the people have continued to fight in the courts as well as at the political level. Problem mainly arises from the unfortunate linkage which has got established between the Rent Control law and the municipal provisions relating to property tax. This linkage is presenting serious problems, which have recently got further aggravated in the case of Delhi and New Delhi because of certain amendments which were made in December 1988 in the Delhi Rent Control Act. The municipal authorities have sought to take advantage of these amendments for enhancing the property tax, and the people have continued to resist the imposition because of the extreme discriminations and anomalies these involve.

Tens of thousands of notices were served on the owners during the earlier months of 1991 by the municipal authorities of Delhi and New Delhi proposing to enhance the rateable values, in some

cases 20 times to 100 times, causing extreme disturbance and concern to the owners. From COMMON CAUSE this matter was taken to the Supreme Court in a writ petition. The court, however, remarked that since the entire matter of re-structuring of property tax had been considered by a High Power Committee set up by Delhi Administration, the decisions on recommendations emanating from the Committee need to be expedited; the writ petition was not accepted. As the matter during the following few months still continued to seriously bother the people, and the Delhi Administration and Government of India had not expedited decisions on the recommendations of High Powered Committee, we again took up this matter and referred it, in another petition, this time to the Delhi High Court, challenging the applicability of amendments of the Rent control law to the statutory provisions relating to property tax. Delhi High Court took a curious view, recording that matters relating to assessment of the property tax could be taken up by affected individuals in appeals and there was accordingly no justification for a public interest litigation to be filed on the subject. Similar view of Delhi High Court, recorded on two earlier writ petitions of COMMON CAUSE, already stands challenged in SLPs (Special Leave Petitions) submitted before the Supreme Court. We consequently again took this matter to the Supreme Court, in another writ petition, for securing a verdict on the important question whether the amendments in the Rent Control law could be utilised by the municipal authorities for altering the rateable values for purposes of assessment of property tax, but once again encountered resistance in admission of the petition. Meanwhile, a writ petition of a housing colony of Delhi, with which COMMON CAUSE is closely associated, has taken this matter to Delhi High Court, and it is at present pending there; we have intervened in this case.

This entire saga of the fight for remedying the aberrations and distortions in the assessments of property tax is thus still simmering. People feel greatly outraged; they do not object to the basic need of payment of this tax for providing revenues to the municipal bodies, but they are not willing to reconcile to its aberrations and absurdities. They look to COMMON CAUSE for guidance and help; we have provided them the measures to file objections against notices served on them. On our suggestion numerous representations have been sent by the people to Delhi Administration and Government of India against these perpetrations, with the result that decisions on the recommendations of High Powered Committee, which are felt to be thoroughly misconceived in relation to the basic element of assessment of the property tax, have got halted. The fight continues, and it is likely that the provocation caused by the distortions and absurdities of the assessment of property tax will continue to be taken up as a challenge by the people for getting these remedied at the political level and through other means of agitation.

ELECTRICITY BILLING - DEFECTIVE METERS

Inefficiency, corruption and wastage have over the years, got associated with the functioning of various public sector enterprises. These hit very closely the lives of the middle class in the urban centres inter-alia in the matter of electricity supply and related billing. One particular matter of considerable importance in relation to electricity billing has been sorted out on the initiative taken by COMMON CAUSE in filing a writ petition in the Delhi High Court. The Delhi Electric Supply Undertaking had been sending extortionate bills, relating to alleged consumption of electricity over past many years, on the ground of replacement of a defective or stopped electricity meter and averaging the consumption of previous many years on the basis of readings evidenced by the replaced meter. The consumer was left with no alternative excepting to yield to the demand, on the pain of facing disconnection of the electricity supply. From COMMON CAUSE I collected some instances of such extortionate demands through a letter-to-the-editor in a Delhi newspaper. A writ petition was thereupon filed in Delhi High Court on the ground that the relevant provision in the Indian Electricity Act specifically laid down that where a meter becomes defective the matter has to be referred for decision to an arbitrator and that the arbitrator can direct the recovery of charges only for a period

of six months and not for any further period. The court thus gave verdict in our favour. This decision is cited as ILR-1987-41 and has application all over the country. It is most unfortunate that DESU continues holding that this decision of the High Court applies only to the persons who were parties to the writ petition along with COMMON CAUSE and cannot be given general application, with the result that affected individuals are now taking benefit of this decision by citing it before courts and fighting against the impositions.

Besides the matter of electricity billing relating to defective or stopped meters we have taken up comprehensively the other problems encountered by tens of thousands of consumers of electricity in Delhi. Complaints relating to these have been filed before the National Commission established under newly enacted Consumers Protection Act. Account of these efforts of COMMON CAUSE will come in the subsequent section relating to cases filed under this new statute.

CRIMINAL CASES IN COUNTRY'S COURTS

While we have had general satisfaction of securing reasonably expeditious decisions of our cases in the Supreme Court and the Delhi High Court, we are facing the problem of excruciating delays in relation to some cases. A case filed by us 5 $^1/_2$ years ago is an example. This case relates to the enormous backlog of cases accumulated in the courts of the country. In it we highlighted the problem of pending criminal cases, which at the time of our filing the case were about 70 lakh and have now grown to the size of almost a crore of cases. We had considered that after dealing with the accumulated criminal cases we would take up separately the matter relating to pending civil and other matters. We made out in the writ petition, which was submitted in September 1986, that the pendancy of criminal cases for long years was violative of the fundamental right of the affected persons, enshrined in Article 21 of the Constitution regarding life and liberty, the right to life including the quality of life, on the basis of enunciation by the Supreme Court. We embodied specific suggestions in the petition about what needs to be done in relation to various categories of pending cases of minor offences (i.e. where maximum punishment awardable under relevant provision was not more than three months and the case had been pending for more than three years, it should be quashed), for the purpose of reducing the backlog of cases, to enable the courts to concentrate on the more important cases for their expeditious completion, taking their cases as illustrations. The then Chief Justice of the Supreme Court had remarked, on admitting the writ petition, that the suggestions made in it were very important, and it was desired by the court that all the State Governments should be impleaded in it. It was also decided by the court to refer this important matter for decision by the Constitution Bench. Unfortunately, this case somehow got tacked on to four other pending criminal cases which had been referred to the Constitution Bench, even though it had no relationship to those cases. This case, which was expected to deal with the delays in courts, thus itself continued to languish and became a pray to such delay. Eventually, when the other connected cases recently came up before the Constitution Bench of the Supreme Court in November 1991 I submitted to the court that this case deserved to be delinked from them for separate hearing. This was eventually done when decision was announced in three of the four pending cases. Unfortunately, it has yet got stuck to the fourth pending case, and now efforts have to be made, in accordance with the prescribed procedures of the court, to secure its further delinking. After that we hope it will some day come up for separate hearing before the Constitution Bench. Meanwhile, half-hearted resistance to the suggestions has been evidenced from a couple of State Governments which, ostensibly in normal routine, have expressed that letting off the accused in any criminal case, however minor the offence, even though the case may have been pending for years, will have adverse effect on the law and order problems. We will counter their arguments when the case is heard.

DOORDARSHAN's FUNCTIONING

A matter of fundamental importance was raised from the platform of COMMON CAUSE before the Supreme Court in a writ petition dealing with the law affecting the freedom of speech and expression, and having a vital bearing on the democratic functioning of the state. This writ petition questioned the state's control over and monopoly of official broadcasting media and the manner of the functioning of the state media. We highlighted our vital interest in upholding the Constitution and in particular the fundamental right of speech and expression guaranteed under Article 19(1)(a) of the Constitution.

It was urged in this writ petition that broadcasting is within the legislative competence of the Union Government and is covered by Entry 31 of List I which reads : "Posts and Telegraphs, telephones, wireless, broadcasting and other like forms of communication". Under the provision of Indian Telegraph Act, which was enacted more than a century ago, the Union of India enjoys exclusive privilege and monopoly of establishing and operating a broadcasting service including the medium of television service. The All India Radio and Doordarshan which operate through the network of radio stations and television transmitters set up in various parts of the country are not autonomous corporations nor are they independent agencies free from the control and directions of the State. They function merely as subordinate departments and are treated as such. In the matter of dissemination of news and views they are totally controlled and manipulated by the State, extra-constitutional means are adopted in effecting censorship, and that too without the authority of any law. It was brought to the notice of the Court that there have been complaints regarding the absence of objectivity and impartiality in the broadcasting of the news and the blatantly partisan manner of projecting the ruling party, its members and the dignitaries and also in the denigrating the opposition and its leaders. It was complained that these media adopted a covert system of censorship resorted to by maintaining an unofficial list of persons who are not to be given access to the electronic media and through censoring the statements of persons from their broadcasts without their knowledge and consent.

This writ petition was submitted in 1989 when the misuse of the broadcasting media formed the subject of severe condemnation from the people in general. It was urged that recommendations of various committees for converting these broadcasting media into autonomous statutory corporations had not been acted upon by the Union of India, with the result that the functioning of these media had continued to be arbitrary, unfair and lacking in objectivity. Specific instances were cited in the writ petition of the misuse of the media.

In the writ petition we sought a declaration that such functioning and operation of the All India Radio and Doordarshan was unconstitutional and prayed for issue of a writ of mandamus restraining the Union of India from operating these electronic media in such partisan manner and to submit to the court precise statement of policy regulating the matter of dissemination of news and views and affording all political parties and persons broadcasting time. When the writ petition came up before the court it was forthwith admitted and notice was issued to the Government of India. In the preparation of this writ petition and in its presentation before the court we had the privilege of the initiatives and help of the known outstanding personality, Soli J. Sorabjee, of the legal profession. The presentation of this writ petition highlighted this serious matter, with the result that the government machinery had to take note of the complaints regarding partisanship and lack of objectivity, and the position has since been slightly better than it then was.

CONSTITUTIONAL AMENDMENT

Through another important writ petition, with the initiative and help of the known legal authority Soli J. Sorabjee, we challenged the constitutional validity of the Constitution (59th Amendment) Act

1988. This writ petition raised substantial questions of law of far-reaching importance, urging that the 59th Amendment of the Constitution damaged its basic structure in as much as it involved violation of the basic and essential features of the Constitution.

In this writ petition we presented the history of evolution of the demand for fundamental rights in the pr-independence days and how the people deemed them to be of precious and paramount importance. We presented also the history of the declaration of emergency under which the specific fundamental rights were curtailed and negatived including the issue of Presidential order suspending the right even to move the court for enforcement of the right to free expression and speech, depriving every citizen the locus standi to even move a writ petition in any High Court. By certain subsequent judicial pronouncements the position has somehow improved. By the 44th Amendment of the Constitution Articles 20 and 21 relating to fundamental rights to life and liberty were made non-suspendable. We urged that the 59th Amendment Act had abrogated the progressive changes which had come about during the intervening years after the declaration of emergency. Before this Amendment the provisions of Article 19 regarding freedom of speech and expression could be suspended only in the case of an emergency on account of security of India or any part thereof being threatened by war or external aggression. The 59th Amendment has so enlarged its scope that emergency can also be declared on account of armed rebellion or if the integrity of the country is threatened by an internal disturbance. In the writ petition it was urged that the presence of Articles 14, 19, 20, 21 and 25 in the Constitution is its basic and essential part and that any Presidential Order or other decision abrogating or diluting these fundamental rights would be construed as damaging the basic structure of the Constitution. On these various grounds we sought the order of the court declaring the 59th Amendment as unconstitutional. The matter came up before the court and rule nisi was issued to the Union of India. It was decided to refer this important matter to the Constitutional Bench of the Court. The matter presently rests there.

POSTS & TELEGRAPHS

An important writ petition was submitted in 1984 from the platform of COMMON CAUSE on the subject which continues to cause enormous exasperation to people all over the country. This subject is the functioning of telephones. In the midst of present day advancements of technology in the areas of telecommunications and electronics and amidst the rapidly advancing requirements of communications people feel greatly concerned about inefficiency and failures of the system of telephones. We highlighted various areas of inefficiency of the operations of telephones in the writ petition. We submitted how the department was making huge profits due to the malfunctioning of telephones, earning revenues out of wrong calls and the failures and defaults of the system. We urged that the profits earned from the telephones were not being utilised for improvement of the service, and in fact the funds earned from this service were being diverted as subsidy to the connected department of posts. We prayed inter alia that the department should be directed not to transfer any part of the profits earned from telephones to the department of posts and to utilise the surplus for the specific purpose of maintenance, improvement and expansion of telephone service.

This writ petition was admitted by the Supreme Court and show cause notice was issued to the government. We found to our great satisfaction that this writ petition was greatly welcomed by the officers of telephones department because it enabled them to secure the objective of bifurcation of the telephones from the posts which they had been advocating for years but had not been able to achieve. It was in fact as a result of this writ petition that the two departments were bifurcated, thereby enabling the telephone department to utilise its surplus for the improvement and expansion of its own services. Moreover, since the subsequent enactment of the Consumers Protection Act the grievances against the telephone department are now being ventilated before the Consumers Courts and the

department is thereby kept on its toes.

MANDAL COMMISSION

Enormous lot has been written in the newspapers etc. on problems arising from the decision taken by the Government of India a couple of years ago whereby it was ordered that a certain percentage of posts at all levels in government offices should be reserved for backward classes defined by Mandal Commission in a report submitted years ago, these reservations being in addition to the reservations provided for the scheduled castes and scheduled tribes under the Constitution. This decision of the government led to agitations in various parts of the country and has formed the subject of a large number of writ petitions filed in the S.C. From COMMON CAUSE a comprehensive writ petition was prepared by me on the basis of material collected from various sources including substance of the Mandal Commission report as well as comments and writings in newspapers. Ours is one of the writ petitions presently before the Constitution Bench as well as the nine member bench of the Supreme Court which has been hearing this case of crucial importance from various viewpoints. We have had the privilege of securing the presence of the known jurist N.A. Palkhivala who has been kind enough to appear in the Supreme Court for COMMON CAUSE and has raised the esteem of our writ petition by the arguments put forth by him in this case. We await further developments.

THREE MISFIRES

Three of our writ petitions, on subjects of primary importance, unfortunately misfired. One writ petition related to the provisions of MRTP Act (Monopolies & Restrictive Trade Practices Act). It was filed in 1988. In it we had submitted that Section 3 of MRTP Act was unconstitutional inasfar as it exempted from the operation of the provisions relating to unfair trade practices the public sector undertakings of central and state governments, in the words "undertakings owned or controlled by the government as well as financial institutions". Section 46 A of the Act defines the unfair trade practices and important provisions relating thereto appear in Sections 36A to 36E. Exemption accorded to the public sector enterprises and financial institutions, it was contended by us, removed from the purview of action by the consumers important segments of the economy and this was tantamount to serious discrimination. We submitted that this was obviously a retrograde step from the viewpoint of consumers and the discrimination caused by it was violative of provisions of Article 14 of the Constitution, taking into account that wide range of products were manufactured by public sector enterprises. The reason given for according exemption to the public sector enterprises, that these were established as a measure of state policies in furtherance of public good, was obviously not convincing. This writ petition of COMMON CAUSE encountered unexpected opposition. The Court Bench hearing it ostensibly felt that it had been prompted by the private industry, to make things difficult for the public enterprises, and accordingly declined to admit it. This was an unfortunate impression. We submitted Review Petition, but that too was found unacceptable, because according to normal practice the Review Petition goes before the same judges. Anyhow, the position has since changed because public sector enterprises producing goods or providing services have been brought under the purview of Consumers Protection Act and also the MRTP Act itself has recently been amended extending the provisions of unfair trade practices also to public sector enterprises, which we had sought to secure through the writ petition.

The second misfire was our writ petition submitted before the Supreme Court wherein we had expressed concern of the people about the functioning of judiciary in the country and had sought a direction from the court to lay down specific guidelines and norms in relation to certain aspects of functioning of the judges in the High Courts as well as judiciary in the districts. We submitted that in recent years the judiciary in the country had come in for various types of insinuations, denigration,

complaints and attacks which were inevitably undermining the faith of the people in the judicial administration. It is a matter of fundamental importance that administration of justice should continue to inspire confidence about its irreproachability, integrity and rectitude. Administration of justice, we submitted, was one of the basic pillars on which the entire fabric of our society depends. Through the ages people have depended upon even-handed justice for redressal of their woes and grievances. Essentials of administration of justice, including access to justice, procurement of speedy justice, and faith in the judiciary, constitute factors of fundamental right to life and liberty enshrined in Article 21 of the Constitution.

In this writ petition we had made specific suggestions for laying down norms and guidelines. These were : (i) where any immediate relative of a judge was operating in the bar of the place, the judge should be transferred, and considerations of age, remaining period of service, condition of health etc. should not be allowed to weigh in taking the decision to effect transfer; (ii) a code of conduct should be laid down in relation to the dealings of the judges with the people and mixing among the people so that dignity of the judiciary in the esteem of the people is maintained; (iii) where a case has been finished and arguments heard, judgement must be announced in a period of not more than one month; (iv) the counsel of the parties should be encouraged to file brief written arguments; (v) cases in courts should be taken up strictly in accordance with the cause-list and no case should be taken out of turn; (vi) when case is completed it should be fixed for arguments latest on the next working day; (vii) when parties have appeared and written submissions have been made, procedure of day-to-day hearing should be adopted; (viii) it is necessary to lay down specific guidelines for administrative control and supervision by the Supreme Court over the High Courts, by the Chief Justices of High Courts over judges of their courts, by the High Courts over the district courts, and of the district judges over the subordinate judiciary.

When this writ petition came up before the Court the judges on the bench felt that as there were already certain guidelines and norms laid down for the judges it would not be necessary to go into this matter and accordingly they declined to admit the writ petition. We maintain, and events of the past many months have reinforced the belief, that it is necessary for the Supreme Court to take cognizance of this requirement and to determine the ways and means for strengthening the image of judicial administration which has been coming under severe strain.

Third public interest writ petition of COMMON CAUSE which misfired related to the procedure adopted by Maruti Udyog Ltd in making out-of-turn allotments out of a discretionary quota. This petition was filed before the Supreme Court early in 1984. There was at that time a scramble for allotments of this new car. The company adopted the stratagem of giving allotments at their discretion to certain persons including political and other personalities. We considered it necessary to raise the issue in the Supreme Court praying that the company should be directed not to resort to out-of-turn allotments except for certain specified public causes such as ambulances etc. By then 1,35,000 applicants were in the queue and it was obviously inappropriate to make allotments out of turn because this involved arbitrariness and discrimination. Unfortunately our writ petition was not admitted. Soon thereafter in an important all-India magazine names of certain important persons, including dignitaries of the Supreme Court, were mentioned who had received out-of-turn allotments of the Maruti cars. This vindicated our position.

TWO LONG PENDING MATTERS

There was a feeling of exasperation and frustration at the orders passed by the Delhi High Court on two of our important writ petitions and we filed Special Leave Petitions (SLPs) in the Supreme Court challenging these orders. These two SLPs were filed five years ago and were admitted. Since

then we await their listing and nothing can yet be said as to when they will come up for hearing. It is worthwhile mentioning these two matters because they are of considerable importance and general interest. One writ petition was on the subject of issue of notices issued by the Delhi Municipal Corporation to the owners of vacant housing plots in Delhi. These notices carried intimation to the owners that the rateable values of the vacant plots are proposed to be revised, the revision ranging from 50 to 500 times. Specific instances were provided in the writ petition and it was urged that annual property tax on these vacant plots, on the basis of the proposed revision of rateable values, will increase to amounts ranging from Rs.20,000 to Rs. one lakh and more. In the writ petition direction was sought from the court that the rateable value of vacant plots should be done on the basis specifically provided in the MCD Act. Second writ petition submitted before the Delhi High Court related to a provision in the Delhi Municipal Corporation Act that no appeal can be entertained by the appellate court against any order of an officer of the Corporation unless the entire amount in dispute is first paid by the appellant. This provision implies that whatever may be the extent of grievance of an assessee about the order passed in his case by the assessing officer he will have to first pay up the entire assessed amount before his appeal can be even entertained. Both these writ petitions had come before a Bench of the High Court and were disposed of by a two-line order to the effect that "judicial and quasi-judicial matters cannot be challenged by way of public interest litigation in writ petition". We felt that this order, summarily disposing of writ petitions on public interest matters, can cause extreme harm to the effort of seeking judicial remedy in various types of public causes. It is ostensibly contrary to the spirit of and is restrictive of acceptance of public interest matters by the Supreme Court and various High Courts. There is hardly any public interest matter which in one way or another does not have judicial or quasi-judicial ramifications, and the non-acceptance of all such matters, involving wide ranging public interest, would be tantamount to nullifying and patently restricting the redress for public interest causes under Articles 32 and 226 of the Constitution. In our SLPs we have brought to the notice of the Supreme Court that it was on our comprehensive writ petition relating to the general issues of assessment of rateable values for purposes of property tax that the Supreme Court had given the judgement known by the citation of Dr. Balbir Singh & others Vs MCD, mentioned earlier. It is unfortunate that this two-line order of Delhi High Court Bench presently stands and can tend to distort the adjudication of writ petitions on public causes. Presently we can only await the listing of these two pending SLPs for early hearing by the Supreme Court.

COLONY DEVELOPMENT

From the platform of COMMON CAUSE another initiative related to the filing of writ petition in the Punjab & Haryana High Court, at Chandigarh. This matter arose from an unreasonable demand of Haryana State Government for levying additional external development charges from purchasers of housing plots and the colonisers who were developing the housing colonies at Gurgaon. Our contention was that the Government had already been paid certain development charges but had not taken adequate steps for providing the external services of water supply, electricity etc. The Haryana Government should provide these services to the colonies and thereby generate confidence among the buyers of plots that the colonies will not suffer on this account. The writ petition stands admitted by the court. We had the privilege of the help of known advocate Jawahar Lal Gupta, Advocate, in dealing with this matter at Chandigarh.

IMPLEMENTATION OF CONSUMERS PROTECTION ACT

While the efforts made from the platform of COMMON CAUSE for redressal of various grievances of the consumers under this new Act are presented in a subsequent section of this account

it is worthwhile giving here information about the action which we had to initiate in the Supreme Court for securing effective implementation of this important enactment which we found to be languishing in the States. It is a matter of gratification that because of these initiatives from the platform of COMMON CAUSE a series of strong directives were issued by the Supreme Court and these have brought about the setting up of quasi-judicial machinery provided for in the Act.

The Consumers Protection Act was enacted in December 1986, more than five years ago. For the first time there was in it the provision of seeking redressal against the perpetrations of public sector enterprises, and in respect of "services" besides seeking redressal against faulty "goods", and the people have started filing complaints against the railways, telephones, electricity, insurance, transport, etc., which were hitherto preserved as sacrosanct against public complaints. Under this Act it was made mandatory that in each district of the country there shall be established a District Forum, in the shape of a court, for hearing the complaints of consumers and giving them redressal. There are 455 districts in the country. Even after nearly three years of the enactment of this statute the state governments had not taken adequate steps to set up the Forums in district; only about 30 Forums had yet started regularly functioning. I filed writ petition in the Supreme Court in late 1988 seeking direction from the court to the Government of India and State Governments to fulfil this basic and essential requirement of the statute, contending that its non-fulfillment affects the fundamental rights, particularly enshrined in Articles 14 and 21 of the Constitution of the country. All the State Governments and the Union Territories were impleaded in the petition as Respondents. This case has so far come up for hearing in the court twelve times; directions have been repeatedly issued to the State Governments and the Union of India. In August 1991 the Court issued definite orders for setting up of the District Forums within two months, outlining the procedures to be adopted depending on the quantum of complaints in the individual district. Even then the progress unfortunately remained tardy, and eventually on our presentation of the overall unsatisfactory position in the States the court issued orders in October 1991 to Secretaries of Civil Supplies Departments of eight State Governments, to show cause why they should not be sent to prison for default in compliance with the orders of the court. Frantic activity has since been in evidence in the States. Notifications constituting Forums have been issued, presiding officers and members have been avidly searched for and appointed, infrastructure is hurriedly being provided. Eight officers of the States appeared and on describing the action taken by their governments the notices to them were discharged by the court. Secretary of another State was thereafter called for non-functioning of a Forum which was claimed to be already operating, and after it was ensured that requisite action had been taken, he was also let off. About 30 lawyers representing the State Governments and Union Territories appeared on each hearing of the case while I, a non-lawyer, have been representing COMMON CAUSE. I have brought to the notice of the court the difficulties still being experienced in many districts in the matter of providing appropriate accommodation and staff for the Forums; the Presidents of State Commissions established under this Act, and Registrars of the High Courts, have been asked by the court to submit reports about the functioning of the Forums and the provision of requisite infrastructure to them.

This initiative of COMMON CAUSE has paid off handsomely, generating considerable lot of activity almost throughout the country in the matter of seeking redressal of the grievances of consumers where they are cheated with adulterated or defective products or with shortcomings and inefficiency of the services. Almost every day news appear in the newspapers of important decisions taken and compensation awarded to the consumers against manufacturers and traders, and more importantly, against the public sector undertakings including railways, banks, insurance companies, transport corporations, electric supply undertakings, telephones, airlines, hospitals, municipal authorities, housing boards etc. and also against government departments for failure to provide the services for which they charge the consumers. Over 50,000 cases have already been filed before these consumers

courts, quite a large number of appeals and other cases have come before the State Commissions and National Commission. Arising from the experience of these cases and the operation of these consumers courts a Working Group set up by the Government of India on the demand of representatives of consumers, has recently recommended various amendments that need to be made in the statute. Its report has been submitted to the Prime Minister, and it is now expected that the amendments will soon be effected in the statute for giving it further teeth and effectiveness in certain areas of its wide sweep. From COMMON CAUSE I have remained closely associated with all these developments.

LAWYERS' STRIKES

The courts in this country are already reeling under the enormous accumulation of backlog of cases, civil as well as criminal courts and tribunals established under specific enactments, and procedures of the courts have made it impossible to secure early justice, with the result that the entire judicial system of the country is under severe strain and is almost collapsing. To this scenario has been added, over the past few years, the further dimension of frequent strikes resorted to by the lawyers, bringing the functioning of courts to a grinding halt. The strikes for lawyers have been undertaken for multifarious and variety of causes. These causes, for instance, include the hand-cuffing of a lawyer by the police, removal of chambers of lawyers constructed on public lands, inadequate functioning of a toilet for lawyers' use, proposal of bifurcation of courts in the interest of litigation, proposal of changing monetary jurisdiction between the district courts and the High Court, direction by a High Court to district courts not to freely grant stay orders in cases, direction by another High Court not to wait for lawyers and to proceed ahead with the hearing of cases, determination of the location of a High Court Bench, protest against orders of transfer of a judge, and such like.

Considering the agony caused to the litigants by long adjournments of their cases, which are rendered inevitable because of the strikes by the lawyers, and the fact that the entire judicial system of the country is thereby brought into disrepute, I have filed from COMMON CAUSE a writ petition in the Supreme Court against the strikes by lawyers. Our contention in the petition is that the disruption of the cases in courts, by resort to strikes by lawyers, causes serious damage to the interests of their clients and affects their right of securing speedy justice which is held by the Supreme Court to be a fundamental right enforceable under Article 21 of the Constitution. Under the Indian Advocates Act the Bar Council of India lays down a code of professional conduct for observance by the lawyers, and our suggestion in the petition is that in this code it should inter alia be laid down that lawyers cannot resort to strikes and thereby disregard the interests of their clients.

The writ petition was filed in September 1989. In it we had primarily impleaded the Ministry of Law of the Government of India, the Attorney General, and the Bar Council of India. It has come up before different Benches of the Supreme Court in various hearings. On the suggestion made by the court. I have also impleaded the Bar Councils of all the states as well as the Advocates Generals of all the states, with the result that at every hearing almost about 30 lawyers appear for representing the Bar Councils and Advocates Generals etc. I have been pleading on every date for an early hearing of the entire matter, but somehow, for one reason or another, the final hearing has not yet come about. The case continues to be listed, and it is now expected that in the coming weeks it will secure the final hearing. Meanwhile, none of the respondents, except one Advocate General of a State has resisted the prayers embodied in the petition, nor has any counter been submitted by any of the other respondents including the Bar Council of India and the Union of India. Two organisations, Bar Association of India and the Association of Advocates-on-record of the Supreme Court have in fact supported the contentions of the petition. Further developments in the case are eagerly awaited, for it affects the interests of litigants all over the country.

APARTMENTS OWNERSHIP ACT

An important statute was enacted by the Parliament in December 1986. This had been necessitated because there were lacunae in the exercise of full ownership rights in respect of flats constructed in the multi-storeyed buildings of Delhi. There are about 90,000 commercial flats in the multi-storeyed buildings in the city. In addition, there are about 200,000 flats in the residential buildings including residential blocks set up by the Delhi Development Authority. These were sold to be allottees years ago, but ownership rights could not be transferred to the allottees because there was no enabling legislation for the purpose in relation to such flats.

The Delhi Apartments Ownership Act was thus passed and came into effect in December 1987. It was provided in this legislation that ownership rights in respect of the existing flats, commercial as well as residential, must be transferred within three months by giving them Deeds Apartments, in the prescribed form. These were to be provided by the builders including the concerned government agencies. It was also prescribed that the Deeds of Apartments must be delivered to the owners of buildings constructed after the enactment of the statute within six months of completion of the building. In addition, a mandatory provision was incorporated in the statute that associations of flat owners should be established in the buildings for enabling them to effectively operate all the common facilities of the building and to exercise control over its common areas, which were defined in detail in the statute. All these various requirements relating to the flats in the buildings were made mandatory.

More than four years have elapsed since the enactment of this legislation. Not even a single apartment, all over Delhi, has yet got transferred to the owner in accordance with the prescribed requirements, not one association of owners has been established in accordance with its provisions; the common areas of the buildings have in the meanwhile been blatantly encroached upon and disposed of by the builders, spaces underneath the staircases and even on the roofs of the buildings have been sold. These developments have come about to the utter disadvantage of the owners of flats in the buildings. Government has not been able to take any steps to implement the provisions of this Act, and it is generally believed that the builders' lobbies have been able to influence such non-implementation.

Taking into account these mandatory requirements of the statute and their non-implementation by the concerned government agencies I prepared a writ petition and filed it in the Delhi High Court from COMMON CAUSE. It was forthwith admitted and notices were issued to the Government of India and Delhi Administration. Counters have recently been submitted by the Union of India and Delhi Administration. Position taken in the counters is very strange indeed. It has been contended that the owners should have taken resort to the civil courts for the non-issue of Deeds of Apartments to them; it has been at the same time admitted that there have been certain shortcomings in the Act which are now proposed to be remedied through an Amending Act. Under this Act three Competent Authorities have been named, which were to effect implementation of the Act. No action has been taken by these designated authorities. We have pointed out in our rejoinder to the counters it is surprising that in such circumstances it is contended that the owners should have filed suits in courts, knowing well enough that there are nearly 300,000 owners who await the issue of the ownership decade to them. Case is now pending for further hearing.

THREE NEW WRIT PETITIONS

TAX DEDUCTION AT SOURCE

In the recent months three new writ petitions have been filed by me in the Supreme Court. These are on equally important subjects. One related to dispensation of the Government of India wherein mandatory directions were issued last year to all the banks in the country to effect deduction of Income Tax from the interest accruing on all deposits made in the banks when the amount of interest earned by any depositor is more than Rs. 2500 in the year. The tax deduction was to be of the amount of 11.5 percent of the interest including 10 percent towards Income Tax and 1.5 percent towards surcharge on the Income Tax. Estimates are that the total amount of nearly Rs.100,000 crores of people is in deposit in the banks, and nearly one crore of people have direct interest in these deposits. Out of these it can be safely assumed that atleast half the number, nearly five million people are below the Income Tax bracket. These also include old pensioners, widows, agriculturists in rural areas etc. Tax deducted from their interest will never be easily refunded to them because of the involved procedures of submission of returns, securing orders thereon and applying for refund. procedures were prescribed of the submission of declarations on prescribed forms, attested in accordance with certain requirements, in case of those depositors who were below the tax bracket and who did not what that the tax should be deducted from the interest. These prescribed procedures, of submission of declarations, or alternatively for securing refund, would inevitably have resulted in deprivation to hundreds of thousands of persons all over the country and corresponding "unjust enrichment" to the government. Information about the submission of this writ petition of COMMON CAUSE got highlighted in the Press. This was a month prior to the presentation of budget of the Government of India in the Parliament on the last date of February, 1992. In presenting the budget the Finance Minister announced that this decision of the Government, of tax deduction at source in respect of the interest accruing on bank deposits, was being withdrawn. This was obviously in recognition of the voice of the people against a measure which was palpably distasteful and widely resented.

MALFUNCTIONING OF BLOOD BANKS

The second recent writ petition relates to an equally important matter which is of direct concern to people all over the country. It has reference to the operation of blood banks. There have for long been serious complaints that the operations of blood banks are very unsatisfactory; most of them continue to operate without any prescribed licence; mostly they are dependent on donation of blood by professional donors; they operate in very unhygienic conditions; they depend primarily on donation of blood by professional donors who are generally poor unemployed persons with low levels of haemoglobin and prone to diseases, who are exploited for the purpose by middle men; they are not equipped with testing facilities and laboratory equipment etc. Due to these facts the blood collected and supplied by these blood banks is of poor quality and on occasions can prove very unsafe for transfusion purposes. The entire matter was recently surveyed by a professional agency on an assignment of the Ministry of Health of the Government of India. The report of this survey has highlighted these deficiencies and dangers of the operations of such blood banks. We have not been able to secure positive assurance from the Government of India that any effective action has been initiated to eradicate the deficiencies pointed out in the operations of blood banks. On the basis of this entire material I prepared a writ petition contending that inadequacy of action for improvement of blood banks is violative of the fundamental rights of life guaranteed under Article 21 of the Constitution for those who will be the recipients of infected or poor quality blood. In the writ petition the Drug Controller of the Government of India, and the Health Departments of all the States have

been impleaded because the licensing and operations of blood banks come within their purview according to the Rules framed under the Drugs & Cosmetics Act which has been on the statute book for decades. When the case came up before the Supreme Court the two judges comprising the bench forthwith directed the issue of show-cause notices to all the respondents, namely, the Union of India, Drug Controller of India and Health Departments of all the States. The case will continue to be further pursued.

PENSIONS OF MP's

A letter received from an advocate P.M. Antarkar of Hoshangabad (M.P.) put me on to the preparation of an important writ petition which has been submitted in the Supreme Court challenging the pensions which are being given to the Members of Parliament. P.M. Antarkar had written pointing out that these pensions are violative of certain provisions of the Constitution. I studied various other relevant provisions of the Constitution and found that it was obviously never contemplated by the framers of the Constitution that members of Parliament and the legislatures of the States should receive pensions taking into account the nature of their duties and responsibilities as well as their normal tenure. In the present writ petition we have challenged the pensions only of the members of Parliament; it is contemplated that in course of time the pensions of members of legislatures of the States will also be challenged. In fact, a retired squadron leader, H.S. Kulshreshtra of Allahabad has recently submitted a writ petition in the Allahabad High Court challenging the issue of free rail passes to ex-members of Parliament at public cost.

The pensions to MPs are being given under an amendment made in 1976 to a previous Act of 1954 which regulated the payment of salaries and allowances to MPs. Authority for the pensions is stated have been derived from Article 106 of the Constitution which authorises only "salaries and allowances" and not pensions. Likewise, the members of State legislatures are entitled only to "salaries and allowances" under Article 195 of the Constitution. Where the privilege of pensions was to be accorded to the specific authorities named in the Constitution the word "pension' was clearly introduced alongwith the words "salaries and allowances" in the relevant provisions. This is the case in relation to the provisions of Article 125 regulating the "salaries allowances and pensions" of the judges of Supreme Court, Article 221 regulating the "salaries, allowances and pensions" of the judges of High Court, and similar dispensation in Article 148 relating to the Comptroller and Auditor General and Article 322 relating to members of Public Services Commissions. The word "pensions" does not appear in the provisions regarding the salaries and allowances of the Chairman, Deputy Chairman and Speaker and Deputy Speaker (Article 97), Attorney General (Article 76) and Advocates Generals of the States (Article 165).

These provisions of the Constitution have been cited in the writ petition. When it came up before the Bench the judges straightaway decided to issue notice to the Union of India which has been made respondent in the petition. It is a matter of considerable concern and exasperation that although the show-cause notice was issued to the Government in November 1991 the Government counsel has not yet put in appearance before the Court in this case and Registry of Supreme Court has been expressing its helplessness in listing the case on this account.The matter continues to be pursued by us.

UNAUTHORISED CONSTRUCTIONS

Initiatives of COMMON CAUSE have in recent months greatly highlighted the serious menace of unauthorised constructions in Delhi. It is reported that there are nearly 80,000 such constructions in the city which in one way or another violate the building bye-laws. Builders have been hurriedly pulling down small houses and constructing multi-flats buildings and selling off premises in residential areas for commercial use. These have caused great hardships and exasperation to the people. I initially

encouraged a house-owners welfare association of women, of Kailash Colony of New Delhi, to file a writ petition in the Delhi High Court. Thereafter we asked the house owners associations of some other colonies to take same step. The result of this effort has been very rewarding. A number of petitions have come up before the Delhi High Court, and people have woken up to adopting this stratagem for thwarting the designs of irresponsible builders. Meanwhile the High Court has also taken laudable initiatives in getting the entire matter of building bye-laws examined by high-level committees, and has now directed the old bye-laws to be redesigned taking the realities into consideration. COMMON CAUSE has remained closely associated with the progress of this matter in the High Court.

PUBLIC INTEREST CASES UNDER CONSUMERS PROTECTION ACT

Consumers Protection Act came into force from 24th December 1986. COMMON CAUSE was closely associated with the meetings and deliberations which led to the enactment of this important statute which in fact is a landmark in India in the effort of redressal of people's grievances regarding their purchases of goods and procurement of services. From the platform of COMMON CAUSE I have filed quite a few important cases before the National Commission for Consumers Disputes Redressal established under the Act which is presided over by a jurist of the level of Supreme Court judge. These cases are indicative of the problems of all-India importance which can now be highlighted for redressal.

AIRLINES AND AIRPORTS

A comprehensive complaint was submitted be me against the Indian Airlines Corporation, ventilating the numerous complaints of dissatisfaction expressed by the consumers of its services. In it relevant details were furnished in relation to flight delays, flight alterations and cancellations without notice, inadequacy of information about flight delays/cancellations, in-flight catering, baggage clearance delays, safety problems and general attitude of indifference on the part of the operating staff towards the problems and complaints of the consumers. It was submitted that because the Airlines is operating as a monopoly, without any competition, they feel that they can continue to disregard the complaints of the people with impunity. Besides these various problems faced by the consumers it was expressed in the complaint that there were other complaints such as difficulties in securing ticket reservations inspite of increasing expansion of computerisation, inadequacy of transport of passengers from and to the airports, non-provision of flights to connect certain stations, etc.

This comprehensive complaint was submitted in October 1988. It generated a lot of interest at various levels of the operators of Airlines; important legal luminaries were engaged by the Airlines; every hearing was attended by senior officers of the Corporation. I conducted the entire proceedings on behalf of COMMON CAUSE and had the benefit of receiving valuable assistance from some retired senior officers of the Airlines who were sympathetic to the causes that the complaint espoused. During the proceedings we also took up the serious matter of bird-hits which greatly imperils the flights, and the causes of birds hovering round the airports; for dealing with this problem we secured the impleadment of the International Airport Authority of India, National Airport Authority, Director General of Civil Aviation besides the Union of India through the Ministry of Civil Aviation.

Personally for me it was a very satisfying experience to be able to convincingly make submissions on behalf of COMMON CAUSE against the battery of legal luminaries representing these various authorities and the Airlines Corporation. At certain stages the National Commission also called the

representatives of the municipal authorities and local governments in cases of certain airports for determining what measures are being taken by them to ensure that garbage and wastage from slaughter houses and conglomerations in the vicinity of airports are effectively removed for eliminating the menace of birds in these areas. The National Commission was thereupon informed about the various Task Forces and airfield environment committees which had been set up at various places for cleaning up the environs of the respective airports.

Eventually, after a number of hearings spread over months the Airlines Corporation as well as all the concerned airport authorities and municipal authorities etc. gave to the National Commission detailed undertakings about the measures they would take for effecting improvements in their functioning so that the operations of airlines, in respect of the various complaints, become satisfactory from the viewpoint of the consumers. On these undertakings being accepted by us and the National Commission further proceedings in the case were stopped. Of course, this was over two years ago when the Airlines had not yet got enmeshed into further problems of withdrawal of a number of aircraft and consequential inevitable difficulties which arose for them as well as for the passengers.

COMPENSATION FOR AIR CRASH VICTIMS

Another matter connected with the operation of airlines laid by us before the National Commission related to the quantum of compensation payable to the victims of an air-crash or to the families of deceased persons. I examined this matter in detail consequent upon reports of the two serious air-crashes, both on 19th October 1988, one of Vayudoot in Guwahati and the other of Indian Airlines at Ahmedabad. It was felt that while the tragedies in these two air air-crashes were of very serious nature in themselves these were further compounded by the fact that families of victims had not been paid compensation even after five months had elapsed and that there were obvious anomalies in the rules prescribed for the determination of the quantum of compensation. I looked up the provisions of Carriage by Air Act of 1972 which had been enacted for giving effect to the undertakings given in the Hague Convention of 1929 as modified by the Warsaw Convention and Hague Protocol of 1955. Provisions of this Act and its schedule were applicable to non-international airlines operating in the country; these covered Indian Airlines, Vayudoot and Pawan Hans. Quantum of liability for death and injury was to be prescribed in accordance with the provisions of international protocols. Government of India had issued notification in 1980 prescribing the quantum of compensation which was not in accordance with the liability limits laid down in the international conventions to which India was a party. We pointed out to the National Commission the anomalies and discriminations that existed under the existing notifications issued by the Government of India. For instance, under these notifications the compensation payable on the death of an adult Indian in an accident of a carrier or domestic airline was Rs. 200,000 whereas if that person was travelling within India by an international carrier, including Air India, the liability of the carrier would be many times more. Where the passenger travelling on the domestic airline was an international passenger, the liability of the carrier correspondingly further multiplies. Contrarywise, if the international carrier, including Air India, was carrying an internal flight passenger, who is not on an international flight, the liability would be much less than the liability relating to other passengers who may have been travelling in the international flight. Life of an Indian passenger, flying on domestic airline, was thus distinguishable as very cheap as compared to the liability that accrues if the same passenger was travelling by an international flight within the country. We also pointed out that whereas the liability limit of Rs. 200,000 was fixed in 1980 no effort had been made to modify the limit even though the value of rupee had markedly altered during the intervening years.

In filing the complaint we had impleaded the Government of India in the Ministry of Civil Aviation, Indian Airlines, Vayudoot Ltd, and Pawan Hans Ltd. Detailed submissions were made by

them wherein while the Indian Airlines strongly contested the demand for enhancement of the liability limit the Government of India conceded that the domestic airlines had the authority to exceed the limit which had been prescribed as the minimum limit of the liability. The result of these proceedings was that Indian Airlines as well as the other domestic airlines agreed to pay enhanced compensation to the families of victims.

INTRAVENOUS FLUIDS

Another important case filed from COMMON CAUSE before the National Commission for Consumers Disputes Redressal was that of bringing to focus the absence of rigid quality control in the manufacture and bottling of intravenous fluids which are administered into the bodies of patients through their veins in hospitals and nursing homes. A sealed bottle of contaminated intravenous fluid was brought to my notice by a dealer who said that he had a stock of over 30,000 bottles of such contaminated fluid. It was evident on seeing the bottle, and on shaking the fluid in it, that the fluid was full of fungus which had formed in it because of poor quality of fluid as well as cleaning of the bottle and sealing it. I forthwith prepared a comprehensive complaint on this subject and submitted it before the National Commission, impleading in it the Drug Controller of India as well as the Drug Controllers of all the States because these authorities carried the responsibility of vigorous quality control and quality inspection of the conditions under which items such as intravenous fluids are manufactured at various places in the country. It was brought to the notice of the National Commission in our complaint that the organisations of Drug Controllers were poorly equipped to deal with the quality inspection of 20,000 manufacturers of drugs in the country, that a number of States do not even have full-time qualified Drug Controllers, most of the States do not have full-fledged testing facilities, only four States have adequately equipped laboratories, 10 States have partial facilities and remaining have no testing facilities at all, the inspecting staff is woefully inadequate in most of the States, and no special cells had been established to screen the formulations before granting licenses. We informed the National Commission about serious complications and deaths which had reportedly been caused by administration of contaminated intra-venous fluids such as of glucose, dextrose, saline, mannitol, lactate, gastric replacement fluids, extra-cellular replacements etc. We made detailed suggestions regarding rigid re-examination of the licenses already issued, withdrawal of licenses of any units which were found to be inadequately equipped, availability of information in the offices of Drug Controllers about the licensed units, prescription of strict guidelines for determining the eligibility of suppliers from whom stocks of IV fluids are procured, and prescription of strict guidelines for the storage of the stocks of these fluids.

The matter was taken up comprehensively by the National Commission. Reports were called for from the Drug Controller of India and the concerned departments of the States. It got considerably highlighted in the country; a report about these proceedings appeared also in the New York Times; expert committees were set up by the concerned departments. Eventually the Government of India held meetings wherein the existing procedures were examined in detail and measures were adopted for overcoming the shortcomings. Reports of these efforts were submitted before the National Commission, and thereupon further proceedings in the case were dropped with our concurrence.

IODISED SALT

Problem relating to inadequate iodisation of salt, in notified areas of the country, in violation of the prescribed statutory regulations, was another matter of all-India importance that was taken before the National Commission for Consumers Disputes Redressal from the platform of COMMON CAUSE. Taking into account the fact that drinking water in various parts of the country, particularly in certain sectors of northern India, is deficient in iodine which causes diseases like goiter, birth of

mentally retarded and deaf and dumb children as well as metabolism imbalance, and that the most effective way to make up the iodine deficiency in drinking water is through intake of iodised salt in place of common salt, the Government of India has during the last few years laid emphasis on the steps to persuade people to change over to iodised salt and to encourage and stimulate greater production of iodised salt. In areas of iodine deficiency, the use of iodised salt has been made mandatory. The Salt Commissioner of the Government of India has been empowered to issue licenses to the parties who are authorised to manufacture iodised salt. A standard of iodisation of salt has been promulgated by the Bureau of Indian Standards. A notification was issued under the Prevention of Food Adulteration Act whereunder iodisation content of salt was defined in detail, as being a prescribed quantum at the level of manufacturer and at the level of the retailer, taking into account the fact that iodisation content deteriorates with time, which implies that the date of packing and expiry dates were violated, that claim of iodisation on some packages was without indication of the quantum of iodisation content, and even the address of manufacturer was not printed on certain packages. Even the salt manufactured by a factory of the Government of India and operating under the control of the Salt Commissioner did not contain indication of the content of its iodisation. I submitted before the National Commission that the samples should be sent for laboratory analysis for determining the iodisation content. It was felt that by the sale of inadequately iodised salt the manufacturers were perpetrating a fraud on the consumers, deluding them into paying a higher price for iodisation which did not exist, and also committing offence under the Prevention of Food Adulteration Act.

Originally we had filed the complaint against the Government of India in the Ministry of Health & Family Welfare, Salt Commissioner of the Government of India, Chairman of the public sector undertaking manufacturing salt, and Chief Secretary to the Government of Uttar Pradesh, in which State most of the areas have been notified to be such where sale of iodised salt has been made mandatory. In the reply which was submitted by the Government of India it appeared that out of 423 district of the country 143 had been surveyed out of which as many as 132 districts were found to be endemic in Iodine Deficiency Disorders (IDD), that 167 million people of the country are exposed to severe IDD, that 337 manufacturers of salt have been licensed by the Salt Commissioner for manufacture of iodised salt, and that in 17 States the sale of non-iodised slat had been banned under the Prevention of Food Adulteration Act. It was also apparent that no effective check was being exercised on small packers of salt with the result that often they resorted to packing of non-iodised salt as iodised salt.

Accordingly, we sought additional impleadment of these 17 States in the case, and this was permitted. Our submissions were given consideration by the National Commission, replies of the Salt Commissioner and the concerned States were taken note of, and eventually assurances were given by the Government of India that appropriate action would be taken to ensure the enforcement of the prescribed regulations and cancellation of the licenses of those manufacturers whose manufactures did not come up to the prescribed standards. On the submission of these assurances we felt that the purpose of our launching the proceedings had been adequately served and further proceedings were thereupon dropped.

ELECTRICITY SUPPLY

The Electricity Supply Undertakings in the country which are practically everywhere operating as monopolistic public sector enterprises, have for long been the targets of complaints from the consumers. All sorts of problems are encountered by the consumers at the hands of these undertakings, from unwarranted tariff hike to wrong billing, meter reading, electricity theft etc. As an example I submitted before the National Commission for Consumers Disputes Redressal a comprehensive complaint against the Delhi Electric Supply Undertaking. It covered specific areas of inefficiency and

inadequate performances, highlighting how the undertaking had not felt itself accountable to the consumers. Complaints, personal visits and representations of the consumers remain unheeded. There are about 1.7 million consumers of electricity in Delhi and nearly 3 million meters have been installed. There were numerous complaints of irregular and wrong billing, defaults in meter reading, long delays of two to three years in sending bills to consumers in certain parts of the city, thereby inevitably affecting the revenues of the undertaking and leading to tariff increases. Staff of the undertaking was reported to be about 30,000, with complaints of ineffective utilisation and disregard of the basic principles of productivity. There were serious complaints of theft of electricity, often in collusion with the staff. This theft included also the offences related to misuse of electricity, draw of load in excess of sanctioned load by industrial and business enterprises, sub-letting of connections, tampering with meters by stoppage and even reversal of readings. There were complaints regarding replacement of defective meters, various complaints of load-shedding and voltage fluctuations and numerous problems experienced by the consumers in making payment of their bills.

These complaints of deficiency of services provided by the Electricity Undertaking was taken note of by the National Commission. The Undertaking made its submission and attempted to explain away the reasons for the complaints of consumers. After a few hearings, in which the Undertaking was represented by high-level members of the bar, the Undertaking eventually came forth with positive assurances and time-bound statements in which they undertook to deal with the individual areas of functioning wherein there were causes for complaints. Assurances were made about expanding the banking facilities for facilitating the receipting of electricity bills payments by the consumers, publicising the steps taken to that end, appointment of advisory committees, laying down the norms for meter readers, extending courtesy and politeness towards the consumers, minimising voltage fluctuations and organizing load-shedding on systematic basis after advance notice to the concerned areas, expeditious action regarding replacement of meters, etc. On these recorded time-bound statements extending specific assurances and their acceptance by us and the National Commission further proceedings in the case were dropped. This was in August 1989.

Against this background of the assurance submitted by Delhi Electric Supply Undertaking (DESU) it was with considerable sense of regret that I had to submit in October 1990 another complaint against DESU in which were highlighted the serious difficulties caused to the consumers by extensive wrong billing necessitating their repeated visits to the zonal offices of DESU for getting the wrong bills corrected. Thousands of consumers had brought to our notice the wrong bills, individual bills ranging to lakhs of rupees which had to be subsequently corrected to only a few scores of rupees, and the extreme discourtesy and difficulties they continued to encounter in the offices when they went there to get the bills corrected. We also brought to the notice of the National Commission that the norms for the meter readers had not been fixed nor had the advisory committees been established as promised. DESU submitted reply in which they claimed that the extent of wrong billing had been substantially brought down from the previous percentage of 6 or 7 percent to about 2.9 percent, alleging that the complaint had merely exaggerated the extent of this malaise. In our rejoinder we had necessarily to point out that even 2.9 percent of 1.7 million consumers meant that about 50,000 consumers received wrong bills every billing cycle of two months which implies that as many as 5 to 6 lakhs of consumers had to knock about in DESU offices during the course of a year to get their bills rectified.

The matter is still before the National Commission and efforts are being made by DESU to hold out further assurances of strict compliance with the requirements which would minimise the problems of the consumers.

TELEPHONES

Telephones in the country have been often the target of exasperation and complaints of the consumers. With the enactment of Consumers Protection Act the telephone services have been put in the dock in consumers courts practically everywhere. We had to take this matter before the National Commission because of a circular issued by the Department of Communications in January 1989 in which they informed officers of telephones all over the country that the Consumers Protection Act does not cover the Department of Communications, that the definition of the word "service" in the Consumers Protection Act cannot cover the work of their department which is governed by the Indian Telegraph Act and that the association of the officers of the department with the quasi-judicial machinery of the Consumers Protection Act was not necessary. Copy of this circular had come to my notice and I forthwith moved the National Commission pleading that this circular was totally unlawful. Officers of the telephones had stopped making appearance before the consumers courts as a result of this circular; this was a matter of great seriousness from the viewpoint of consumers. The matter was heard by the National Commission and a ruling was given that telephone service was definitely within the scope of Consumers Protection Act. This restored the position of Consumers vis-a-vis the Communications Department.

MISCELLANEOUS

From COMMON CAUSE we have throughout avoided taking up problems of individuals, because we felt that it was impossible to cope with individual problems and it would not be possible to do justice to the effort of pursuing them. Where, however, matters are typical ones which have general ramifications we have had to take up a few and pursue them in the concerned courts. One such relates to a widow entrepreneur who is exporting garments; she got a electric generator set installed in the premises to provide for availability of light and fans for the workers on occasions of failure of electric supply which were reportedly quite frequent. She alleged to have been provided a poor quality and fake generator set by the firm while being assured the installation of a known brand. She complained to the District Forum and was awarded suitable compensation, but the award was set aside by the State Commission on appeal. We took up her case before the National Commission for determination of the general problem whether such matter would be barred on the ground that it was "for a commercial purpose" as contemplated under the Act. Opinion on this case in the National Commission has been divided, two in favour and two not in favour, with the result that final decision now awaits the appointment of fifth member of the Commission.

Another matter taken by us before the National Commission was of a middle-aged government officer who got admitted to a government hospital in Trivandrum, was operated upon for some abdominal problem, suffered cardiac arrest during the operation, was soon restored and operation stitches were sutured, but in the meanwhile there was brain damage, with the result that for over two years he has been lying in a vegetable state in the hospital, leading to complete disruption of the family life. The question for determination was whether he had been given "free" medical services in the hospital and as such whether, under the provisions of Consumers Protection Act his family was disentitled from receiving compensation because under the Act it is laid down that where the service is free service the recipient of the service could not be considered a consumer for purposes of this Act. The case had a few hearings but eventually it was held by the National Commission that the patient had been provided free service in the governmental hospital and as such his case was not covered by this Act. This matter of wide importance, of provision of free service in government or municipal hospitals, has since been taken up and suggestion has been made for effecting appropriate amendment of the Act; amendment of the Act, incorporating this provision as well as certain other important matters, is now awaited in the Parliament.

One other matter in which we participated before the National Commission related to the non-refund of deposits by a known scooter manufacturing company which had invited deposits for booking the scooters and was alleged to have defaulted in the refund of deposits of those who cancelled the bookings. It was found that the total number of depositors who were asking for refund of their deposits was in hundreds of thousands, spread all over the country, and the depos . amount of Rs. 500 each aggregated to the large amount of many crores of rupees which the company was holding back. The case had come before the National Commission. We from COMMON CAUSE reinforced the demand of the depositors through submission of intervention. The case has since been disposed with direction to the company to effect refunds within specified time and with specified quantum of interest.

A matter of all-India importance, and involving an example which is applicable to a large number of products sold in the markets of the country, which I took up under the Consumers Protection Act from the platform of COMMON CAUSE, related to the price printing on packages. A major change has been brought about in the matter of price printing on packages through the efforts of COMMON CAUSE. The price used to printed in the terms "Maximum Price .... Local Taxes Extra". This was being done under the Packaged Commodities Rules promulgated under the Standards of Weights & Measures Act. I noticed that in these Rules there was also the other alternative whereunder the manufacturers were placed under obligation to mark the price in terms of: "Maximum Retail Price, Inclusive of All Taxes". I made out a convincing case and persuaded the Government of India to issue notification making it mandatory on the manufacturers to print the price in this alternative form. This has brought about a very important change all over the country.

In the context of the obligation of price printing on the packages I had brought to the notice of the consumer court at Delhi that the packages containing the well-known Kodak photographic film did not contain any price printing, with the result that the consumers were being charged any price at the whim of the retailer. The case was decided in our favour and the company was directed to display the price on each film package. The company field appeal, and thereafter a revision before the National Commission; in both these the company lost its contention. They filed an appeal in the Supreme Court against the decision of the National Commission. While filing the appeal they had prayed for stay of implementation of the direction given to them; this prayer was not granted. The appeal is presently pending and one cannot say as to when it will be listed for hearing. Meanwhile the price printing continues to be mandatory.

Connected with the matter of price printing on packages it would be interesting to mention a stratagem that has been adopted by the public sector enterprise Hindustan Photo Film Company to evade this mandatory requirement. In the Packaged Commodities Rules there is a provision that if the contents of package are meant for use as raw material by another industry the package is exempt from the requirement of price printing. This monopolistic photo film company has stated displaying a sentence printed on each package containing the film that the contents of the package are meant "for use as raw material" by photographic industry. This is obviously a crude stratagem of avoiding compliance with a statutory requirement. Because of our hands being more than full with various other important matters it has not hitherto been possible to take this company to court, but this will be done when time permits. Meanwhile we took up this matter with the concerned Ministry of the Government of India but no effort has been made by the Government to set right this serious default.

between 150 sq mtrs and 500 sq mtrs will be optional for conversion; and plots above 500 sq mtrs will not be converted. These stipulations are not acceptable to the people; there is no reason why the entire scheme cannot be made optional for conversion. Secondly, the amount expected to be paid for effecting conversion has been pitched very high. Government wishes to collect about Rs.2000 crores through this scheme. People call it "unjust enrichment". The scheme in its present shape is being thus resisted. From COMMON CAUSE we propose taking this matter to court.

RENT CONTROL

The amendment of Delhi Rent Control Act in 1988 inter alia provided that premises fetching more than Rs.3500 per mensem rent were to be excluded from its purview. Owners of such premises who may be desirous of getting their tenants evicted have now to take the following steps: (i) get a brief notice served on the tenant in accordance with the provisions of Section 106 of the Transfer of Property Act; (ii) after the expiry of the notice period, file a suit before the concerned civil court; (iii) if the tenants admits the receipt of notice, relationship of landlord and tenant, and the fact that the rent is above Rs.3500 per mensem, the court can, on the application of the owner or on its own, pass a decree under Order 12 Rule 6 of Civil Procedure Code and direct the eviction of tenant; (iv) if the tenant raises legal issues e.g. validity of notice, the same can be disposed of by the court on hearing the application under Order 12 Rule 6 of CPC; and (v) it is only if the tenant disputes the fact of tenancy etc. that the matter goes for trial which will take some time but it will be much shorter than the normal time taken in the suits under Rent Control law. Initiatives taken by Delhi High Court in this matter can greatly help to expedite the processes of eviction under the Transfer of Property Tax.

BUREAUCRACY BAITING

We have sent the following letter for publication in a number of newspapers and journals in various parts of the country. The letter is self-explanatory. We felt that this initiative on the part of COMMON CAUSE is called for. We request action by readers.

"Bureaucracy baiting has unfortunately become a virtual pastime in this country. Bureaucrat is the whipping boy; on him are heaped all the deficiencies, ailments, failures, malfunctioning. The word bureaucracy itself has been made a term of contempt and ridicule. This is outrageously unfair, sheer hypocrisy, downright dishonesty. There may be inadequacies in individuals, defaults, shortcomings; some are black sheep and have turned into grovelling sycophants. But services are the pillars on which the entire structure of administration and democracy rests. Any weakening of these pillars can only spell disaster.

It is time that somebody stands up for the services. COMMON CAUSE has taken up the cudgels for them. We seek the cooperation of all who mean well for the country, particularly of those who are knowledgeable, those who are retired and feel for the services. Services cannot speak for themselves because of their conduct rules; others must speak for them.

There have been instances of gross misbehaviour of power-drunk politicians against the services. A commissioner was slapped by a Parliament Member because he did not agree to get a student enrolled to a course. An officer was transferred out merely because he was a functionary of the services association which stood for proper treatment to the services. Chief Secretary of a State was demoted because he had the cheek to allege malfunctioning of the chief minister. Three transfers to a collector's post were effected in one fortnight. A collector was transferred merely because he was doing excellent work, which caused misgivings of unpopularity to some local politicians. An officer's house was

(Continued overleaf)

attacked through hired hooligans because he did not allot fair price shops to the stooges of a politician.

Instances of this nature are fast multiplying all over the country. This is very dangerous development. Politicians in power, as well as those who are power hungry but out of power, are maltreating and maligning the services. The instrument of transfer, from one post to another, is being grossly misutilised for settling personal scores, parading power, and belittling officials. Five thousand transfers, down to the level of primary teachers, were effected when a new chief minister took over.

We request individuals in services, and their associations, to communicate to COMMON CAUSE specific instances of the abuse of power by the politicians to the detriment of interests of the services. We guarantee total confidentiality where required. Specific instances of the recent past, say of the last 3/4 years, may kindly be sent. We will consider ways and means, through invoking relevant provisions of the Constitution and otherwise, of obviating these abuses, in the interest of country's future, for avoiding the misuse of the instrument of transfer, and for restoring of democracy in the country".

ISI CERTIFICATION

We have been pursuing with the Bureau of Indian Standards and the Ministry of Civil Supplies matters relating to ISI Certification. A general impression now prevails that ISI Certification fails to convey confidence about quality hall-mark of a product. There are complaints of fake use of this certification mark, of its non-enforcement by the State Governments which are charged with this responsibility, and its misuse in items such as electrical appliances etc. The matter has been taken up by the Ministry of Civil Supplies at our instance, series of meetings have been held, and instructions issued to the State Governmetns for effective enforcement.

A LAUDABLE PROJECT

A significant voluntary, selfless and dedicated effort has come to our notice and we consider it desirable to bring it to the notice of our readers. It is a project aimed at equipping the people to fight for their rights for securing relief from the problems and injustices faced by them. The organisation is named FIRST PUBLIC PROTECTION TRUST (address: P.O. Box 5094, Madras-600028). This organisation argues that a number of problems have arisen from politicalization of all aspects of life such as economy, agriculture, monetary system, industrial development, banking, social systems, judiciary, executive, labour movement, infrastructures and civic services. Political solutions are being applied to these various problems of the nation instead of professional or technical solutions. The result is that the problems linger.

FPPT claims to start work on de-politicalization process: to reduce the role of politicians, and to correspondingly activate the professionals and the educated people in the country to make their contributions for the national resurgence. This organisation aims at evolving and publishing professional solutions for various maladies, for bringing home to the people that such professional solutions can be available. Those who may be interested to secure further information on this project may write to FPPT at the address: P.O. Box 5094, Madras-600028. Dr M.S. Srinivasan, the brain behind this project, has brought out a publication "India's Maladies and Remedies" which presents 24 problems with suggested professional solutions.

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