

COMMON CAUSE

VOICE OF "COMMON CAUSE"

PEOPLE'S POWER THROUGH GROUP ACTION

Middle class in urban areas has become a buffeted and beleaguered class. Its myriad problems keep mounting; notices, bills, taxes, malfunctioning of public utilities of water, electricity, transport, telephones, rent laws, prices, encroachments, builders' depredations, corruption, inadequacies of the services of banks, posts, insurance, besides the vagaries arising from the operations of politicians and the breakdown of law and order; there is hardly any aspect of living which is now without any hassles.

These burgeoning problems have thrown up a great challenge and an opportunity to the people. There is rising recognition of the need of their collective endeavour to deal with these problems. Local, neighbourhood activism has emerged for dealing with local problems. There is also growing recognition that outsiders cannot much be depended upon; neighbourhood's own capacity needs to be developed to cope with these problems. Community action and neighbourhood initiatives alone can pave the way to

finding solutions to the problems, linked up where necessary for network operations on a wider basis. This alone can be the path of effective citizenship effectiveness. There can be no alternative to local initiatives, based on local roots. Citizens' involvement, citizens' organisations and citizens' action is the only answer to deal with these problems.

- We are deeply grateful to those pensioners who are now sending us one moth's commutation restoration for providing support to the dedicated work of the organisation.
- We are also deeply grateful to the homeowners of Delhi for their gracious gesture of sending one-time contribution of Rs.100/- as recognition of our services relating to their problems of leasehold conversions, property tax, apartments ownership etc.
- For those who are not yet members : Annual membership fee Rs.50/- life membership Rs.250/- organisation annual membership Rs.200. No forms required. Send your name and full address, with crossed cheque in name of COMMON CAUSE.

This grassroot approach of citizen activism has emerged in strong measure in various countries. Take the example of USA. In that country more than 25 million people are involved in some sort of citizen

community effort. Voluntary initiatives in that country yield contributions equivalent to over Rs.20,000 crores for taking up tasks through social service agencies; these tasks cover areas of education, arts, humanities, environment etc. Over 22,000 foundations alone, established by communities or groups, spend over Rs.10,000 crores a year for promoting various types of welfare projects.

Money contributions apart, more important is the scope and need of stimulating voluntarism, of promoting neighbourhood organisations and of promoting local activism and initiatives. The prevailing feeling of helplessness and apathy needs to be overcome; recognition and confidence must permeate neighbourhood localities that environs and circumstances can be altered, problems facing the people can be solved. People's powers can thus manifest itself. Jan Shakti which is lying dormant can thus be awakened, and once

awakened it can strengthen the entire system of democracy.

In India such initiatives have now started emerging on wide scale. People, neighbours, citizens have started organising groups, societies, associations, organisations, for dealing with their common problems. Increasingly it is being recognised that there is no alternative to development of such initiatives. There are motivated persons who are willing to shoulder the responsibilities on selfless, dedicated basis, who are capable of developing and harnessing group enthusiasm, who can launch campaigns for redressal of the problems, and who can explore various avenues for attaining these objectives. Finance is always an essential requirement; it is indispensable, but the size of this requirement is not such that voluntary effort can get thwarted by its non-availability in adequate measure; it can certainly be raised by neighbourhood groups for absolute necessities.

In this issue of the periodical we provide specific guidelines to the people for establishing such organisations where this has not yet been done. Some experienced and motivated persons should pick up the gauntlet of lifting their neighbourhoods and their housing colonies from the present state of helplessness and exasperation to fruitful and constructive endeavour through the setting up of such collective effort.

It is the general experience that the organisations which have been set up, and which are proving themselves effective, are generally in the shape of Societies under the Societies Registration Act. Therefore, the guidelines being provided by us focus on the various requirements of aspects of setting up such organisations for getting them thus registered and recognised.

While building up the information in regard to this matter we have kept in view two distinct emerging requirements in various parts of the country. One relates to the matter of setting up an organisation of citizens to take initiatives and deal with the various problems which the people collectively face and in which individuals find it extremely difficult to secure redressal on their own. Second emerging requirement relates to the fast expansion of consumer consciousness in the country. The enactment of Consumer Protection Act in December 1986, and the rapid spread of the quasi-judicial machinery under this Act in all districts of the country for redressal of the grievances of the consumers has given a fillip to the establishment of a large number of consumer organisations in the country. Already more than 500 such organisations, dealing specifically with the problem of consumers have been established and are operative. We are encouraging and stimulating the establishment of more of these organisations. These too are largely established as Societies under the Societies Registration Act.

The guidelines that follow in this periodical aim at providing a basic model constitution which, with certain modifications to suit local requirements, can be adopted for setting up the suggested organisations, either as citizen groups for tackling general problems or as consumer organisations for dealing specifically with the problems of consumers. It will be observed that the basic structure of both types of these organisations is the same, namely, the first part is the Memorandum of Association and the second part is that of Rules & Regulations. The second part will generally remain the same for both types of these organisations; the Memorandum of Association, which spells out the objectives of the organisation, will differ, depending upon the requirement of the emphasis of its activities and programmes. Models of both these as well as the Rules & Regulations have been provided for purposes of general guidance.

We envisage that once the organisations based on neighbourhoods and residential colonies take concrete shape and start playing their part they will muster increasingly more strength, take over various issues and problems which confront the people and find solutions for them in collaboration with the concerned administrative authorities where necessary. We are conscious of the fact that already people, particularly in urban areas, have set up various types of voluntary organisations for dealing with different types of problems; we envisage that there is yet great scope for strengthening the collective endeavour and to this end we have laid stress in this exhortation.

MODEL DRAFT CONSTITUTION

CITIZEN ACTION GROUP/CONSUMER ORGANISATION

In the foregoing note we have provided general guidelines regarding the establishment of Citizen Action Groups/Consumer Organisations where they have not yet been established. The requirement of establishing these is obvious in the present context of increasing complexities of living as well as specifically for redressal of grievances of consumers. We are providing hereunder Model Constitution for setting up such organisations in the shape of Societies under the Societies Registration Act. There are certain features in relation to these model constitutions which would obviously be relevant with regard to establishment of these organisations; these are presented hereunder:

- (i) First, and of obvious significance, is the name of the organisation. The name should necessarily aim at conveying the message to the prospective members, the neighbourhood or larger group of citizens or consumers, about the organisation, its geographical locale, and what it aims at achieving. It may be a welfare association, an environment group, an organisation of homeowners, an association of a housing colony, a group for specific programmes, besides a consumer welfare or a consumer protection group. It is necessary and desirable that a group of atleast about ten concerned persons should initially be contacted and enthused for stimulating the effort. This will provide the initial impetus which may be required and which would be necessary for fulfilling the basic legal requirements indicated hereinafter. Linked with this requirement is that of finding an acceptable location of the office of the organisation. The office can be located in a residence but it would be appropriate and better to attempt to locate it in the community centre or club of the locality or of the colony. This need is also essential for meeting the prescribed legal requirement, as will be observed later.
- (ii) As has been previously stated, the Constitution of an organisation in the shape of Society has two parts. The first part comprising of the Memorandum of Association and the second part consisting of the Rules and Regulations. The second part, dealing with the Rules and Regulations, covers all the basic essentials such as those relating to eligibility and enrollment of members, different categories of membership; fees for respective categories of membership, the governing body, and its constitution and elections, the election of office bearers, holding of meetings of governing body and general body, prescription of forum for these meetings, powers and duties and responsibilities of Secretary and Treasurer, and all such like matters. The first part, comprising the Memorandum of Association spells out the objective for which the organisation is being established, and certain essential requirements such as the location of its address. A fundamental requirement is that the Memorandum of Association has to be signed by atleast seven persons who should affirm that they constitute the governing body of the society, and in that affirmation it should be indicated as to who are the first office-holders of this governing body; in another statement these persons, and any others if necessary, should affirm that they are desirous of forming the Society. These statements will be evident on referring to the concluding portion of the Draft Memorandum of Association in the attached model constitution.
- (iii) For the respective requirements of establishing a general purpose society and a consumer organisation, we have given two separate drafts of Memorandum of Association, because the objectives of these two respective organisations have necessarily to be somewhat different. These should be kept in view. The Rules and Regulations can remain practically the same for either of them, with any modifications that may be needed to suit local requirements.
- (iv) After these basic requirements of the finalization and signing of the constitution and determination of location of the office are completed, application for registration of a Society can be submitted to the Registrar of Societies of the State Government. The address of this office can be ascertained

possibly from the Department of Industries of the State Government. There may be a small fee prescribed for submission of the application for registration of the society. If the location of the office cannot straightaway be determined it may be possible to request for registration of the society on the basis of its being located at (name of the city/town), alongwith the explicit undertaking that the Chairman of the Society will separately communicate the address, and will intimate any change in the address that may take place.

- (v) It may be kept in view that the organisations established in this manner, interalia, become eligible for securing financial assistance for their programmes. In the case of consumer organisations these sources include: the State Government (Department of Civil Supplies), Government of India, Ministry of Civil Supplies, Consumer Affairs & PDs. Other organisations which may take up various welfare programmes, not necessarily connected with consumer protection matters, can seek availability of financial assistance from the Ministry of Social Welfare of the Government of India. The organisations contemplated for such grants from the Ministry of Welfare include those which deal with the problems of displaced persons, mentally retarded persons, leprosy afflicted persons, welfare of street children, prevention of beggary, welfare of the aged, control of juvenile and socially maladjusted, homes for infants for adoption, prohibition and drug abuse prevention, welfare of scheduled castes, welfare of scheduled tribes etc. It is contemplated in the scheme of the Ministry of Welfare that financial assistance can be provided to voluntary organisations including voluntary organisations/institutions, universities, research institutes, statutory bodies like Panchayat Raj Institutions, municipalities, corporations, Red Cross Societies etc. In these schemes financial assistance is given upto 90% of the approved costs of recurring and non-recurring expenditure and the balance 10% has to be met by voluntary organisation itself. In the case of an organisation working in a relatively new area, where both voluntary and government effort is very limited but the need for the service is great, the Government is willing to bear even upto 95% of the cost. For purposes of construction of building the government grant is limited to Rs. 5 crores of the approved cost whichever is lower.
- (vi) In the central Ministry of Civil Supplies the Consumer Welfare Fund has recently been established to which amounts arising from certain excise recoveries are being deposited by the Government. This Fund is utilisable for various activities and programmes of the consumer organisations and projects sponsored by them. In almost all the cases the eligibility criteria for giving financial assistance generally prescribe that the organisation should have been in existence at least for 2/3 years. There are also Foreign funding agencies, but for securing any financial assistance from such agencies there is need of the organisation to first get itself registered under the Foreign Contributions Regulations Act. Detailed procedures have been prescribed in the Foreign Contributions Regulation Act for submission of applications for such registration; the application has to be submitted to the Home Ministry of Government of India.
- (vii) There are certain features of the Rules & Regulations forming part of the draft constitution of a Society which need to be elaborated for providing requisite guidance. These are :
- (a) It is envisaged that the membership of the Society will be thrown open to everybody and it will be for the governing body of the Organisation to determine as to what type of membership fees need to be prescribed.
- (b) The first governing body will comprise such persons who are the signatories of the Memorandum of Association. It is prescribed in the rules that thereafter every year one-third of the members will retire and be replaced by the same number elected by the general body. This type of provision in the Constitution always helps to maintain the continuity of policies and functioning of the Organisation. The governing body need not be of more than 12 to 15 members including the provision for co-option of 2 or 3 persons.
- (c) It is generally experienced that annual and frequent elections of the governing body lead to

all sorts of complications and problems. For maintaining the continuity of operations and functioning of the organisation, it is appropriate that the Chief Executive and other Office Bearers including Director/Secretary/Treasurer may be appointed by the governing body and should remain in position at the pleasure of the governing body. This will obviate the necessity of problems developing in regard to change, which may not be justifiable or necessary.

Taking into account the detailed information furnished in this note regarding the establishment of general purposes organisations and consumer organisations, we earnestly hope that motivated and concerned persons will take initiatives for building up such organisations. A draft Model Constitution, with two separate drafts of the Memorandum of Association and one common draft of the Rules & Regulations are given in this periodical.

DRAFT CONSTITUTION

(FOR REGISTRATION OF GENERAL PURPOSES ORGANISATION AS SOCIETY).

MEMORANDUM OF ASSOCIATION

1. The name of the Society is
2. The registered office of the Society shall be situated at :
3. The objects for which the Society is formed are :
 - i) To provide a forum for facilitating collection and study of important public causes which are of common concern to the people of in the fields such as housing, taxation, public utilities, civic administration and facilities, consumer problems, and various other problems and living condition of the people.
 - ii) To facilitate, organise, and enable activities of the nature of seminars, conferences, workshops and lecture meetings for discussing such common problems and to take legal recourse for redressal of grievances, where necessary.
 - iii) To set up committees, study circle, and study groups for undertaking research in relation to such common problems.
 - iv) To publish a periodical for dissemination of information regarding activities of the organisation and for providing a forum for discussion of such common problems.
 - v) To receive donations, contributions and financial assistance from persons and organisations who would like to assist the Society for propagation of its work and activities.
 - vi) To make payments out of the funds towards rents, charges and other expenses to the workers and other agencies where such payments may be necessitated for operations of the Society.
 - vii) To do all non-political, legal and peaceful acts and undertake other activities which may help to promote the objects of the Society.

All the income, earnings, movable/immovable properties of the Society shall be solely utilised and applied towards the promotion of its aims and objects only as set forth in the Memorandum of Association and no profit or thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profits or in any manner whatsoever to the present or past members of the Society or to any person claiming through any one or more of the present or past members. No member of the Society shall have any personal

claim on any movable or immovable properties of the Society or make any profit, whatsoever, by virtue of his membership.

(Following should be typed out and signed by first Governing Body members. It should be in shape of full sheet).

The names, addresses, occupations and designations of the present members of the Governing Body to whom the management of the affairs of the Society is entrusted as required under Section 2 of the Societies Registration Act XXI of 1860 (Punjab Amendment Act 1957) as extended to the Union Territory of Delhi, are as follows :

Sl. No.	Name	Address	Occupation	Designation
---------	------	---------	------------	-------------

(This has to be signed by not less than seven persons. Designations of office holders (President/Chairman, Vice President/Vice Chairman, Director/Secretary/Treasurer should be recorded)

(Following should be typed out and signed. It should be in the shape of full sheet.)

We the undersigned are desirous of forming the Society named..... under the Societies Registration Act XXI of 1860 as extended to the Union Territory of Delhi in pursuance of this Memorandum of Association.

Sl. No.	Name	Address	Occupation	Designation
---------	------	---------	------------	-------------

(This can be signed by more than seven persons including those who sign the preceding sheet as members of the first Governing Body.)

DRAFT CONSTITUTION

(FOR REGISTRATION OF CONSUMER ORGANISATION AS SOCIETY)

MEMORANDUM OF ASSOCIATION

1. The name of the Society is
2. The registered office of the Society shall be situated at :.....
.....
.....

3. The objects for which the Society is formed are :

- i) to promote and protect consumer interests particularly to concretise the following among others consumer rights and remedies :
 - a) the right to be protected against marketing of goods and services which are hazardous to life and property;
 - b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods and services to protect the consumer against unfair trade practices;
 - c) the right to be assured access to variety of goods and services at competitive prices;
 - d) the right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;
 - e) the right to seek redressal against unfair trade practice or unscrupulous exploitation of consumers;
 - f) the right to consumer education, and
 - g) the right to healthy environment.
- ii) To provide a common platform to the consumers of the area for highlighting common consumer problems of the people;
- iii) To facilitate, organise and enable activities of the nature of seminars, conferences and lecture meetings for discussing such common problems;
- iv) To sponsor and undertake research in fields of consumer training and education and programmes on advocacy and campaigns relating to problems of consumers, to set up study circles and groups in such fields.
- v) To publish Journal for dissemination of information and for providing a forum for discussion of such common problems.
- vi) To receive donations, contributions and financial assistance from persons and organisations who would like to assist the Society for propagation of its work and activities.
- vii) To take legal recourse in the defence of rights and lawful interests of any consumer or class of consumers.
- viii) To make payments out of the funds towards rents, charges and other expenses to the workers and other agencies where such payments may be necessitated for operations of the Society;
- ix) To do all non-political, legal and peaceful acts and undertake other activities which may help to promote the objects of the Society.

The names, addresses, occupations and designations of the present members of the Governing body to whom the management of the affairs of the Society is entrusted as required under Section 2 of the Societies Registration Act XXI of 1860, are as follows :

Sl. No.	Name	Address	Occupation	Designation
---------	------	---------	------------	-------------

(Here give full particulars of at least seven persons.) This is necessary for purposes of registration. Office bearers and their designations should be specified).

We, the undersigned are desirous of forming the Society named under the Societies Registration Act XXI of 1860 in pursuance of this Memorandum of Association.

Sl.No.	Name	Address & Occupation	Designation	Sign.
--------	------	----------------------	-------------	-------

(This has to be signed by not less than seven persons, including those who sign the previous sheet).

RULES AND REGULATIONS

..... (Name of the Organisation)

(A Society under the Societies Registration Act)

1. In these Rules, unless there is anything repugnant in the subject of context:
 - i) "Society" means the (name of the organisation).
 - ii) Member means the member of the Society.
 - iii) "Governing Body" means the Governing Body of the Society, consisting of not less than and not more than members who will serve from time to time as the Managing Body of the Society (number must not be less than seven, and can be determined accordingly).
 - iv) "Rules" shall mean the Rules and Regulations of the Society for the time being in force.
 - v) Every member shall be bound to conform to the Rules and Regulations of the Society as may, from time to time, be in force.
 - vi) Service of notice or any communication shall be presumed to have been effected on the members if the same is sent under Certificate of Posting on the last known address as recorded with the Society. Change of address must be got acknowledged from the Society.
2. **Membership:** Membership of the Society shall be open to all persons, organisations and institutions interested in the work relating to objectives of the Society.
3. **Patrons:** Any known or important person may be invited as Patron of the Society by the Governing Body. The Chairman or the Secretary shall have the powers to send letter of request to such persons for their consent.
4. **Membership Fee:** Membership fee on annual basis as well as Life Membership for individuals, and membership fee for organisations and institutions, will be determined by the Governing Body from time to time.
5. **Termination of Membership:** The membership of the Society shall be terminated:
 - i) in the event of resignation, dissolution, derecognition or deregistration;
 - ii) in the event of a decision, recorded in writing, to this effect being taken by the Governing Body.
6. **Governing Body :**
 - i) The Governing Body shall consist of not less than nine and not more than twelve members, out of whom not less than seven and not more than nine shall be elected by the Members and not less than two and not more than three shall be co-opted by the Governing Body. Chairman and Vice Chairman shall be elected by the Governing Body and shall remain in office for two years. (The numbers given here are as an example. They can be determined as required).

- ii) The first Governing Body shall continue in existence for a period of three years from the date of registration of the Society. Thereafter, one-third of the elected members of the Governing Body, other than the office-bearers shall retire every year in the first instance on the basis of drawing lots and subsequently by rotation. The seats thus rendered vacant will be filled by persons elected in the Annual General Meeting.
- iii) The Governing Body shall continue functioning till the new Governing Body is constituted, and its decisions will not be deemed invalid merely on the grounds of any deficiencies in its composition at any particular time.

7. Office Bearers :

- i) The Chairman shall preside over the meetings of the Governing Body and the General Body. Proceedings of the General Meeting and the Governing Body shall be authenticated by the Chairman. In the absence of the Chairman or Vice Chairman in any meeting, the Governing Body members present shall elect Chairman who shall preside over the meeting of the Governing Body, General Body and shall exercise all the powers and perform all the functions of the Chairman.
- ii) The Governing Body shall appoint the Secretary and Treasurer from among its members, and they shall remain in office at the pleasure of the Governing Body. (It will be for the Governing Body to decide whether the secretary and Treasurer shall be appointed from among its members; alternatively, they can be appointed as officials of the organisation who will then not be members of the Governing Body and not be entitled to vote.)
- iii) The Secretary shall exercise the executive functions delegated to him by the Governing Body or the Chairman. He shall look after all the Administrative functions of the Society including the appointment, promotion, suspension and dismissal of the staff, and the following :
 - a) maintain an upto date register of the members;
 - b) summon and attend meetings of the Society and the Governing Body under the instructions of the Chairman or Secretary as the circumstances may require;
 - c) circulate agenda of the meetings;
 - d) record the proceedings of such meetings;
 - e) prepare yearly reports on the working of the Society;
 - f) carry on such other duties as may be assigned to him by the Governing body or the Chairman; and maintain regular accounts of all moneys received and moneys spent. He shall be entitled to keep such amount as petty cash as may be determined by the Governing Body or the Chairman from time to time. The balance shall be deposited in the Society's Account.

8. Termination or removal of Governing Body Members : A member of the Governing Body, held guilty of fraud, gross misconduct or offence, involving moral turpitude or one who is declared insolvent, or failing to attend four consecutive meetings without leave of absence granted by the Body, shall cease to be a member of the Governing Body unless the Governing Body may exempt him from attending such meetings.

9. Indemnity : Subject to the provisions of the Societies Registration act XXI of 1860 (Punjab Amendment Act 1957) as extended to the Union Territory of Delhi, the Chairman, Secretary and Treasurer and their heirs, executors and administrators, respectively shall be indemnified out of the assets of the Society from and against all suits, proceedings, costs, charges, losses, damages and expenses which they or any of them shall or may incur or sustain by reasons of any act done or committed in or about the execution of the duty in their respective offices, except such (if any) as

they shall or may incur or sustain or through their own wilful neglect or default respectively and no such officer shall be answerable for the acts, receipts, neglect or defaults of any other officer or for solvency or honesty of any member or other persons with whom any moneys or effects belonging to the Society may be lodged or deposited for safe custody or for insufficiency of any security upon which any money of the Society shall be invested or any other loss or damage due to any such cause as aforesaid or which may result from the execution of his office unless the same shall happen through the wilful neglect or default of such officer.

10. **Filling up of vacancies :** If a member or office-bearer of the Governing body resigns or dies or is excluded from such membership before the expiry of his term of office, it shall be open to the remaining members of the Governing Body to fill up the vacancy.
11. **General Meeting :** A meeting of the members of the Society shall be held once a year (which will be called the Annual General Meeting within six months of the close of the year and the following business shall be transacted:
 - i) Adoption of the Annual Accounts and consideration of the Annual Report;
 - ii) Appointment of auditors and fixation of their remuneration;
 - iii) Election of the members of the Governing Body.
 - iv) Consideration of such matters as may be raised by the members in relation to the work of the Society.
12. **Extraordinary General Meeting :** An extraordinary General Meeting of the members shall be called by the secretary, if required to do so by 1/3rd of the total strength of the Governing body or 1/5th of the total members.
13. **Quorum:** One third of the members of Governing Body and 1/5th members or not less than 15 members of the General Body shall form the quorum, respectively, of the Governing Body and the General Meeting, but if within half an hour of the beginning of the meeting, the quorum is not present, the meeting shall stand adjourned for the same day and be held after another half hour, and the members present in the adjourned meeting shall form the quorum of that meeting.
14. **Notice of the Meeting :** Seven days clear notice shall be given for convening any meeting of the Governing Body and fifteen days clear notice shall be given for convening the General Meeting.
15. **Decision:** All matters shall be decided by majority of votes of the members present and voting at the meeting in the event of a tie, the Chairman of the meeting shall have the right to exercise a casting vote.
16. **Powers of the Governing Body:** The Governing Body shall have the right to exercise all such powers as are necessary for the proper control and management of the affairs of the society. It shall also have the following powers :
 - a) to open, operate or close an account with any scheduled bank or banks and to authorise any two members of the Governing Body or officers of the Body to operate the account; such account will be operated jointly with signature of two authorised members;
 - b) to empower the Secretary or the Treasurer to perform all or any of the powers of the Governing Body;
 - c) to appoint any Committee or sub-committee for performing any task of the Society subject to its control and supervision;
 - d) to purchase, take or give on lease or hire, otherwise acquire, sell, manage or deal with any movable or immovable property for any of the objects of the society.
 - e) to borrow or raise money by organising activities in a lawful manner subject to such upper

- limits, restrictions, if any, and conditions as the Society in general meeting may direct;
- f) to invest any money of the society not immediately required for any of its objects subject to directives and conditions if any, as the Society in general meeting may decide;
 - g) to appoint the Auditors.
17. **Financial Year :** The financial year of the society shall be reckoned from the 1st of April each year to 31st March of the following year.
 18. **Audit :** Accounts of the Society shall be audited by a Chartered Accountant and his report shall be appended to the Annual Report to be submitted by the Governing Body at the Annual General Meeting.
 19. The Society shall file with the Registrar of Societies at the end of every annual election a list of members of the Governing Body required under Section 4 of the Act.
 20. Society may sue or be sued in the name of the Chairman or Secretary of the Society.
 21. If the circumstances necessitate and the Society has to be dissolved, amalgamated or merged with any other Society with similar objectives, such dissolution, amalgamation or merger shall take place only in accordance with the relevant provisions of the Societies Registration Act 1860.
 22. In case any amendments are to be made in the Memorandum or Rules and Regulations of the Society, the same shall be in accordance with the provisions of Section 12 of the Act in regard to the Memorandum and 2/3rd of the majority of the Governing Body in the case of Rules and Regulations.
 23. All provisions of the Societies Registration Act XXI of 1860 shall apply to the Society.

SOME GUIDELINES FOR CONSUMERS

Elsewhere in this issue of the periodical we have provided drafts of the Constitution which can be helpful for the establishment of Action Groups to deal with various problems, as well as for setting up Consumer Organisations. In this note we aim at providing information on certain essential matters for enabling consumers to seek redressal of their grievances.

Importance of the Consumer Protection Act is self-evident. Operations of this Act have started yielding useful and positive results. The quasi-judicial machinery established under this Act, comprising of District Forums, State Commissions and National Commission, have already received more than 1,00,000 cases, out of which more than 60% have already been decided and 80% of these have gone in favour of consumers. Operation of the Act during the years since its enactment has brought out certain lacunae which were pointed out by representatives of consumers. Arising from deliberations of a Working Group established by Central Consumer Protection Council, recommendations for effecting amendments in the Act have already reached the final stage of an amending enactment. The Amendments Bill was introduced in the Rajya Sabha but could not be passed in the last session. It is now proposed to be issued in the shape of an Ordinance; the Ordinance will have already issued by the time this periodical goes into print. We have considered it necessary to provide detailed guidelines to the consumers taking into account the various important provisions of the Act and the amendments which will be made through the Ordinance, subsequently to be enacted through amending Act. The guidelines are given in the paragraphs that follow.

- i) Consumers are by now well aware that where any "goods" or "product" are defective, and where there is any deficiency in a "service" these are actionable before the "courts" established under the Consumer Protection Act. The words "defect", "service", "deficiency" have been defined in the Act. It is a small Act, of only 10/12 pages, and it will be useful for everybody to study its essential contents.

It requires to be borne in mind that "service" in the Act has been defined to be "service of any description", and mention has been made of certain services by way of illustration in the definition; these are banking, financing, insurance, transport, processing, supply of electrical or other energy, boarding or lodging or both, entertainment, amusement, or purveying of news or other information. Service which is rendered free, or is under contract of personal service (such as between the master and servant), is not included in this. Contention has been put forth on behalf of medical profession that the doctors do not come within the purview of this definition. This is obviously an incorrect contention. Words of the definition, and rulings on this point, are clear. This matter has been taken to the Supreme Court and certain High Courts; their verdict is presently awaited. In the matter relating to "service" there has been unfortunately also some contention that the service of "housing" is not included in it. This contention has been raised on the ground that it is not specifically mentioned in the definition. The services mentioned in the definition, as mentioned above, are only by way of illustrations; in any case, arising from the recommendations emanating from the representatives of consumers, words "housing construction" in the definition alongwith other illustrations so that any doubt on this score may not continue to thwart the redressal of grievances in relation to this important service.

- ii) The word "consumer" has been defined in the Act. According to this definition, "consumer" is a person who buys any goods or hires any service "for a consideration" (i.e. on payment); in the case of purchaser of goods it is prescribed that goods purchased must not be for "resale" or for any "commercial purpose". Restriction caused by the words for "commercial purpose" is now overcome by incorporation of a clarification in the amendments of the Act to the effect that where the goods have been purchased by a person exclusively for the purpose of earning livelihood by means of self-employment (as the case of a widow buying a sewing machine or a rickshaw puller buying a rickshaw), such purchase will not be deemed to be for "commercial purpose".
- iii) The word "defect" has been defined in the Act to constitute any fault and imperfection or shortcoming in the quality, quantity, potency, purity or standard in relation to product and the word "deficiency" has been defined on account of any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance of the service.
- iv) Another word of importance in the definitions provided in the Act is "complaint". This word means submission in writing alleging that as a result of an unfair trade practice (or restrictive trade practice) adopted by the trader or supplier of a service, the complainant has suffered loss or damage, the goods or service are defective or deficient as stated in the definition; or the price charge is in excess of the price fixed under any law or displayed on the goods or any package containing the goods.
- v) A very important lacuna that previously existed in this Act related to the fact that no action could be initiated under it to avert the danger or hazard that may be caused by the sale of a product which is hazardous to life or safety.

This lacuna will now be removed by incorporation of a clause that where any goods which are hazardous to life and safety are sold they can be complained against. Powers have been given to the consumer "Courts" to order the withdrawal of such goods from the market.
- vi) Mention has been made above of unfair trade practice and restrictive trade practice. These are now specifically spelt out in the amendments. The amendments include provisions such as false representation about the goods or service of a particular quality, quantity, grade, composition, style or model, which they are not, or representation that the goods have any particular sponsorship which they do not have, and other such false representations.
- vii) In the operative section of the Act, there has hitherto been a provision that one Forum shall be established in every district. This has led to problems in the case of big and metropolitan cities where need is now emerging for setting up more than one Forum because of larger number of cases being filed under the Act. This problem will be overcome through amendment which prescribes that the

State Government will establish more than one Forum in a district where necessary.

- viii) There have been quite a few complaints against the calibre and capability of non-officials appointed in the Forums and State Commissions by the State Governments. On the recommendations of the representatives of consumers, this problem will now be overcome by incorporation in the amendment of a provision that selection of members of these bodies will be made by committees consisting of President of the State Commission/Forum alongwith the Secretary of Law Department and the Secretary of Civil Supplies Department of the State Government. There are suggestions from representatives of consumers that these committees should also have nominees of Chief Justice of the State.
- ix) Presently, the monetary jurisdiction of district Forum and State Commission is limited to Rs 1 lakh and Rs 10 lakhs respectively. In the suggested amendments these limitations will be revised; the district Forums shall have monetary jurisdiction upto Rs 5 lakhs and there will be no monetary limit on the cases entertained by a State Commission and National Commission.
- x) In the amendments provision will be incorporated that no complaint shall be entertainable under the Act if the cause of action has occurred prior to one year from the date of complaint. Hitherto a complaint under the Act could be made within the normal period of three years prescribed under the Limitation Act. Representatives of consumers are of the view that this proposed amendment needs to be reconsidered.
- xi) Hitherto in the Act there was no provision for exercise of administrative control by the National Commission over the State Commissions and by the latter on the district Forums. This lacuna will now be removed by the provision to this effect being made in the amendments.
- xii) A very important provision which is being incorporated in the amendments, arising from the recommendations of the consumers' representatives, is that where a complaint is found to be frivolous or vexatious, the complainant shall be made to pay amount upto Rs 10,000 to the party complained against. This provision will tend to curb the emergence of certain types of complaints which have started being filed merely to cause harassment to the traders or for settling personal scores. Consumers' representatives are most keen that this tendency must be put down with a heavy hand, and the provision for deterrent punishment is used against such complaints. We are also keen that unscrupulous persons may not start using these provisions for resorting to blackmail on such practices.

Against the background of the presentation of these various important aspects of Consumer Protection Act it is desirable that consumers should get acquainted with the procedures for submitting their complaints before the consumer "courts" for redressal of their grievances. Essential guidelines in this regard are presented hereunder:

- a) You should first carefully examine whether your problem and grievance comes within the purview of Consumer Protection Act. It should be clear to you from the above account of various provisions of the Act that all types of disputes do not come under this Act. For instance, problems of tenants-landlords disputes, or matters involving breach of contract, or matters which should normally go to civil court, cannot be brought before the consumer 'court'. You might be occasionally reading certain decisions of the consumer "courts" in the newspapers. These give you an idea of the types of complaints which can be taken up under the Consumer Protection Act.
- b) Complaint should be made out in as much detail as necessary, giving all relevant particulars of purchase of goods or procurement of service, vouchers/receipts, correspondence exchanged in relation to the removal of difficulties etc. In particular, it is of paramount importance that the complaint must mention the loss or damage which has been caused on account of the defect/deficiency. The damage may also include the mental anguish and other expenses which might have had to be incurred in connection with the effort to get the deficiency removed. In this context, it would be desirable to spell out in some detail the compensation that is sought from the "court" on

- account of the defect/deficiency and the problems as well as the mental anguish caused on account of it. The personal difficulties and mental anguish should be quantified, with relevant details, for purposes of claiming the compensation.
- c) The complaint should be addressed to the President of Consumer Disputes Redressal Forum. The address of the Forum can be secured from the office of District Judge. In certain districts, the District Judge may himself be yet operating as the President of the Forum because independent District Forums have not yet been set up in a number of districts in the country. After ascertaining the particulars and address, the complaint, in six copies alongwith photo-copies of all the relevant documents, should be sent by registered post or handed over in the office of the consumer "court". In the complaint, it is absolutely necessary that the full name and particulars of the "Other Party" against whom the complaint is to be made, should be given in detail on the first page of the complaint. If the complaint is to be made against two or three persons/departments, it is necessary to give the particulars and addresses of all of them as "Other Parties". In writing the complaint it is always desirable to name the "Other Party" in the official capacity, namely, "Chairman", "Managing Director", "Director", "Manager" and the "Chief General Manager" of the concerned company or the undertaking or department.
- d) In certain districts difficulties are yet being experienced on account of inadequate allocation of funds to the Forums by the State Governments/Union Territories with the result that sometimes the Forums do not have the funds even for stationery and stamps. Therefore, if the Forums so desire, the complainant should be willing to provide the requisite envelopes and stamps for despatch of the notices of the complaint to the "Other Parties" by registered post. On submission of the complaint, the "court" will issue notices to each of the named "Other Parties".
- e) At a number of places, the Forums have already accumulated quite backlog of cases, with the result that long dates are being given for replies and for hearings. This is unavoidable. We are already pursuing this matter but circumstances have developed to an extent that delays in the disposal of cases have become inevitable at present.
- f) The complainant can himself appear before the consumer "court". He should be able to himself explain his problems and the difficulties encountered in relation to the product/service. It is not necessary to engage the services of lawyers excepting where cases involve heavy amounts and are of complicated nature. In fact, the representatives of consumers have been urging the Government of India to amend this Act in such manner that lawyer for the "Other Party" should be allowed to appear only where the complainant has engaged a lawyer, where the complainant has himself put in appearance and argues his case, the "Other Party" which may be a big company, should not be allowed to thwart the presentation of problems by the complainant through appointment of a lawyer. This suggestion of the consumers has not yet been accepted by the Govt. of India and the present amendments of the Act do not yet include clause to this effect.
- g) It should be kept in view that provision of Section 27 of Consumer Protection Act enables the consumer "court" to impose heavy penalty including imprisonment for a term (not less than one year but which may extend to three years) or fine or both if the "Other Party" fails to comply with the directions given by the consumer "court". Where a decision is given by the consumer "court" and there is failure on the part of the "Other Party" to discharge the obligations imposed on him, the complainant is in a position to approach the "court" for imposition of this penalty.
- h) It has been already mentioned that at present the monetary jurisdiction of a District Forum is upto Rs one lakh; where the claim is of more than Rs one lakh and upto Rs ten lakhs, the complaint has to be submitted to the State Commission; and where the claim is more than Rs ten lakhs the case goes to the National Commission at Delhi. As in the case of District Forum it should be possible for the consumer to ascertain the address of the State Commission to which the complaint has to

be made. The address can be secured by approaching the office of Civil Supplies Department of the State or from the office of the District Judge. Procedure for submission of the complaint before the State Commission is the same as for its submission to the District Forum.

- or
- i) Appeals from the decisions of District Forums go before the State commission and appeals against the orders of the State Commission lie before the National Commission. Second appeal in a case is not allowed; only a revision against the order of State Commission can be entertained, on grounds of lack of jurisdiction relating to a decision.
 - j) In the final analysis we would like to emphasize that while the quasi-judicial machinery of a very satisfactory nature has been provided for redressal of the grievances of the consumers it will be very unfortunate if this machinery is over-strained by frivolous and vexatious complaints, relating to minor and flimsy grievances or for settling personal scores, or that unscrupulous persons are allowed to settle personal scores or for purposes of blackmail. Consumer organisations must exercise full vigilance in this regard and ensure that such efforts are dealt with very firmly and exposed, by imposition of heavy penalties which are now being provided in the Act through the amendments.

CONSUMER PROTECTION ACT PROBLEMS RE : ITS IMPLEMENTATION

Arising from the directions issued by the Supreme Court, on the writ petition of COMMON CAUSE (No: 1141 of 1988 COMMON CAUSE Vs Union of India & all States and Union Territories) the District Forums are reported to have started functioning in all the 454 districts of the country. They had been established only in about 30 districts when we filed the writ petition in late 1988 even though the Consumer Protection Act had been passed in 1986, and even though there was a mandatory direction in the Act that District Forums should be set up in each district of the country and the responsibility for their establishment was squarely placed on the States/Union Territories. It is obvious that if directions had not issued from the Supreme Court on this important matter it might have taken quite a few decades for the Forums to be established all over the country.

While, thus, the general objective of the establishment of Forums has been achieved there is a feeling that at a number of places these Forums are not functioning satisfactorily. There are complaints of inappropriate and inadequate accommodation (at one place the Forum and State Commission are reported to be sharing the same room, one holding its session in the forenoon and the other in the afternoon), inadequate staff including non-appointment of stenographers, non-provision of stationery and stamps (it is reported that at number of places the parties are asked to bring their own stamps and envelopes), non-allocation of funds and non-provision of essential equipment, etc. The result of all this is that the unsatisfactory functioning of the Forums causes exasperation to the parties. Where the Forums are operating through District Judges, and independent Forums have not yet been established, the work relating to consumer protection receives low priority. Cases keep piling up; long adjournments are given; the statutory objective of completing the cases in 90 days hardly ever gets fulfilled. Same thing is being often experienced at the level of many of the State Commissions.

We feel that it is a matter of paramount importance for some concerned citizens, or citizen groups, or consumer organizations, to take up this matter and file writ petitions in the High Courts for forcing the State Governments/Union Territories to remove the present shortcomings. The Supreme Court has given specific directions. Where there is a failure on the part of the State Govt./Union Territory it can be specifically raised before the High Court for issue of appropriate direction; failure to comply with such direction will open the Secretary of the concerned Department of the State Government/Union Territory to contempt of court proceedings on the lines it was done by the Supreme Court when some States failed

to comply with its directions in this case.

For facilitating the task of preparation and submission of suggested writ petitions we would be prepared to send a copy of the substance of the writ petition which was submitted from COMMON CAUSE to the Supreme Court and on which directions were issued to the States/Union Territories.

Its material can be considered only for building up the appropriate material for the writ petition to be filed at the local level, to highlight the failures and inadequacies of the functioning of the local State Commission and District Forums. Detailed information about their inadequacies and mal-functioning will need to be secured for the preparation of the writ petition.

The decision on COMMON CAUSE writ petition was given by the Supreme Court on 7.1.1993. The decision has been reproduced in law reporters, and particularly in reporters relating to consumer protection. This decision, and the directions embodied in it, should be kept in view in preparing the writ petition.

We strongly urge that action on the suggested lines should be initiated by concerned groups, citizens and consumer organizations. Obviously, such steps will yield very effective and positive results, strengthening the consumer movement. Kindly keep us informed about the action initiated.

FOR CONSUMERS

Numerous enquiries are received about filing complaints under Consumer Protection Act. Elsewhere we have provided essential guidelines for consumers relating to the basic requirements for seeking redressal under this Act.

Address of the Consumer "Court" for filing the complaint can be secured by approaching the District Judge of the local civil courts or from the Civil Supplies Department of the State/Union Territory. If the claim is upto Rs. One lakh the complaint has to be submitted to the "District Forum" and if the claim is of more than Rs. One lakh and upto Rs. 10 lakhs the case has to go before the State Commission. Where the claim is for more than Rs. 10 lakhs the case has to be filed before the National Commission.

These monetary limits are expected to be revised when the C.P. Act is amended in the near future. Proposal is to enhance the limit for District Forums to Rs. five lakhs and make it unlimited for State Commissions as well as National Commission.

At Delhi there are two Forums operating. Addresses of the Delhi Forums and of the State Commission, besides that of the National Commission, are given below. Complaints have to be addressed to these.

FORUMS

1. President
District Court
Room No. 158, Ist Floor
Western Wing, Tis Hazari Courts Complex
Tis Hazari, Delhi 110 054

2. President
District Forum
Udyog Sadan, C/22-23,
I.I.T. Institutional Area, Behind Qutab Hotel,
Mehrauli, New Delhi 110 016

STATE COMMISSION OF DELHI

The President
Delhi State Consumer Disputes
Redressal Commission
Room No. 2 & 3
Old Civil Supplies Bldg., Tis Hazari
Courts Complex, Tis Hazari, Delhi 110 054

NATIONAL COMMISSION

The President
National Commission for Consumer
Disputes Redressal
Indian Oil Building, 5th Floor
Janpath Bhavan, Near Janpath
New Delhi 110 001

PROPERTY TAX AT DELHI

Policies and procedures of assessment of Property Tax in various urban areas are causing all sorts of problems to the owners of premises. There are anomalies, aberrations and distortions because of archaic provisions in the municipal laws which were framed long before the present enormous escalations in real estate in the prices of land and cost of construction came about. Generally the assessment in the Municipal provisions is based on the calculation of annual value/annual rent, determined on "reasonable rent", which in various judicial pronouncements has been held to be equivalent to "standard rent" determinable under the Rent Control Law. The Rent Control measures themselves evolved as a result of the requirements which emerged after the second world war; these too are archaic but are being kept on due to political considerations. In certain States, recent amendments have been made whereunder premises rented out beyond a certain rental amount, or constructed after prescribed recent year, have been exempted from operations of the Rent Control.

In Delhi the amendment of Rent Control Act has been to the effect that premises fetching rent of more than Rs.3500, and those constructed after 1988, now fall outside the purview of this Act. This inevitably has affected the premises relating to assessment of Property Tax. It was being contended by certain sections of the owners that "reasonable rent", which determines the assessment of Property Tax, continues to be governed by the principles of "standard rent" irrespective of the amount of actual rent. This matter has recently been decided by a division bench of the Delhi High Court (Writ Petition No. 2647 of 1991). This decision is of far-reaching importance. In this case, COMMON CAUSE had intervened and the matter was argued by H.D. Shourie, Director. In the judgement the submissions made on behalf of COMMON CAUSE have been extensively quoted. In this judgement certain specific directions have been given and it is now expected that Delhi Administration will initiate proposals for revamping the policies and procedures of assessment of this tax in the area of the Municipal Corporation of Delhi.

We give below substance of the findings of this judgement. This summary will be of importance to people who wish to acquaint themselves with the latest position relating to this important matter.

Substance of the judgement by Division Bench of Delhi High Court.

- Concept of "standard rent" as "reasonable rent" is no longer applicable to premises which fall outside the purview of Rent Control Act, namely, premises fetching monthly rent of more than Rs.3500 and those constructed after 1988.
- Where the premises have not been rented out, the principle of "standard rent" etc. will continue to apply, and the findings embodied in the previous Supreme Court rulings of the well known cases of Daulat Ram Kapur (AIR 1980 - SC 514) and Dr. Balbir Singh (AIR 1985 - SC 339) will be obviously relevant.
- In the amendment of Delhi Rent Control Act a provision has been made that rent will be liable to increase by ten percent every three years. This obviously will have application only to those premises which come within the purview of Rent Control Act; it cannot have application where the premises have not been let out.
- Where the premises is not on rent the landlord cannot claim from the tenant more than standard rent. In such cases reasonable rent will be the standard rent.
- For premises outside the purview of Rent Control Act, the rent actually received can be positively taken to be "reasonable rent" unless it can be proved that there has been collusion. In this case the Court has reaffirmed the decision which they have recently given in the two cases, namely, Delhi Paints and Chemicals case (1993 - 2 Delhi Lawyers) and COMMON CAUSE case (1991 - 3 Delhi Lawyer 118).

- It had been argued in the Writ Petition that Property Tax cannot be levied on the basis of actual rent because of the linkage of its income with Income Tax. This contention has been held to be irrelevant.
- It has been held that the reasons normally being given by the Delhi Municipal Corporation or enhancement of the Rateable Value of premises, wherein it is stated that "increase in RV due to amendment of Delhi Rent Control Act" is in order and that there is no justification for the grievance that the notices issued by MCD are vague on this ground. The Court consequently has upheld the validity of the notices sent to the owners for enhancement of the Rateable Value.

On behalf of COMMON CAUSE following submissions were made and these have been quoted in the judgement :

- (i) There are anomalies and distortions in the existing assessment of Property Tax and there is need of rationalisation of the assessment policies and procedures. The information furnished shows various anomalies in the calculation of Rateable Value and annual value of the properties. It has been observed by the Court that for removal of these anomalies and distortions, the remedy is necessarily through legislation. It has been observed by the Court that the Government can consult various expert bodies and citizens in order to rationalise the levy of Property Tax.
- (ii) It was submitted that on account of the problems encountered by the people in the assessment policies and procedures there is rampant corruption, and that as stakes have become high on account of enormous escalation of values of the property, correspondingly corruption level has also become high. It was submitted that often notices for high enhancement of Rateable Values are fixed far below the original demand. The Court has directed that disciplinary proceedings should be launched in such cases; no action need to be taken where the variation is less than ten percent.
- (iii) The most important point made on behalf of COMMON CAUSE was that the primary consideration should to lower the incidence of Property Tax; this will avoid concealment of the rental amount, evasion of the tax, and will lead to collection of more revenue. It is recognised by the Court that higher the incidence, the more is the evasion. It has been remarked in the judgement that whereas the property tax rate is 12 1/2% in the adjacent area of NDMC, the rate in the area of Delhi Municipal area goes upto 25 to 28%. There are posh colonies also in the NDMC area and consequently there cannot be any justification for the high incidence of the tax. The counsel appearing on behalf of MCD is quoted in the judgement as saying that MCD is contemplating to lower the rate of tax and that it may be reduced to between 15 to 18%.
- (iv) For giving rebate for self-occupied properties, the incidence of Property tax should become lower.
- (v) In the judgement a direction has been given to MCD that it should take steps in regard to the incidence of tax for mitigating the general difficulties which would also lead to efficiency of collection of tax and reduce favouritism and corruption.

A CASE AGAINST AIR INDIA

Great lot of problems were recently created by the strike of Flight Engineers of AIR INDIA. As many as 200 flights had to be cancelled during the days of the strike. Computing the average of 150 passengers, the cancellation of 200 flights caused total disruption of the reservations made by 30,000 passengers on these flights. This is a matter of very grave consequence, entailing serious problems and losses to the passengers whose flights were cancelled and who had to go about making alternative arrangements, besides loss of image of the country and its international airline.

From COMMON CAUSE we have filed a complaint before the National Commission for Consumer

Disputes Redressal established under the Consumer Protection Act. In this complaint we have impleaded the Union of India, Air India and the Flight Engineers' Association. Even though the loss caused to the 30,000 passengers can be roughly computed to about Rs 30 crores we have asked for a token compensation of Rs 10 lakhs from AIR INDIA and Rs 5 lakhs from the Flight Engineers' Association. We have suggested that this amount should be credited to the Consumer Welfare Fund established by the Govt. of India for purposes of providing assistance to the programmes aimed at protecting the interests of the consumers.

Considering the obvious importance of this matter we have deemed it appropriate to reproduce the substance of the complaint in this periodical. The purpose of reproducing it is to provide guidance to other consumer organizations for taking up matters of such importance for redressal of grievances of consumers.

**BEFORE THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

COMMON CAUSE

Versus

- | | |
|--|--|
| <p>1. UNION OF INDIA
through Secretary, Deptt. of Civil Aviation
Ministry of Civil Aviation & Tourism
Sardar Patel Bhavan, Parliament Street
New Delhi 110 001</p> | <p>2. CHAIRMAN & MANAGING DIRECTOR
Air India
Air India Building
Nariman Point
Bombay 400 021</p> |
| <p>3. THE INDIAN FLIGHT ENGINEERS' ASSOCIATION (IFEA)
C/o Air India, Air India Building
Nariman Point, Bombay 400 021</p> | |

1. That the Complainant is a registered Society which has been taking up various public causes for redressal of the grievances of the people, by making submissions in Writ Petitions and other Petitions to the Supreme Court, Delhi High Court and the Hon'ble National Commission. The present complaint is being filed against the abovementioned three Respondents for the serious inconvenience and huge losses caused to the travelling public by the strike resorted to by members of Respondent No. 3, which the Respondents No. 1 and 2 failed to counteract and overcome.

2. That through the present complaint the Complainant seeks to bring to the notice of the Hon'ble National Commission a matter of grave nature and vast dimension which has in the past few weeks caused very serious losses to numerous persons in this country and which has simultaneously affected the image of the country and the operations of an important public sector organization, which loss of image of this organization may not be easily retrievable. The reference is to the non-operation of numerous flights of Air India resultant upon the strike resorted to by an important section of its operatives and functionaries.

3. That Air India, Respondent No. 2, is an important public utility service, being operated under the authority conferred on it by the Union of India, Respondent No. 1, established for carrying passengers and cargo on various international flights. This public utility service is generally known to have previously had a good image in the international arena as a dependable carrier, maintaining a certain standard of safety and efficiency. In the operations of this public utility service it has been and is the responsibility of Respondent No. 1, Union of India, as well as Respondent No. 2, Air India, to ensure that the service should continue to provide to the country and the clients of its service full satisfaction in the matter of provision of service of carrying of passengers and cargo on the various international flights under the authority conferred on it. In the discharge of this responsibility Respondents No. 1 and Respondent No. 2 have clearly failed during the period when the flights normally operated by Respondent No. 2 were cancelled during the period from 27th February 1993 for about six weeks.

4. That the Complainant understands from the reports appearing in the Press that the cancellation of these flights was caused by the strike resorted to by the members of Respondent No. 3, namely, the Indian Flight Engineers Association (IFEA), which is stated to be a Trade Union registered under the Trade Unions Act, representing the flight engineers of Air India. The press reports have, inter alia, indicated that the strike by the Flight Engineers, members of Respondent No. 3, was caused due to non-acceptance of certain demands made by them.
5. That it is obviously a matter between Respondent No. 2 and Respondent No. 3, under the overall charge of Respondent No. 1, to decide upon the demands which were made by Respondent No. 3 and were obviously not found acceptable to Respondent No. 2 or Respondent No. 1, and to determine whether the strike was legal or not legal, and whether the strike was unjustified because of some Reference stated to be pending before the Industrial Tribunal as reported in the Press. Concern of the Complainant is on behalf of the numerous persons who have suffered serious inconvenience and losses which have been caused on account of the strike and consequential cancellation of the flights.
6. That it is incontrovertible that during the pendency of the strike by the flight engineers, members of Respondent No. 3, a large number of flights of Air India were cancelled, and the passengers booked on these flights were put to very serious inconvenience and loss. Petitioner has ascertained that nearly 200 flights of Air India had to be cancelled during the period of this strike and as a result of the strike. In addition to cancellation of these flights, numerous flights are reported to have had to be re-scheduled. Problems caused by cancellation of the flights can well be imagined because the cancellation of any one flight opens up numerous problems of individual passengers having to run about to other airlines to explore the possibility of securing alternative reservations which often become impossible to secure; these have obviously led to very serious problems and losses to the passengers. The extent and quantum of losses cannot be easily computed because these cover losses arising from business appointments, business deals, losses relating to family problems and official appointments, losses resulting from making alternative arrangements for stay at places of departure and anticipated arrival, etc.
7. That Air India is charged with the responsibility of carrying passengers and cargo on its international flights. It is expected to provide uninterrupted, safe and efficient service, in accordance with the standards adopted by the International airlines. It is the responsibility of Respondent No. 2, Air India to provide uninterrupted and safe service of international standard, and it is equally the responsibility of the Union of India to ensure that such service is provided by Respondent No. 2, Air India. It is also a matter of very serious concern to the citizens of the country that as a result of the cancellation of such large number of flights, caused by the strike resorted to by members of Respondent No. 3, the image of this public utility service obviously must have severely suffered within the country and abroad, which must have caused severe setback to the image of country's progress for attracting foreign capital for investment in the country in the interest of further development and progress of the economy of the country.
8. That the Complainant is not aware of the actual loss which may have been caused to the Respondent No. 2, Air India by this strike but it can be assumed that this loss must be of very large amount. This loss to a public sector enterprise is in actual effect a loss to the general public, over and above the actual losses caused to the individuals whose travel and cargo flights had to be cancelled on account of cancellation of the flights. With the cancellation of about 200 flights, each flight booked for not less than about 150 passengers besides the cargo, it can be assumed that at least 30,000 passengers suffered serious inconvenience besides loss which cannot be easily computed in money terms but which can be presumed to be at least Rs 10,000 for each passenger. The aggregate loss to the passengers alone, without taking into account the cargo losses, would thus be of the order of at least Rs. 30 crores.
9. That the Complainant feels that in order to make the Union of India, Air India and Respondent No. 3 realise their responsibilities in the matter of such grave nature, and for avoidance of similar situations

arising in relation to the operations of an important public sector enterprises, a token amount of Rs.10 lakhs should be paid by Respondent No. 2, with or without any contribution from Respondent No. 1, and a token amount of Rs. 5 lakhs should be paid by Respondent No. 3, to compensate for the losses incurred by the passengers who suffered the inconvenience and losses on account of cancellation of the above mentioned flights. The Complainant considers that as this compensation for the losses incurred by the passengers of the cancelled flights cannot be reached out to the individual passengers, the entire amount of this compensation should be paid to the Consumer Welfare Fund which has been set up under the auspices of the Union of India, Respondent No. 1, and which is being administered by a Committee constituted under the Rules framed for administering the Consumer Welfare Fund.

10. That the quantum of the aggregate losses suffered by the Passengers whose flights were cancelled being of the order of Rs. 30 crores the present complaint is obviously within the jurisdiction of the Hon'ble National Commission.

PRAYERS

11. That the Complainant therefore prays that the Hon'ble National Commission be pleased to :
- (i) award compensation to the extent of Rs. ten lakhs to be paid by Respondent No. 2, Air India, and the payment be made to the Consumer Welfare Fund presently operated under the auspices of Union of India, Respondent No. 1, specifically for the welfare of consumers;
 - (ii) award compensation to the extent of Rs. five lakhs to be paid by Respondent No. 3, Indian Flight Engineers Association (IFEA), and the payment to be made to the Consumer Welfare Fund operated by the Union of India, Respondent No. 1;
 - (iii) direct the Respondents in future to take appropriate steps to ensure that strike of this nature does not come about which would cause such serious problems and losses to the users of the flights;
 - (iv) pass such other and further orders as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

Drawn and Filed by

(H.D. SHOURIE)
Director, COMMON CAUSE

JUSTICE RAMASWAMI CASE

The problems relating to the recent impeachment of Justice V. Ramaswami in the Parliament are well known. In consultation with the eminent Jurist Mr. Nani A. Palkhivala we have filed a writ petition in the Supreme Court on the basis of draft prepared by the Director of COMMON CAUSE. Mr. Palkhivala has been gracious enough to agree to argue the case before the Supreme Court when it comes up for hearing.

Considering the importance of this matter we have deemed it proper to reproduce the writ petition in this periodical. Its substance appears in the paragraphs that follow.

IN THE SUPREME COURT OF INDIA
CIVIL EXTRAORDINARY JURISDICTION
COMMON CAUSE *Versus* UNION OF INDIA

Petition under article 32 of the Constitution praying for issuance of a writ of mandamus or other such writ, direction or orders directing the respondent to convey to the speaker of the Lok Sabha that the situation

arising from the failure of impeachment proceedings against an eminent judge of the Supreme Court, consequent upon abstention of 205 members from the voting on the motion of impeachment in the session held on the 10th and 11th May 1993 is a matter of very serious concern to the people of the country, affecting the quality of life of the citizens on account of their losing faith in the functioning of democracy and maintenance of high standards of judiciary in the country, these developments having brought about a situation which is actionable under provisions of article 21 of the Constitution of India.

1. That COMMON CAUSE is a Society registered under the Societies Registration Act which has, during the past many years, taken up various important public causes for securing redressal of grievances of the people. It has submitted to this Hon'ble Court a number of writ petition on important public matters including various facets of the problems of pensions, criminal cases clogging the courts of the country, malfunctioning of blood banks in the country, problems related to lawyers' strikes in various parts of the country, non-implementation of Consumer Protection Act, and others such. Through these writ petitions which have been filed on matters of such public importance, the Organisation has established its locus standi for taking up citizens' causes for seeking redressal.
2. That a matter of paramount importance, which has serious implications for the functioning of parliamentary democracy in the country and the maintenance of high standards of its judiciary, has arisen in the last few days. This matter relates to the impeachment proceedings which were launched in the Parliament against Mr. Justice V. Ramaswami, a judge of the Supreme Court, arising from a memorandum submitted to the Lok Sabha by 108 Members of Parliament for initiation of impeachment proceedings for certain alleged financial irregularities and improprieties. This event has attracted widespread attention all over the country and also other parts of the world. The eventual failure of the impeachment proceedings has been a subject matter of very severe condemnation in various quarters and expression of disgust at the political manipulations and consequent denigration of the processes of democratic functioning.
3. That it is a matter of serious concern for citizens of the country that the motion of impeachment of a judge of the eminence and stature of a Supreme Court judge has been handled in such manner that it has the potential of causing of loss of faith of the people in the functioning of democracy in the country while also severely bringing down in their esteem the standards and highest judiciary of the land. This has affected the quality of the life of the people; they feel demoralised and apprehensive of the future; they increasingly believe that politicians who should assume responsibility of improving living conditions of the people are more concerned with the operations and functioning of their parties than the well-being of the people. The citizens are more than ever convinced that politicians who are Members of Parliament are more concerned with maintaining and highlighting the importance of their regions which inevitably has potential of threatening the integrity of the country and its people. The developments arising from circumstances attending the failure of impeachment proceedings have thus seriously affected the quality of life of the people, holding out the threat of undermining and serious erosion of the pillars of democratic functioning.
4. That the impeachment proceedings initiated against Mr. Justice V. Ramaswami failed in the Lok Sabha on the 11th May, 1993, because only 196 members voted in favour of the motion which had been moved for his impeachment and 205 members abstained from the voting; consequently the requirements of impeachment prescribed under article 124 of the Constitution were not fulfilled. It is laid down in Clause (4) of Article 124 of the Constitution : "A judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity." The impeachment proceedings initiated against Mr. Justice Ramaswami were obviously of the nature of a quasi-judicial process, for adjudging whether the charges levelled against him were proved or not, and members sitting in the Lok Sabha during

the impeachment proceedings were charged with the responsibility of performing a quasi-judicial function. The members had heard both sides of the case and the arguments that could be made for and against the motion; it was mandatory on them to pronounce their individual verdicts on the charges levelled, and their failure to do so, which is evidenced by the fact that as many as 205 members abstained from the voting, is a matter of serious consequence and grave irregularity. This would be considered to be parallel to the position wherein a judge, after hearing the arguments in favour of an against an accused person in a case, abstains from or fails to give a verdict; such conduct on the part of a judge would be considered serious dereliction of the duty and responsibility entrusted to him. Impeachment proceedings have thus remained undecided; the name of Mr. Justice Ramaswami has not been cleared nor has it been established whether the charge levelled against him were correct or not. It can be contended that Mr. Justice Ramaswami has been placed in an anomalous position where his name throughout life will remain under a cloud. This would inevitably affect his life, but more importantly it would continue to affect the quality of life of the citizens of this country who had cherished and taken pride in the functioning of democracy and in the maintenance of high standards of its judiciary and who now cannot claim these to continue to prevail.

5. That hereunder are given the Grounds among others on which this Petition is based.

GROUNDS

(1) That the circumstances leading upto the initiation of impeachment against Mr. Justice R. Ramaswami need to be considered in relation to the eventual failure of the impeachment proceedings in the Lok Sabha on Tuesday the 11th May, 1993. Mr. Justice Ramaswami was Chief Justice of Punjab and Haryana during 1987 to 1989. Certain audit objections were reported to have been raised wherein allegations were made of improprieties and irregularities on his part in incurring expenditure from public funds. These got highlighted in the Press. Thereupon, 108 Members of the Parliament submitted a memorandum to the Speaker requesting initiation of impeachment proceedings against the judge. The Speaker constituted a Committee of three eminent judges of the Supreme Court to go into the allegations. The Committee held its sittings; it provided opportunity to Mr. Justice Ramaswami to make his submissions in regard to the charges levelled against him. Documents are stated to have been made available to him. He chose not to appear before the Committee and in fact made allegations against the Speaker in regard to the setting up of this Committee of Judges. The Committee gave its findings wherein it is stated to have come to the conclusion that out of 14 charges, 10 stood proved. Thereupon impeachment proceedings started in the Lok Sabha. The impeachment proceedings took two days of Lok Sabha to complete, six hours on 10th May and nine hours on the 11th May, lasting till late hours of 11th May night, during which the pros and cons of the entire matters were placed before the august House. Voting took place on 11th May night, at about 11.30 pm. The pattern of voting was such that out of 401 members present in the House 196 voted in favour of the motion of impeachment and as many as 205 members abstained from the voting. No vote was recorded against the motion which implies that no member expressed against the impeachment. The requirement of impeachment, as mentioned above and incorporated in Article 124(4) of the Constitution of India, is that the motion must be supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of the House present and voting. 273 votes were necessary to constitute majority of votes; question of two-thirds majority present and voting would have arisen only after fulfilment of that initial requirement.

(2) That it is a matter of serious consequence for the functioning of democracy in the country, and for the maintenance of high standards of its judiciary, on both of which people have been taken pride and holding their head high, that the handling of impeachment proceedings by the highest parliamentary body of the country has caused agonising jolt and disappointment to the country which inevitably has shaken the confidence of the people in the continuance of democracy in the country. These developments inevitably have the potential of affecting the quality of life of the people affecting their hearts and minds and indicating to them the possibility of developing conditions of overall disaster of stifling of operations of democracy.

(3) That the events of 11th May, 1993 in the Lok Sabha impeachment proceedings and the events subsequent thereto, have attracted nation-wide attention. Newspapers all over the country have extensively covered the events and have carried comments on these developments. Petitioner has considered it necessary to append herewith photocopies of cuttings from some of the important English language newspapers of the country. These are indicative of the serious importance that the people have attached to these developments and also of the grave disappointment that they have expressed at the failure of impeachment proceedings in the manner indicated above. In these newspaper cuttings following, among other matters, have got highlighted :

- (i) Casualness with which matters of very serious consequence of the country are dealt with in the Parliament, citing the instance of the same day 11th May 1993, wherein the Finance Bill for 1993-94 was passed by the Upper House merely by voice vote with only 20 members being present and where even the quorum could not be found for some time for considering matter of the importance of Finance Bill particularly in the context of the economic, financial and development problems which the country is passing through.
 - (ii) Events preceding the actual voting, including pronouncement of "conscience vote" by members of a political party, and subsequent developments indicating some sort of Whip having been issued to members of the political party which caused all members of that party to abstain from voting, thereby bringing about failure of the impeachment motion.
 - (iii) Regional considerations, including the alleged "Tamil Issue" which appeared to have influenced the voting pattern of a political party and which eventually led to the situation of causing failure of the impeachment motion.
 - (iv) The Parliament through these developments has become a subject to public ridicule and scorn, and events leading to the failure of motion of impeachment carries the serious potential of exposing a judge of the eminence of Supreme Court judge to public scorn if he had decided to continue to sit on the bench of the court and in regard to which he is reported not to have yet submitted resignation though indications have appeared in the Press that he proposes resigning from the Supreme Court on conclusion of the present summer vacation.
 - (v) Impeachment proceedings were in essence exercise of judicial probity and independence exercised by the Parliament in accordance with the relevant provision of the Constitution. Unfortunately, handling of this important problem by a political party has reduced these proceedings to a situation wherein the members did not exercise their independence in voting and were directed to abstain from the voting.
 - (vi) Failure of the motion of impeachment, dealing with the charges of the nature levelled in this case against a person of the eminence of Supreme Court, is being described as shutting one's eyes to corruption and misfeasance at the highest level. Conscience voting, which had been earlier decided upon by the concerned political party, was ostensibly overthrown on political considerations, including particularly regional considerations. This historic impeachment, which has been the first since the framing of the Constitution, has thus been reduced merely to a matter of political manoeuvring and counting of numbers. Freedom of vote was positively jettisoned.
 - (vii) The episode of this failure of motion of impeachment has reduced itself to a spectacle of Parliament escapism. Members were directed not to vote according to what they considered appropriate, nor to heed their conscience which thereby was stifled, and strategy of abstention was resorted to.
6. That the situation arising from these developments, connected with the failure of motion of impeachment against a judge of the eminence of Supreme Court judge, is obviously a very serious matter inasmuch as it inevitably causes among the people the lowering of their esteem of Parliament and of the

judiciary of the country, as also of the prevailing system, which are important features of the functioning of democracy. This situation will be considered as inevitably threatening the continuance of the present system of democracy and of the high standards of judiciary in the country, thereby evincing the potential of adversely affecting the quality of the life of the people. It will inevitably also tend to destroy the basic structure of the Constitution and threaten the very fabric of the country. This matter is consequently within the competence of the Hon'ble Court to deal with under Article 32 of the Constitution.

PRAYERS

7. It is, therefore, respectfully prayed that the Hon'ble Court may kindly be pleased to :-
- (i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the Union of India through the Ministry of Parliamentary Affairs, Respondent cited in this Petition, to convey to the Hon'ble Speaker of the Lok Sabha the serious concern of the people in the matter wherein as many as 205 members of the Lok Sabha abstained from the voting when the important matter of impeachment of a judge of the eminence of the Supreme Court judge was taken up, which has led to a situation where the charges levelled against the judge Mr. Justice V. Ramaswami have remained undecided and it is not evident whether the charges remain proved or otherwise, and to this extent Members of Lok Sabha who abstained from the voting have not exercised their function as members sitting in a special session of the Lok Sabha when they were performing a quasi-judicial function;
 - (ii) to issue a writ of mandamus or any other appropriate writ, order or direction, directing the Union of India through the Ministry of Parliamentary Affairs, cited as Respondent in this Petition, to request the Speaker of the Lok Sabha to inform this Court as to what he proposes doing to remedy the serious shortcoming that has come about due to the non-exercise of the votes by as many as 205 members in matter of such importance and involving a quasi-judicial pronouncement, ostensibly under some "whip" issued by a political party;
 - (iii) to issue a writ of mandamus or any other appropriate writ, order or direction, directing the Union of India through the Ministry of Parliamentary Affairs, Respondent cited in this Petition, to convey request to the Speaker of Lok Sabha to re-initiate the process of impeachment for conducting it in accordance with law; and
 - (iv) pass such other and further order or orders or give further on other reliefs as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Drawn and Filed by

(H.D. SHOURIE)
Director, COMMON CAUSE
(IN PERSON)

MISCELLANEOUS IMPORTANT MATTERS

EXCISE AND CUSTOMS REDUCTION

Mr. A.K. Antony, Minister of Civil Supplies of the Govt. of India, has taken laudable initiative of asking the industry and trade to explain whether or not they have passed on to the consumers the benefits of excise and customs reduction. It will be remembered that when the Finance Minister presented the Budget in the end of February 1993 he specifically stated that the reduction of excise and customs in relation to certain items is being made with the specific direction that its benefits should be passed on to the consumers. This exhortation was followed up by further definite directions of the Government to the

industry and trade to this effect. The Minister of Civil Supplies called a meeting on 20th April, 1993, in which representatives of the various top organisations of industry and trade were asked as to whether these benefits have been passed on to the consumers by the manufacturers. COMMON CAUSE was represented in this meeting alongwith certain other representatives of consumer organisations. We urged that all indications in the market have been to the effect that the benefits of this reduction, in respect of the specific items notified, have not been passed on to the consumers. We had also issued letters to the top organisations of industry and trade asking them specifically whether they have issued any instructions to their members, and to the manufacturers to this effect and whether they had affected any monitoring of this direction. The Minister of Civil Supplies called another meeting of the representatives of industry and trade on the 7th June 1993. There has been a general expression of disappointment that the industry and trade have not responded to the direction of the Government and that surveys in the markets indicate that the industries of tea, cosmetics, biscuits, tooth powders and televisions deserve to be categorised as "delinquent industries" which have so far failed to pass on to the consumers the benefits of Rs 1200 crores worth of excise duties concessions. Another period of fortnight was given by the Minister to the industries to indicate as to why there has been failure on their part to comply with this direction of the Government.

From the COMMON CAUSE we have continued pursuing this matter with the Ministry of Civil Supplies. We have provided lists of manufacturers of the notified items and have suggested that specific items manufactured by specific manufacturers should be picked up and referred to the Bureau of Industrial Costs & Prices for their analysis for determining whether there has been failure on their part to pass on to the consumers the benefits of excise and customs reduction examining any pleas which may be made by the manufacturers about intermediate effects of inflation and increase in wages etc. The matter continues to be further pursued with the Ministry.

A VERY SERIOUS MATTER OF LOTTERY

We have taken up a matter of lottery which was brought to our notice. This lottery is the one sponsored by Mizoram State Government. It was notified on the occasion of last Diwali. Tickets for this big lottery were of Rs 500 each. Prizes offered were 108 Maruti Cars 1000 cc, 108 Maruti Cars 800 cc, 108 motor cycles and 108 colour TV sets. We took up this matter with the Agent reported to be conducting this lottery, enquiring specifically about the total number of tickets printed, name and address of the printing press, the system of numbering of tickets, system of the lottery draw and its supervision, and most importantly the number of prizes given and the list of recipients. Our communication was forwarded by the Agent to the State Government. The Director of Lottery of Mizoram Government has sent a reply. It is claimed that 24 lakh tickets were printed. Name of the press has been given but without the address. A general statement has been made about the numbers printed on the tickets. It has been stated that two "judges" were present at the time of lottery draw. On the important matter of the names and list of recipients, there is total silence and it is being contended, both by the Agency as well as by the Director of Lottery, that "no claim" has been made, implying thereby that no person has claimed to be a winner of any of the prizes. Ostensibly a further implication is that no prize at all, out of the prizes mentioned above, was given away as a result of this lottery draw. We have pointed out to the State Government the serious implications of this matter; the sale of 24 lakh tickets of Rs 500 each means that an amount of Rs 120 crores is involved. We have asked the State Govt. to inform us as to where this amount has been credited. No further satisfactory reply has yet been received. The matter continues to be further followed up.

POSTAL PILLAR-BOXES

We have communicated an important suggestion to the Minister of Communications of the Government of India. There are about six lakh pillar post-boxes in the country. These are almost always strategically situated at important places on sides of roads and streets. The space above the post-boxes, appropriately and attractively designed, can be used for placement of selected and approved advertisements which would be seen by millions of people. In rural areas, and also at selected places in urban areas, this space can

be used for carrying messages which need to reach the people in fields such as of family planning, primary education, vaccinations and inoculations etc. Such advertisements can be invaluable for these various purposes besides raising revenues for the department. Designers and specialists need to be asked to work out the suggestion in detail, for evolving a "stand" which can be fixed/welded at the top of pillar post-boxes, to determine the size of advertisements and the use of two or three sides of the space above the post-box, selection of the types of advertisements and their frequency, etc.

LPG CYLINDERS

It was brought to our notice that Indian Oil Corporation has issued some instructions to their dealers that they should not allow or undertake detection of leakage from LPG cylinders by hand-application of soap solution which has been the extant normal practice. Their contention is that this method causes rusting of the cylinders. The dealers are reported to be suggesting that consumers should instead place fingers over the outlet to feel whether the gas is leaking, or alternatively they can connect the cylinder to a stove to see whether the stove continues burning after the regulator is turned off. We have taken up this matter with the Ministry of Petroleum & Natural Gas. Our contention is that any crude devices for detecting possibility of leakage of gas from a cylinder, particularly in the context of extent illiteracy and ignorance of the people, can lead to serious accidents because of their ineffectiveness and non-application. We have suggested that this matter should be got intensively examined in consultation with some scientists and specialists, devising definite ways and means for obviating the possibility of accidents which are caused by gas leakage.

APPROACH TO THE DELHI INTERNATIONAL AIRPORT

It has been the experience of large number of people driving to the Delhi International Airport, particularly at night time, that the absence of specific signs and indicators at the crossings and road turnings lead the people, who are normally not accustomed to driving on this road, to lose the direction and head on towards Gurgaon which falls on the direct route of this road. There has always been a very serious speed-breaker near Centaur hotel which has invariably caused hazards to the drivers rushing to the Airport. We communicated these problems in a letter to the Minister and the Secretary of Civil Aviation Ministry. The response to our communication was very prompt which is gratifying indeed. Action has already been taken to remove these defects on the route of this international Airport.

PUBLIC ADDRESS SYSTEMS AIRPORTS

We have addressed a letter to the Civil Aviation Ministry pointing out that at practically all the Airports of the country, the public address system which is used for making the various announcements is almost always functioning unsatisfactorily and that the message proposed to be conveyed to the passengers cannot be easily understood. It invariably creates a poor image of the functioning of Airports leading to adverse criticism of the administration in general. We have suggested that specialists should examine as to how the functioning of microphones and loud-speakers at the Airports can be improved, within the problems of echo, so that the message can be heard by the passengers with as much clarity as possible.

SAVING TREES

We have written to the Minister of Environment that strenuous efforts should be made to save trees which are being rapidly exhausted by use for cremation purposes, forming part of the rituals of disposal of bodies of Hindu religion. Examples should be set by top leaders by declaring that when time comes the disposal of their bodies should not be through funeral pyres but the electric crematoria should be utilised for the purpose wherever such facilities are available. We would like that people should make declarations to this effect in their own households. This can lead to a movement which will be ultimately beneficial from the viewpoint of maintenance of heritage of nature and environment.

COMMON CAUSE OUT ACTIVITIES AND PROGRAMMES

COMMON CAUSE as a public interest organisation has reached out extensively in ever-widening spheres for taking up causes of the people for securing redressal.

Its activities have given benefits to very large number of people, in fact to innumerable persons, spread all over the country. Almost three million pensioners have benefited from the three important decisions the organisation secured from the Supreme Court, in relation to extension of liberalisation of pension, restoration of commutation of pension, and extension of the scheme of family pension. The case relating to Delhi Municipal Corporation Property Tax, decided at its instance by the Supreme Court, helped to straighten out problems of the levy and assessment of this tax. Various manifestations of this matter have continued to be pursued by the organisation of securing proper restructuring and rationalisation of the tax. Various issues relating to Rent Control laws and their distortions have continued to be taken up for being sorted out. We have maintained close relationship with various associations of homeowners, tenants, ratepayers, welfare organisation etc.

From time to time we have taken up the problems relating to income tax, wealth tax, gift tax, capital gains tax, for avoidance of aberrations, discrimination and harassment. All sorts of problems of non-issue of shares and debentures, non-payment of interest on deposits, and disregard of interests of the people have been taken up by us with the concerned authorities.

In matters of public importance the organisation has filed writ petitions in the Supreme Court and High Courts. Matter relating to lawyers' strikes has been taken on the Supreme Court. The problem of accumulated backlog of cases in the courts all over the country leading to serious erosion of faith of the people in the administration of justice, has been highlighted through another writ petition. A writ petition in the Delhi High Court effectively thwarted the wholesale amendment of the building byelaws which would have been detrimental to the interests of the people. Writ petition was filed against Delhi Electric Supply Undertaking which resulted in a beneficial verdict relating to bills based on defective meters. Writ petition has been filed challenging the pensions being given to Members of Parliament. Another writ petition has highlighted the inadequacies and malfunctioning of blood banks in the country. A writ petition has brought to the fore non-implementation of Apartments Ownership Act in Delhi.

Increasingly the organisation has also been taking up various problems of the consumers, with a view primarily to give them the feel that they too can fight their battles in relation to the products and services provided to them. A major achievement of the organisation has been to secure amendment by the Government of all taxes, is being printed on packages, all over the country. Matters relating to various areas of inefficiency of the public sector functioning, as of electricity supply, telephone services, airlines etc. have been taken up for redressal of the grievances of the consumers. Cases were filed by the organisation for setting right the inadequacies of quality control in manufacture of sensitive items such as intravenous fluids, and removal of distortions in strict observances of the orders for supply and sale of iodized salt.

COMMON CAUSE has involved itself deeply in the problems of consumerism in the context of the implementation of the Consumers Protection Act. Omissions and delays in the implementation of this Act by the state governments in the country were highlighted in a writ petition filed in the Supreme Court, and arising from the directions issued by the court the process of setting up of quasi-judicial machinery under this Act has been expedited. Contacts and relationship with the organisations of consumers all over the country have been maintained.

COMMON CAUSE retains its basic character of being a non-political, non-profit and voluntary organisations. Its membership is open to everybody.

Everybody can take membership of COMMON CAUSE. Membership Fees: individual annual membership Rs 50; individual life membership Rs 250; organisation annual membership Rs 200. No form is required. Merely send your name and address (in Block Letters) along with cheque/demand draft in name of COMMON CAUSE.