

# COMMON CAUSE

## VOICE OF "COMMON CAUSE"

### POLITICAL PARTIES AND ELECTIONS

In this issue of our periodical we are presenting our assessment of the deficiencies and flaws in our electoral system which have been the main cause of multiplication and fractionalisation of political parties and which have inevitably led to the present state of fractured politics in the country. On this subject two articles of the Director which have in the recent weeks appeared in the Times of India,

have brought a number of letters from the readers. In these letters they have given their views and suggestions, mostly supporting our points. Some of these contain concrete and specific suggestions strongly advocating that the Election Commission should consider for implementation.

\* Everybody is eligible to take membership of COMMON CAUSE. No form is required. Merely send your name and complete address, preferably written in CAPITAL LETTERS. Send it to our new address: COMMON CAUSE, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, NEW DELHI 110070.

\* Membership fee for individuals is Rs.100 for one year; Rs.500 for life membership for individuals; Rs. 200 for annual membership of organisations and associations. Send by crossed cheque in favour of COMMON CAUSE.

\* We receive numerous letters. Replies are invariably sent. On the average our receipt is about 20/30 letters every day. Kindly, therefore, write only when you must; letters received in local language present us difficulties in deciphering.

\* Donations to COMMON CAUSE are eligible for exemption available under Section 80-G of the Income Tax Act. Your donations, and those of your friends, will be most welcome indeed.

In the article entitled "Our Fractured Polity" readers were requested to convey their views and suggestions directly to Dr. M.S. Gill, Chief Election Commissioner. A number of readers have sent their suggestions to CEC, with copies to COMMON CAUSE. We have reproduced some of these letters alongwith the two articles. Some letters were long, often covering 5/6 typed pages. Constraints of space have inevitably necessitated the abridgement of the long letters, bringing out the salient points contained in them.

Almost all readers have favoured the view that when certain political parties have been recognised as "National Parties", there is no reason why "State Parties" and "Unrecognised Political Parties" should also be allowed to continue playing on the national scene. State Parties aspiring to attain the status of "National Parties", are required under the rules to record presence in "four States or more" in the previous Lok Sabha election; these have failed to achieve this target even in the two Lok Sabha Elections of 1996 and 1998. Allowing all the "State Parties", and even the "Unrecognised Political Parties" to continue to play on the national scene inevitably affects the political process, and breeds multiplication and fractionalisation. "Independents", of course, stand on a different footing, deriving the authority under the Constitution to stand for election.

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We have taken up this matter strongly in two letters addressed to the Election Commission, highlighting certain anomalies and absurdities which have been in evidence in the 1996 and 1998 elections to Lok Sabha. These letters have been reproduced in this periodical. It has been highlighted in these letters, for instance, that in the 1998 Lok Sabha election as many as 139 "Unrecognised Political Parties" participated in the elections besides 7 "National Parties" and 30 "State Parties". 127 of these Unrecognised Parties secured zero; out of 871 candidates sponsored by them 744 forfeited their deposits. 1915 persons contested the election as "Independents"; out of them 1898 forfeited their deposits. In 1996 elections the number of "Independents" was as much as 10,635; out of them 10,603 lost their deposits. Out of 30 State Parties which participated in the elections none was able to secure presence even in four States.

There are obvious deficiencies in the Symbols (Reservation and Allotment) order which governs the entire electoral process, according recognition to political parties, classifying them into "National Parties" "State Parties" and "Unrecognised Political Parties", laying down the procedures for allocation of symbols to the candidates sponsored by the parties as well as to Independents who stand for elections. The deficiencies and flaws of this order do not appear to have been studied on any occasion for their removal. We intend following up this matter to see how this situation can be remedied.

Another matter in relation to elections, which continues to be a matter of concern, is the fact of non-maintenance of accounts by political parties and the general feeling among the people that political parties depend to a considerable extent on black money for their operations as well as for election. ON the subject of non-maintenance of accounts by the political parties COMMON CAUSE had filed a Writ Petition to the Supreme Court in 1994 and had secured an important verdict. We have now addressed a comprehensive letter on this subject to all the political parties which feature in the categories of "National Parties" and "State Parties". They have been asked whether they are abiding by the provisions of the law in relation to maintenance of accounts and of getting their accounts annually audited. Copy of the letter has been reproduced in this issue. We have received replies only from two political parties and have since sent Registered reminders to them. This matter may eventually have to be again taken to the Supreme Court.

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Joe sat at his dying wife's bedside. Her voice was little more than a whisper.

"Joe, darling," she breathed, "I've got a confession to make before I go.....I.....I'm the one who took the \$ 10,000 from your safe..... I spent it on a fling with your best friend, Charles. And it was I who forced your mistress to leave the city. And I am the one who reported your income-tax evasion to the Government....."

"That's all right, dearest, don't give it a second thought," answered Joe. "I'm the one who poisoned you".

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After the wealthiest man in the world passed away at a ripe old age, he was mourned on the front pages of newspapers throughout the world. On a mid-Manhattan street corner a short, bespectacled fellow in a rather worn grey flannel suit seemed particularly broken up by the news. He clutched the paper to his chest and cried unabashedly, "He's dead. He's dead".

"There, there," said the news dealer, trying his best to console him. "You mustn't carry on like that, Sir. We've all got to go some time. He wasn't related to you, was he?"

"No", sobbed the man, "That's it. That's it."

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A Policeman is reporting to his superior on his mission.

"I planted myself near the house of the suspect and spent the night there in surveillance. When he left, I followed him. He entered the barber shop, I followed him and had my hair cut. Then he went into a restaurant to have lunch. I followed him in, sat at the next table, and had lunch. Next, he went to a movie and that is where I lost him."

"Why didn't you follow him in?" asked the superior.

"I had already seen the movie."

## TRANSFERS OF OFFICERS

COMMON CAUSE has previously been expressing concern about the unfortunate tendency of the politicians, particularly in the States, to resort to extensive transfers of government officers. Such indiscriminate transfers inevitably tend to cause demoralisation in the administration which, in our view, constitutes the pillars on which the edifice of democracy is built. Any weakening of these pillars can be disastrous for the functioning of democracy. This matter is one of the important issues which was taken up by the Vth Pay Commission and on which they have made specific recommendations. Taking into account the recommendations made by the Commission we reproduce hereunder a letter which has been addressed by COMMON CAUSE to all State Governments, with copies to the concerned Department of the Government of India.

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**Letter addressed to Chief Secretaries of all State Governments and Union Territories with copies to secretary, Ministry of Personnel, Public Grievances & Pension, Govt. of India.**

**Subject : POLICY OF TRANSFERS OF OFFICERS.**

Dear Sir,

On various occasions there have been complaints of the misuse of the instrument of transfers in certain State Governments. Arbitrariness in transfers inevitably causes severe weakening of administration and demoralisation of the services. For avoidance of problems of such nature arising in the administration it is necessary that there should be transparency in the use of this instrument at the administrative level as well as political level.

Your Government would be aware that this matter of transfers was inter-alia taken up by the Vth Pay Commission. In their Report they have laid great emphasis on certain points being kept in view and procedures to be followed for avoidance of any difficulties coming about in the matter of effecting transfers of officers.

It is possible that your Government has already been apprised of these recommendations. We have considered it necessary to bring these specifically to your notice with a view to ascertaining whether appropriate necessary action has been taken by your Government on these recommendations. In particular, we would be grateful for information whether the following specific recommendations have been implemented, and if not, when are they expected to be implemented :

- i. The requirement of fixing minimum tenure for respective types of Services;
- ii. Issue of directions that reasons for any premature transfer before completion of prescribed tenure should be recorded, furnishing opportunity to the affected officer to exercise the right to appeal.
- iii. Establishment of the recommended high powered Civil Services Board comprising of three persons, Namely, a retired Judge of the High Court, a prominent person in public life, including a retired senior officer, and the Chief Secretary.
- iv. Issue of instructions regarding the operation of Civil Services Board and maintenance of its record of decisions.
- v. Establishment of high-powered Boards of the respective Departments of the Government for review of cases of premature retirement.
- vi. Issue of general instructions to Departments on this important subject for ensuring implementation of various recommendations of the Vth Pay Commission, including the subject of transfers of Group 'C' and 'D' employees.

We would be grateful for information on the above specific points, and earnestly hope that it will be furnished in a period of maximum one month.

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## HOLIDAYS AND WORK-HOURS

For the purposes of improving the governance of the country a matter of paramount importance is a requirement of improving efficiency and productivity of the government offices. This matter relates very closely to the subject of Holidays observed by government offices, Hours of work adopted in the offices, and connected matters such as payment of over-time allowance.

The Vth Pay Commission set up by Government of India has gone into various subjects of governance in great detail and in its bulky Report of three big volumes had inter alia dealt with the matter of Holidays and Work-Hours. Recommendations of the Vth Pay Commission were submitted as long ago as January, 1997. Report of the Commission has presumably been sent to Ministries and Departments of the Government of India and also despatched to State Governments and Union Territories. As the subject of Holidays and Work-Hours is of importance to GOI as well as State Governments, we have sent a comprehensive letter to the Cabinet Secretary of GOI and the State Governments and Union Territories. This matter being of obvious importance we have considered it appropriate to apprise our readers about these communications. We have requested GOI and State Govts. to send us replies within one month. It is not unlikely that the replies from them may not be forthcoming. We will then consider this matter for taking it to the Supreme Court.

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### ***Sub : HOLIDAYS, LEAVE AND WORK-HOURS OF GOVERNMENT OFFICES.***

Dear Sir,

We invite a reference to the specific recommendations of the Vth Pay Commission of the Government of India on the subjects of Holidays, Leave, and Work-hours of the Government Offices. These recommendations are contained in Chapter 117 and 118 of the Report of the Commission. Recommendations relating to these subjects have obvious importance for effecting improvements in the functioning and productivity of government offices. As these objectives are of importance to State Governments as well as to the Government of India, we are addressing the present communication to the Cabinet Secretary to the Government of India and also to Chief Secretaries of all State Governments and Union Territories.

Report of the Vth Pay Commission was submitted in January, 1997 and is very comprehensive. We hope that copies of this important Report have already been supplied by the Government of India to State Governments and Union Territories. For facilitating consideration of the recommendations on the above mentioned subjects we are enclosing herewith copies of the Chapters 117 and 118.

These recommendations are summarised hereunder for facility of your reference:

**HOLIDAYS :** There is general belief that there is surfeit of holidays, and frequent closure of government offices inevitably has an adverse effect on the productivity of government offices. Government of India offices are presently enjoying 17 holidays annually including the three National Holidays on January 26, August 15 and October 2. In addition, the government employees are also entitled to two Restricted Holidays of their choice out of a list notified for the purpose. Observance of present 5 - day week by GOI offices has resulted in their working only for 242 days in the year. There is also plethora of leave entitlements of government servants; these include earned leave, casual leave, half-pay leave, extraordinary leave, study leave etc. Holidays other than the National Holidays are largely related to religious considerations and are stated to serve mainly to demands of various constituencies and political requirements.

Vth Pay Commission after taking all factors into consideration has recommended that in the interest of promoting a sense of some true secularism, religious festivals should appropriately be treated as personal to individual employees. The Government offices need not be closed on such occasions. It should suffice if the government offices are closed only for three National Holidays (Republic Day, Independence Day and Mahatma Gandhi Birthday), and individuals should be permitted to avail of a

large number (about 12) of Restricted Holidays in the year to make them to participate in the festivals and ceremonies of special significance and interest to them. This will enable government offices to remain open for large number of days. It will of course be necessary to give appropriate consideration to the requirement of according sanctions to individual employees for observance of the restricted holidays.

In addition, the Commission recommended that tendency should be curbed to declare holidays on the demise of political personalities, and instead to adopt more dignified practice which has been adopted in other countries, of paying homage to the deceased dignitary by flying the National Flag at half mast, observing silence for a few minutes in memory of the departed person, and observance of State mourning for a specified period. According to the Commission such observances should suffice excepting in the case of demise of the President of India and the Prime Minister, in harness.

**WORK-HOURS** : A very important matter taken into consideration by the Commission relates to the introduction of five-day week in GOI offices which were previously functioning on six-day week basis, with second Saturday off. This has been considered deleterious for maintenance of effective functioning of the offices and their productivity. The expectation that this change would improve the efficiency and productivity, by providing more time to the employees for rest and recreation and to enable them to better fulfil their domestic and civil obligations, has not been fulfilled. On the contrary the introduction of five-day week has led to a tendency among employees to get five-day actually converted often into four-day week for going on extended week-ends, and to occasionally avail of the entire week as a holiday, taking advantage of one or two holidays falling in the middle of the week.

The Commission has accordingly recommended the resumption of six-day week with observance of second Saturday off. In this connection it has been remarked by the Commission that six-day week is already prevalent in the States of Assam, Himachal Pradesh, Madhya Pradesh, Meghalaya, Orissa, Rajasthan and Sikkim.

When five-day week was introduced in GOI offices the hours of work had been slightly increased to 40 hours a week, to compensate the closure of offices on one day a week. This increase does not appear to have been effective. It has been generally observed that morning attendance in the offices is hardly ever on time, excepting in the case of senior officers and that there is a tendency of leaving offices early in the evening, for catching the public transport. These tendencies need to be curbed and punctuality enforced, with the proper observance of 40 hours in the week, excluding the lunch break, by introduction of microprocessor-based card attendance system.

**OVER-TIME ALLOWANCE**: Taking into account the adverse consequences of the prevailing system of paying overtime allowance, which is being presently paid to employees of monthly emoluments upto Rs.2,200/- p.m., for working beyond the designated hours, and the general prevailing feeling that government offices are already over-staffed, the Commission has expressed the view that there is no justification for continuance of the system of payment of over-time allowance and has recommended its discontinuance, substituting this concession by giving compensatory leave. In this context, the Commission has remarked that many State Governments like Assam, Gujarat, Himachal Pradesh, Karnataka, Manipur, Mizoram and Rajasthan do not have any system of payment of over-time allowance to their employees.

These are among the important recommendations of the Vth Pay Commission on the subjects of Holidays. Leave and Work-hours of government offices. We have considered it necessary to highlight these recommendations for bringing them specifically to the notice of concerned authorities of the Government of India. We would be grateful for information whether and to what extent these recommendations of the Vth Pay Commission have been implemented by the Government of India. In respect of State Governments we feel that as the problems of government offices all over the country are common and similar, we may kindly be informed by State Governments and Union Territories about the acceptance of recommendations by them and of their implementation. We earnestly hope that we will be able to receive replies to this communication in a period of one month.

Receipt of this communication may kindly be acknowledged.

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## MAKING A WILL

The importance of elderly persons making their WILL is self-evident. On this subject we had long ago published a comprehensive write-up furnishing details about various clauses etc. Which should be incorporated in the WILL. We had also separately published a small Pamphlet which was widely supplied to our members.

6137043 Mr. N. Ahuja (C-2/2262, Vasant Kunj, New Delhi - 70) has been kind enough to give us a write-up on the subject of "Law of Nomination". This subject is of obvious importance because there is often an omission on the part of elderlies to name a NOMINEE in relation to documents such as LIC/GIC Policies, Provident Fund, Bank Account, Fixed Deposit Receipts and other such important documents. We are reproducing the Write-up in this issue of the Periodical. It will be worthwhile for elderlies to take note of suggestions made in it.

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### LAW OF NOMINATION

#### (WRITE WILL WITH WIFE AS BENEFICIARY AND MAKE WIFE AS NOMINEE)

Most unfortunate thing to happen to a woman is to become a WIDOW. Still worst is, that she is not NOMINEE in LIC/GIC Policies, P.F., P.P.F., Bank Account/FDRs & other welfare laws and DDA/Society flats, etc. and/or person has not even written his 'WILL'. Though legally nominee receives money as "Trustee", yet in most cases, nominees are reluctant to hand over money to wife and family due to one reason or other and widow has to fight a legal battle to get the money due to her.

Most people in India believe that nominee is rightful person to receive and keep money. But courts believe it otherwise. An attempt has been made to explain the law of nomination under various laws such as:

The Insurance Act, 1938 the Employees Provident Fund Scheme, 1952 the payment of Gratuity Act, 1972, Public Provident Fund Act, 1968, DDA/Societies flats, etc.

#### Nomination under the Insurance act 1938

A nominee is the person named in the proposal form to whom the Insurer (LIC/GIC) pays the assured sum to in case of death of the assured.

Nominee is like a trustee who receives the money due under the policy for the benefit of the legal heirs of the deceased. In other words, the fact that a person happens to be mentioned as nominee by the person insured does not give him the TITLE to the insurance money.

Cases may arise in which the real beneficiaries under the insurance policy feel that if the insurance money falls into the hand of the nominee, they might not be able to get it from him. In such circumstances, a court of law is under obligation to protect the rights of the real heirs of the deceased who alone are entitled to receive the insurance money.

The position of the nominee was finally settled by the Supreme Court in the case of Sarbati Devi Vs. Usha Devi (AIR 1984, SC-346). In this case a person insured his life and appointed his wife Usha Devi as nominee to receive the sum assured on his death. Sometime later he dies, leaving behind his wife, son Ashok Kumar and mother Sarbati Devi as his nearest legal heirs. On the strength of the nomination Usha Devi claimed absolute right to the sum assured to the exclusion of the other two heirs, i.e., the son and the mother of the deceased. The Supreme Court dismissed her claim

holding "a mere nomination made under Section - 39 does not confer on the nominee any beneficial interest in the amount payable under the life insurance policies on the death of the insured." The court further observed that the nomination only indicates the hand which is authorised to receive the amount. The amount, however can be claimed by the heirs of the assured in accordance with the law of succession governing them.

### **Nomination and Labour Welfare Laws**

Para 61 of the Employees Provident Fund Scheme, 1952 and Section 6 of the Payment of Gratuity Act, 1972 deal with the procedure for nomination to the respective funds. The sections provide an identical procedure. The right to nominate is restricted, i.e. in the case of an employee having a family, the nomination in favour of an outsider becomes void and fresh nomination in favour of the member has to be made. Also it is pertinent to note that while an employee has family, nomination in favour of an outsider is void. However, it is not so in Public Provident Fund Act.

### **Public Provident Fund Act, 1968**

Section 8 of the Act says that all amount standing as the credit shall go to the nominee (whether of family or not). Where there is no nomination the amount shall be payable to his legal heirs. It is advisable to nominate wife as nominee in PPF Account.

### **Nomination and The Societies and Flats**

The legal position of the nominee remains the same under the property law. After Sarbati Devi's case (AIR 1984 SC-346) the law is clear on the principle that the nominee is a mere trustee with whom the society can initially or prima facie deal. And after the death of a member all the heirs to whom a share in the said Society has been bequeathed, will have the right to succession to the property and the nominee cannot exclude the heirs. If rules permit, make your wife as co-allottee and/or nominee in the Society/DDA flats and make and register your will in wife's favour.

Following conclusion can be drawn from above discussion:

1. Nominate your spouse as Nominee in all documents and write and register WILL making wife as beneficiary.
2. Nomination does not affect the title to the money secured by policy, schemes, fund or property. It only provides a mode of payment to particular person who is the nominee.
3. In spite of such a nomination, the policy holder or owner of the fund or the property retains complete power of disposition which he can exercise either by transfer or assignment which operates during his lifetime or by a Will which operates only subsequent to his death.
4. The rightful claimants to the sum under a policy or scheme or the share in the property as the case may, are the legal heirs of the deceased, and not the nominee.
5. In order that the amount under the policy or the welfare schemes or a share in the society or flat falls due to the desired person (wife), it is necessary to bequeath it by way of Will preferably registered. A will alone puts into effect the wishes of the testator after his death.

N. AHUJA  
MANAGEMENT CONSULTANT

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One of the airlines recently introduced a special half-fare rate for wives accompanying their husbands on business, trips. Anticipating their valuable testimonials, the publicity department of the airline sent out letters to all the wives of businessmen who used the special rates, asking how they enjoyed their trip.

Responses are still pouring in asking, "What trip?"

## MAINTENANCE OF ACCOUNTS BY POLITICAL PARTIES

On the important subject of maintenance of accounts by the political parties we reproduce in this issue the article of Director which recently appeared in the Times of India. On this subject we have also taken the initiative of addressing letters to all recognised National Political Parties (7) and state Political parties (40). Copy of the letter and the article reproduced below.

There has always been wide-spreading feeling that there is extensive use of black money in the elections. We have written on the subject to Chambers of Commerce and made reference to a directive which has been issued by Mr. Ratan Tata in his organisation for not giving any donation to political parties for specific gain. This letter too is of obvious importance and we have considered it necessary to reproduce it in this issue.

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## PUBLIC VIGILANCE CAN CURB BLACK MONEY IN ELECTIONS

By H D SHOURIE

The present political instability leading to frequent general elections calls attention to a matter of paramount importance - that of the funding of political parties, and to the general impression that elections involve large scale use of black money. Government expenditure in the coming elections is estimated to run into several thousand crore rupees but no estimate is possible of the expenditure which will be incurred by the political parties and the candidates. Inevitably, the inference in the public mind is that parties will rely very largely on unaccounted money.

In this context it is necessary that the people should know about the existence of certain specific statutory provisions relating to maintenance of accounts by political parties and the mandatory requirements under the law that all political parties have to fulfil in this regard. Vigilance on the part of the designated government functionaries and the people can considerably help to check the malpractice's and manipulations.

The relevant legal provisions are contained in Section 13-A and Section 139 (4-B) of the Income Tax Act and in Section 293 (A) of the Companies Act. The provisions of the Income Tax Act prescribe (i) that every political party has to maintain detailed accounts of income and expenditure, (ii) that in the accounts there has to be a specific mention of receipt of any donation of amount above Rs. 10,000 along with the name and address of the person or company making the donation, and (iii) that accounts of a political party must be audited every year by a chartered accountant. The law also imposes an obligation on the designated functionary of a political party to ensure that the income tax return is submitted every year in the prescribed form setting forth the requisite particulars.

Section 293(A) of the Companies Act lays down that no company can make a contribution to a political party unless the proposal is first passed by its board of directors, a proper resolution is passed and recorded and the contribution appears in the accounts of the company for purposes of audit. For default the imposition of a heavy penalty on the company and imprisonment of its functionaries has been prescribed in this provision.

On the announcement of the General Elections of 1997, COMMON CAUSE had taken the initiative of writing to political parties asking specifically whether they were complying with these requirements of the law. We received confirmation from only one party; and no reply was received from any other party. Thereupon we took this matter to the Supreme Court, bringing to notice the default on the part of political parties. Very strict directions were eventually issued by the Supreme Court regarding

the requirement of thorough compliance of the statutory requirements and orders were also issued to the Revenue Department of the Finance Ministry to take action against those officers of the Income Tax Department who had failed to ensure compliance with these mandatory provisions of the law. This matter continues to be further pursued by COMMON CAUSE for compliance with the orders of the court.

A very important issue which arose from this case before the Supreme Court related to the matter of expenditure incurred by a political party in the constituency of a candidate. The relevant provision in this regard is contained in the "Explanation" inserted under Section 77 of the Representation of People Act; and this was interpreted by the court to imply that where a political party failed to maintain accounts in compliance with above mentioned provisions of the Income Tax Act, any expenditure incurred by such political party in the constituency of a candidate would be taken as incurred by the candidate himself. And if the aggregate expenditure then increases beyond the maximum limit of expenditure prescribed in relation to that constituency, the candidate would be disqualified. This decision of the Supreme Court had helped to clean up the 1997 elections to a great extent, curtailing the hoarding, posters trucks with blaring loudspeakers and rallies, which were previously being resorted to very extensively by the political parties.

On the general question of maintenance of accounts by political parties, the Supreme Court clearly laid down that contributions and donations to a political party are exempt from income tax only if the political party satisfies the concerned authorities that (i) it keeps and maintains such books of accounts and other documents which would enable the assessing officer to properly derive the facts from these, (ii) it keeps and maintains records of voluntary contributions in excess of Rs. 10,000. along with the names and addresses of the donors, (iii) the accounts are audited annually by a chartered accountant, and (iv) the return of income and expenditure is submitted every year.

These are obviously matters of paramount importance in relation to the forthcoming Lok Sabha elections. From the platform of COMMON CAUSE we have now written again to all the political parties which have been recognised by the Election Commission as "National Parties" and "State Parties". They have been asked to confirm within a fortnight that they are abiding by these requirements of the law. Where we fail to receive such confirmation we will take appropriate steps to take the matter to the Supreme Court for calling upon the defaulting parties to show cause as to why action should not be taken against them. Simultaneously we have written to the Revenue Department of the Ministry of Finance, Government of India to initiate action against the officers who have defaulted in ensuring strict compliance with these provisions of the law.

In this connection it will be worthwhile to take note of a statement of outstanding importance which recently featured in the Press about the declaration by Tata Group about having adopted a code on the initiative of Mr. Ratan Tata that they "would not support any specific political party or candidate for political office and not give any payment to obtain business or favour or to give any donation to any agency to obtain favourable performance of official duties." From COMMON CAUSE we have addressed all chambers of commerce and industry in the country requesting them to transmit to their members information about the adoption of this code. By exhorting their members to adopt such a code the chambers can play a great role in cleansing public life.

It is important that the people should be acquainted with the mandatory requirements of the law which have direct relevance to the forthcoming elections and to exercise vigilance for ensuring that no political party is allowed to disregard or defy these clear provisions of the law. The vigilance of the people will greatly help to curb the influence of black money in elections. They should also convey their views to the Election Commission for ensuring compliance with these mandatory provision.

Comments and suggestion are welcome. Write to COMMON CAUSE, A-31, West End, New Delhi  
- 110021-

To

All National and State Political Parties

Dear Sir,

Your party may be aware that under the law there are certain mandatory orders regarding (i) maintenance of accounts by political parties, (ii) specific mention in their accounts about any donation received in the amount of Rs. 10,000/- and above, and (iii) Annual audit of accounts of the party. There is also obligation imposed on the designated functionary of the political party to annually submit Return of Income Tax on the prescribed form setting forth the particulars required under the law.

These provisions are contained in section 13A and Section 139 (4-B) of the Income Tax Act. There is also provision under section 293A of Indian Companies Act which lays down that no company can make contribution to a political party unless the proposal is first passed by the Board of Directors, a proper Resolution is recorded, and the contribution appears in the accounts of the Company for purposes of audit. For default, imposition of heavy penalty on the Company and imprisonment of its functionaries has been provided under the Law.

From the platform of COMMON CAUSE we had filed a Writ Petition in the Supreme Court on this subject, highlighting that ostensibly there were defaults on the part of some political parties as well as companies to comply with these obligatory provisions of the law. The Supreme Court took serious notice of the defaults and issued certain specific orders in their important Judgement (COMMON CAUSE vs. Union of India: 1996 - 2 - Supreme Court Cases - page 752).

It has been clearly laid down in these orders inter alia that contributions/donations to a political party are exempt from income tax only if the political party satisfies that (i) it keeps and maintains such books of accounts and other documents as would enable the assessing officer to properly derive the facts from there; (ii) it keeps and maintains records of such voluntary contributions in excess of Rs. 10,000/- and of the names and addresses of the persons who have made such contributions; and (iii) the accounts of political party are audited by a Chartered Accountant or qualified Accountant. Sub-section 4-B has been inserted in Section 139 of the Income Tax Act making it obligatory for each political party to file every year a Return of Income Tax voluntarily.

The provisions of section 293 (A) of the Companies Act, read with Section 13A and other provisions of Income Tax Act exist in the law with the avowed object of bringing transparency in the accounts and expenditure of political parties. The Supreme Court, in the Judgement in this case, has emphasized that if a political party deliberately chooses to violate or circumvent these mandatory provisions of the law and goes through the electoral process with the help of black and unaccounted money, the said party cannot claim the provision made under Explanation I to Section 77 of the Representation of Political Parties Act i.e., any expenditure incurred by the political party in the Constituency of a candidate will be considered to have been incurred by the candidate in relation to the provision of limitation imposed on the expenditure by a candidate standing for election.

COMMON CAUSE has considered it appropriate to bring to the notice of the political parties these provisions of the law and the directions embodied in the Judgement of Supreme Court. We are also specifically bringing to the notice of the Finance Ministry of the Government of India these directions of the Supreme Court wherein it had been directed that action should be taken against the political parties which have not been filing their returns and have defaulted in observance of the above-mentioned specific provisions of the law, and also to initiate action against those officers of the Department who have defaulted in enforcing these provisions of the law.

We earnestly hope that your political party is abiding by these provisions of the law and the

specific directions embodied in this Judgement of the Supreme Court and will also keep in view the specific decision contained in this Judgement about the provisions of Explanation I of 5.77 of the Representation of People Act.

We will look forward to a reply within a period of fortnight that your political party is complying with the above-mentioned provisions of the Income Tax Act and the Companies Act.

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To,

All Chambers of Commerce And Industry

Dear Sir,

A statement of outstanding importance has appeared in the Press (TOI: 24-12-1998) that on the initiative of Mr. Ratan Tata the Tata Group has adopted a common code, with several of its leading companies deciding "not to support any specific political party or candidate for political office". The Code is reported to have also decided "not to give or take any payment to obtain business or favours, or give donation to any government agency to obtain any favourable performance of official duties". TISCO, TELCO, Tata Tea, Tata Chemicals, Tata Electrical Companies, Tata International and Tata Industries, alongwith several Divisions of Tata sons have adopted this Code.

Chambers of Commerce and Industry all over the country may have noted this Press report. We feel that this decision of Tata Group can be, the precursor of the dawn of a new era in business and industry regarding its relationship with political parties and party candidates in elections. A change of this type can do enormous lot of good to the country and embolden it in its path towards the evolution of high-level norms for the functioning of democracy in the country.

We write to all Chambers of Commerce and Industry in the country to follow up this remarkable development by specifically bringing it to the notice of their members, requesting them to adopt similar Code in their Companies and to confirm to their respective Chambers about having done so. On the basis of securing such confirmation from their members, the Chambers can play a great role in cleansing up public life in the country by widely publicising the role played by the Chambers and the confirmation communicated by their members.

We earnestly hope that all Chambers of Commerce and Industry will kindly give serious consideration to this suggestion. It is for the political parties to evolve alternative modes for mobilising and collecting funds, on the lines of those adopted by Western countries for their political parties and for providing support to their candidates in the elections.

We would be grateful for a line in confirmation about the action taken in this context by your organisation.

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A much-traveled playboy we know says that in various stages of her life, a woman resembles the continents of the world: From 13 to 18, for example, she's like Africa - Virgin territory, unexplored. From 18 to 30, she's like Asia - hot and exotic. From 30 to 45, she's like America - fully explored and free with her resources. From 45 to 55, she's like Europe - exhausted, but not without points of interest. After 55, concludes the playboy, she's like Australia - everybody knows it's down there, but nobody cares much.

...

Our Research Department informs us that the bath-room is no longer the room where the most household accidents occur. It's the bedroom.

...

## OUR ELECTORAL SYSTEM

In the context of the problems of fractionalisation and multiplication of political parties that have been in evidence in recent years in India, and keeping in view the forthcoming elections to Lok Sabha, we have communicated our concern to the Election Commission highlighting the anomalies and absurdities which manifested themselves in the 1998 Lok Sabha elections, bringing into special focus the obvious flaws and deficiencies in the Symbols (Reservation and Allotment) Order. This order was issued 30 years ago, in 1968, and since then no effort appears to have been made to remove its defects. It is particularly noticeable that this 1968 Order was issued by the Election Commission under the powers vested in it in the Representation of the People Act. We are of the definite view that the proliferation of political parties, and the undesirable features of our election system, have been caused by the defects of this Order, which have facilitated proliferation of political parties of different categories, namely, "National Parties", "State Parties" and "Unrecognised Political Parties" besides "Independents", to play on the national scene, whereas the elections to Lok Sabha should have been restricted, with suitable adjustments, to those parties which have attained the status of "National Parties" in context of terminology adopted by the Election Commission.

We reproduce below two letters one of 29th April, 1999 and the other of 6th May, 1999 which have been addressed to the Chief Election Commissioner, with copies to other Election Commissioners and Senior Officers of the Commission. There has been no reply to these letters.

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### **Letter addressed to Dr. M.S. Gill, Chief Election Commissioner with copies to other Election Commissioners.**

Having been greatly distressed by the political spectacle of instability that the country has recently witnessed, including the multiplication and fractionalisation of political parties and their combinations and permutations, I have made a very detailed and thorough study of the laws and rules relating to the electoral process. While the electoral laws need certain essential reforms, which have already been highlighted by the Election Commission, I have focused attention primarily on the Election Symbols (Reservation and Allotment) Order of 1968 (hereinafter referred to as 1968 - Order) which was formulated and promulgated by the Election Commission under the authority of Article 324 of the Constitution, and provisions of Representation of People Act.

Study of 1968 - Order leads to the inevitable conclusion that the whole mess that has come about in the political scene of the country is attributable solely to shortcomings in the provisions and operation of this Order. Fragmentation and multiplication of political parties which is bringing ridicule to the polity of the country, is due entirely to this Order. While the shortcomings existing in the laws relating to the electoral process cannot be overcome without securing their amendment through the Parliament, the 1968 - Order is alterable by the Election Commission itself. Through this letter I seek to focus your attention on the shortcomings and defects of the 1968 - Order.

Before I come to these defects it would be appropriate to highlight some of the absurdities and anomalies that have come about in the electoral process. Facts appearing below have been collected from the publications of Election Commission including the statistics of 1998 Lok Sabha Election:

- (i) There are 650 registered political parties in the country. This of course has nothing to do directly with the 1968 - Order; this is due to the relevant provision in the Representation of People Act which enables any "Association or Group of persons" to get themselves registered as political party subject to fulfilling certain requirements.
- (ii) In 1998 General Elections 176 political parties participated. Out of them 7 were "National Parties", 30 were "Registered State Political Parties" and 139 "Registered Unrecognised Political Parties". These designations of political parties are defined in the 1968 - Order.

- (iii) Out of 139 Registered Unrecognised Political Parties which participated in 1998 General Elections, as many as 127 secured "zero" i.e., did not succeed to get even one member elected to the Lok Sabha. Out of 871 candidates sponsored by these 139 parties, as many as 744 got their deposits forfeited.
- (iv) 1915 persons contested the election as "Independents". Out of them 1898 forfeited their deposits.
- (v) Out of 30 State Parties which participated in the elections, 10 failed to get any candidate elected to the Lok Sabha, 18 could not secure seats in any State other than their own States, and only two parties secured representation in more than one State and that also in only one other State. I have got a statement prepared about the result of participation of these 30 State Political Parties. It is attached herewith (Appendix-A).
- (vi) In the allocation of seats to the States it is anomalous that in the list of States there should be one State with allocation of 85 seats whereas there are 3 States and 6 Union Territories with only one seat each and 5 States with 2 seats each. It is obviously inappropriate that all these should be placed at par in certain matters of importance. For instance, it is prescribed in 1968 - Order that where any party has secured seats in "four or more States" it should be accorded the status of National Party. When the 1968 - Order was formulated and promulgated, this anomaly among the States was evidently not there.

Against the background of these facts, which cannot be described otherwise than by calling them absurdities and anomalies, following questions arise, particularly in relation to the provisions of the 1968 - Order. The phraseology and wording of the 1968 - Order is itself so involved and poor that one is appalled by the very fact that such a poorly drafted order was allowed to be promulgated and all these 30 years no effort has ever made to improve it.

On the basis of these observations and facts I place before you the following points which have fundamental importance to the issue of elections to the Lok Sabha which Election Commission has now to shortly enter upon:

- (a) First and foremost question that arises is as to why any political party other than National Party should be allowed to participate in the Lok Sabha elections (i.e., by allocation of any symbol under the 1968 - Order) when this order has very clearly specified the classification of "National Parties". The categorisation of "National Party" is separate and distinct from that of "Registered State Political Party" and "Registered Unrecognised Political Party". The "National Party" is expected to have a character over and above that of State Party because it is expected, according to the 1968 - Order, to have representation in "four or more States". The question arises as to what could be the purpose for classification of political parties under these different categories if they were all to be allowed to participate in the Lok Sabha elections. The very fact that they were allowed to participate in the 1998 elections is obviously a very inappropriate and incorrect step. In the General Election to Lok Sabha no political party other than "National Party" should be allowed to participate.
- (b) States are represented as such in the "Council of States" which name in the Constitution makes it very clear that this is the top-body of the States. The real nomenclature of this body is "Council of States"; the name Rajya Sabha has obviously been given to it for easier understanding by the people. When there is this body, the Council of States, why should States as such have representation in the House of the People, the Lok Sabha? This body, the Lok Sabha, should be representative only of the National Parties besides any individuals who wish to contest as Independents. The question arises as to why then should any symbol be allocated to the State Parties for election to the Lok Sabha.
- (c) Another question that arises is as to why there should be participation of any of the present Registered Unrecognised Parties in the Lok Sabha Election. When 1968 - Order provides for National Parties and State Parties, why this present third category be allowed to be given election symbols? Out of those Unrecognised Political Parties if any Party has come with the definition of State Party as a result of 1998 elections it should be given that status. (Appendix A).

- (d) From the attached statement which shows the number of seats won by respective State Parties in Lok Sabha, it will be observed that there are only two parties (DMK and RSP) which have won seats in more than one State in 1998 Elections; each of them have secured presence in only two States. Obviously, none of them therefore is entitled to reach the status of National Party which, according to definition, has to have presence in "four or more States" arising from General Elections.
- (e) Out of the present 7 "National Parties" if any party has failed to fulfil the requirement of definition of National Party it should be deleted from the list.
- (f) The matter of distribution of seats among the States and Union Territories needs to be reconsidered. It is obviously odd that whereas the size of electorate in the States is about ten lakhs per seat, the size of electorate in Union Territories (other than Delhi) is only a fraction of the size of electorate per seat in the States, and in one Union Territory namely, Lakshadweep, the electorate is only of about 37000.

Over-all, therefore, the position arises that there can be only "National Parties" and "Independents" which can participate in the next Lok Sabha Elections and be eligible for allotment of symbols. Other parties can join hands with any of the National Parties or give support to any Independent if they so choose.

I have said above, and it does not need to be repeated, that whereas other various laws having any bearing on the elections cannot be modified, 1968 - Order can certainly be modified and amended by the Election Commission itself. This order is the major cause of the fractured politics that we have witnessed; it can be suitably modified by the Election Commission. The modification of this Order will do a great service to the country inasmuch as the forthcoming elections to the Lok Sabha will not be blotted by absurdities and anomalies, as well as the combinations and permutations of political parties, which we have witnessed in the country.

I am sending copies of this letter simultaneously to other Election Commissioners as well as the Deputy Election Commissioner and the Senior Legal Adviser of the Commission, for facilitating its immediate consideration collectively by the Election Commission.

We earnestly hope that this communication will receive immediate consideration by the Election Commission.

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While vacationing last summer in the North Woods, a young fellow thought it might be a good idea to write to his girl. He had brought no stationery with him, however, so he had to walk into town for some. Entering the one and only general store, he discovered that the clerk was a young, full-blown farm girl with languorous eyes. "Do you keep stationery?" he asked.

"Well," she giggled, "I do until the last few seconds, and then I just go wild."

...

Three female members of an exclusive country club walked into the women's shower room and were shocked to see the lower part of a man's anatomy behind the door of one of the shower stalls. "Well!" said one of the ladies, "that certainly isn't my husband!" The second one added, "He isn't mine, either."

And the third, the youngest of the three, said, "Hell, he isn't even a member of the club."

...

As they ran for their respective trains, Ralph called to his fellow-commuter, Paul: "How about a game of golf tomorrow?" "Sorry," Paul called back, "but it's the kids' day off, and I've got to take care of the maid."

...

A man and his wife had finished watching a TV movie about a woman who hires a private investigator to find out if her husband is really cheating on her. The man turns to his wife and asks, "Would you do what that woman says". "Well, probably not so much to find out who the other woman is but to see if I could find out what in heaven's name she could have seen in you."

...

**SEATS WON IN STATES/UNION TERRITORIES BY STATE POLITICAL PARTIES  
(GENERAL ELECTIONS, 1998), LOK SABHA**

S.No.	Party	State/UT	Won	Total	
1.	AC	Arunachal Congress	Arunachal	2	2
2.	AIADMK	All India Anna Dravida Munnetra Kazhagam	Tamilnadu	18	18
3.	AIIC(S)	All India Indira Congress (Secular)	Rajasthan	1	1
4.	ASDC	Autonomous State Demand Committee	Assam	1	1
5.	DMK	Dravida Munnetra Kazhagam	Tamilnadu - Two States Pondicherry	5 1	6
6.	FBL	All India Forward Block	West Bengal	2	2
7.	HVP	Haryana Vikas Party	Haryana	1	1
8.	JKN	Jammu & Kashmir National Conference	Jammu & Kashmir	3	3
9.	JP	Janata Party	Tamilnadu	1	1
10.	KEC(M)	Kerala Congress (M)	Kerala	1	1
11.	MUL	Muslim League Kerala State Committee	Kerala	2	2
12.	PMK	Pattali Makkal Katchi	Tamilnadu	4	4
13.	RPI	Republican Party of India	Maharashtra	4	4
14.	RSP	Revolutionary Socialist	Kerala - Two States West Bengal	1 4	5
15.	SAD	Shiromani Akali Dal	Punjab	8	8
16.	SDF	Sikkim Democratic Front	Sikkim	1	1
17.	SHS	Shiv Sena	Maharashtra	6	6
18.	SP	Samajwadi Party	Uttar Pradesh	20	20
19.	TDP	Telugu Desam Party	Andhra Pradesh	12	12
20.	TMC(M)	Tamil Maanila Congress (Moopanar)	Tamilnadu	3	3

**STATE POLITICAL PARTIES WHICH FAILED TO SECURE ANY SEAT IN ANY STATE**

AGP	Asom Gana Parishad	HPDP	Hill State People's Democratic Party
JMM	Jharkhand Mukti Morcha	KEC	Kerala Congress
MAG	Maharashtra Wadi Gomantak	MNF	Mizo National Front
MPP	Manipur People's Party	UDP	United Democratic Party
NTRTDP(LP)	NTR Telugu Desam Party-Lakshmi Parvathi	UGDP	United Goans Democratic party

A rather inebriated fellow on a bus was tearing up a newspaper into tiny pieces and throwing them out the window.

"Excuse me," said the woman sitting next to him, "but would you mind explaining why you're tearing up that paper and throwing the pieces out of the window?"

"It scares away the elephants," said the drunk.

"It don't see any elephants." said the woman, smiling.

"Effective, isn't it?" said the drunk.

**Letter addressed to Dr. M.S. Gill, Chief Election Commissioner with copies to other Election Commissioners.**

Dear Dr. Gill,

In continuation of my letter of 29th April I forward copy of my article on the subject which has appeared today in the Times of India. Title of this article has been altered by TOI; I did not say that the remedy is "simple", but that the remedy is possible.

A number of people have written to me in this regard. You must also be receiving a large number of letters. I maintain, and reiterate, that there are faults and shortcomings in the 1968 Symbols Order, and that these have been the cause of our present-day fractured politics and fragmented political parties.

I request members of the Election Commission to kindly consider whether any of the "State Parties", which have failed to attain the status of "National Parties" in the previous two (even two elections, instead of one prescribed). Lok Sabha elections, has justification for being allowed to operate on the national scene and to participate in the forthcoming elections, and in any case, "Unrecognised Parties" cannot claim any right to operate on the national scene and continue to vitiate the national election scenario. The latter can claim entitlement only to aspire to become "State Parties"; those which did not succeed in the last two elections, do not have the right to continue claiming even that right.

Symbols Order; drafted 30 years ago, cannot be allowed to continue to create such difficulties. "State Parties" and "Unrecognised Parties" cannot claim the right to continue striving, for an indefinite period, to attain the next higher status, respectively, of "National Party" and "State Party". They have had a number of opportunities, and those which have failed to attain the next higher status, must rest content with their present status. They can, of course, seek alliance with any National Party of their choice, but that is their internal matter.

For facilitating urgent consideration of this matter I am sending copies of this letter to other members of the Election Commission and also to the Senior Legal Adviser and Deputy Election Commissioner.

Kind regards,

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## **OUR FRACTURED POLITY: A SIMPLE REMEDY**

By H.D. Shourie

Politics in India has got vitiated on account of the tendency of fragmentation and multiplication of political parties. The constantly changing permutations and combinations of these fractionalised parties are bringing ridicule to our body politic.

The present state of affairs is solely due to operation of the poorly drafted election rules embodied in the Symbols. (Reservation and Allotment) Order which was issued in 1968 by the Election Commission. Since 1968 nobody has cared to review the rules and its flaws and shortcomings.

While electoral laws such as the Representation of People Act of 1951 can only be amended by Parliament, the Symbols Order of 1968 can be modified by the Election Commission itself. The Commission needs to immediately examine its shortcomings.

There are a number of absurdities and anomalies which are evident from the operation of the 1968 Order. An analysis of the statistics of the 1998 Lok Sabha elections reveals some startling facts. There are, for instance, as many as 650 political parties currently registered with the Election Commission. The 1998 elections witnessed participation of as many as 176 political parties. Out of them seven were "national parties", 80 were "registered state political parties" and 139 unrecognised political

parties which participated in the elections as many as 127 secured zero seats. Out of 871 candidates sponsored by these 139 parties, 744 got their deposits forfeited. Besides these, 1915 persons contested the elections as "Independents", out of whom 1898 forfeited their deposits.

The designations of "national parties", "state parties" and "unrecognised parties" are defined in this 1968 Order. The state parties are those which attained a prescribed degree of presence in the forgoing Lok Sabha elections; those which failed, remain "unrecognised parties". Where a "state party" attains presence in "four states or more" it earns the designation of a "national party".

In the 1998 elections, 10 out of 30 state parties secured zero seats and 18 parties failed to record a presence in more than one state; only two parties secured presence in more than one state and that too only in one other state each.

These three categories of designated political parties continue to participate in the Lok Sabha elections. This mess has obviously resulted from operation of the 1968 Order which determines the allocation of election symbols to the contesting candidates of the parties and to "independents".

Some important questions inevitably arise. When the category "national party" has been defined on the basis of specific criteria, why should any party other than a "national party" participate in the Lok Sabha elections which are on the national scale? Candidates of "state parties" have to contest in the state elections, but why should they be allowed to contest in the Lok Sabha elections and thereby operate on the national scene? There is a central august body, the Council of States or the Rajya Sabha; this body is there to represent states. Lok Sabha, the House of the People represents the people and only "national parties" which represent the people, should participate in the Lok Sabha elections.

And, "unrecognised political parties": why should they at all be allowed to participate in the elections, either to Lok Sabha or in the states? These unrecognised parties have failed to fulfil the criteria laid down for recognition as state parties or national parties. In the last two Lok Sabha elections of 1997 and 1998, the parties which have failed to attain recognition either as national parties or state parties, according to the prescribed criteria, should not have any locus standi to separately sponsor any candidates for Lok Sabha elections. If any state party or unrecognised party wishes to sponsor candidates for Lok Sabha elections, it should join forces with a national party of its choice; an arrangement of joining forces can be separately arrived at between them in relation to sharing of power in the event of success. The strength of the aligning party would be known by its performance in the state election. Of course, "independents" who do not wish to join any party, will continue to have the right to contest elections.

It will thus be seen that changes are required for smoothening the electoral process. These will necessitate some modifications in the Symbols Order of 1968. These changes can be effected by the Election Commission because the requisite powers vest in it. The commission is now a multi member body of three members who enjoy the status of the Supreme Court judges. Surely, they would be aware that the 1968 Order is very poorly worded, and is replete with very involved and confusing phrases and technology. This order has been the prime source of the mess and mischief that has been in evidence in our politics in recent years. The Election Commission will be able to determine how best to repair the fracture that has come about in the politics of the country on account of flaws in this 1968 Order.

My request to every reader of this article is to urgently convey his views and suggestions direct to Dr. M.S. Gill, the Chief Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

**“VIEWS EXPRESSED TO CHIEF ELECTION COMMISSIONER BY READERS  
OF TOI ARTICLE ON “OUR FRACTURED POLITY”.**

“I fully agree with the demand that election rules embodied in the symbols (Reservation and Allotment) Order, 1968 be reviewed urgently, particularly in the context of the recent experience in which even small regional parties having no more than two or three percent of the total membership in the Lok Sabha often blackmailing government and threatening to bring it down. The review should be made with the objective of finding ways and means to restrict the regional parties to confine their activities to their respective regions and not allowing them to interfere in national politics. I add my views on two points as under:

At present a national party is designated as such if it has presence in mere minimum of four states. This ‘four states’ formula hardly reflects the national character of a party. National and state parties should be revised and expanded to be effective in at least 50 percent of major states and 50 percent of smaller states.

D.T. Punwaney, Pune.

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“As a first step towards Electoral Reforms, thirty year old 1968 Symbols Order may kindly be considered for its review and amendments to bring certain sanctity in the election process. A few suggestions are submitted here below for your kind consideration:

1. Only “National Parties” be allowed to participate in the Lok-Sabha elections, which is of National-Scale.
2. “Unrecognised Political Parties” are not permitted to participate in the election process be it for Lok-Sabha or State-Elections. These parties have failed to fulfil the criteria laid down for recognition as State parties or National Parties. They have no locus standi even to sponsor candidates separately for Lok-Sabha election.
3. If any “Registered State Political Party” wishes to participate in Lok Sabha election or sponsor candidate they should join forces with a “National Party” of its choice, much in advance of election and with prior intimation to Election Commission. Both the parties, National and State should work out programmes that concern the State and also sharing of seats.
4. Commission to regulate the number of “Independents” participating in the election from each constituency so as to avoid unwieldy numbers of “independents” fracturing the electorates and without securing sufficient votes to avoid forfeiture of deposits.
5. National parties participating in Elections should announce beforehand the name of the candidate/ leader who would become Prime Minister in the event the party is voted to Power to Govern the Nation. The parties may claim that it is their internal matter, but at the same time the electorate have also the right to know in whose hand would vest the Country to Govern.
6. “State Recognised Party” or its sponsored candidates joining hands together to form a government should also be prepared to accept the nominated leader of the majority party as Prime Minister.
7. Outside support or Policy-based support procured to form a government should not be encouraged as it augurs only fall of such Government as the past experiences suggest.

Such changes can be effected by the Election Commission because the requisite powers vest in it. The members of the Commission who enjoy status of Supreme Court Judges would be well aware that the symbol Order, 1968, is very poorly worded and is very much out of context to meet the demand of present-day situation of election process to institute a rightful Government for state as well as for Nation. This Order has been the prime source for the mischief and mess that has been in evidence in our politics and in polity.

You will be the best judge how the Symbol Order, 1968 be modified or amended so that a rationale is brought in our election process. You will be the right person and you have the opportunity now to enforce stricter Order during Election '99. We look up to you and fervently hope Election '99 is not the same as

those of previous years. Thanking you and prey that a rightful and appropriate Government is elected through your endeavour".

S. Ghosh, Bombay.

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"I had the opportunity to go through the article - 'Our fractured Polity: A simple remedy by Mr. H.D. Shourie published in The Times of India. The article contains very sound and suitable suggestions suited to the present decaying system of our elections. Really, the remedy to the present vitiation in politics of our country lies in allowing the National parties only to contest the Lok Sabha Elections. The state parties, unrecognised parties, etc. should never be permitted to participate in Lok Sabha Elections as suggested in the article by modifying the symbol order of 1968. These parties have least interest in national issues, rather they keep the government or regional issues, as we have seen in the recent past.

I very earnestly request and impress upon your goodself to go ahead for modifications in the Symbol Order of 1968, as suggested in the articles."

R.C. Prasad, Jabalpur.

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"The Symbols (Reservation & Allotment) order issued in 1968 can certainly be suitably amended to prescribe the qualifying standards for the political parties entering their candidates in the forthcoming Assembly and Lok Sabha elections.

We can most probably avoid another 'hung' parliament if only National political parties are allowed to contest the next Lok Sabha elections. Apart from this, only those State political parties clearly aligning themselves with any National party should be permitted to enter the Lok Sabha elections. A provision should also be enforced that they will not withdraw support till the tenure of the house is completed.

Therefore, suitable amendment of the symbols (Reservation & allotments) order 1968 can promise a higher and better quality of governance and such an initiative by the CEC will go down in the annals of history as an important milestone in the maturing of Indian democracy and Dr. Gill will be long remembered as the architect of Modern Indian Democracy well poised to leap into the next millennium."

Yeshwant N. Moodliar, Pune.

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"Only national parties should be allowed to contest Lok Sabha. State parties must align with the national ones. E.C. should try and find out ways and means whereby Lok Sabha Election will be held with bare minimum candidates so that voters are not divided to the extent of defeating their real choice."

S.R. Valavalkar, Mumbai.

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"We fully endorse the shortcomings in the symbols order of 1968 of the Election Commission highlighted by Shri H.D. Shourie. We would request you kindly to review the said order and make necessary amendments."

V.M. Deve, Jaipur.  
(President, Ashok Vatika Samiti, Jaipur)

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"I am sure that considering the malaise which has afflicted our democracy, which, if not remedied, is likely to lead to political lycopardy, the Election Commission will seriously consider and bring into effect the necessary changes/modifications in the symbols order of 1968."

R. S. Murthy, Ranchi.

"I request you to please consider the suggested remedy of rectifying the rules embodied in Symbols (Reservation and Allotment) Order issued in 1968 by the Election Commission which, to me as a lay-man seems simple, practical and within the power of the Election Commission and good for the future of the country largest democracy in the world.

Because the rules were framed by the Election Commission, they can be rectified by Election Commission without permission, rectification and/or approval from any other institution."

J.P. Gupta, Pune.

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"We were shocked to read the article by Shri H.D. Shourie on above in Times of India. We fully support following ideas:

Non-registered parties should not be allowed to sponsor any candidates.

State parties should not be allowed to contest Lok Sabha Seats.

Only National parties should be entitled to nominate and get symbols for Lok Sabha.

Individuals should also be not allowed to contest Lok Sabha or state assemblies.

Kindly make necessary amendment in your order of 1968 to save the nation from frequent elections, costs and disturbance of functioning of government".

Laxmi Narain Modi, New Delhi.

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I fully agree with the writer Mr. Shourie, that only National parties should be allowed to contest in the Lok Sabha elections and State parties should be confined to the States. You have full authority to control this, and if any further amendment of the law is required to strengthen your hands, the same can be done and should be done forthwith, before the next elections. This move will control a lot of horse-trading going on now and also bribery and corruption, which is rampant and we look up to you as our saviour to enforce the laws for election."

Y.S. Patel, Mumbai.

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"This is with reference to curtailing the participation of regional political parties in the Parliament Elections, so as to avoid the necessity of getting "HUNG PARLIAMENT" where regional parties are having upper hand dictating their writ to National Parties.

According to symbols (Reservation and Allotment) order 1968 the Election Commission can restrict the participation of regional parties in the Parliamentary election. Amendment to Representation of People Act is NOT necessary."

D. Soundarajan, Chennai.

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The high-priced lawyer was sitting in his office when his secretary announced the arrival of a new client: a very sexy dish.

"I wish to divorce my husband," said the dish.

"On what grounds?" the lawyer asked.

"Infidelity," came the reply. "I don't think my husband has been faithful to me."

"What makes you think that?"

"Well," said the dame, "I don't think he's the father of my child."

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Two shapely stenographer were standing on a crowded subway. One asked the other: "That man behind me - is he good-looking?"

"Well," was the answer, "he's young."

The first girl nodded. "That I know."

"We have witnessed last two Lok Sabha elections, unable to provide a stable government to us. Therefore I would like to present before you some suggestions for the coming Lok Sabha election.

That the political parties failed to obtain a single seat in the last Lok Sabha election may not be allowed to file nomination for the present Lok Sabha election.

That, the definition of National parties be changed. Any party attains presence in more than half of the Indian states may be termed as a National party. The National parties be allowed to contest for the Lok Sabha election, whereas the state parties be allowed to contest for the state elections.

That, however, if a state party desires to sponsor candidates for Lok Sabha election, it shall have to join hands with any of the National parties of its choice. Such alliance should continue for 5 years. But there should be no restrictions for independent candidates."

Dr. B.K. Behera, Jaipur.

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"As a concerned citizen of India, I, and I am sure many others will, request you to look in to this matter URGENTLY and effect the following suggested changes before the forthcoming parliamentary polls for the 13th LOK SABHA.

A. 'UNRECOGNISED PARTIES' should be barred from contesting the LOK SABHA polls. These parties should be told in clear terms to seek recognition first and then contest the polls. They should, however, be permitted to contest state assembly polls. If they do register some sort of representation in the assemblies or municipal councils then they should be given a time within which they should be told to meet the conditions required to get recognition. THERE SHOULD BE NO 'UNRECOGNISED PARTIES' FOR THE LOK SABHA POLLS.

B. LOK SABHA polls should only be for NATIONAL PARTIES. Regional parties should not be allowed to contest LOK SABHA elections. Their jurisdiction should be limited to that of the state for which they are registered. I.E. Telugu Desam should be allowed to contest only the assembly and municipal polls in Andhra Pradesh. They may, however, be permitted to enter into pre-poll alliance with recognised National parties for the LOK SABHA polls.

If the modifications of the 'SYMBOLS ORDER - 1968' is indeed within your jurisdiction, as claimed by Mr. H.D. Shourie, than I do not see any reason why it should not be done immediately. Prove your efficiency by effecting the required amendments for the sake of our country".

Paramjeet Matharu, Delhi.

"Time has come for the EC to reconsider the Symbols (Reservation and Allotment) Order, 1968 with a view to restrict the proliferation of PPs and straighten the election process and bring stability to the Lower House of our parliament.

In this context I would like to make following suggestions:

- (i) The parliament should have two or at the most three National parties. More number of PPs should be discouraged. The Hon. Leader of Opposition, in the recently dissolved House has been on record stating that smaller (two digit) PPs should be eliminated.
- (ii) No PP should be recognised as a National party, if it has not won atleast 50 or 60% of the total seats in the House, in any of the elections held since Independence.
- (iii) Candidates standing as Independents should be of some stature, atleast a Graduate, with record of some service to the nation, in any field. They should be also of age more than 45 years. The application fee for them should be five times, more than what the party candidates pay. At least 100 adults should sign a statement that they support the Independent persons as their representative.
- (iv) Registered and Unrecognised PPs should be allowed to contest state Legislatures. They have no

role to play at National Level. Such smaller and local minded PPs have manifested enough absurdities in the House in last couple of years, which the whole nation saw thanks to Door Darshan.

- (v) Election machines should be introduced at each polling booth, across the country, in all elections. Technology does not tolerate untruth. Hence the resistance from all PPs. These voting machines will eliminate fraud, booth capture and be more economical many times over, than Ballot Boxes and Paper Votes".

Dr. A.R. Maslekar, Pune.

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"Your good-self will be kind enough to share our views that the subject ORDER is not properly worded and needs immediate review by the Election Commission to solve the problem of participation of virtually non-existing political parties in the Lok Sabha Elections. In view of the pertinent shortcomings and flaws of the Symbol Order of 1968 it certainly requires to be made inoperative to the extent necessary.

Non-existing political parties at first instance warrant immediate de-recognition - particularly the state parties and un-recognised parties. Such parties should be debarred from participation in Lok Sabha elections.

Apart from the facts mentioned by Shri Shourie you will also observe from the Account Statements of candidates that huge funds have been wasted and lot of problems are being faced in conduct of smooth elections.

We, therefore strongly endorse the views of Shri Shourie and request you to kindly ensure immediate review of the said Symbol Order well before the Election schedule of ensuing elections is notified by the Commission.

We shall be keenly looking forward to be favoured with your views in the matter soon."

P.K. Harsh, Jodhpur.

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"I fully endorse what the reverend writer has pointed out various loop-holes and suggested remedial measures in his valuable and thought provoking article. The statistics and facts given seems to be correct and, if this is so, the Hon'ble Election Commission is fully competent and within its right to initiate necessary correctives and remedial measures IMMEDIATELY to suitably amend its own Order - "Symbols (Reservation & Allotment) Order, 1968" before holding the ensuing General (Mid-Term) elections stipulated to be held during Sept-Oct 1999.

May I take the liberty of contributing a few of my points for your kind consideration and implementation. Firstly, when the parties are duly defined and categorised in the Election Commission's Order of 1968, then it is better if this is strictly adhered to and only 'National' level parties are allowed to participate in the forthcoming National Level General (Mid Term) Elections this year and thereafter as well. The 'State' level parties will not be deprived of this opportunity as they can always send their representatives to the Upper House of Parliament, i.e. Rajya Sabha. And as for the 'Independent' candidates, their numbers can be kept to the barest minimum if the Security amount is enhanced, based on Cost of Living Index, i.e. by fixing this amount presently at the huge figure of at least Rs. One lakh, and enhanced the same in future accordingly, so that the person is compelled to think twice before entering the race. This figure must also be applicable in the case of other party sponsored candidates. Thirdly, the other smaller regional or State Level parties, which have so far not been able to increase their presence substantially in Parliament, or for that matter in the States Legislatures, like those of communist ideology and by whatever different names, may also be debarred purely on this basis of stagnation or fall in their strength in the Legislatures. In the same way, other fragmented smaller parties/groups can also be kept under check by denying them Registration and/or allotment of symbols and/or otherwise.

Hope the Hon'ble Election Commission would consider these points and suggestions favourably and implement the same with IMMEDIATE EFFECT".

Gauri Shankar, New Delhi.

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"The common people of India are greatly perturbed that we are not able to provide stable Government for the country despite the best brains produce by India. COMMON CAUSE has made pertinent suggestions to cure the instability factor by initiative to be made by the Election Commission which need no amendment to the Constitution of India (Times of India). We have become a laughing stock in the world. Shourie suggests amendment to the symbols (Reservation and Allotment Orders) which was issued in 1968 by the Election Commission and could be amended by the Commission under its own Authority.

The national parties, state parties and unrecognised parties are defined in Commission's order *ibid*. These parties so designated under the criteria already accepted should be allowed to contest elections only in the designated field and not allowed to avail of election in all fields. Unrecognised parties should not be allowed to participate in the elections. These changes could be made by the Election Commission before the current elections. The country will find the difference that number of parties is substantially reduced."

V.P. Bhatnagar, Dehra Dun.

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"The steady decline in the value and quality of our parliamentary democracy necessitating frequent mid-term polls thrust upon the people due to rank, irresponsibility of a minuscule number of individuals and insignificant political parties needs to be checked and stopped forthwith by adopting urgent remedial measures and reforms.

I welcome the suggestions strongly put forward in this article and impress upon the Election commission to consider the matter pragmatically since these steps come under the commissions' domain.

An early action by the commission may change the character and composition of the 13th Lok Sabha by installing a stable and viable government."

N.K. Dutta, New Delhi.

"I write to you in my capacity as a citizen and voter of India who is thoroughly disenchanted with the way our political system is evolving. I fear that unless our respected institutions like the Judiciary and the Election Commission intervene and act within their powers towards the larger interests of the nation, the days of our democracy are numbered. My letter is as a reaction to the article of the above title written by Mr. H.D. Shourie in The Times of India dated 6 May 99 wherein he has made some suggestions and asked readers to put forth their views.

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Before he went off to the wars, King Arthur locked his lovely wife, Guinevere, into her chastity belt. Then he summoned his loyal friend and subject, Sir Lancelot.

"Lancelot, noble knight," said Arthur, "within this sturdy belt is imprisoned the virtue of my wife. The key to this chaste treasure I will entrust to only one man in the world. To you."

Humbled before this great honor, Lancelot knelt, received his king's blessing, and took charge of the key. Arthur mounted his steed and rode off. Not half-a-mile from his castle, he heard hoofbeats behind him and turned to see Sir Lancelot riding hard to catch up with him. "What is amiss, my friend?" asked the kind king.

"My Lord," gasped Lancelot, "you have given me the wrong key!"

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"What part of the human body," asked the Anatomy Professor, "is harder than steel?" Nobody in the class volunteered the information, so he looked in the direction of a sweet coed and asked, "Can you tell me, Miss Riley?"

She blushed a deep scarlet and lowered her eyes murmuring, "Oh, please don't ask me to answer that, Professor!"

Crisply, he said, "The answer is the tissue of the nails. And you, Miss Riley, "he added with a sigh, "are an optimist."

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Mrs. Culpeper was almost in tears. "Oh, Marie," she said to her maid, "I believe my husband is having an affair with his Secretary."

"I don't believe it," snapped Marie. "You're just saying that to make me jealous."

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"An optimist is a man who looks forward to marriage. A pessimist is a married optimist.

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In the short time that we have available prior to the next elections, every effort needs to be made to ensure that the results provide the nation with a majority Government. It is towards this end that the following suggestions need the Election Commission's deep consideration. I gather from Mr. Shourie's article that these are within the purview of the Election Commission:

- (a) Only designated National Parties can put up candidates for the Lok Sabha elections.
- (b) Designated National and State Parties can put up candidates for elections to the State Assemblies.
- (c) Unrecognised Parties should be barred from putting up candidates for elections either to the State assemblies or the Lok Sabha.
- (d) In addition to the above, Independent candidates should have the right to contest both State assembly or Lok Sabha elections.

As one who has devoted his entire career to upholding the integrity of one of our institutions viz the Armed Forces, it pains me and many of my erstwhile colleagues to see a progressive decay in our polity and governance.

We want to lend our support to those institutions and individuals who hold the nation's integrity and well-being, greater than themselves. It is in this spirit that I write to you knowing fully well that you have a busy and trying schedule ahead of you."

Air Marshal B.D. Jayal (Retd.)  
PVSM, AVSM, VM & BAR,  
Dehradun.

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"The Election Symbols (Reservation and Allotment) Orders, 1968 has been made by the Election Commission of India in exercise of powers conferred under Article 324 of the Constitution and the Representation of People Act, 1951 and Conduct of Elections Rules.

Order classifies National Parties and State Parties, as follows:

- (a) If a political party is treated as a recognised party in 4 or more States, it can have the status of a National Party throughout the whole of India, and
- (b) If it is a recognised party in less than 4 States, it shall have the status of a State party.

The classification of National and State parties is relevant for the reservation of symbols. In the case of a National party its contestants in elections in any constituency in India will have a symbol reserved for the party. In the case of a State party reservation of symbols will be available in any constituency in a State where it is recognised as a State Party.

An important point to be noted is that this reservation of symbols for a State party will be available at the elections in any constituency in the State. 'Any Constituency' implies both Parliamentary and Assembly constituencies in the State. A State Party being a single State party in most cases, may not have interest in getting a reserved symbol for Lok Sabha elections from any other State. However, in the single State, it will be at par with a National Party as the reserved symbol will be available for all the Lok Sabha constituencies in the State, while a National party has to contest elections in several States.

National Parties will be concerned with broader national issues related to economic, defence, foreign policies, etc.

State Parties will be concerned essentially with local issues, such as meeting the basic needs of the people - food, water, housing, education, etc. within the framework of the broad economic issues discussed in the National Development Council.

It is essential to ensure that the Lok Sabha is not fragmented by the representation of State and other local parties, and thereby deprived of a clear mandate from the people for the pursuit of clear cut national policies.

The situation can be substantially remedied if the Election Commission amends the Symbol Orders to the effect that only National Parties will have reserved symbols for elections to Lok Sabha and State parties can have reserved symbols only for Assembly elections. State parties will not be deprived of their presence in Parliament as they can come to the Council of States (Rajya Sabha) through the State Assemblies.

"The Election Commission can now amend, before the next general elections, paragraph 8 of the Symbols Order to the effect that the reserved symbols for a State Party can be allotted to a candidate set up by a State party only at an election to the State Assembly."

G.V. Ramakrishna, Chairman,  
Dis-investment Commission, Government of India.

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"My mother," said the sweet young steno, "says there are some things a girl should not do before 20".

"Your mother is right," said the junior exec.

"I don't like a large audience either."

...

"For 20 long and wonderful years," mused the gentleman at the bar, "my wife and I were deliriously happy."

"Then what happened?" asked the bartender.

"We met."

...

The meek little bank clerk had his suspicions. One day he left work early and, sure enough, at home he found a strange hat and umbrella in the hallway and his wife was on the couch in the living room in the arms of another man. Wild for revenge, the husband picked up the man's umbrella and snapped it in two across his knee.

"There!" he exclaimed. "Now I hope it rains!"

...

The young man addressed his prospective father-in-law: "Sir, I would like to marry your daughter."

"I'm afraid, son," the older man replied, "that you couldn't support her in the manner to which she is accustomed."

"Your daughter and I have talked it over, and she has consented to live on what I earn".

"That's fine. But remember that after a while a little one may come along, and that will mean added expense."

"Well, that's true, Sir," the youth agreed, "but we've been lucky so far."

...

"Doctor," said the man on the phone, "my son has scarlet fever."

"Yes, I know," replied the doctor. "I came by your house and treated him yesterday. Just keep him away from the others in the house and..."

"But you don't understand," said the distraught parent. "He's kissed the maid."

"Well, that's unfortunate. Now we'll probably have to quarantine her..."

"And, doctor, I'm afraid I've kissed the girl myself."

"This is getting complicated. That means you may have contacted the disease."

"Yes, and I've kissed my wife since then."

"Damn it", exclaimed the doctor, "now I'll catch it, too!"

...

Some girls marry old men for money and spend the rest of their lives looking for a little change.

...

## AVOIDANCE OF WASTAGE OF WATER

It is necessary for the people to realise that there is primary need of avoidance of wastage of water. The underground level of water has subsided to an alarming extent in rural areas as well as in the urban centres. The Metropolitan Centre like Delhi which has population of more than one crore, faces serious difficulties if water supply at any stage gets interrupted and disturbed. Storage and conservation of water is of primary importance. The Ministry of water Resources has recently taken the initiative of publicising the need of persuading people to resort to storage of rain water by digging tanks and wells at appropriate places. This initiative needs to be put into practice, wherever such digging of wells is feasible in the urban areas and tanks in the rural areas.

In connection with avoidance of wastage of water COMMON CAUSE has been taking initiative in persuading the concerned authorities to devote attention to the requirement of avoidance of wastage of water in the toilets. On this subject we have addressed a self-contained letter to the Ministry of Health and Family Welfare, Government of India. Extracts from the letter are reproduced below :

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"There can be no doubt about the fact that on an average a person urinates six to ten times during the period of one day and night; each time the whole flush water, which is not less than about 20 litres, is used. While of course this much quantity of water is necessary for flushing out the excreta, it is obviously sheer waste of water to use much entire volume of water of the cistern on occasion of every urination. Water required for the cleansing of urination is not more than 1-1/2 to 2 litres provided suitable alternative arrangements are made, because continuation of diluted urine in the subsidiary quantity of water which remains in the flush, will not be welcome and can be unhygienic.

On these considerations we feel that this matter which is of fundamental importance, needs to be examined from scientific research viewpoint, for determining the appropriate means for meeting the requirements of flushing of urination quantum without any unnecessary wastage of water. One suggestion in this context that needs to be examined is that there should be a separate, slightly smaller seat useable by women sitting and men standing, for the requirement of urination; this separate seat should be connected direct to the drain pipe laid below the flush latrine so that urination is discharged direct into that pipe and does not have chance of getting back to the latrine flush. Above this separate seat there should be a small reservoir, holding not more than about 1-1/2 to 2 litres of water, which on the pressure of a button should be used after each urination. As an alternative to the installation of small reservoir of water for this purpose, there can be installation of water tap which should be opened for 4/5 seconds by the user after the urination, but the danger in installing such arrangement will be that sometimes the water tap may remain open for long and cause wastage of water.

We feel that the installation of such additional seat for urination, should be made compulsory for every occupier of premises, residential as well as commercial, and it should be made obligatory on the owner to effect installation within a period of not more than one month after the entire scheme is ready and after the manufacturers are instructed to keep ready with their manufactures based on research study which has been suggested. After the stipulated period, if there is default severe penalty of the nature of Surtax should be imposed which should be recoverable by the concerned Municipal authority."

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An old lady kept telling the bus driver to tell her when they arrived at a certain town. She asked so many times that the driver got nervous and passed through the town without informing her. Realising his mistake, he apologised to the other passengers, turned the bus around, and drove back. Then he said to the lady: "This is the town that you wanted to get off." "Who wants to get off?" she asked.

The driver replied: "You did." "No," she said. "My daughter told me that when I pass through the town, I should take my pills."

...

The best way to approach a woman with a past is with a present.

FROM BUSYBEE COLUMN OF AFTERNOON NEWSPAPER OF BOMBAY

I

One thing that India has more than any other country in the world is holidays. Today is a holiday, Saturday-Sunday are holidays, next week there are three holidays, including two on the same day, then there will be again Saturday-Sunday. It is also a fact that a lot of countries have very few holidays. In view of this, the ministry for external trade has proposed that India should export its holidays to countries which have a shortage of holidays and earn some valuable foreign exchange.

A meeting of the ministry for external trade was called in New Delhi recently to discuss the proposal. I was present as an unofficial observer. A friend who is in the ministry invited me. "Come and see how we work," he said.

The minister in charge was presiding and he called the meeting to order. "We are having numerous holidays, and, if we want, we can create even more holidays. This country has a genius for holidays, I am proud to say."

"Hear, hear," said the other members on the committee.

A member said: "Before we begin, let us decide whether we sell our holidays to the SAARC countries only or to others also."

Another member said: "We can have special rates for SAARC, but I think we should put our holidays on the international market. Then only we will get a fair price."

"I second that," said a third member.

The secretary to the ministry then sought the minister's permission to speak. The permission was granted. "My department has prepared a small note which I would like to put before the committee for its consideration. We have prepared a list of countries, all prospective buyers, which our respective ambassadors and trade commissioners can approach to sell the holidays to."

"Is America on the list, and England?" a member asked.

"Yes, certainly, these countries are very much on the list and we expect to do good business with them. However, on the top of the list, I would like to inform the committee, is Japan. That is the country which has the least number of holidays and many work days. In fact, in their big Toyota and Honda factories, they do not know what a holiday is."

"Japan will pay a lot of money for our holidays," the minister said. "I am planning to make a trip to Japan to explore business possibilities. I will be taking a small delegation of committee members with me. Those who can spare the time, and have their passports ready, may give their names to the secretary."

The secretary pointed out: "We have to decide how much we are going to charge per holiday."

The minister said: "That would depend on which holiday they are buying. Naturally, there will be a bigger price for say Republic Day than Ram Navami."

"Quite right," said a member. "What about our people, will they not object if their holidays are sold out?"

"People have to make some sacrifices for the country," said the minister.

II

This morning, I was visiting a friend whose four-year-old daughter is getting admitted to a kindergarten school today. The family was busy. My friend was dressed in the suit he had made for his wedding reception five years ago, his wife was putting on her make-up, the child was looking like children are supposed to look on their first day in school.

"If you are busy, I'll come some other day," I said.

"Oh, no, now you have come, you cannot go without a cup of tea. We are just going to the school to get our little girl admitted," my friend said.

"It is such a problem, getting a child admitted to kindergarten, you would think she was being admitted in Grant Medical College," the wife said, speaking through her lip-stick.

"My friend told his daughter: 'Tell uncle your name.'"

"But I know her name," I said, not wishing to trouble the little too much early in the morning.

The wife explained: "he is just rehearsing her about what to say when she meets the principal of the kindergarten later in the morning. You don't mind, do you?"

"Not at all," I said. "I have also gone through all this when I got my sons into school."

My friend said to his daughter: "Think that uncle is your principal. Now, talk to him as you would to your principal."

The girl stared at me, eyes wide open, but did not say anything.

The wife said to her husband: "Don't confuse her, she's already confused enough with all the nursery rhymes she has to remember, and the capitals of different countries. How can she think of him as a principal when the principal is a lady."

"That's right," I said.

My friend said to his wife: "Do you remember everything? Don't forget that a panel of the kindergarten's trustees will be interviewing us. What will you say if they ask you who is the prime minister of India?"

"Sonia Gandhi," said the wife.

My friend threw up his hands. "How will our child ever get admission with a mother like this? She will end up in a municipal school, reading bai path."

"Now, now," I said, "the important thing is not to panic. Everything will be all right. In any case, the trustees are more interested in donations and deposits, to improve their kindergarten, naturally, than the I.Q. of the parents. Have you got all your salary certificates?"

My friend patted his brief case. "All here," he said. "However, I would much rather my daughter got into the kindergarten on her own merit. She is very brilliant, you know. Think uncle is an aunty and the principal, tell him what you want to be when you grow up."

The little girl stared at me, eyes wide open.

"Never mind," said the wife. "Let's hurry up and go to the school, before the queue becomes too long and they shut the doors."

"Right," said my friend. "And if my girl does not get admission, we can always come to you. You know the education minister."

## OUR ACTIVITIES AND PROGRAMMES

COMMON CAUSE as a public interest organisation has to its credit a large number of public causes which have been taken up by it for redressal of problems of the people.

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

Writ petitions on various important issues have been filed by COMMON CAUSE in the Supreme Court and Delhi High Court.

### OUR GRATEFUL THANKS

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

Quite a few matters have also been taken up for redressal through the National Commission established under the Consumer Protection Act. The Writ Petitions filed in the Supreme Court include, for instance, disruption of the work of courts by lawyers' strikes, problems of accumulated backlog of cases in courts all over the country, malfunctioning of blood banks and the requirement of appropriate collection and testing of blood for transfusion purposes, challenging the pension being given to Members of Parliament, inadequacies in the implementation of Consumer Protection Act, problems arising from the accumulation of Non-Performing Assets (NPAs) of Banks, the factum of hundreds of thousands of small investors having been defrauded by Finance Companies, and failure of the government machinery in fulfilling the constitutional requirements of spreading free and compulsory education for the children in the country. The cases taken to Delhi High Court include the problems of conversion of leasehold properties to freehold, non-implementation of Apartments Ownership Act, problems connected with building bye-laws and unauthorised constructions which have widely proliferated, large scale development of Unauthorised Colonies in Delhi, extensive resort to load-shedding by Electricity Supply Undertaking of Delhi and large scale theft of electricity. A Writ Petition filed against Delhi Electricity Supply Undertaking resulted in a beneficial verdict relating to bills based on

defective meters. From time to time various matters have been taken up for straightening out problems related to income tax, wealth tax, gift tax, capital gains tax, for avoidance of aberrations, harassments and discriminations.

The organisation has also been taking up various problems of the consumers, with a view to give them the feel that they can fight their battles in relation to any defective products and deficient services for which they make payments. A major achievement of the organisation has been to secure amendment by the Government of the relevant rules prescribing the mode of price printing on packages with the result that now the price, inclusive of all local taxes, is being printed on packages, all over the country. The matters relating to various areas of inefficiency of the public sector functioning, as of electricity supply, telephone services, airline, etc., have been taken up for redressal of grievances of consumers. Cases were filed by the organisation for setting right the inadequacies of quality control for manufacture of sensitive items such as intravenous fluids, and removal of distortions in strict observance of the orders for supply and sale of iodized salt.

Other noteworthy activities of the organisation include securing of orders of the Supreme Court leading to establishment of Consumer "Courts" in all districts of the country, issue of notices to Government of India and Election Commission by Supreme Court on Writ Petition regarding non-maintenance and non-audit of accounts of political parties and non-establishment of Lokpal institution as well as strengthening of anti-corruption machinery at the centre and in the States.

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

H.D. SHOURIE, Director