

COMMON CAUSE

VOICE OF "COMMON CAUSE"

FUNDING OF POLITICAL PARTIES

There is no doubt about the fact that great lot of atmosphere of corruption, unscrupulousness and foul play has spread in the country on account of inappropriate and undesirable manoeuvrings of political parties and various areas of political developments that have been in evidence, particularly in the past couple of decades. All sorts of measures have necessarily to be adopted by political parties for collecting funds in order to be able to fight their battles in elections. It is very sad that these developments have hitherto remained unchecked.

In this context it is very welcome and heartening that a major Central political party of the country, the Congress Party, has taken the decision to bring about transparency in the process of fund collection.

- 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. We are ever so grateful to Mr. Vikram Lal, of Eicher Tractors for having enabled construction of COMMON CAUSE HOUSE.
- 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.

Series of measures are reported to have been decided upon by the Central Working Committee of the Congress Party. These measures are aimed at bringing about "accountability, integrity and transparency" in the financing of party candidates. A committee headed by the well-known honest administrator-cum-politician Dr. Manmohan Singh had been constituted by the CWC for the purpose, and its recommendations have now been accepted. The decisions taken by the political party include specific provisions that (i) all contributions to the funds of the party will be received by cheques (the important step which COMMON CAUSE had been advocating for long), (ii) a corpus fund of Rs 50 crores would be built up over the next two years for utilisation for the functioning of party at the national level and at State and district levels, (iii) money shall be additionally raised by asking all the elected representatives like MPs, MLAs and Corporators to contribute one month's salary every year to the corpus fund, (iv) Each of AICC delegates would be expected to annually give Rs. 600/-. Share of PCC delegates would be Rs. 300/- Those seeking party tickets for election are expected to pay Rs. 5,000/- for Assembly seat and Rs. 10,000/- for

Parliament. Fund collection drive would be undertaken occasionally through sale of coupons. Properties existing in the name of the Congress Party would be utilised for supplementing the party's funds. Separate Foundation is proposed to be set up to raise funds from NRIs; these funds collected from NRIs will be utilised directly for non-political purposes like training.

These decisions of the Congress party are undoubtedly of great importance. One hopes that these will be put into practice and that the efforts will become visible. This initiative on the part of the Central Political Party of the standing of Congress Party can obviously pave the way for development of the

- FUNDING OF POLITICAL PARTIES
- ANTI-CORRUPTION DRIVE
- PERKS OF LEGISLATORS

- PROBLEMS OF WATER
- CONSUMER PROTECTION LAW
- SANSKRIT AND ASTROLOGY

urge for adoption of somewhat similar measures by other political parties, and this will be very healthy development. There is already news in the media that BJP, the other major central party, has decided to raise debate on this issue to see what measures should be adopted by political parties to bring about transparency in the system of fund raising. The political parties should in the adoption of these measures, also ensure that the contributions made to political parties, through cheques, should be made eligible for income tax exemption. We have been advocating this also as an essential requirement, particularly from the view-point of business and industry which are necessarily involved in the process of political funding.

On the general subject of political funding and maintenance of accounts COMMON CAUSE had taken to the Supreme Court the entire matter in the shape of Writ Petition six years ago. A very important verdict on this subject was given by the Supreme Court on our Writ Petition. It will be worthwhile at this stage to present all the relevant material for enabling people to formulate their views and to take direct interest in stimulating the processes of bringing about improvement in the political system.

In dealing with this entire matter it is obviously necessary to be acquainted with the existing provisions of law regarding maintenance of accounts by political parties, requirement of annual audit thereof, submission of these accounts to the Income Tax authorities, present failures of political parties to comply with the mandatory provisions of the law, failure of the concerned authorities to enforce compliance with these statutory provisions, and the consequences of these failures and omissions.

In this connection information has also been collected about relevant laws operating in some other countries, and how these are rigorously enforced in the interest of proper functioning of democracy, as contrasted with the operations in our country which, to all appearances, give unfortunate impression of functioning of mobocracy and mockery of democracy, particularly evidenced in the behaviour of parties in the Parliament and some State legislatures. It will be interesting to know about the relevant statutory provisions of these countries.

It is necessary that leaders and functionaries of political parties should realise that the people are now, in general, acquainted with the statutory requirements of our laws and about the facts of omissions and commissions of political parties in complying with the statutory provisions. Let us examine these provisions and their implications in practice.

Section 13 (A) of the Income Tax Act. This provision clearly and specifically lays down that every political party must maintain detailed accounts of all income on annual basis, including any contributions from individuals or corporate bodies and income from all other sources. This provision contains definite direction that if any political party does not maintain such detailed accounts and also fails to get the accounts audited every year, this would amount to serious contravention of the law.

Section 293 (A) (1) of Income Tax Act. This provision prohibits any company from making any contribution to a political party unless the proposal of making such contribution is approved in a meeting of its Board of Directors, and also that the contribution in any financial year shall not exceed five per cent of its average net profit declared during the preceding three financial years; the company shall also disclose in its Profit and Loss Accounts any such contributions made to any particular political party.

Another relevant provision in connection with the Political Funding is that of section 77 of Representation of People Act. It lays down that every candidate standing for an election must maintain a detailed account of all expenditure incurred by him in connection with the election, or authorised by him to be incurred by his election agents, from the date of his nomination up to the date of declaration of the result of election. An amendment in this provision was later got added to the effect that any expenditure which is incurred or authorised by a political party on election of the candidate, shall not be deemed to have been incurred by him; this modification obviously negatives the limit prescribed on the quantum of total expenditure that can be incurred by the candidate on his election. The limit presently operative is Rs. 15 lakhs for election to Central legislature and Rs. 6 lakhs for election to a State legislature. The responsibility, however, still lies on the political party to furnish to the Election Commission the details of expenditure incurred by the Party on the election of every candidate.

Despite the modification that was effected by adding the above clause to Section 77 of the Representation of People Act the position remains very clear, under the above mentioned provisions of Section 13 (A) and Section 293 (A) (1) of the Income Tax Act, that every political party must maintain detailed accounts of all income and must get the accounts audited every year.

Other very important provisions of Income Tax Act in connection with elections and maintenance of accounts by political parties are contained in Section 139 (4) (B) and Section 142 (I) which impose the responsibility on the designated officials of political parties to furnish the statements of accounts and audit report within the prescribed period every year, and the Assessment Officers of the Income Tax Department to ensure their submission. Of particular importance is the provision of Section 276 CC of this Act which makes it mandatory to inflict severe punishment in the event of any default in compliance with these provisions of law, and the punishment on defaulting officials of political party is provided to be imprisonment which may go upto seven years.

As mentioned above we have collected material relating to laws of some other countries in regard to political parties and elections. Relevant laws of U.K., Germany, U.S.A., Yugoslavia and South Africa have so far been secured. In general there are strict provisions in these laws, placing great emphasis invariably on the absolute need of transparency in political funding, maintenance of accounts by political parties, and submission of accounts and audit reports to the governmental authorities. Provision also exists in laws of some of these countries for according exemption from tax on the contributions made to political parties; these exemptions are utilisable only on production of audit of the accounts. These laws lay particular emphasis on Integrity, Accountability and Openness, particularly in relation to the funding of political parties. In certain countries there is provision for State funding of political parties; the quantum of assistance from the State is related to the votes polled in favour of candidates of individual parties. Incorporation of such a provision in our political system is likely yet to present various insurmountable difficulties.

It needs to be stressed, and public should know, that there has been total disregard of the important provisions of our laws on the part of political parties in general, and that there has been also an utter failure on the part of the concerned Income Tax authorities to ensure compliance with these provisions. We have written to the Ministry of Finance about it, but there has yet been no response. Arising from the decision which COMMON CAUSE had secured from the Supreme Court in 1996 on the subject of strict enforcement of these provisions of the law, which has been mentioned previously, these inexcusable failures of political parties and the defaults of Income Tax authorities have now made it necessary to explore the possibility of taking this matter to the Supreme Court for launching contempt of court proceedings against the defaulting government officials and for setting afoot the processes for launching criminal proceedings against the designated officials of political parties which have failed to abide by the provisions of law as contemplated under Section 276 CC of the Income Tax Act.

It needs to be particularly emphasised that a political party which is not maintaining audited and authentic accounts and is not filing the return before the designated Income Tax authority is debarred from taking the position that it has incurred or authorised any expenditure in connection with the election of a party candidate. Only such expenditure can be incurred which has transparent source. The expression "conduct of election" in the authorisation given to the Election Commission to effect superintendence and control of elections, is wide enough to include in its sweep the power to issue directions, in the process of conduct of election, to the effect that political parties shall submit also to the Election Commission for its scrutiny the details of expenditure incurred or authorised by the parties in connection with the election of respective candidates.

We have once again written to the concerned governmental authorities. The letter was issued on 9th April, 2001 to the Finance Secretary and the Chief Commissioner of Income Tax, with copies to the Chief Election Commissioner and the Law Secretary of the Government of India. Copy of the letter follows (next page). Further action will now be initiated for submission of the requisite Writ Petition before the Supreme Court.

April 9, 2001

To

- 1) The Secretary, Government of India,
Ministry of Finance, North Block,
Central Sectt., New Delhi - 110001.
- 2) The Chief Commissioner of Income Tax
(Ministry of Finance),
Central Revenue Building,
I.P. Estate, New Delhi - 110002.

Subject: Maintenance of Accounts by Political Parties.

Dear Sir,

We strongly feel that unless existing provisions of the law in regard to the maintenance of accounts by political parties, and audit thereof, requirements of which are clearly laid down in Section 13(A), Section 139(4) (B) and Section 142 (1) of the Income Tax Act, as well as provisions of Section 293 (A) of the Companies Act, are strictly observed by political parties, and strictly enforced by the Income Tax authorities, the present malpractices, generation and utilisation of black money, and the adoption of corrupt practices, will continue operating, bringing a bad name to the political functioning and to the administration. It will be of interest to the Income Tax authorities to note that failure to observe these requirements of law can invite penalty under Section 276 CC of the Income Tax Act which provides for punishment, obviously of the designated functionary of the defaulting political party, to imprisonment which can extend upto seven years.

Important facts to be noticed by the Income Tax authorities are that responsibility lies on the specific officers concerned with the enforcement of these provisions of the law and in particular on the Assessment Officers who are expected to ensure that if the political party in the area of his jurisdiction defaults in observance of these clear provisions of the law, appropriate action is promptly initiated against the designated functionary of the concerned political party.

The general impression presently prevailing is that these strict provisions of the law have continuously been disregarded by the concerned Assessment Officers and that the Income Tax Department has ostensibly not hitherto taken action against any of them. This default by the Income Tax authorities is reported to have been apparently going on for years and the clear directions contained in the important judgement of the Supreme Court in the case AIR - 1996 - Supreme Court - 3081, COMMON CAUSE Vs. Union of India, have continued to be ignored by them. The political parties are obviously spending money on the election of individual candidates, in terms of modification which was made in Section 77 of the Representation of People Act; it was very clearly laid down in this Judgement of the Supreme Court that unless a political party has complied with the above mentioned requirements of the law it cannot spend money from its resources on the election of a candidate.

We write to request the Ministry of Finance and the Chief Commissioner of Income Tax to inform COMMON CAUSE about the steps that have been and are being taken to enforce these provisions of the law, and to also intimate as to whether appropriate action has been taken against the individual Assessment Officers who have defaulted in enforcement of these provisions in relation to individual national political parties recognised by Election Commission, particularly since the pronouncement of the above mentioned Judgement of the Supreme Court.

We look forward to receive the confirmation in this regard within a period of one month. In the event of non-receipt of any satisfactory confirmation we feel that it will be necessary to take the matter to the Supreme Court for consideration of launching contempt proceedings against the defaulting and other concerned officials.

Yours faithfully,
Director, Common Cause

Copies for information :

- 1) The Secretary, GovT. of India, Ministry of Law, Justice & Company Affairs, Shastri Bhawan, New Delhi -1.
- 2) The Chief Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi - 110001

LET US ALL JOIN IN CLEANING INDIA

H.D. Shourie

The matter is not of cleaning the Ganges or Yamuna or of any particular territory or region; it is of removing the filth that has started accumulating over this entire country, besmirching it and presenting a poor spectacle to the world. The filth is of corruption, malpractices, foul-play, deterioration of moral standards and degradation of ethical values.

Corruption and malpractices have entered every nook and corner of the society, defiling every aspect of life. People in general give the impression of being tainted with wrong-doing, everybody taking advantage of another, deriving benefits which are not his due. Disturbing facts of distortion of human behaviour, display of gross tilt towards crime, and ugly manifestations of misconduct get reflected in the media everyday.

One cannot disregard the great strides that India has taken towards modernisation, the facts of expansion of industry and trade, enormous development of infrastructure, progress we have made in democratic functioning, great expansion of governmental apparatus, achievements made in various fields of development, and in our having made a mark in the comity of nations. But while these wheels of progress have undoubtedly taken us forward, one cannot help feeling concerned that in various areas of living, besides inadequacies in standards of life and existence of poverty in rural as well as urban areas, there has been distinct deterioration in fields of moral behaviour and in the matters of general conduct.

Let us face facts. Money has become the dominant motive of life, earned by means fair or foul; whether it is the manufacturer, or the trader, shopkeeper or pavement pedlar or hawker, one is never sure that the price charged compares to the quality and quantity of the goods; taxi drivers and the auto-drivers have inculcated the tendency of tampering with the meters for over-charging; mechanic in his performance of correcting a fault, builder in his profession of construction, municipal functionary in providing the services, public utility employees in their dealings with the people; all of them display the inclination to take advantage of their position and of every opportunity to play wrong.

Sample some of the news that hit us daily through the media. A Mumbai municipal sweeper has been found to have garnered Rs.82 lakhs; search of a railway official's house, on his asking for a bribe of Rs.50,000, has yielded evidence of over Rs.2 crores stashed away in deposits and purchase of residential flats; seizure of property accumulated by a Deputy Commissioner of Delhi Municipal Corporation has brought out facts of valuable residential properties registered in the names of his wife and other close relatives; Chairman of the Central Board of Customs, the highest functionary of revenue, has been found to possess property of over Rs.5 crores. A Computer trained youngman has been found to have printed on the Computer 15000 currency notes of Rs.100 denomination. Press has highlighted the heart-rending account of sale of infants of ages 2 and 3, mainly girls, secured at a pittance from destitute mothers, and sold at huge amounts of lakhs for adoption abroad, which is not unwelcome, but quite a few are sold to brothels. Thousands of instances of such nature one comes across, besides the news of big scams and frauds. Big personalities are involved in huge frauds.

As many as 75 Corporators of an important Municipal Corporation, out of the total of 129, are reported to have been recently arrested and have been charged with offences relating to corrupt practices, from contracts for drains to medical reimbursements, using every opportunity to embezzle funds of the civic body. The probing led to an alleged Rs.2.38 crore sports goods supply scam. Of course, the Corporators have already launched agitation that these charges against them are "politically motivated" and result of a conspiracy.

Corruption presently occupies the central place in the list of ailments of the country. It has undoubtedly become omnipresent. It is most unfortunate indeed, and in fact a matter of great shame, that India stands near the bottom in the list of nations drawn up by Transparency International on the basis of their showing in the area of corruption.

A great lot of this malaise is contributed by politics of the country. Political parties have been vying and for winning the elections, is obviously indispensable. But, the fact is that in raising funds for their purposes the political parties have been resorting to all sorts of practices which, in turn, have got reflected in corroding the entire atmosphere and generating the mood of spread of unscrupulousness everywhere. All efforts made towards bringing about some regulation in fund raising campaigns have so far been unavailing. Almost all of them have failed in the statutory requirements of maintenance of accounts and submission of audit reports.

Amidst this prevailing gloom some little ray of light has emerged during the last few days inasmuch as the Congress Party has declared their keenness to observe appropriate procedure in collection of funds only through cheques, developing a corpus for meeting expenses of the party. This initiative of Congress Party has apparently persuaded BJP also to declare that they will observe proper procedures in raising funds and generate atmosphere of cleanliness and integrity. These initiatives may propel all other political parties to move towards the objective of compliance with the statutory provisions which lay down the positive requirement of maintenance of accounts, getting the accounts audited annually and submission of audit reports to the governmental authorities. It will be a great step forward if political parties decide to adopt and abide by these procedures.

This step by political parties may be the beginning of the campaign for cleaning up the country of the filth which has now enveloped it. Chief Vigilance Commissioner of the country, Mr. N. Vittal, who has greatly helped to highlight the existence of enveloping filth of corruption, has now given the call for setting up of an All India Council for Clean India. He has called a meeting seeking participation of the various organisations interested in the subject, so that intensive efforts are generated in every direction for launching the clean-up campaign. COMMON CAUSE will participate in it. We have come to know of the expected participation of a number of other organisations, which are interested in this task. An instance is of a small organisation "Parivartan" in Delhi which, through the strategy of placing some selected persons outside the gates of offices where people go for making payments of their electricity bills, has greatly helped in eliminating the scope of harassments and consequent corruption. It has now drawn up plans for initiating similar exercise outside the offices of Income Tax Officers for similar concrete action. There is the well-advertised Lok Sevak Sangh, the local representative of Transparency International, which is constantly pursuing the objective of bringing about cleanliness in public life. There are many other organisations and committed young people who would be prepared to penetrate various areas for eliminating graft operations.

Involvement of the motivated people, who are interested in effecting improvements in individual capacity as well as through concerned organisations, is of paramount importance, for cleaning up the filth of corruption that has besmirched our public offices. This move by CVC promises to lead to healthy development; and one hopes that the people in general will start giving full support to this effort, and all organisations, which are interested in clean-up campaign, will accept the call given by CVC.

I have always believed in the motto: "It Can Be Done". It is very unfortunate that the last couple of decades have brought a bad name to our country and made it fall in esteem of the world. I have faith that the task, which is now being entered upon, can be performed. All organisations, institutions and individuals, who feel concerned about the country, need to find ways and means of mobilising the efforts for cleaning the country.

Two bowling teams, one of all blondes and one of all brunettes, charter a double-decker bus for a weekend bowling tournament in Atlantic City. The brunette team rides in the bottom of the bus. The blonde team rides on the top level. The brunette team down below is having a time, when one of them realizes she doesn't hear anything from the blondes upstairs.

She decides to go up and investigate. When the Brunette reaches the top, she finds all the Blondes frozen in fear, staring straight ahead at the road, and clutching the seats in front of them with white knuckles. She says, "What the heck's going on up here? We're having a grand time downstairs!"

One of the blondes looks up and says, "Yeah, but you've got a driver!"

CVC'S CALL FOR SETTING UP: "COUNCIL FOR A CLEAN INDIA"

N. Vittal, Chief Vigilance Commissioner

The Council for a Clean India is the culmination of an introspective exercise carried out in the CVC to explore the roots of corruption and is visualised as a new instrument in the war against corruption. A study of our environment leads to the inescapable conclusion that all efforts made in the past to battle corruption have not borne fruit. Today corruption straddles our land like a colossus curbing development and growth, trampling over the poor and threatening national security. Reputed international bodies have ranked India amongst the most corrupt nations and even international agencies have premised their country reports with statements about corruption in the country. Whatever be the direction that economic policies take, corruption will be the inhibiting factor.

The Concept

Having taken cognisance of the deleterious effect of corruption on our polity and democratic functioning, the creation of Council for a Clean India recognises that corruption cannot be battled only by designated agencies like the CVC. It can be tackled only with the combined effort of a coalition of all those affected by corruption. There are today many bodies chartered to carry on this fight but the bodies of the state, such as the Central Vigilance Commission, Vigilance Commissions of the states, Lok Ayuktas wherever they exist, the Central Bureau of Investigation, Anti-Corruption Bureaux of the states but they have not met with complete success. It is said that war is too dangerous a matter to be left to the generals. Corruption is too important to be left to agencies like CVC, CBI etc.

There are many non-governmental organisations headed by eminent public men which have been set up to fight the menace of corruption. However, their pockets of influence are localised and it is a moot point whether they have been fully successful in arousing the conscience of informed public opinion against this evil through a process of education. Without a broad-based coalition and support from the people the war against corruption is doomed from the start. Hence the concept of a Council for a Clean India.

The Composition

The Council for a Clean India will consist of Central Vigilance Commission, Lok Ayuktas and Vigilance Commissioners of the states, Ombudsmen of insurance and banking industry, active NGOs recognized by Consumer Council of India, leading Chambers of Commerce, labour unions and members of well-known youth bodies. The membership will be on invitation and restricted to about fifty to enable fruitful deliberations.

The Structure

Since a formal structure has an inbuilt tendency to reach the gargantuan proportions of a bureaucracy and thus erode its efficacy, the Council for a Clean India will be an informal consulting mechanism and deliberative organ with a flexible agenda so that the discussions can be of depth and scope. It will meet annually in the office of the Central Vigilance Commission. The Central Vigilance Commission will function as the secretariat of the Council for a Clean India and all expenses of travel and lodging of delegates would have to be met by the participants. It is expected that all involved in this war against corruption are willing to make some personal sacrifices in order to achieve the objectives.

The Objectives

The primary objectives of the Council for a Clean India are:

1. Make anti-corruption forces effective especially the bodies in the State Governments and non-governmental organizations.
2. Increase awareness about the need to fight corruption.
3. Implement the four-point programme by encouraging its members to participate in (i) Benami Black Money Scheme of the CVC (ii) trapping of corrupt public servants, (iii) suggest simplified rules and procedures, and (iv) take an active part in the Vigilance Awareness Week.

The Future

Over a period of time, the Council for a Clean India could evolve as a forum for deliberating legislative changes and to articulate the initiatives suggested by a possible national convention on ethics. It could, with the assistance of experts, undertake corruption studies and thus become a repository of all knowledge about corrupt practices and appropriate antidotes. The Council for a Clean India envisages that follow up action would be initiated by the Central Vigilance Commission and the Vigilance Commissions of the states as appropriate.

Your active co-operation and participation is sought in the first meeting of the Council for a Clean India to be held on 2nd July 2001 at 10.00 AM in the Conference Room of the Central Vigilance Commission at New Delhi. We could, at this meeting, perhaps discuss ways and means of rendering ourselves more effective.

FORMULA suggested by CVC for reducing political corruption in India

- (i) Total freedom given to individuals and the corporate bodies to contribute to political parties without any upper limit and with benefits of tax deductions under the Income Tax Act.
- (ii) A candidate against whom charge sheet has been framed in a court in any criminal case or offence involving moral turpitude should not be permitted to contest elections.
- (iii) The Explanation 1 below section 77 of the Representation of People Act should be deleted. (This explanation was introduced under Section 77 couple of decades ago, stipulating that expenditure incurred by a political party on the election of a candidate will not be counted towards the expenses incurred by the candidate so that the prescribed limit is not exceeded).
- (iv) No political party should be permitted to contest election unless its accounts are audited.
- (v) No candidate should also be permitted unless he had got Income Tax clearance certificate.
- (vi) The allegations of corrupt practices must be inquired into urgently by the Election Commission without waiting for the elections to be held.
- (vii) The nexus between the corrupt elements in politics and bureaucracy should be nipped in the bud by a system by which all sensitive posts will be filled by a process of appointments based on panels recommended by neutral and objective committees. Once appointments are made, persons should not be transferred from the post for three years. Similarly, the principle of rotation should be strictly observed where sensitive posts are concerned so that no vested interest develops.
- (viii) The Corrupt Public Servants (Forfeiture of Property) Act should be brought into force immediately and implemented.
- (ix) The Benami Transactions Prohibition Act, 1988 should be implemented immediately after a gap of record non-implementation of legislation for 12 years.

THE SUPERMARKET had a sale on boneless chicken breasts. I intended to stock up. At the store, however, I was disappointed to find only a few skimpy pre-packaged portions of the poultry, so I complained to the butcher lady.

"Don't worry," she said, "I'll pack some more trays and have them ready for you by the time you finish shopping."

Several aisles later, I heard the lady butcher's voice boom over the public-address system: "Will the gentleman who wanted bigger breasts please meet me at the back of the store."

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AS A child he had lost the sight in right eye during a playground mishap. When he reached 40s he needed to get glasses. At the Optometrist's office, the doctor's young assistant pointed to an eye chart. "Cover your right eye and read the line there." he said.

"I am blind in my right eye", he told him. "It's a glass eye".

"Okay" he responded. "In that case, cover your left eye".

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PROBLEMS OF WATER

Everybody should be aware of the serious problems that are likely to arise in the future months in the matter of water supply for domestic use. COMMON CAUSE has for long been pursuing this matter with the concerned governmental authorities, institutions and organisations, and also with manufacturers of sanitarywares for exploring the possibility of promoting substitution of the existing cisterns of the flushing systems which use excessive water on every occasion, and to get newly devised systems installed which can substantially curtail the use of water for flushing.

The various measures continue being pursued by the concerned governmental and municipal authorities but the danger of facing serious shortages of water in the future months, and particularly during the next summer, persists. People have to become aware of this problem and see what measures can be adopted by them for avoidance of wastage of water.

"Water, besides air, is a vital ingredient for survival of all living being", emphasises the write-up in "DEVELOPMENT ALTERNATIVES" Newsletter. Out of total availability of water on Earth, 97.2% occurs in oceans and seas, 2.2% in ice caps and glaciers and only 0.6 percent exists as fresh water, fit for domestic consumption and irrigation. This amount may seem miniscule but, if used in a sustainable way, is sufficient to meet all the requirements of our planet. Human beings have still not learnt to live in harmony with nature, destructive towards nature's bounty and varied biodiversity. This greed, to take more rather than give, has created an imbalance in the natural resources and impacted the availability of water. Wasteful utilization of water, its contamination due to industrial effluents, its exploitation without recharging (leading to drying up of aquifers, soil degradation and deforestation (resulting in run-offs), have culminated into a crisis of insurmountable proportions. The effects of these unsustainable tendencies are there for all to see in the form of floods and droughts, in an intermittent cycle of calamities. The relentless march of the desert continues unabated. Its impact is being felt more in developing and under- developed countries with large populations".

On this important subject a letter has been addressed by the Director of COMMON CAUSE to all residential colonies of Delhi, lists of which we have so far been able to secure. The letter is reproduced below and furnishes information about concrete measures which can be adopted in every household. In this letter the Director has given the example of his personal household where certain measures have been adopted for avoidance of wastage of water. We hope that the suggested measures will be carefully examined by everybody for adopting similar concrete measures for this important cause.

To

All housing colonies of Delhi.

SUBJECT: AVOIDANCE OF WASTAGE OF WATER

Dear Friend,

I am writing this letter to convey a request to residents of all housing colonies of Delhi. The Societies of the colonies are requested to get copies of this letter distributed to their residents.

The letter deals with the very important problem of "WATER" which, as you would all be aware, is expected to face serious shortages in the coming months and years. WATER is elixir of life; its shortage and non-availability will be matter of utmost seriousness. Underground water-level has gone down to a startling extent, and there are apprehensions of its going down further. This matter is of particular importance for Delhi, population of which is now over one crore and where the demand for water has, therefore, gone to an extent never previously envisaged.

There have been various governmental efforts for conservation of water and exploring more sources of its availability. The methodology of water-harvesting during rains has also been advocated. Digging of borewells has been prohibited. These measures have not hitherto shown any concrete results. It is satisfying in this context that certain specified programmes are being implemented in this regard in certain colonies such as Vasant Vihar. These can set the example for other colonies.

In the present letter I am communicating to all residents concrete and feasible measures which need to be adopted by every resident. The adoption of these measures will lead to avoidance of wastage of water and reduce its use by at least one-third in every household. I am advocating these means on the experience of my own household, and have faith that similar measures can be adopted by all residents of the colonies. These measures are described below:

(i) FLUSHING SYSTEM :

You would certainly be aware about the enormous wastage that takes place in every household through the flushing in toilets. On an average a person urinates 6 to 8 times during summer months and 10 to 15 times during winter. Flushes presently installed in the toilets are of the larger size, with the result that with every flushing not less than 15 litres of water are poured out. Household of an average middle-class and upper-middle-class resident has 3 to 4 bath-rooms. One can imagine what enormous quantity of water is thrown out daily through the flushing system by an average family of 4/5 persons.

I have taken specific measures in our bath-rooms which reduce this wastage by at least one-third, or even half. In each flushing cistern, after picking up the lid, I have placed in it 8 to 10 bottles, including few coke bottles, all filled with water. These include average-sized empty medicine bottles, capped or otherwise. These have been placed in standing position, excepting where they are capped and they can be placed horizontally. These have been so placed that there is no possibility of hampering the movement of lever-ball in the cistern. This way the volume of water thrown out with every flush is reduced by more than about one-third. Surely, every resident in each housing colony can adopt similar measures. As an alternative to searching for bottles, or in addition to this, a reasonable quantity of washed stone-pieces or brick-pieces can be placed in each cistern to cover about one-third of its volume, taking care that movement of lever-ball is in no way impeded.

Side by side with the adoption of this measure it is also desirable and necessary that everybody should become conscious of the fact that throwing away of even 10/12 litres of water on every occasion of urination by persons of the household, is something which needs to be avoided. In most countries, and also in some recent constructions, new flushing systems have been installed in which button-pressing releases only about 2/3 litres of water for washing away the urine whereas about 6 litres of water pours out for clearing the excreta. In the absence of installation of newly designed flushing system it will be appropriate that every individual in the household should use the alternative of pouring out one or two mugs of water after urination.

(ii) BATH :

In the existing circumstances bathing in a bath-tub and throwing away that much water would certainly be considered sacrilegious. Normally people take bath by pouring over the body mugs of water from a bucket. But I, being seriously concerned even about throwing away this much water, have for along been using a technique which from all accounts is healthier while saving considerable quantity of water. I take a small quantity of water in the bucket, warm in winter and normal in summer; thoroughly wet a thick large towel in it, squeeze the towel, and then strongly rub it on the face and on all parts of the body, separately applying soap and washing those parts which need special cleaning. The wet towel is then hung for drying, and a dry towel is used for rubbing it on the body for drying. This way very substantial quantity of water is saved and the body is thoroughly cleaned up, better than merely pouring mugs of water on it.

My plea and prayer to all residents is to see what measures they can adopt for saving precious water and avoiding its wastage. Surely, the washing of cars and of the house passages must positively be avoided. Every individual may think of other measures which can be taken when one becomes aware of the need of conserving the use of water.

I will be happy to receive your confirmation, comments and suggestions.

Yours sincerely,

(H.D. SHOURIE)

TREES FOR OUR SURVIVAL

What is a tree?

**The plough for a farmer,
Firewood in a village kitchen,
Boat for a fisherman,
Home for birds and animals,
Food and shade,
Oxygen supplier, Pollution abator,
Soil preserver, Rain giver,
Natural air conditioner,
The breath of life.....
For Man!**

The benevolent tree! What does it get in return?
How do we treat them?

Nearly 22 lakh saplings of trees and shrubs have been planted in Delhi each year during last two years. The target now is 25,02,406 saplings to be planted by the horticultural wings of different govt. agencies like New Delhi Municipal Council (NDMC), Municipal Corporation of Delhi (MCD), Department of Environment (DOE) and the Forest Department. For the past decade, the numbers have been the same on an average. Even if 5% of these survived, Delhi should be completely covered with tree (green) cover!

Imagine yourself standing at a busy traffic intersection (say ITO at Delhi), 24 hours a day, 365 days a year -cars, buses and trucks spewing smoke and dust on your face; steel girders imprisoning your body; stones and concrete poured around your feet to a depth of 30 to 40 cms; advertisements and nails pierced on your body!

This is what a Delhi tree is subjected to! Can it survive this assault?

Each year we pride ourselves in taking the credit for planting lakhs of saplings. But are we giving them the minimum conditions to grow and live? How many managed to survive?

Thousands of Delhi trees have died in the last decade and of the remaining, thousands are under fatal threat as they are made to battle for their survival. If the remaining trees are to be saved, immediate action is needed.

Detailed field surveys show that most of the Delhi roads have limited surface soil for the trees to grow. This bit of bare earth is also being covered with a thick layer of impermeable concrete and tiling to make pavements. Tiling right upto the tree trunk severely hampers air and water absorption. The roots near the surface get destroyed, the trunk cannot expand properly and this ultimately affects its growth and even survival. This is not all. On a typical summer day, the tiles get heated to high temperatures and scorch the root system. The destruction of root systems weakens the tree's grip on soil, which leads to their uprooting even during mild storms. During tiling, the most fertile topsoil is removed to be replaced by asphalt mixture. This completely ravages the soil, causing soil pollution, which is far more difficult to rectify than air & water pollution. The cemented pavements are frequently dug open to repair wires, etc generating huge amounts of non-degradable 'debris'. Enormous resources like bricks, cement, labour are utilised for tiling. Instead they can be put to better uses.

Tiling should only be done on road-sides that have heavy pedestrian movement, otherwise it should be avoided. While tiling, if a tree is growing in the way, a minimum soil / kutcha space of 6 x 6 feet around the trees should be left until. Using porous tiles or badarpur are other options.

These are not the only threats. The tree guard required to protect young saplings, needs to be removed once the tree is grown. Otherwise the metal tree guard restricts the growth of the trunk, cutting into the tree and damaging it. The advertisements nailed to the trees aggravate the situation. We are treating trees like sign-posts. Let us remember that they are also living things and need good care.

(from "Development Alternatives")

PERKS OF LEGISLATORS

We have, in a previous issue of this Periodical, mentioned about the perks and privileges which are being enjoyed by the legislators in India. Concrete figures of perks of MPs, which have been collected from the Parliament Secretariat, are reproduced below. This information will be of interest to our readers.

These perks are in addition to the salary and daily allowance/travelling allowance which they are getting. The salary is Rs. 4,000/- p.m. and daily allowance is Rs. 400/- for the day of attendance of a Session of the House, sitting of any Parliamentary Committee, or any other business connected with the member's duties

1. Travel By Air: 32 single air journeys without any limitation as to timing, either alone or with spouse or any other companion; un-used air journeys are carried over to the following year.
2. Travel by Rail: (a). One free non-transferable pass by first-class air-conditioned or executive class to travel at any time by any railway in India. (b). One free air conditioned railway pass for one person to accompany the Member when he travels by rail. (c). Free travel by any rail in India in first class air-conditioned or executive class with the spouse, if any, of the Member from any place in India.
3. Telephones : Two telephones, one at New Delhi and the other at a place selected by him in the constituency or the State with equivalent of 50,000 local calls free from each telephone; the number of calls are adjustable between two telephones.
4. Housing: (a). Rent free flat or hostel accommodation through out the term of office at New Delhi. (b) Free water upto 2000 kilo ltr. per annum and 25,000 units of electricity per annum. (c) Free furniture upto Rs. 50,000, free tiles in the bathrooms and kitchen, free washing of sofas and curtains every three months.
5. Constituency allowance Rs. 8000 per month.
6. Office expenses allowance Rs. 8500/- per month.
7. Free medical facilities as are admissible to class I officers of Central Civil Service.
8. Monthly remuneration is exempted from income tax. All other allowances not exceeding Rs. 3000 per month are also exempted from income tax.
9. Foreign exchange Rs. 1 lakh.
10. Diplomatic passport for going abroad.
11. Pension for service for a period of 4 years (whether continuous or not) plus incremental amount for every additional year in excess of 5 years.
12. Every person who is not a sitting member but has served for any period as a Member of either House shall be entitled alongwith a companion to travel by railway in air-conditioned two-tier free of charge.

A PATIENT was lying restless on the operation table waiting for the surgeon to begin his job. "Don't be scared. Just relax," said the surgeon.

"No, doctor. This is upsetting. I hear this is a dangerous operation and very few survive," the patient said.

"Don't worry. Your chances of survival are 100 per cent," the doctor assured him.

"100 per cent?"

"Yes, 100 per cent. Only one patient out of ten survives this sort of operation. So far, I've conducted nine operations and all nine patients have died. So, you are sure to survive."

...

A LAWYER defending a man accused of burglary tried this creative defense: "My client merely inserted his arm into the window and removed a few trifling articles. His arm is not himself, and I fail to see how you can punish the whole individual for an offence committed by his limb." "Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses."

The defendant smiled. And, with his lawyer's assistance, he detached his artificial limb, laid it on the bench and walked out.

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CHANGES CONTEMPLATED IN CONSUMER PROTECTION LAW

The Consumer Protection Act, which has been operative since 1986 and has made considerable impact in relation to solving of problems of consumers, is now proposed to be provided certain alterations and amendments which over the years have been found to be necessitated for better enforcement of its provisions and protection of interest of consumers. On this subject an article of the Director of COMMON CAUSE has appeared in the Times of India. It presents a comprehensive picture of amendments which are proposed to be effected in this important Act. This article is reproduced below. There has since appeared in the same newspaper a write-up on the subject by the well-known Consumer Activist Pushpa Girimaji. Her write-up is also reproduced.

DRASTIC CHANGES EXPECTED IN CONSUMER PROTECTION LAW

The 15 year old Consumer Protection Act, responsible for consumer awareness in the country, is now facing certain changes which can alter its continuing impact and operation. We all are consumers - as the buyer or recipient of any product and service. If there is any defect and deficiency in the product purchased, or service sought for which payment has been made, the consumer is entitled to redress in the shape of appropriate compensation. The product may range from the purchase of a screw to a motor car and the service may range from dry cleaning of a saree to travelling in an aeroplane or construction of a house.

Under this Act various "consumer courts" have been set up in all districts of the country and an effective set up has been established at the state and national level for dealing with bigger demands of compensation and for appeals. Consumer courts in the districts are termed District Forums. There are now 555 District Forums operating, mostly one in each district. In Delhi, an enviable instance, as many as nine District Forums have been established to deal with a large number of cases emanating from its population. At the state level these consumer courts are known as State Commissions and at the national level there is the National Commission which has jurisdiction all over the country for entertaining original cases of high value and also for dealing with appeals coming up against the orders of State Commissions.

Monetary limits of the awardable compensation have been prescribed in the Act. Originally the limit was Rs 1 lakh for disposal of cases by District Forums, Rs 5 to Rs 10 lakhs for the State Commissions, and above Rs 10 lakhs for National Commission. Within five years of operation of these courts the limits were revised respectively to Rs 5 lakhs for District Forums and Rs 5 to Rs 20 lakhs for State Commissions and above Rs. 20 lakhs for the National Commission. Since then these courts have thus been operating.

It is worthwhile noting how these consumer courts have provided redress to consumers. Figures of the cases disposed of by them and pending before them are revealing. District Forums have collectively so far decided about 11.5 lakh cases; they have about 2.5 lakh cases pending at present. State Commissions have decided about 1.25 lakh cases and present pendency before them is about 75,000. National Commission has decided about 12,000 cases and pendency at this level, including appeals and original complaints, is about 9,500.

By and large, thus, the work performed by these consumer courts has been satisfactory. There have been suggestions and demands for effecting further improvements. These remained under consideration. Now, after many years, the concerned ministry has formulated the Amendment Bill which has been introduced in the Parliament. It would be interesting to glance at some of the recommendations contained in this Bill.

A major proposed amendment is to devise limits of compensation award and thereby to revise the jurisdiction of these courts. District Forums can presently deal with cases involving compensation payment up to Rs. 5 lakhs and limit for State Commissions is Rs 20 lakhs. This limit of amount in case of District Forums has been increased to Rs 20 lakhs and of State Commissions to Rs 1 crore. National

Commission will deal only with appeals arising from decisions of State Commissions. Raising of limit of Rs 20 lakhs to Rs 1 crore in the case of State Commissions is stated to be justified on the ground that aggrieved consumers now have to travel to Delhi for filing complaints.

Another important change proposed is of enabling the National Commission as well as State Commissions to have benches which will operate at other selected places, respectively, for meeting requirements of consumers there rather than the consumers having to come to Delhi or go to the State headquarters with their complaints. For enabling these benches to operate, certain amendments in the Act have been made which appear strange. Number of members on the National Commission will be prescribed by the concerned ministry, out of whom half the number will be persons of "judicial background", which term prescribes that they will have at least ten years' experience as President of District level court or tribunal. President of the National Commission will continue to be a retired judge of the Supreme Court; he will be authorised to constitute benches of the National Commission with "one or more members".

Similarly, members of State Commission, which till now were only three, including the President who is a retired judge of a High Court, will now be any number which is determined by the ministry, excepting that at least half of them, as in the case of National Commission, will be persons of "judicial background", meaning that they have at least ten years' experience as district judge. Benches of State Commission will be set up by its President with "one or two members" as the President may deem fit. Here again it appears odd that a bench of the level of the State Commission can operate at the designated place with only one or two members, of level of District Judge experience, to decide cases involving compensation up to Rs 1 crore, which is prescribed to be the jurisdiction of State Commission. Both these provisions appear to be strange in existing context.

While there may be certain doubts relating to above provisions for constituting benches of National Commission and State Commissions, the proposed amendments of Consumer Act include certain very welcome and desirable provisions. One clause states that in each of the consumer courts, at the respective levels, cases will be decided within 90 days. This will obviate atrocious delays which are being often caused at present. Another provision states that if appeal is filed against any decision, the appellant will have to first deposit half the amount of award compensation. Consumer courts are also proposed to be given powers to effect attachment and auction of property of a person who defaults in complying with the decision of payment of compensation. Power of a collector will also be exercisable by these courts for recovering any dues as arrears of land revenue. Punishment of imprisonment, as by a judicial magistrate for default in compensation payment, will likewise be exercisable by these courts. A party will be allowed to engage legal practitioner only if the complainant has engaged one. Where necessary, consumer court will have the authority to try a case summarily.

These various provisions in the proposed amendments can obviously have far reaching and healthy effect in expeditious redressal of grievances of consumers.

A MAN goes to the doctor and tells him that he hasn't been feeling well. The doctor examines him, leaves the room and comes back with three different bottles of pills. The doctor says, "Take the green pill with a big glass of water when you get up. Take the blue pill with a big glass of water after lunch. Then just before going to bed, take the red pill with another big glass of water."

Startled to be put on so much medicine the man stammers, "My goodness, doc, exactly what's my problem?"

Doctor says, "You're not drinking enough water."

...

THE SARDARJI's wife caught her husband Santa Singh searching high and low all around his living room.

Wife: "What are you searching for?"

Santa: "Hidden cameras!"

Wife: "And what makes you think there are hidden cameras here?"

Santa: "The guy on TV knows exactly what I'm doing. Why every few minutes he keeps saying 'You are watching the Star World channel'. How does he know?"

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LEGAL EAGLES AND THE CONSUMER PROTECTION ACT

Pushpa Girimaji

As expected, the reaction from lawyers to the proposed changes in the Consumer Protection Act (CPA) restricting their appearance before consumer courts has been swift and sharp. Besides condemning such a move they have reportedly threatened to go on a countrywide agitation against it.

It's a pity that lawyers have decided on this course of action because I am sure they will get neither support nor sympathy for their cause from those outside the profession. Even within the legal fraternity, I am sure not all lawyers are inclined to put self interest before everything else and would see reason and logic behind a very positive step meant to protect the interests of consumers in the country.

In fact the amendment bill introduced in the Rajya Sabha on April 26 is not keeping lawyers out of the consumer courts altogether as was demanded by consumer groups. It is only restricting their presence by permitting the engagement of legal practitioner by an opposite party only if the complainant himself or herself is a lawyer or hires a legal practitioner or has no objection to the opposite party engaging one.

This, I think, is a very reasonable restriction. However, in order to understand the purpose behind the proposed amendment, one must go into the basic objective underlining the CPA, which is to provide consumers with a parallel justice system which, unlike the regular courts, is affordable. Since the biggest burden on a litigant before the regular courts is the lawyer's fee, when the CPA was drafted, every effort was made to keep the procedure before the courts simple, so that a complainant need not engage a lawyer.

The composition of the consumer courts was also structured to ensure the simplicity of the adjudication process.

While the judicial member saw to it that the disputes were resolved in accordance with prescribed rules of law, the non-judicial members were to prevent excessive technicality in the administration of justice.

However, the courts turned out to be far different from what was envisaged under the law. The procedure before many of these courts became highly technical and there were too many adjournments granted at the behest of lawyers. The judicial member and lawyers played a dominant role and the consumer was totally out of his depth in these courts.

The report submitted by the Indian Institute of Public Administration after studying the working of these courts in five states only confirmed what consumers were saying about them. The report said that the atmosphere in some of the district forums did not appear to be conducive for a consumer to put forward his case in an informal manner. The whole proceedings appeared to be formal and 'court like' and this discouraged the consumers from arguing their own cases as they felt that it would be better for them to engage advocates to get the decisions in their favour. Advocates were found dominating in many of the forums and only a few consumers were found arguing their own cases.

This and other studies by consumer groups also highlighted the opinion of consumers that the entry of lawyers had put them at a disadvantage in a forum meant for them. The dominance of black coats made them nervous and when pitched against top lawyers hired by opposite parties, they found the battle to be unequal.

Imagine the plight of the consumer when the lawyer representing the opposite party advances a lengthy argument on how certain procedures in the Civil Procedure Code must prevail to fill the grey areas in the CPA!

As consumer courts began to resemble regular law courts in every respect, the government saw reason in restricting the presence of advocates in these courts. But consumer courts have become a great source of revenue for lawyers and they are not going to accept it so easily.

And being a powerful lobby, they will try their best to dissuade the government from going ahead with this particular amendment.

CONSUMER PROTECTION POSSIBLE AREAS OF MEDICAL NEGLIGENCE

Definition of Medical Negligence

Q. What is the definition of medical negligence?

A. Medical negligence is a result of breach of duty owed by the doctor to his patient to exercise reasonable care and skill, which may lead to some physical, mental or financial disability.

Sometimes, besides being a civil wrong to be decided by civil courts, a doctor can also be prosecuted in a criminal court for a severe degree of reckless or dangerous behaviour, amounting to criminal negligence.

Q. What is the nature of medical negligence?

A. For negligence of any kind to be proved it must be shown that:

- (a) The doctor (defendant) had a duty of care to the patient (plaintiff);
- (b) The defendant has breached that duty i.e. failed in that duty.
- (c) The patient has suffered damage as a result.

All these three conditions must be satisfied to prove negligence. If the patient has not sustained any damage as a result of breach of duty by the doctor, no action for negligence can be sustained.

Q. What is meant by duty of care to the patient?

A. It means duty to exercise skill and care. It comes into existence as soon as the doctor-patient relationship is established. A doctor who deals with a patient with the intent of acting as a healer, has a legal obligation from that very moment to exercise a duty of skill and care. Any breach of that duty is a ground for negligent action.

Q. What is the degree of competence required by the doctor?

A. A doctor must possess a reasonable degree of proficiency and he must apply that proficiency with a reasonable degree of diligence. No doctor is expected to possess all current medical knowledge nor be able to apply all diagnostic and therapeutic technique. A doctor is not liable for errors of judgement either in diagnosis or treatment as long as he applies a reasonable standard of skill.

Standard of Care

Q. What is the standard of care expected of a doctor in India?

A. The duties which a doctor owes to his patient have been succinctly laid down by the Supreme Court, as under (AIR 1969 SC 131):

"...A person who holds himself out to give medical advice and treatment, implicitly undertakes that he is possessed of the skill and knowledge for the purpose. Such a person, when consulted by a patient, owes

him (to the patient) certain duties, viz. a duty of care in deciding whether to undertake the case, a duty of care in deciding what treatment to give or a duty of care in the administration of that treatment. A breach of any of those duties gives a right of action for negligence to the patient. The practitioner must bring to his task a reasonable degree of skill and knowledge and must exercise a reasonable degree of care". The Supreme Court adds that neither the highest degree of care is required nor is the lowest degree of care enough. What is required, is a reasonable degree of care and competence, judged in the light of the circumstances of the case.

Q. Can the standard of care to be exercised by a doctor differ from time to time?

A. The application of the standard may differ. For example, in judging an event which took place in 1947, one cannot apply the medical knowledge of 1954 when the case is heard. Thus, in 1947, a particular method of keeping ampules of anaesthetic drugs in phenol was in vogue. This cannot be held to be faulty merely because, in 1954, medical knowledge (which had advanced during the intervening period) favoured a different method. We must not look at the 1947 event with 1954 spectacles. [(1954) 2 K.B.66].

Error in Diagnosis

Q. Is a medical man liable for every effort in diagnosis?

A. No. A mistaken diagnosis does not amount in every case to negligence, provided reasonable care is exercised. If a doctor has acted in accordance with accepted medical practice, he is not liable.

Q. If a person sues a doctor for negligence, who has to prove it?

A. Normally, the task of proving negligence rests upon the person bringing action. The plaintiff has to prove that the defendant was negligent. But the circumstances may be so special that negligence of the defendant may be presumed, unless the defendant proves to the contrary. [(1983) 1 All.E.R. 416]

Supreme Court Case

Q. Has there been any Supreme Court case in India on medical negligence?

A. Yes. The Supreme Court has held in another case, *Laxman V. Trimback Babu Godbole* (AIR 1996 SC 128) that a doctor, who without taking the elementary precaution of anaesthesia performs a fracture operation, causing shock resulting in the patients death, is liable for negligence.

"from LEGAL NEWS & VIEWS : APRIL 2001"

CONSUMER PROTECTION ACT COVERS EMPLOYEES PROVIDENT FUND SCHEME

Civil Appeal No.411 of 1997 Decided on 14th December, 1999

Consumer Protection Act, 1986 - sections 2(1)(d) and (o) - consumer - service - provident fund scheme - whether the provisions of the CPA can be invoked against the Provident Fund Commissioner by a member of the Employees Provident Fund Scheme? - whether any such member is a 'consumer' and the duties performed by the Provident Fund Commissioner under the relevant scheme is a 'service' within the meaning of the Act? - held yes.

Held: The Regional Provident Fund Commissioner, under the Act and the scheme discharges statutory functions for running the scheme. It has not, in any way, been delegated with the sovereign powers of the State so as to hold it as a Central Government, being not the authority rendering the 'service' under the Act. The Commissioner is a separate and distinct entity. It cannot legally claim that the facilities provided by the 'scheme' were not 'service' or that the benefits under the scheme being provided were free of charge. The definition of 'consumer' under the Act includes not only the person who hires the 'services' for consideration but also the beneficiary, for whose benefit such services are hired. Even if it is held that administrative charges are paid by the Central Government and no part of it is paid by the employee, the services of the Provident Fund Commissioner in running the scheme shall be deemed to have been availed of for consideration by the Central Government for the benefit of employees who would be treated as beneficiary within the meaning of that word used in the definition of consumer (Para 11).

A perusal of the scheme clearly and unambiguously indicate that it is a 'service' within the meaning of Section 2(1)(o) and the member a 'consumer' within the meaning of Section 2(1)(d) of the Act. (Para 12).

Result: Appeal dismissed.

ADDRESSES OF CONSUMER "COURTS" IN DELHI (OTHER THAN OF THE NATIONAL COMMISSION)

STATE COMMISSION
A-Block, Vikas Bhawan,
I.P.Estate, New Delhi - 110 002

District Forum-North West, C.S.C.,
Block-C, Pkt. C, Shalimar Bagh,
Delhi

District Forum-North
Room No. 2 & 3, Old Civil Supplies Bldg.,
Tis Hazari, Delhi Ph. : 3969372

District Forum-New Delhi
Barracks, K.G.Marg,
New Delhi

District Forum-South
C-22-23, Qutab Instl. Area, Mehrauli,
New Delhi

District Forum-South West
Local Shopping Centre, Phase-II,
Sheikh Sarai, New Delhi

District Forum-West
C-Block, Community Centre, Pankha Road
Janak Puri, New Delhi - 110058

District Forum-East
C.S.C., Saini Enclave, Delhi

District Forum-North East
Weavers Complex,
Nand Nagri, Delhi

District Forum-Central
Mezzanine Floor, ISBT,
Kashmere Gate, Delhi

ENFORCEMENT OF TEACHING OF SANSKRIT AND ASTROLOGY SUBJECT

The Union Ministry of Human Resource Development (HRD) and University Grants Commission (UGC) recently issued instructions to various Universities to introduce Degree Courses in Astrology and 'Purohitya'. They have also decided to make Sanskrit a compulsory subject in Schools and Universities. There have been severe criticisms by various people in the media. Introduction of degrees in Astrology and Purohitya is considered positively a retrograde step in modern days of Technology advancements. The media through editorials, and intelligentsia through letters/write-ups have failed to dissuade the Ministry of HRD and UGC from going ahead with their decisions, particularly relating to introduction of degree courses in Astrology and Purohitya. Sanskrit undoubtedly is a rich language and can be popularised, but to make it compulsory does not appear to be appropriate, particularly in the context of multi-community culture of India.

We considered this to be an important matter having long-term implications. Accordingly a Writ Petition was filed in the Supreme Court of India from the platform of COMMON CAUSE praying for issue of directions to the Respondents to restrain them from imposing Sanskrit as compulsory subject in Schools and Universities and also restraining them from making Astrology and Purohitya as subjects of study and conferment of degrees in Universities. The Supreme Court expressed unwillingness to entertain the Writ Petition and to issue notice to the concerned authorities as requested in the Petition. The matter is of obvious importance to the people in general, as is evident from the large number of write-ups which have appeared in the newspapers criticising these decisions of the Government of India. Therefore, we have considered it appropriate to reproduce the Writ Petition in this issue of the Periodical so that people should be able to formulate their own views on the matter.

WRIT PETITION IN SUPREME COURT SYNOPSIS AND LIST OF DATES

In recent weeks there have been extensive reports in newspapers of India criticising the announcement stated to have been made by the Respondents, Union of India, the Ministry of Human Resource Development, and the University Grants Commission, (i) to make teaching of Sanskrit compulsory in schools and universities and (ii) to introduce astrology as a subject in the universities. Connected with the compulsory teaching of Sanskrit it is stated to have also been decided to introduce Doctorate Degree in the subject of "Karamkand" renamed as "Parohitya" connected with the performance of rituals and "poojas". These decisions are proposed to be implemented with effect from 1st July, 2001.

Petitioner has not yet been able to secure copies of the letters and directions issued on these subjects by Respondents 1 & 2. and will submit their copies as soon as they become available. Meanwhile, the Petitioner has addressed a letter on the subject on 19th April, 2001 to the Respondent No. 1, Union Ministry of Human Resource Development and No. 2, University Grants Commission, requesting them to reconsider these decisions. No acknowledgement or reply has been received by the Petitioner from either of the Respondents.

These decisions of the Respondents have been considered by various personalities as an unfortunate step because these are not in consonance with the modern day developments in science and technology. It is being stressed that there is no doubt that Sanskrit has an eminent place in the heritage and culture of India, that works of the nature of vedas and puranas, of paramount importance and eminence, were written in Sanskrit, and that it is of great importance that Sanskrit should continue to flourish and not be allowed to languish. But it is being considered inappropriate to make it a compulsory subject in schools and universities, because such imposition is likely to affect the career development of students and, in a multi-religious and multi-cultural society is likely to give rise to demands of certain other languages being also similarly made compulsory for teaching.

On the subject of astrology serious doubts are being expressed by scientists and other knowledgeable

personalities because astrology has no basis of developments in modern science. Its basis is the influence of planets and stars on the fates of individuals; this type of inference is considered totally alien to the analysis, observations and findings by the scientists and astronomers about the beginning of universe, its vast spread and continuous expansion, and the advancements where man has stepped on the moon, there is International Space Station orbiting the earth, man-made satellites are being stationed in space for meeting various emerging requirements of new concepts of technology.

These views have been extensively expressed in the last few weeks as will be evident from the reproduction of various Press reports which have been placed as Annexures. These Annexures B, C, D, E, F, G & H are reproductions from the newspapers Time of India, Hindustan Times, Indian Express and the Mumbai newspaper AFTERNOON.

The Petitioner feels that these impositions on the educational curriculum will be deleterious to our educational system and to the interests of the country and of future generations, constituting violation of fundamental rights embodied in Article 21 of the Constitution of India, besides contravening the provisions of Article 28 of the Constitution as being contrary to the concept embodied in Article 51 (A) (h) of the Constitution which states that it shall be the duty of every citizen of India to develop scientific temper, humanism and the spirit of enquiry and reform. There is no other remedy for the Petitioner excepting to approach this Hon'ble Court for dealing with this problem of all-India importance.

Hence this Writ Petition.

(Annexures containing write-ups, editorials and articles on the subject, mentioned above as Annexures B, C, D, E, F, G & H are not being reproduced here for want of space).

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY CIVIL JURISDICTION WRIT PETITION (CIVIL) NO. OF 2001**

In the matter of:

COMMON CAUSE
(A Registered Society)
A-31, West End,
New Delhi - 110021
through its Director.

...PETITIONER.

Versus

1. Union of India,
Ministry of Human Resource Development,
Department of Education,
Shastri Bhawan,
New Delhi - 110001
Through its Secretary.
2. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg.,
New Delhi - 110002.

...RESPONDENTS.

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OR ORDER IN THE NATURE OF MANDAMUS AND/OR CERTIORARI AND/OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION RESTRAINING THE UNION OF INDIA, IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT AND THE UNIVERSITY GRANTS COMMISSION FROM INTRODUCING SANSKRIT AS A COMPULSORY LANGUAGE IN SCHOOLS AND UNIVERSITIES AND ALSO ASTROLOGY AND PAROHITYA AS SUBJECTS IN UNIVERSITIES

AS THESE WOULD AFFECT THE SECULAR STRUCTURE OF INDIAN SOCIETY AND WOULD BE CONTRARY TO THE PRINCIPLE ENshrINED IN ARTICLE 51 (A) (h) OF THE CONSTITUTION OF INDIA, CONTRAVENING THE PROVISIONS OF ARTICLE 28 OF THE CONSTITUTION, BESIDES BEING VIOLATIVE OF ARTICLE 21 OF THE CONSTITUTION OF INDIA.

To

Hon'ble The Chief Justice of India and His Lordship's Companion Justices of the Supreme Court of India.

The Humble Petition of the Petitioner abovenamed, MOST RESPECTFULLY SHEWETH :

1. That the Petitioner is a Society duly registered under the Societies Registration Act, 1860, and is engaged in taking up various common problems of the people for securing redressal thereof. The Petitioner Society has also brought to Court various constitutional problems. The Petitioner has an established locus standi in its capacity as a bonafide public interest organisation for taking up matters of general public importance. The Petitioner is submitting the present public interest Petition for consideration of the Hon'ble Court.
2. That during the recent weeks there have been extensive reports in the newspapers, which have not been contradicted, that the Union of India in the Ministry of Human Resource Development, Respondent No.1 and the University Grants Commission, Respondent No. 2, have taken decisions to (i) introduce astrology as a subject for study in universities; connected with the decision to introduce Sanskrit it is also proposed to introduce a doctorate degree in "Purohitya"; these decisions to be implemented with effect from 1st July, 2001.
3. That the Petitioner has not yet been able to secure copies of these decisions reported to have been taken by Respondents but has written requesting them to reconsider these decisions. Copy of the letter addressed by the Petitioner to the Respondents is at Annexure "A". No acknowledgment, reaction or reply has been received to this communication.
4. That there have been adverse reactions and comments on these decisions as is evident from the reports which have appeared in various newspapers. Attached herewith are photo-copies of the reports which have appeared in Times of India, Hindustan Times, Indian Express and Mumbai newspaper "Afternoon". These are of dates from 16-4-2001 to 25-4-2001.
5. That in making these submissions for consideration of the Hon'ble Court the Petitioner would like to particularly emphasise that the Petitioner is fully conscious of the importance of Sanskrit as the basic and important language of our country and the base of our culture in Vedas and Puranas and also scriptures of great eminence. But the Petitioner feels that India has to face realities of the fact that it is a multi-religious and multi-cultural society, and also that the country and its people have to keep abreast with the latest developments in science and technology, imbibing of knowledge in relation to which spheres is of paramount importance for the students in schools and universities. It is also a fact that any general decision to introduce Sanskrit as a compulsory subject, which is directly and closely associated with Hindu religion, is likely to raise demands for introduction of some of the other languages of minorities as compulsory in schools and universities. Generation of this type of atmosphere will be very deleterious to the development and future of the country and will be construed as contravening the provisions of Article 28 of the Constitution, besides being violative of Article 21 of the Constitution.
6. That the decision to introduce astrology as a subject for study in universities, in the context of the vast advancements that have come about in the world in the fields of science and technology, where man has stepped on the moon, the International Space Station has been placed in orbit, travel in space is taking place and satellites have been installed practically in all parts of the globe, is likely to be looked upon by other countries as a ludicrous decision. It is now well known that it is totally wrong to place reliance on any influence of the stars and planets on the fortunes of individuals. In the context of well known advancements in the area of science, in Information Technology and Biotechnology etc., it is totally inappropriate that any efforts should be made to retard scientific developments in the country. The decision to introduce astrology as a subject in the universities, for conferment of any degrees, is also being severely criticised by knowledgeable personalities of the fields of Astronomy

and Science. The inferences arising from astrology are based on hypothetical assertion; they do not have any definite and scientifically established relationship between cause and effect. These are also influenced by considerations of being auspicious and non-auspicious, which have no scientific basis altogether. Such an unfortunate decision will be looked upon by future generations as having seriously affected the life pattern of the people who will in any way be connected with effect of implementation of the decision. This will thus be violative of fundamental rights embodied in Article 21 of the Constitution.

7. That the Petitioner submits that the decision to introduce the degree of doctorate in universities on the subject of "Purohitya" and knowledge of "Karamakand" is also equally unfortunate in the context of views expressed in the foregoing paragraphs on the decision to introduce Sanskrit as a compulsory language in schools and universities. The performance of rituals prescribed in Vedas and ancient heritage of India has undoubtedly its own importance in the present life pattern in the country, but it would be unfortunate to recognise "Purohitya" as a subject for being accorded a degree in universities. This decision too would be in contravention of the provisions of Article 28 of the Constitution.

8. That the Petitioner considers it appropriate to emphasise that those who have belief in astrology, and those who feel that Sanskrit and "Karamakand" and "Purohitya" should be given wider recognition and promotion, should devise ways and means for further evolution and strengthening of specialised institutions and organisations which can pursue and strengthen these subjects and that they should seek the provision of funds from individuals and corporate houses etc. which would enable these requirements to be fulfilled. It would be inappropriate to direct and utilise any funds or staff of the government department for the attainment of these objectives.

9. That the present Petition is being preferred bonafide, in the interest of justice and in public interest.

10. That no other Writ Petition or Proceeding has been initiated by the Petitioner before any other High Court or before this Hon'ble Court in regard to the subject matter of the present Petition.

11. That the Petitioner has no alternative equally efficacious remedy in law for the cause of action being agitated herein.

PRAYER

In the above premises, it is prayed that this Hon'ble Court may be pleased:

- (i) to issue a Writ in the nature of mandamus and/or Certiorari and/or any other appropriate Writ, Order or direction directing the Respondents to restrain themselves from imposing Sanskrit as a compulsory subject in schools and universities, also restraining them from making astrology and "Purohitya" as subjects of study and conferment of degrees in universities; and
- (ii) to pass such other and further orders as may be deemed necessary and proper on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY.

Place: New Delhi
Dated:

Petitioner

COMMON CAUSE.

A WIFE with near maturing pregnancy goes to railway station to return to her husband. At the reservation counter, while her turn came, it was the last ticket. Taking pity on a very old lady next to her in the queue, she offered her berth to the old lady and sent an e-mail to her husband which reached as "Shall be coming tomorrow, heavy rush in the train, gave berth to an old lady."

...

SANTA SINGH is appearing for his University final examination. He takes his seat in the examination hall, stares at the question paper for five minutes and then, in a fit of inspiration takes his shoes off and throws them out of the window. He then removes his turban and throws it away as well. His shirt, pant, socks and watch follow suit.

The invigilator, alarmed, approaches him and asks what is going on, "Oye, I am only following the instructions, yaar," he says. "It says here, 'Answer the following questions in brief'."

...

A HEART-WARMING PIECE

This piece has been sent to us by a well-wisher who has a disabled grown-up son. He has received it on his e-mail from somewhere in U.S.A.

In Brooklyn, New York, "Chush" is a school that caters to teaching disabled children. Some children remain in Chush for their entire school career, while others can be mainstreamed into conventional schools. At a Chush fund-raising dinner, the father of a Chush child delivered a speech that would never be forgotten by all who attended.

After extolling the virtues of the school and its dedicated staff, he cried out :

"Where is the perfection in my son Shaya? Everything God does is done with perfection. But my child cannot understand things as other children do. My child cannot remember facts and figures as other children do. Where is God's perfection?"

The audience was shocked by the question, pained by the father's anguish and stilled by the piercing query.

"I believe", the father answered, "that when God brings a child like this into the world, the perfection that He seeks is in the way people react to this child".

He then told the following story about his son Shaya one afternoon, Shaya and his father walked past a park where some boys knew, were playing baseball. Shaya asked, "Do you think they will let me play?"

Shaya's father knew that his son was not at all capable and that most boys would not want him on their team. But Shaya's father understood that if his son was chosen to play it would give him a comfortable sense of belonging.

Shaya's father approached one of the boys in the field and asked if Shaya could play. The boy looked around for guidance from his team-mates. Getting none, he took matters into his own hands and said "We are losing by six runs and the game is in the eighth inning. I guess he can be on our team and we'll try to put him up to bat in the ninth inning.

Shaya's father was ecstatic as Shaya smiled broadly. Shaya was told to put on a glove and go out to play short centre field.

In the bottom of the eighth inning, Shaya's team scored a few runs but was still behind by three. In the bottom of the ninth inning, Shaya's team scored again and now with two outs and the bases loaded with the potential winning run on base, Shaya was scheduled to be up.

Would the team actually let Shaya bat at this juncture and give away their chance to win the game?

Surprisingly, Shaya was given the bat. Everyone knew that it was all but impossible because shaya didn't even know how to hold the bat properly, let alone hit with it. However as Shaya stepped up to the plate, the pitcher moved a few steps to lob the ball in softly so Shaya should atleast be able to make contact.

The first pitch came and Shaya swung clumsily and missed. One of Shaya's team-mates came up to Shaya and together they held the bat and faced the pitcher waiting for the next pitch. The pitcher again took a few steps forward to toss the ball softly toward shaya. As the pitch came in, Shaya and his team-mate swung at the ball and together they hit a slow ground ball to the pitcher. The pitcher picked up the soft grounder and could easily have thrown the ball to the first baseman.

Shaya would have been out and that would have ended the game. Instead, the pitcher took the ball and threw it on a high arc to right field, far beyond reach of the first baseman.

Everyone started yelling, "Shaya, run to first; Run to first". Never in his life had Shaya run to first. He scampered down the baseline wide-eyed and startled. By the time he reached first base, the right fielder had the ball.

He could have thrown the ball to the second baseman who would run out shaya, who was still running. But the right fielder understood what the pitcher's intentions were, so he threw the ball high and far over the 3rd baseman's head. Everyone yelled, run to second, run to second."

Shaya ran towards second base as the runners ahead of him deliriously circled the bases towards home. As shaya reached second base, the opposing short stop ran to him, turned him in the direction of third base and shouted, "Run to third". As Shaya rounded third, the boys from both teams ran behind him screaming, "Shaya run home". Shaya ran home, stepped on home plate and all 18 boys lifted him on their shoulders and made him the hero, as he had just hit a "grand slam" and won the game for his team.

"That day", said the father softly with tears now rolling down his face, "those 18 boys reached their level of God's perfection."

"Funny how this is so true, and shame on us: Funny how simple it is for people to trash different ways of living and believing and then wonder why the world is going to hell. Funny how you can send a thousand "jokes" through e-mail and they spread like wildfire, but when you start sending messages regarding life choices, people think twice about sharing.

Funny how the lewd, crude, vulgar and obscene pass freely through cyberspace, but the public discussion of morality is suppressed in the school and workplace.

Funny, isn't it? Are you laughing? Funny how when you go to forward this message, you will not send it to many on your address list because you're not sure what they believe, or what they will think of you for sending it to them. Funny how I can be more worried about what other people think of me than what I think of me. FUNNY, ISN'T IT: PS: As for me, I will send this to my whole list, as it is a wonderful story of the good in the world, and no matter what Religion or belief one has, it is a wonderful thing to share.

A MAN was sick and tired of going to work every day while his wife stayed home. He wanted her to see what he went through. So he prayed, "Dear Lord, I go to work every day and put in 8 hours while my wife merely stays at home. I want her to know what I go through, so please create a trade in our bodies."

God, in his infinite wisdom, granted the man's wish.

The next morning, sure enough, the man awoke as a woman. He arose, cooked breakfast for his mate, awakened the kids, set out their school clothes, fed them breakfast, packed their lunches, drove them to school, came home and picked up the dry cleaning, took it to the cleaners and stopped at the bank to make a deposit, went grocery shopping, then drove home to put away the groceries, pay the bills and balance the check book. He cleaned the cat's litter box and bathed the dog.

Then it was already 1 p.m. and he hurried to make the beds, do the laundry, vacuum, dust, and sweep and mop the kitchen floor. Ran to the school to pick up the kids and got into an argument with them on the way home. Set out cookies and milk and got the kids organised to do their homework, then set up the ironing board and watched TV while he did the ironing. At 4.30 he began peeling potatoes and washing vegetables for salad, breaded the pork chops and snapped fresh beans for supper.

After supper he cleaned the kitchen, ran the dishwasher, folded laundry, bathed the kids, and put them to bed. At 9 p.m. he was exhausted and, though his daily chores weren't finished, he went to bed where he was expected to make love — which he managed to get through without complaint. The next morning he awoke and immediately knelt by the bed and said, "Lord, I don't know what I was thinking. I was so wrong to envy my wife's being able to stay home all day. Please, oh please, let us trade back."

The Lord, in his infinite wisdom, replied, "My son, I feel you have learned your lesson and I will be happy to change things back to the way they were. You'll have to wait 9 months, though. You got pregnant last night."

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RONALD REAGAN once took Santa Singh to the White House to prove his country's technological superiority. Taking Santa behind the Oval Office Reagan commanded his men to dig the earth for a 100 metres, upon which an electrical wire was discovered. A happy Reagan declared to Santa Singh, "There Santa, even a 100 years ago we had wires in our country."

Not to be outdone, Santa Singh flew Reagan to the Rashtrapati Bhawan and taking him behind the Gujarat room, ordered the gardener to dig the soil. The gardener dug with all his might - 100 m, then 200m then 300 m and finally 400 m. Still nothing emerged. At this, a beaming Santa Singh turned to Reagan and said, "See Mr. Reagan, in our country even 400 years ago, we had the wireless."

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OUR ACTIVITIES AND PROGRAMMES

COMMON CAUSE, a registered Society with membership all over the country and operating on All India basis, has earned reputation and credibility as an Organisation dedicated to public causes for seeking redress for problems of the people. Its initiative in public interest litigation, for solving the common and collective problems of the people, has greatly contributed to the evolution and spread of the system in the country and its adoption by the people on a substantial scale for effecting redressal of public grievances.

A large number of writ petitions have been filed by the Organisation in the Supreme Court and Delhi High Court, and quite a few important cases have been taken to the National Commission established under the Consumer Protection Act. The very first case taken up by COMMON CAUSE, almost two decades ago soon after its establishment, related to the problems of pensioners. Almost four million pensioners benefited from the three important decisions which the Organisation was able to secure from the Supreme Court, relating to the extension of liberalisation of pension, restoration of commutation of pension and extension of the scheme of family pension. An important

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.

matter relating to the pending criminal cases of the courts of the country was taken to the Supreme Court. In our writ petition specific suggestions were submitted for adoption of procedures for dealing with backlog. The important decision given by Supreme Court in this case led to the discharge of large number of accused persons and release of prisoners whose cases had dragged on for long periods. These directions have brought about termination of hundreds of thousands of cases all over the country. On the subject of general malfunctioning of Blood Banks a writ petition was formulated and taken to the Supreme Court. Directions given by the court on this important matter has led to the evolution of system for registration of Blood Banks and stoppage of use of professional blood donors. On the general matter of corruption and establishment of the institutions of LOKPAL and LOK AYUKTAS in the country the Supreme Court, on a writ petition of the organisation, gave a verdict of severe punishment in a particular case, and the matter relating to the appointment of Lok Ayuktas has continued to be pursued by issuing direction to all States. On another writ petition the Supreme Court gave very important direction in relation to the conduct of election campaigns by the political parties, in relation to a provision which has been incorporated in the election law. The Court also directed strict compliance with law in relation to the submission of Income-tax Returns by the political parties.

In Delhi High Court a number of writ petitions have been filed by the organisation. Problems of general importance, such as anomalies arising in the Property Tax and the difficulties encountered in the operation of old Rent Control laws, have been taken up and are being pursued. There has been large-scale theft of electricity in Delhi on account of which electric distribution has often got disrupted and the authority has had to resort to load-shedding; these problems have been taken to Delhi High Court and are being pursued. A major problem in Delhi has been the large-scale establishment of unauthorised residential colonies. There has been demand for their regularisation; this was challenged by the organisation and the matter continues to be further pursued.

An important matter relating to Rail Disasters which have taken place in the country in recent years has also been taken to the Supreme Court. Other important matters recently taken to the Supreme Court include the functioning of Fake Universities and ineligible Teaching shops, Crime and Violence on TV, Telephone freebies to over 3 lakhs employees, required change-over to two Time Zones, and deficiencies found in the implementation of Voluntary Disclosure of Income Scheme (VDIS) of GOI. The National Commission established under the Consumer Protection Act has, on our submission, issued certain important decisions on matters such as use of iodized salt, stoppage of malfunctioning in relation to intravenous fluids, operation of buses on Delhi roads and strikes by Banks and Air India. Important decisions in general interest of consumers secured from the Supreme Court include establishment of Consumer Forums in all districts of the country and price printing also on all imported packages.

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 80-G of Income Tax Act. Everybody can take membership of the organisation. No form is required. Send your name and address, written in capital letters, along with cheque/DD, drawn in favour of COMMON CAUSE.