

COMMON CAUSE

VOICE OF "COMMON CAUSE"

THE BEST MEDICINE

- * Humour is the best medicine. This is a well-known adage.
- * You grow up the day you have first really laughed at yourself. This is another adage.
- * You do not stop laughing because you grow old; you grow old because you stop laughing. This is another.
- * One is not completely dressed until one wears a smile. Still another.

You would wonder. How come, this periodical, of an organisation devoted to public causes, has suddenly changed course; from presenting and discussing serious subjects, property tax, rent control, leasehold conversions, blood banks, lawyers strikes, consumer protection etc., it is talking of humour.

For a change, for obvious reason, we have deliberately chosen to talk about laughter and humour. It is the best medicine. And, everybody is in need to the best medicine. This too is, thus, a public cause. An important one.

In this issue of the periodical we will talk also of other matters. But they will follow. Humour and allied subjects will take precedence. We want all of you to participate in this endeavour. Normally we are too much obsessed with the problems, laden with them. Our capacity to laugh has gone down. We tend now more to curse, cavil and complain. Circumstances are shaping thus, which make us do

this. But, let us not forget to laugh, to see also the seamy side of life.

We have selected some excellent jokes for you. We want you to enjoy these. And, we have also, on a sober note and for stimulating your imagination, laboriously selected for you some excellent thoughts and outstanding quotes.

While you enjoy these jokes, thoughts and quotes we have a special request. You rummage your memory, your stock, and the stock of your friends. Send us your choicest jokes, thoughts and quotes. Do not hesitate to send even naughty jokes, as long as they are printable. Where they are in your local languages, do us the favour of sending translation in English. We want to make a selection of the best we can collect. Everybody has laughed, enjoyed jokes, and been stirred by unforgettable thoughts. Send us these. This will be the best medicine, for you and for all. You will enjoy sending these. This exercise will put some sunshine into others.

And, treasure these which we are reproducing here. These will come handy, when you wish to relax. Supply photocopies of these pages to your friends and relatives. These are invaluable. These jokes, thoughts and quotes have been selected from various sources. The sources are mentioned at the end of the selection.

But, before you go on to quotes, thoughts and jokes, do read what is printed on the reverse.

Numerous citizens have started depending on COMMON CAUSE for all types of assistance. We are always ready to give it, but we have limitations, of manpower, resources. Please phone and write only when you must.

Our membership subscription remains the same. Rs 50 for membership for individuals; Rs 250 for life membership for individuals; Rs 200 annual membership for organisations/associations.

All can take membership. It is not for deriving benefit, but to support an organisation devoted to public causes. No form is required. Merely send your name and address, and cheque or M.O. in name of COMMON CAUSE.

RE-WIND YOUR CLOCK

We come across men and women, particularly those in fortune circumstances who have held responsible positions in society, who seem to have run out of steam. One necessarily has to be compassionate in assessing the reasons. Perhaps life has confronted them with problems tougher than they can resolve. This happens.

Yet, we need to talk about these people. They often give the impression that they have just stopped in life. Many of them appear to be merely going through the motions of living. One cannot deride that. Life is hard. Merely to keep going is sometimes an act of courage. But it is unfortunate that they function far below the level of their potential. They have become more stale than they know and more bored than they would care to admit. Boredom is a secret ailment. They feel and appear to be busy. They ask: "How can I be so bored when I am so busy?"

The fact remains that there are people whose clocks appear to have stopped. You can well recognise them, and often guess the point when the clock stopped. They need to be told and be convinced that there is no need to run down like an unwound clock. If the clock has unwound, one can wind it up again. One can stay alive in every sense of the word until one fails physically.

Despite the fact that in every human being there is the capacity of self-renewal, it is puzzling why some men and women go to seed while others remain vital in their lives. People build their own prisons and serve as their own jail-keepers. Self-renewal should, however, enable them to break the prison walls and explore their potential. A mountaineer who climbed Mount Everest said:

"You never conquer the mountain, you only conquer yourself." One has to come to terms with one-self. At the end of the road one meets one's own self.

Often one scrambles and sweats and climbs to reach what one thought was the goal. When one gets to the top, stands up and looks around, the chances are that one may feel empty. Then one wonders whether one climbed the wrong mountain. Life is not a mountain that has a summit. Nor is it a riddle that has an answer. Nor a game that has a final score. Life is an endless unfolding, an endless process of self-discovery, necessitating continuous self-renewal.

There are men and women who make the world better, by imbibing a spirit of commitment and self-renewal. It matters little whether they are merely peddlers or pen-pushers or behind the wheel of a truck or entrepreneurs or bureaucrats. Self-pre-occupation is merely a prison. Commitment to larger purposes can get one out of the prison.

We cannot dream of a flawless and ideal utopia. Life is an endless losing and regaining of balance, a continuous struggle, never an assured victory. Every important battle is fought and refought. We need to develop resilient, indomitable morale, to face realities and overcome inhibitions. History suggests that human spirit can overcome and cope with all inadequacies and problems. You can make your contribution.

Re-wind your clock

The above has been adapted from an excellent recent write-up by the well-known personality of USA, John W. Gardener in the recent issue of SPAN).

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QUOTES

Life is an exciting business, and most exciting when it is lived for others.

* *

Journey of thousand miles begins with one step.

* *

I have love affair with life.

If it were not for the rocks in its bed, the stream would have no song.

* *

This society has to be saved from the self-proclaimed saviours of society.

* *

No man is poor who has a friend. Three friends, and you are filthy rich!

* *

Greatness of man does not lie in never falling, but rising everytime he falls.

* *

God gets weary of great kingdom but never of little flowers.

* *

You cannot walk with your eyes on the stars when there are pebbles in your shoes.

* *

It is better to be a lion for a day than a sheep all your life.

* *

Make it a point to do something everyday that you don't want to do. This is the golden rule for acquiring the habit of doing your duty without pain.

* *

A shortcut is often the quickest way to some place you weren't going.

* *

Facing it - always facing it - that's the way to get through. Face it!

* *

The greatest right in the world is the right to be wrong.

If you should bend the staff of justice, do not bend it under the weight of money, but under that of mercy.

* *

Remembering is a dream that comes in waves.

* *

The miracle is this - the more we share, the more we have.

* *

If opportunity doesn't knock, build a door.

* *

Overheard: "Secretive? If you gave her a needle, she would build a haystack around it."

* *

When you see a good man, think of emulating him; when you see a bad man, examine your own heart.

* *

A cage is a cage, even if its bars are of gold.

* *

Hold fast to dreams
For if dreams die,
Life is a broken-winged bird
That cannot fly.

* *

Choices await us - We can opt for the pessimist view of the world, or we can stubbornly believe that the best is yet to come.

* *

Never slam a door in anger. You may want to open it again.

* *

We make a living by what we get but we make a life by what we give.

* *

Always put off until tomorrow what you should not do at all.

* *

How a man plays the game shows something of his character; how he loses shows all of it.

* *

There are two perfectly good men; one dead, and the other unborn.

* *

The thing to do is to supply light not heat.

* *

God's great power is in the gentle breeze, not in the storm.

* *

The moon has her light all over the sky, her dark spots to herself.

* *

We come nearest to the great when we are great in humility.

* *

The rains of God's mercy cannot gather on mountain tops of pride, but flow easily into valleys of humbleness.

* *

It is better to light one small candle than to curse the darkness.

* *

By plucking her petals you do not gather the beauty of the flower.

* *

Not hammer-strokes, but dance of the water sings the pebbles into perfection.

* *

Every moment of your life should be a celebration

"Who is there to take up my duties?" asked the setting sun.

"I shall do what I can, my Master," said the earthen lamp.

* *

One cannot give what he does not possess. To give love you must possess love.

...

THOUGHTS

My candle burns at both ends
It will not last the night,
But oh, my friends, come and see,
It gives a lovely light.

* *

After his death, a man was once taken to see both heaven and hell. In hell there were a lot of people sitting around a table, on which there was laid a sumptuous feast. But all of them were starving, and crying out in their anguish. Their arms were much too long to convey the food to their mouths. Then he was taken to heaven, where there was an identical scene - people sitting around a sumptuous feast; here too, their arms were too long to feed themselves. But here there was no starvation and all were satisfied. They were all busy feeding one another!

* *

You are richer today than you were yesterday, if you have laughed, often, given something, forgiven even more, made a new friend today, or made stepping-stones of stumbling blocks; if you have thought more in terms of "thysel" than "myself",

or if you have managed to be cheerful even if you were weary.

* *

Life is like a game of cards. You cannot get aces all the time.

You've got to play the cards you get and play your hand as best as you can. When the great server comes to record against your name, he will not note whether you won or lost but whether you played the game.

* *

Lay down your comforts, your pleasures, your name, fame or position, nay, even your lives and make a bridge of human chains over which millions will cross this ocean of life.

* *

Laughing at ourselves is possible when we are able to see humanity as it is - a little lower than the angels and at times only slightly higher than the apes.

* *

How strange, that when someone else takes ages
to do something, he is slow.

If I take a long time to do something, I am thorough.

If the other neglects to do something, he is lazy.

If I don't bother to do anything, I'm busy.

If he does something without instructions, he's
going too far.

If I do something off my own bat, then it's initiative.

If another says what he thinks, then he's stubborn.

If I put my point of view, then I am being firm.

If someone else skips the rules then he is ill-
mannered.

If I break with convention, then I'm a brave man!

* *

You often say, "I would give, but only to the
deserving."

The trees in your orchard say not so, nor the flocks
in your pasture.

They give that they may live, for to withhold is to
perish.

* *

Forgive, O Lord, my little jokes on Thee
and I'll forgive Thy big one on me.

* *

You can't get more than you give, any more than
you can take a pint container to a well and bring
back a gallon of water.

You can't give frowns and get back smiles; you
can't give a loud, angry voice and get gentleness
from others in return.

By the same token, you can't plant a kind word,
a thoughtful deed, a generous gift, and not reap
more of the same from someone, somewhere,
sometime.

* *

Lamps do not talk but they shine. A light-house
sounds no drums; it beats no gong, and yet far over
the waters its friendly spark is seen by the mariner.
So let your actions shine out your religion. Let the
main sermon of your life be illustrated by all your
conduct.

* *

It is the nature of water to flow downwards, but the

Sun's rays lift it up towards the sky. Likewise it
is the very nature of the mind to go to lower things...

But the grace of God can lift up the mind towards
higher objects.

* *

I could love you
As dry roots love rain
I could hold you
As branches in the wind
Brandish petals

Forgive me for speaking so soon.

* *

If I can stop one heart from breaking

I shall not live in vain,

If I can ease one life the aching

Or cool one pain

Or help one fainting robin

Unto his nest again,

I shall not live in vein.

* *

Are you willing:

To forget: What you have done for other people,
and to remember what other people have done for
you;

To ignore: What the world owes you, and to think
what you owe the world;

To put: Your rights in background, your duties in
the middle distance, and your chances to do a little
more than your duty in the foreground;

To see: That you fellow men are just as real as you
are, and try to look behind their faces into their
hearts hungry for joy;

To own: that probably the only good reason for
your existence is not what you are going to get out
of life, but what you are going to give to life;

To close: your book of complaints against the
management of the universe, and to look around for
a place where you can sow a few seeds of happiness.

Are you willing to do these things even for a day?

* *

In every great scripture of the world there are three
types of teachings:

First, there are narrations of eternal truths, universally applicable, such as: "Truth alone triumphs, not falsehood," "Blessed are the pure in heart, for they shall see God."

A second type of teachings concern the ought - what should be done and what should not be done, such as:

"Whatever you give to others, give with love and

reverence. Do not offer gifts with disdain in heart. Gifts must be given in abundance, with joy, humility and compassion."

In the third type of teachings there are the direct imperatives from the Lord: "Ask, and it shall be given you; seek, and you shall find: knock, and it shall be opened unto you."

* *

HAPPENINGS

Conversation between youngman and his father :

"Dad, would you lend me your striped necktie?"

"Sure, but since when do you worry about asking permission?"

"Since I can't find it."

* *

When a man took his aged, ailing car into his neighbouring garage for diagnosis, the mechanic's prescription wasn't encouraging. "I'd save the radiator cap," he drawled, "and screw a new car under it."

* *

A young lady in the latter part of her pregnancy and suffering from some of the miseries that can accompany that condition, went for her regular prenatal check-up. Her doctor asked if she was having any problems. "Yes," she replied. "I can't sit comfortably, I can't eat what I like, I'm nauseous most of the time, I can't sleep well, I have to go to the bathroom too much, I have headaches, I'm sure from the baby's kicking and my feet are swelling."

The doctor listened to her politely, then turned to her chart and wrote "No complaints".

* *

On a telephone survey on tyres, a marketing company interviewed a clergyman. He gave his age as 70, and when asked if he was working or retired, said, "I asked the good Lord what I should do, and He told me not to retired but to retard!"

* *

Arriving at our destination after a long car trip, he was asked who had driven. "Well," replied, "I drove halfway and my wife drove all the way."

* *

A respectable elder worked as a wallpaperer and decorator in a small village in the north of England. Because he operated his business mostly by word of mouth, it wasn't necessary for him to have a phone. One day, however, his wife was horrified to receive from a lady customer a few villages away a telegram which read: WILLIE, I'M STRIPPED AND WAITING.

* *

Once the couple went to a rather run-down hotel for lunch. To start, they ordered soup, and when the waiter brought it, wife noticed he had his thumb in one of the bowl. She pointed this to him.

"Don't worry, Madam," he replied calmly, "the soup is not hot."

* *

While on a shopping expedition, the lady mistakenly handed the sales-person her blood-donor card to pay for one of the purchases. He looked at it and then gave it back saying, "That's all right lady. We still only want money."

* *

A young father whose premature baldness had made him the target of many jokes, took his four-year-old daughter for her first salon hair-cut. Climbing into the chair with pride, she sat and faced the mirror. The stylist asked her what she would like. "Can you cut it," she wanted to know. "With a hole in the top, just like Daddy's?"

A physician sometimes played a game with some of his young patients to test their knowledge of body parts. One day, while pointing to a boy's ear, the doctor asked, "Is this your nose?"

Immediately the child turned to his mother and said, "I think we better find a new doctor!"

* *

One Saturday morning as she was getting dressed, the dog grabbed her shirt in the mouth and dashed out of the bedroom and down the stairs. She ran after the dog, and at the bottom of the stairs, slipped on the entry way rug and skidded out of control towards the front door.

She crashed through the closed wooden screen door and wound up sprawled face-down on the front porch surrounded by splinters of wood and pieces of torn screen, clad only in her undershorts. Unhurt, she looked up to see the surprised postman staring down at her. After a long pause, he slowly shook his head.

"Strange!" he exclaimed. "I don't know what kind of letter you're expecting, but it must be important."

* *

A guy walked into the tax collector's office with a huge bandage on his nose. "Had an accident?" asked the tax man.

"No," answered the man. "I have been paying through it for so long, it gave way under the strain."

* *

Ninety-year-old Sam bought a hairpiece, had a face lift and exercised at the gym for six months. Then he found a widow half his age to take to dinner. As they got out of his sports car, Sam was struck by lightning and died. At the Gate of Heaven, he ran up to God and asked, "Why me?"

"Oh, Sam," replied God. "I didn't recognise you!"

* *

As the aircraft was taxiing the runway to take off, the voice on the speaker welcomed passengers on board and introduced them to the pilot. "Your captain is Miss Mary Joystick...."

"You mean to tell me this plane is being piloted

"What were you doing when the police arrived?" the judge asked the defendant.

"Waiting, sir."

"For what?"

"For money."

"Who was supposed to give you money?"

"The man I was waiting for."

"Why was he going to give you money?"

"For waiting."

"Enough of this!" exclaimed the exasperated judge.

"What do you do for a living?"

"I am a waiter!"

* *

An artist asked the gallery owner if anyone had shown interest in his paintings. "I have got good news and bad news," he said. "The good news is that some guy enquired about your work and wondered if it would appreciate in value after you died. When I told him it would, he bought all of 15 of your paintings."

"And the bad news?"

"The guy was your doctor."

* *

In a small town like theirs, ego problems were frequent. For instance, when they formed a Telephone Users Association three years ago to highlight the faulty working of phones, two members wanted to be named president.

The solution? They made one president for the local calls and the other president for the long-distance calls.

...

JOKES

by a woman?" asked an alarmed passenger to a stewardess.

"Yes," sir, replied the stewardess. "So is the co-pilot, Miss Jane Understudy. So also are the radio operator and the navigator, they are all women in

command."

"I must see this for myself," said the passenger.
"Please take me to the cockpit."

"We don't call it that any more sir," replied the stewardess.

* *

A well-dressed gentleman hurrying along the road was stopped by an acquaintance. "My friend," said the accoster, sotto voce, "I must draw your attention to the fact that your fly-buttons are undone."

"I know," replied the well-dressed man brushing aside his acquaintance. "I am on my way to the Income Tax Office to make a voluntary disclosure."

* *

An old woman who had never flown before was boarding a giant jumbo plane. She nervously asked the pilot, "How often do aircraft of this type crash?"

"Only once," answered the pilot.

* *

God and Satan got into an argument over the repairs of the wall dividing heaven and hell. God insisted that all the damage was caused by people in hell and Satan should pay for its repair. Satan was adamant that they should share the cost. When they failed to resolve their dispute, Satan said: "Let's appoint an arbitrator and let our lawyers argue the case before him."

"I don't mind having an arbitrator," replied God, "but you will have an advantage over me. I have no lawyer in heaven; they are all on your side."

* *

An inspector of schools went to a government-aided school and put the following question to students of sixth class: "You have read the Ramayana. Tell me who broke the Shiva's dhanush?" Only one boy raised his hand: "Sir, I do not know who broke it but it was not me."

The inspector turned to the teacher and reprimanded him for not having done his job. The teacher replied: "Sir, the boy is very naughty. I am sure it was he who broke it, but will not admit it."

The inspector went to the headmaster and narrated the whole story. After hearing him the headmaster

said: "Why make a fuse about such a petty thing. Whatever is broken is broken for ever. While paying us the grant you may deduct the price of a new dhanush and pay the balance."

* *

This story, which appeared in the Times (London) highlights the humiliations the civil servants have to suffer at the hands of ministers. There was this civil servant who retired after 40 years of slogging in his office. He rented a small cottage near a village and went into a self-imposed Vanprastha. The villagers became very curious about him. But all they saw was that every morning a boy came to his door, rang the bell spoke a sentence. The civil servant replied with a sentence and handed him a coin. When curiosity got the better of the village folk, they approached the boy and asked him what passed between them: "Nothing much" replied the lad, "He's hired me to ring his bell and say to him "Sir, the Minister wants to see you." And he replies: "Tell the bloody Minister to go to hell. For this he pays me a pound a time."

* *

A deal was struck between an industrialist and a Minister of Govt. for the sanction of a license for Rs 10 lakhs to be paid in cash. A note sanctioning the issue of license was prepared and put up to the minister for his signatures. The industrialist, not being sure of the minister's intentions brought Rs five lakhs and handed them over to the minister's secretary - the remaining five to be paid on the issue of license. The file came back with the minister's remark: "Not accepted."

The industrialist promptly paid the remaining five lakhs and the file was taken back to the minister who simply added the letter E to the note: "Note accepted."

* *

A couple was celebrating the birth of their first child, a son. After the party was over, the husband spoke to his wife: "My dear, I have a very modern outlook on the size of a family. I think one son is good enough for us. So if you don't mine, I like to undergo a vasectomy now. The wife replied, "I will have my hysterectomy after I have had the third child."

* *

Two men met in heaven. "What did you die of?" asked the one.

"I died of extreme cold. And what about you?"

"I came home from work and heard my wife talking to a stranger. On entering the house, I searched every nook and corner of the house but could not find anyone anywhere. I felt so guilty of my behaviour that my heart failed."

On this, the other one said, "Had you cared to open the fridge, neither of us would have died."

* *

Not to be outdone by Rakesh Sharma and Ravish Malhotra who went into space, two sturdy punjabis applied to NASA, the American Space Agency, to be taken to outer space. Their application was accepted and they were asked to report at the centre in California. They were told that during their period of training they must not take any alcohol. They followed the strict regimen imposed on them for several weeks, till one day they could not resist the temptation to wet lips. Since no alcohol drink was available anywhere near their centre, they drank up a canister of rocket fuel. Next morning the following dialogue took place between them: "This is your friend speaking. Have you been to the lavatory this morning?"

"No, why do you ask such a silly question?"

"If you havn't, don't try. I am speaking from Tokyo."

* *

An American delegation on a visit to India was being shown round the capital. In the evening they were taken to the Secretariat for a panoramic view of Vijay Chowk and Rajpath in Delhi. Came the closing hour and thousands of clerks poured out of their offices. The place was crammed with bicycles and pedestrians.

"Who are all these people?" asked the leader of the American delegation.

"They are the common people of India; the real rulers of the country, proudly replied the Minister conducting the visitors.

A few minutes later came a fleet of flag-bearing limousines escorted by pilots on motorcycles

followed by jeeps full of armed policemen. "And who are these?" asked the American.

"These are us," replied the minister with the same pride, "the servants of the people."

* *

A greenhorn not familiar with the manners of the city folk happened to be spending his holidays with his uncle in Lucknow. During his stay, there was a death in the neighbouring house. The uncle decided to take along his nephew to the bereaved family to offer his condolence. In proper Lucknavi style the uncle began to extol the virtues of the dead man: "He was a great soul. He was not only your chachaji but the chachaji of our entire mohalla. May his soul rest in peace! We will miss him as long as we live." And so on. Our greenhorn maintained a stiff-lipped silence.

Back home, the uncle reprimanded his nephew.

"Don't they teach you manners at home? You should also have said something about the dead man being like your own real chachaji."

The lad apologised saying he had never been to condolence meetings with anyone but would bear the advice in mind.

A few weeks later a friend of the greenhorn lost his wife and he decided to offer his condolence in the formula prescribed: "She was a great soul. She was not only your wife, but the wife of all of us in our mohallas."

* *

Hari Ram, Aslam and Singh were discussing the marvellous achievements of their own brands of surgery. Said Hari Ram, "I know of a vaidji who joined a severed arm with the use of Ayurvedic glue. You can't even tell where the arm had been cut." Not to be outdone, Aslam spoke, "A Hakeem sahib has evolved a new kind of adhesive ointment. He used it on a fellow who had his head cut off. You can't tell where the neck was severed." It was Singh's turn to extol the latest developments in surgery. "We have gone much further," said Singh thumping his chest proudly. "There was this chacha of mine who was cut into round his naval. Our Singh surgeon immediately slaughtered a goat and joined its rear half to chacha's upper half. So we have our chacha as well as two litres of milk every day."

A minister of government whose knowledge of English was very poor was provided with a secretary to write speeches for him. "Give me a fifteen minute speech on the non-aligned movement." ordered the boss.

The text was prepared to last exactly fifteen minutes. But when the minister proceeded to make his oration it took him half-an-hour to do so. The organiser of the conference were upset because their schedule went awry. And the minister was upset because his secretary had let him away. He upbraided him: "I asked for a 15 minutes speech; you gave me a half-hour speech. Why?" he demanded.

"Sir, I gave a 15-minute speech. But you read out its carbon copy as well."

* *

An elderly and rich baniya but mean in money matters acquired a young, pretty wife who was a spendthrift. He thought of a scheme to teach his wife the habit of saving. He presented her with a small tin box with a slit in its lid, locked it and put in the key in his pocket. "Meyree Jaan" he said to her, "every time you let me kiss you, I will put a four-anna coin into the box through this slit on top. At the end of the month I will unlock it. All the money in it will be yours to spend as you like."

The scheme worked very well. The young wife showed more willingness to be kissed and her elderly husband was quite happy to part with four anna coins for what he got in return.

At the end of the month with a grand gesture he produced the key from his pocket and unlocked the box. What he saw did not please him because there were many more coins in the box. "Where did these come from?" he demanded angrily. "I have only been putting in four-anna coins." "Not everyone is as mean as you," replied the wife saucily.

* *

An American tourist to India hired a Sardarji guide to take him around Delhi and Agra. When taken to Red Fort at Agra, he admired the architecture and asked how many years it took to build. The Sardarji replied, "20 years." The American remarked, "You Indians are a lazy lot. In America, this could have been built in five years." At the Taj he again admired

its beauty and asked how many years it took to build. The Sardarji reduced the period considerably and replied, "Only ten years sir." The American retorted: "Didn't I say you Indians are slow workers! In America, we can construct such buildings in two-and-a-half years." Same story everywhere. He admired the architecture but reduced the period to 1/4th. The Sardarji got irritated. When the taxi was nearing Qutub Minar, the American asked: "What is that tower?" Came the reply, "Sir, I'll have to go and find out. When I was passing this way last night, there was nothing there."

* *

A man was taking his four-year-old son for a stroll in the park. They came across an enormously fat man with a protruding belly. "Papa, yeh kaun hai? (Who is he?) demanded the child.

Beta, yeh udyogpati hai, (son, he is a big industrialist)."

A little later they came across a pregnant lady. The youngster wanted to show off that he had properly imbibed the earlier lesson. "Papa, yeh bhee udyogpati hai?"

"No Beta," replied the father, "Yeh pati-udyog hai." (Translate that for yourself).

* *

Indian VIPs on the hit list have been sent an elaborate set of don'ts to elude terrorists on their trail. Of these the most important are not to follow a regular routine but vary their timings and change their habitat as often as possible, e.g., don't go for your morning or evening walk at the same time to the same park, don't go to the same hotel or restaurant everyday etc. To these precautions, a wit who knows the habits of Indian politicians added: "Don't sleep in the same bed with the same person every night."

* *

A couple hired a new chauffeur. The Memsahib asked him to take her out for shopping and was very shaken by the experience. Back home she pleaded with her husband: "Please dear, you must sack this new chauffeur at once. He is so rash he nearly killed me three times this morning."

"Darling, don't be so hasty," replied the husband, "give him a another chance."

A Haryanvi peasant was walking down the road carrying a heavy sack of grain on his head. A kindly Sardar farmer drawing his bullock-cart offered him a lift. The Haryanvi gratefully accepted the offer and sat down in the cart but kept the sack on his head.

"Chaudhary, why don't you put down the sack in the gadda?"

"Sardarji," replied the Haryanvi, "your cart is already heavily loaded. I don't want to put more burden on your poor bullock."

* *

It is said that a team of researchers on the sexual habits of city-dwellers interviewed a cross section of Bombay's business community. Among the questions posed to them, one was: What do you do immediately after you have had sex? The answers were most revealing. Ten percent replied that they simply went to sleep. Another 10 percent replied that they washed themselves and took some nourishment - a glass of fruit juice, aerated water or a sandwich. The remaining 80 percent after much cajoling, replied: "then we go home."

* *

At an international seminar on the study of crustacea one section was devoted to crabs from different parts of the world. Separate species were put in large glass jars with muslin covers to prevent them from clambering up and escaping. However, the jars containing Indian varieties were left uncovered. Visitors noticed this strange phenomenon and asked the curator in charge why Indian specimens had no muslin tops to prevent escape.

"You see, these are Indian crabs." he explained,

"No sooner one starts going up another of its own species will immediately claw it back. There is no danger of anyone getting too high up."

* *

In the parliament of the country an angry Senator was attacking a Minister of Government. The Minister tried to interrupt the Senator's speech. "I haven't finished yet?" roared the Senator, and went on in his near-defamatory tirade. Each time the Minister tried to protest, the Senator yelled, "I haven't finished yet," At long last when the speech ended, the Minister said, "Have you finished now?"

"Yes," replied the Senator taking his seat.

"Then pull the chain."

* *

It is true our Cabinet Ministers have shed some of their self-esteem and delusions of grandeur. It is said that one of them did in fact go to his Guru to make a confession that he had incurred the sin of vanity.

"What makes you think that?" asked the Guru.

"Because every morning, when I look into the mirror as I am shaving, I think what a wonderful and important person I am."

"Never fear, my dear Minister," came the reassuring reply, "that is not a sin. It's only a mistake."

* *

This selection of quotes, thoughts, happenings and jokes has been very laboriously made from a number of publications including various issues of Readers Digest, Khushwant Singh's Books of Jokes, and Satya Paul's 'Reflection in Time'.

...

RENT CONTROL LEGISLATION

PROPOSED CHANGES

There have of late been reports that Rent Control Law is likely to undergo changes in certain essential aspects. We present a preview of the contemplated changes.

Rent Control is a State subject. It is for the States to enact legislation in this field and to make any alterations that may be desired. Recently a constitutional amendment has been effected by the Parliament which enables requisite essential changes that are proposed to be made in the law. The constitutional amendment at the time of writing is awaiting President's assent which hopefully will be soon accorded. It will be appropriate at this stage to attempt a brief appraisal of the law and the problems connected with it. Rent Control Law is a throwback from the last World War. After the War it was felt that for meeting the shortage of premises it was necessary to create a law to control the rents. Unfortunately, the politicians over the decades have since then perpetuated the law in one form or the other for meeting their purposes.

It is generally being said that continuation of this law has done only harm and it has not helped to solve any problems. In fact, this law and the Urban Land Ceiling Act have done more to bring about escalation of values of the property in the urban areas, generation of black money, expansion of areas of corruption, degradation of morals.

Let us look at the consequences of the Rent Control Law. There could be justification for continuation of the Rent Control Law if it could be urged that it helps to protect the interests of the underprivileged people, the tenants. Unfortunately, it cannot be contended, against the other various adverse consequences, that their interests have been protected by it. The fact is that whereas people previously built houses for renting, nobody now constructs premises for the specific purpose of renting, except where it is felt that the premises can be rented out to affluent sections of the society or to embassies etc. Several lakhs of premises, including flats in government built accommodation and multistoreyed buildings, are lying locked in the metropolitan areas. The owners have deliberately defaulted in effecting proper repairs and maintenance of the premises, with the result that the housing stock has greatly deteriorated. Relationship between the landlords and tenants has turned sour almost everywhere, and courts are clogged with the cases arising from Rent Control Law. People are exasperated by the enormous delays of rent control cases in the courts which in many instances have lasted for even couple of decades with no solution yet in sight. The corruption and bribery have spread on account of the operation of this law; the system of 'Pugree' has spread very widely; extortionate demands running into several lakhs of rupees are being made by tenants for vacating the premises; owners as well as tenants are vying with each other in dishonesty. It is now impossible for any underprivileged persons, peons, drivers, clerks etc, to expect any premises to be available for rental in the cities.

These facts have been well known to everybody over the last couple of decades. Yet the politicians as well as the government in general have not been bold enough to take the initiative to effect drastic changes in this law. Perhaps the consideration before the politicians throughout has been that any changes would adversely affect the voting patterns for them.

In the recent months some effort got generated for considering changes which can be effected in the Rent Control Law without taking the drastic step of withdrawing it altogether. Arising from detailed studies and discussions at various levels a Model Rent Control Bill was prepared and submitted to the Parliament. The Parliament at best was expected to take note of the changes proposed by the Bill in the Rent Control legislation and in the context of the proposed changes considered, the proposal of making a constitutional

amendment which became necessary in relation particularly to the proposal of removal of writ jurisdiction of the High Courts from cases arising from the Rent Control legislation. This has been the reason for the above mentioned constitutional amendment.

§ We reproduce below salient features of the Model Rent Control Bill. Taking into account the changes proposed in the Model Rent Control Bill the State Governments are now expected to enact and modify their Rent Control Laws to bring them in accord with the changes prescribed in the Model Bill. It will be observed the some of the changes, fixation of standard rent, justification for eviction, and imposition of obligations on tenants as well as the landlords, are of obvious importance. It is also of considerable importance to note that no rent control is proposed to be continued in urban areas which have population upto three lakhs.

SALIENT FEATURES OF THE MODEL RENT CONTROL BILL

A) Exemptions

- a) There need be no Rent Control in urban areas upto 3 lakhs populations as per 1991 Census. The Rent Control Law will thus become applicable to 92 towns with population above 3 lakhs as per 1991 Census.
- b) No exemption of buildings on account of size.
- c) Exemption for 15 years to new construction on a vacant plot and also renovation on existing site so long as 75% is built anew, as determined by prescribed technical criteria;
- d) Exemption to properties of religious and charitable trusts to be decided by each state government according to local situation;
- e) Exemption to non-residential and commercial premises.
- f) Exemption to residential and non-residential premises carrying more than a specified rental value ranging from Rs. 1500/- to Rs. 3,500/- per month, defined as net of property taxation and maintenance charges, and to be notified by each State. Mandatory provision for such exemption on a citywide basis. This ceiling for rent will be automatically revised upwards as per escalation formula of Standard Rent. Exemption will extend to existing and new tenancies covering new and existing construction.
- g) Exemption to premises owned by Central and State Government, Cantonment Boards and local authorities;
- h) Exemption to newly let premises whether newly constructed or otherwise;
- i) Exemption to premises rented by foreign embassies;
- j) All tenancies in cooperative housing societies which have been initiated after the formation of the society;
- k) no exemption to low rent properties.

B) Fixation of Standard Rent and Revision

- a) Standard Rent for the base year to be fixed on the basis of two components viz. market value of land in the year of construct and cost of construction;

- b) The Standard Rent so derived is increased by a certain specified percentage to arrive at Standard Rent for a given year. This percentage may be higher for commercial premises;
- c) To this Standard Rent is added charges relating to maintenance amenities and payable taxes on prora basis to derive the total amount payable by the tenant;
- d) The new Standard Rent is to be applicable to all existing tenancies and rents of these are to be raised gradually over a specified period according to a specified schedule, and the level of neutralisation can range from 25 to 100% in direct proportion to size of premises;

C. Obligations of Landlords and Tenants

1. Landlord to register tenancy with the Rent controller;
2. Landlord is liable to give rent receipt to the Tenant;
3. Landlord to keep premises in good and tenantable repair;
4. Landlord to be responsible for all major structural repairs required due to aging of the house; the tenant to be responsible for day-to-day repairs;
5. Landlord to have the right to inspect the premises;
6. On termination of lease, tenant to restore the premises in as good conditions as it was at the time of entry;
7. Wilful cutting off or withholding of essential services either by the landlord or tenant to be penalized heavily.

D) Evictions

- a) Grounds for eviction include :
- b) Non-payment of rent and refusal to pay increased rent;
- c) different use, misuse, non-use or subletting of premises;
- d) bonafide requirement by the landlord for self-use for residential or commercial purposes;
- e) tenant has acquired or been allotted a house. In case he has built a house and financed it by loans, a tenancy period of three years is granted for vacating the premises;
- f) damage of property by the tenant;
- g) Temporary vacation is provided for in case the premises are required for major repairs, reconstruction, additions or alterations.

It is mandatory to re-admit the tenant after the repair work is over.

2. Summary procedure for eviction for bonafide requirement or residential premises;

3. Right to recover immediate possession to certain specified categories of population like retiring/retired government servants, widows, persons in the armed forces, aged and the handicapped.

E) Maintenance Provision

a) Providing for better maintenance and repair of houses by including maintenance cost explicitly as part of payables by the tenant, thus making it viable for the landlord to carry out repair.

b) landlord can apply for revision of rent on account of expenditure on special repairs to house.

c) lay down procedure for temporary vacation of house by the tenant in order to permit renovation of old building. The tenants to be given first choice in the renovated premises, but on being required to pay the Standard Rent as per revised cost. Tenants to be debarred from demanding compensation for temporary vacation. In case the tenant decides not to pay revised Standard Rent, landlord can move for eviction;

d) landlord can put part of reconstructed premises to any permissible use after accomodating all previous tenants.

F) Other Provisions

1. make rent control act a permanent act;

2. vest administration of the act in the State Housing Department;

3. abolition of provision for accommodation control;

4. provide for short term semi-contractual tenancy on the basis of renting for a limited period and making eviction speedier after the expiry of this period;

5) limit the inheritability of tenancy only to widows and minor children in case they do not own a house. In case of minor children the right to inheritability to be applicable only for a limited period;

6) Subletting not to be permitted. The existing subtenants to be direct tenants of the landlord;

7) Rent Control provisions to be applied to cantonment areas. The properties of Cantonment Boards themselves should be exempted from the provisions of RCA;

8) All tenancies to be registered;

9) Provisions relating to charging of Premium to be deleted from the Act;

10) Part vacation of the house to be made feasible:

a) if the tenant does not require whole of it subject to the landlord agreeing;

b) under eviction proceedings for bonafide reasons; if the landlord is agreeable to get part of the house vacated;

11. The old Acts to be repealed rather than amended. The drastic amendments required may lead to confusion and make the Act very complicated.

G) Streamlining judicial procedure under law

- a) Enabling the establishment of State level Rent Tribunals with authority to decide cases finally and ousting the jurisdictions of High Courts to hear rent control laws by a constitutional amendment:
- b) vesting of adjudication of rent control cases in Executive Rent Controllers (excluding civil courts), with only appeal to Tribunals at the State level to be set up.
- c) permitting compromise between landlord and tenant at any stage of litigation.
- d) simplifying procedures of litigation and providing for time limitation for disposal of cases.

PROPERTY TAX

The position regarding Property Tax levied by the Delhi Municipality Corporation continues to pose quite a number of problems to the house owners. There have been serious complaints against assessment, and about corruption as well as concealment of the facts of rental by the assesses. Numerous representations continue to be made to the authorities by the aggrieved houseowners and cases have been continuously mounting in courts. The matter has been at various stages taken to Delhi High Court and Supreme Court but no final and satisfactory solution has yet emerged. Delhi High Court recently gave an important verdict and the people eagerly await further developments in this connection.

Meanwhile from COMMON CAUSE we have been exhorting that people should make payments of Property Tax on the basis of their assessments, explicitly on the condition that the payments would be without prejudice to the eventual determination of the basis of assessment. For this purpose we recently circulated a draft letter to all organisations and associations of houseowners, requesting them to pass on its copies to their members. For facilitating the submission of suggested letters, and for making the suggested payments of Property Tax, we reproduce hereunder the draft, once again suggesting to all assesses that they should make the payments for the current year after making the requisite amendments in the draft letter which is to be addressed to Municipality Corporation of Delhi.

DRAFT

To
The Assessor & Collector
Municipality Corporation of Delhi
S.P. Mookerjee Marg
Opposite Old Delhi Rly. Station
D E L H I.

Dear Sir,

I attach crossed cheque of Rs. _____ (no. _____ dated _____) drawn in favour of the Municipality Corporation of Delhi. This is towards payment of Property Tax for the current year on the premises situated at _____ (full particulars and address of the premises).

This payment may kindly be credited to MCD pending finalisation of assessment of Property Tax on the premises. Receipt may be issued.

I am making this payment on voluntary basis, taking into account the following factors:-

(i) Delhi High Court judgement of 29.05.1993 which has dealt with certain important aspects of Property Tax assessment. While final decision on the directions embodied in the Judgement have yet to be taken by MCD and Delhi Administration I feel it is desirable for me to make this payment, to reduce my burden to this extent and to add to the revenues of MCD.

(ii) The property is completely self-occupied, I am making this payment on the basis of assessment already made in regard to this property. In accordance with the High Court judgement the assessment property Tax on this property has necessarily to be on basis of "standard rent", calculated in accordance with provisions of Rent Control Act.

Or

(ii) The property is completely self-occupied. Final assessment on it has not yet been made. It was constructed in the year _____ (where the property was constructed after 1971). It is necessary that in making the assessment the element of discrimination between self-occupied properties in the neighbourhood, constructed in different periods, must be avoided. Suggestions have been made that properties constructed after 1971 should be evaluated on the basis of price of land and cost of construction on 1971 basis. This suggestion needs to be kept in view. The above mentioned High Court Judgement has specifically laid down that self-occupied properties should be assessed on "standard rent" determined on basis of provisions of Rent Control Act.

Or

(ii) The property is partly self-occupied and partly rented. It was constructed in the year _____. Its total built area, of all the floors together, is _____ sq.ft. Out of this _____ sq.ft. is rented. For the self-occupied portion the assessment will have to be based on "standard rent" calculated in accordance with provisions of Rent Control Act. For the rented portion the rent is Rs. _____ p.m. (which is less than Rs. 3,500/-p.m.), and accordingly this portion too is to be assessed on the basis of "standard rent" as calculated under the provisions of Rent Control Act.

Or

(ii) The property is partly self-occupied and partly rented. It was built in the year _____. Its total built area on all floors is _____ sq.ft. Out of this _____ sq.ft. is rented, and rent is Rs. _____ (more than Rs. 3,500/- p.m.). Self-occupied portion has to be assessed on basis of "standard rent", rented portion can be assessed on rental basis. In accordance with the above mentioned judgement of Delhi High Court the rate of tax in relation to rent cannot at any rate now be more than 18 percent. While this matter is pending finalisation I am making the payment, without prejudice, taking into account the direction of Delhi High Court in the above mentioned judgement and calculating the Property Tax on basis of 12 1/2 percent of the rent, on the assumption that the maximum may be fixed at 18 percent as per decision of the High Court, ten percent will allow to be deducted for repairs and that rebate will be given for prompt payment. It will be prepared to supply any further information that may be required for finalisation of the assessment.

Or

(ii) The property is totally rented. The rent is Rs. _____ p.m. As this rent is more than Rs. 3,500/-, it is recognised that the property is outside the purview of Rent Control Act. In accordance with the above mentioned judgement of Delhi High Court the rate of tax in relation to rent cannot at any rate now be more than 18 percent. While this matter is pending finalisation I am making the payment, without prejudice, taking into account the direction of Delhi Court in the above quoted judgement and calculating the Property Tax on basis of 12 1/2 percent of the rent, on the assumption that the rate will come to about this level taking into account that the maximum may be fixed at 18 percent as per decision of the High Court, ten percent will allow to be deducted for repairs and that rebate will be given for prompt payment. I will be prepared to supply any further information that may be required for finalisation of the assessment.

It needs to be again emphasized that I am making this payment for the current year. This is being done without prejudice to my claim to later get the assessment of Tax finalised on the basis of the decisions which have got to be taken by MCD and Delhi Administration on the above mentioned Judgement of Delhi High Court.

In making this payment I want also to explicitly state that I am not accepting the claim of MCD to any escalated revision of assessment with retrospective effect from 1988. Any such demand will be resisted by houseowners.

Yours faithfully,

(Name & Address of Owner).

CANCER OF LOTTERIES

Reproduced below is an article of the Director of COMMON CAUSE, which appeared recently in an all-India newspaper.

CANCER OF LOTTERIES

Numerous persons all over the country are everyday being fleeced through lotteries. There are reports of their getting seriously addicted to gambling through exposure to lotteries. In the last few years there has been phenomenal growth of lotteries practically all over the country. The cancer has spread fast and wide.

Where the lottery fever strikes an individual, it has the potential of felling him badly. He succumbs badly to the temptation. It is reported to dominate the being of addict, entering every fibre of his being. In describing the searing effect it has on the individual a writer has very graphically recorded that the lottery "enters his school, heart, his blood, his nerves. He thinks lottery, he imagines lottery, he fantasises lottery, he breathes lottery, he lives lottery. He is absorbed in lottery chat; his mind is doing calculation and speculation; he is no longer interested in other things".

Estimates are that over Rs. 10,000 crores are annually wagered in the lotteries by the people. Thousands of people spend their hard-earned money on these, living in hopes and on fantasies of winning awards.

Subject of lotteries is within the list reserved for the States. Government of India can issue regulatory guidelines but the States have the competence and authority to organise lotteries and to use the proceeds therefrom. Government of India has from time to time prescribed certain purposes for which the proceeds of lotteries can be utilised by the States.

In some States lotteries have been banned but most of the States yet continue sponsoring and holding lotteries. Mostly the lotteries sponsored by them are held through organisers and agents. It is only rarely that a State itself conducts the entire range of process; this is done in Delhi where the Administration conducts all the processes of its lotteries directly, publicising the lottery, getting its tickets printed under security check, organising the sales through stockists, arranging the draw, publicising the results, and awarding the prizes. General estimate is that 95 percent of the proceeds of a lottery comprise expenses including the commission of agent, and only about 5 percent becomes available to the State for utilisation for the prescribed welfare schemes.

In States where the lotteries are arranged through agents and organisers there are reports that a series of malpractices and manipulations are utilised. No comprehensive study of the problems appears to have ever been undertaken, for enabling a positive decision to be taken whether or not the menace of lotteries should continue to spread, and if they have to be conducted how they should be regulated to rule out possibilities of malpractices. Opinion has been emerging, for example, that lotteries should be banned altogether, but there have been prevarications, mainly at the level of the politicians, and hesitation to take decision in favour of imposing the ban.

Side by side with the lotteries sponsored by States there are unfortunately quite a few unauthorised lotteries which continue being conducted, often with impunity and not without the collusion of the law enforcing agencies. It is well known that holding of an unauthorised lottery is a criminal offence, punishable u/s 294A of the Indian Penal Code which prescribes deterrent punishment, but this prohibition continues to be observed only in breach. An initiative was recently taken by the Administration of Delhi whereby the police was activated and they came down quite heavily on unauthorised lotteries. This type of action is, however, sparse in the country.

Let me illustrate the problem with an obvious lottery fraud which I have personally been persuing for exposing it. This is indicative of what has been happening, which needs to be put down effectively by the Government of India and the State Governments. It came to my notice that Mizoram State had sponsored a Bumper Lottery last October, to synchronise it with Diwali festival. The lottery was widely publicised in newspapers. Prizes offered were a very attractive lot; 108 Maruti Cars (1000 cc); 108 Maruti Cars (800 cc); 108 Yamaha Motorcycles; 108 colour TV sets; and similar number of various other prizes, including VCRs, Frigidairs, Mixies, Walkmans, Quartz Watches; aggregate number of prizes offered was 4076, of the total value of many crores of rupees.

Tickets for this lottery were priced at Rs. 500 each. Name of the sponsor of the lottery was prominently displayed in the advertisements. It was claimed that the organiser was organising two daily lotteries, nine weekly lotteries, four 'Instant Bumper' lotteries, and one monthly bumper lottery. This apparently is the record of one organiser who advertises his wares thus prominently.

Two months after the announced date of the lottery draw I from the COMMON CAUSE wrote to the organiser, asking for answers to some specific questions. The questions included: number of tickets printed; the address of the printing press; serial numbers given on the tickets, stating specifically the starting and ending number; certification secured for aggregate printing of the tickets; arrangements made for the draw; number of tickets sold before the date of draw; total number of prizes awarded; and list of the prizes winners.

The organiser wrote back to say that the letter was being forwarded to the Directorate of Mizoram State Lotteries. The matter was then followed up with the Directorate of Lotteries. Eventually a reply was received wherein the Director of Lotteries intimated that 24 lakh tickets were printed, bearing numbers 100000 to 399999 in each series; draw was conducted before two Judges; tickets were all pre-paid and all the printed tickets were taken as sold tickets. On the main question relating to prizes awarded, the reply from the Director of Lotteries was indeed very vague: "No claims have been received by this office so far, but claims may be available with the organising agent; the same will be submitted to this office for record".

It was obviously intriguing that for an enormously big lottery of this nature 'no claims' for the prizes had been received by the Director of Lotteries. The matter was again taken up with the Directorate. It was pointed out that with the printing of 24 lakh tickets, which were considered as having been sold, the aggregate proceeds would have been of the order of Rs. 120 crores, the prices of each ticket being

Rs. 500; the State Government should be in a position to indicate as to where this big amount had been credited. Information had been sought about the printing cost of the tickets, and the address of the printing press. We were referred to the organiser who referred us to enquire from the State Government. Information was sought about the names and status of the Judges in whose presence the draw was conducted; information has not been submitted.

Most astounding fact is that the State Government as well as the organiser did not divulge any information regarding the names of recipients of the prizes or the total number of prizes given. The contention of 'no claims' having been received was obviously very unsatisfactory indeed.

In these circumstances it was considered necessary to refer this matter to the Commissioner of Police, Delhi. This was done. An officer of the Crime Branch thereupon contacted me and indicated that investigation was being made on the basis of information furnished. The police was able to find that only six Maruti Cars were given in prizes. The number claimed to have been printed was apparently not more than about 60,000. I was informed that further investigation was in progress. Information so far collected about this lottery itself speaks volumes about what lotteries of this nature are yielding to sponsors and organisers and how they are fleecing the people.

This is one example. There must be scores of such lotteries held in various parts of the country. It is obviously a matter of deep concern. The question which inevitably arises is why this deadly cancer has allowed to spread and why even now no effort appears to be in evidence to control and overcome it. These lotteries are causing serious inroads into the life of the people. Why does the Government not give serious thought to do something about it? Or should it be inferred that it is not in the interest of the political and other government functionaries to control it?

DOCTORS & PATIENTS A SACRED TIE

It is unfortunate that private doctors all over the country have had to resort to a strike on the 17th September, 1993 to ventilate their protest in relation to the effect of operations of the Consumer Protection Act on the medical services. In connection with this problem the Director of COMMON CAUSE had written an article which appeared in a Delhi newspaper of wide circulation. This article embodies certain views which need to be borne in mind by all concerned for avoidance of difficulties and worsening of relations between patients and doctors which have always been harmonious. Reproduced hereunder is the content of the article.

Doctors certainly have reason for resolving to go on strike. They have of late been battered and badgered by cases filed against them in Consumer 'courts' in various parts of the country. Fantastic demands of compensation are being made in these cases. Demands are not in thousands of rupees but almost invariably in scores of lakhs. The cases affect their reputation; they disrupt their practice; they necessitate their engaging lawyers, attending courts. Increasingly there is demand emanating among the doctors that they have to go in for "no fault insurance" in heavy amounts involving heavy premium payments; they consider it has become necessary for them to refer patients for all sorts of pre-diagnostic tests before they undertake any treatment; these will inevitably lead to mounting costs of medical service to the patients. These are the unfortunate developments that have been building up.

I am aware of tall and fantastic claims made in certain cases by aggrieved patients. A nursing home and

a doctor in it have been targeted for a claim of Rs. 47,29,006; the accusation is that the doctor failed to diagnose the ailment which eventually necessitated treatment in a medical institution for cerebral meningitis and which is alleged to have led to loss of employment of the patient. Figure of compensation was obviously been arrived at by strangely meticulous calculation of the alleged loss and mental agony. The doctor naturally feels badly shattered by having to engage lawyer, suffering in reputation, taking time off from his practice to attend hearings of the case.

Another case that has come to my notice is that of a doctor of Calcutta who has now to come all the way to Delhi for every hearing of the case which has been conveniently lodged at Delhi because the figure of compensation has been pitched at Rs 25 lakhs which brings the case to the jurisdiction at Delhi. There have been in his case quite a few unavailing court appearances; the latest was a few days ago when the complainant's counsel conveniently asked for another adjournment. This has seriously affected his practice and is causing him no end of hassles.

Another unfortunate case is of a doctor and a reputed hospital impugned for a compensation of Rs 30 lakhs for alleged delay in attendance of a case of young lad reported to have been brought with serious neurological disorder which later brought about his demise. Failure of the doctor is alleged because he referred the case to another hospital which possessed the necessary equipment for treatment of the diagnosed neurological disorder, and the referral caused the delay. Still another case is of a doctor who is alleged to have given "cent percent" assurance to a women that on his operating upon her fallopian tube she would conceive. She did not conceive, and the doctor was put in the dock, with heavy demand for compensation.

Nobody will deny that these are very unfortunate developments. Yet medical profession has veneration and sanctity attached to it. Doctors cannot, and must not, equate themselves with other professions which of late have been resorting to the measure of strikes. Nobody will contest the fact, for instance, that lawyers have lowered themselves in the esteem of the people by paralyzing the work of courts through their strikes. Doctors would surely not heap disaster on their patients by denying them their healing touch.

There is a sacred mutuality and interrelationship between doctors and patients. Their relationship has always been harmonious. Doctors exist for the patients; for a patient in acute distress doctor is practically a divinity. No developments should be allowed to embitter this relationship.

CONSUMER ACT

Promulgation of Consumer Protection Act, and its specific provisions which are being invoked for putting incompetence and negligence of any doctor in the dock, has brought about this unfortunate development. Its provisions relating to "deficiency in service", which is performed "for consideration", and which causes loss or injury, is the cause of the building up of this situation.

Let us look at the facts. The Consumer Protection Act has come to stay. It cannot be wished away. People all over the country feel that this is undoubtedly a panacea for redressal of their grievances against manufacturers and traders for foisting on them products of poor quality or contrary to claims of their performance, as well as against suppliers of various services where deficiency of service causes damage or loss. People have for long been very sore at the quality of various services provided to them particularly by the public sector undertakings which could previously not be complained against, and they are now taking these services to severe task.

In the process of seeking redressal for deficiency of various types of services, such as those of electricity supply, telephone operations, banking inadequacies, insurance whimsicalities, the aggrieved consumers

have started complaining also against doctors where they feel that the treatment has been deficient or surgery performed was defective which led to complications or other serious consequences. The accusations and attendant proceedings against doctors have attracted wide notice and press coverage.

Access to consumer "courts" with tall and fantastic demands of compensation against the doctors has inevitably upset the profession. There is immediate need of determining ways and means of bringing about balance between the demands of genuinely aggrieved patients and the responsibilities and interests of the doctors.

CONFLICTING DEMANDS

Doctors have started demanding that their profession should be kept out of the purview of this Act. On their behalf it has been contended, and argued in courts, that medical service does not in fact fall within the ambit of this Act. Certain High Courts and Supreme Court, which have heard the arguments, have yet to give their verdicts.

In contrast, the position taken by consumers, who stand for patients, is that there is no question of medical service being outside the scope of this Act. It is as much a service as any other service; where there is 'deficiency' in the provision of the service, and the deficiency causes loss or damage as in the case of a patient suffering complications on account of sheer negligence or incompetence of the doctor, the patient has the right to take the doctor to consumer 'court'.

Consumers are in fact demanding that even where the provision of medical service is free, i.e. not 'for consideration', as defined in the relevant clause of the Act, there too deficiency in the provision of such service should be actionable. This is the basis of their demand that government hospitals, where the provision of medical service is free, should be specifically brought within the purview of this Act. Government has been under considerable pressure to effect this amendment but it has hitherto withstood this demand because of its wider implications.

Both sides of this unfortunate controversy have certain features which need to be borne in mind, to avoid any deterioration of the situation and to deal with this delicate matter as carefully as it deserves.

First, the legal aspects. From all angles there cannot be any doubt that medical service does definitely come within the ambit of Consumer Protection Act. Verdicts of the courts can be awaited, but if at all these go against the contentions of the consumers this will apparently not be the end of the matter, and pressures will mount for suitable amendment of the statute itself for making this fact explicit.

Second, the viewpoint of doctors. They do certainly have valid and important points. The present system of submission of complaints under Consumer Protection Act can play havoc with reputation, equanimity and practice of respectable, capable and conscientious doctors. Lawyers are always available for making out condemnatory cases and tall claims for compensation. There is in fact a growing emergence of the tribe of "ambulance chasers" like those operating in some western countries. Complaints under this Act can be entertained straight-away even without an initial scrutiny. No court fee is required for claiming compensation in consumer 'courts'. Normally for demanding compensation of Rs 47 lakhs, court fee payable in a civil court would be of the order of Rs.40,000; this would be a deterrent; no such deterrent exists in relation to complaints under this Act excepting that a clause has recently been introduced, of awarding compensation for frivolous and vexatious claims but the compensation for that is limited only to Rs.10,000. The procedure prescribed in the Act makes it mandatory for the "court" to send the complaint to the party complained against and ask for his appearance and reply, within 30 days. Such transmission to a reputable doctor can be extremely unnerving, leading to incurring expenses and inevitable worries.

Doctors demand that cases against them should be heard by Tribunals which must have a medical specialist on them. Countering this is the argument that normally the doctors can be called upon to face civil courts for compensation under Law of Torts; in the civil courts decisions are taken by Sub-Judges at lower levels; in the Tribunals under Consumer Protection Act President of District Forum is of the status of a District Judge.

There are thus arguments for and against; consumers demanding assertion of their rights of claiming compensation for 'deficiency in service', doctors arguing that their profession should not be put at par with that of traders, that often the complaints are being submitted for settling personal scores, that blackmailers have started jumping into the fray, demanding share in the booty, that any complaint against a doctor can seriously affect his reputation and practice.

SOLUTION

A satisfactory solution to this tangle has to be found. The solution does not lie in the medical service being taken out of the purview of Consumer Protection Act. It lies in laying down definite provisions that where complaints against doctors are received, or in fact where any complaints under Consumer Protection Act are received, they must invariably be accompanied by all relevant documents on which the complainant has to place reliance; this will avoid unnecessary harassment and subsequent interpolations. It must also be laid down that Tribunals trying the cases against doctors should invariably call for expert medical advice at the hearing. For giving confidence to doctors that frivolous and vexatious complaints against them will be severely dealt with, examples should be made where any complaint against a doctor is established to be such.

A very important element of the solution is that the medical profession should make positive efforts to strengthen itself for taking severe disciplinary action against any doctors who are found to be negligent or incompetent. The profession has hitherto failed to do this. Take the example of a recent report from Bombay where the wife of a railway porter, in sound health, and after delivering a healthy baby, was put through tubectomy in a government hospital, free of cost, and died within an hour of the operation, definitely ascribable to sheer negligence and incompetence of a doctor, ruining a poor family; and the case of a doctor who is reported to have amputated the healthy leg of a teenaged girl who had been taken to him for amputation of the other polio affected leg.

The medical profession itself must give confidence to the people that it will need to weed out those who are not what they profess to be, that it will take effective action where this is called for. For this purpose the Medical Council of India has to strengthen itself by suitable modification of its statute, for taking disciplinary action where necessary; its Branches in the States should guarantee this confidence among the people so that their resorting to consumer "courts" may get discouraged.

Solution thus does not lie in agitational methods of resorting to strike. It does not become doctors to adopt this extreme measure. They should help to create an atmosphere where relations between them and the patients continue to remain harmonious as they have been throughout the ages.

OUR ACTIVITIES AND PROGRAMMES

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

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

A large number of public causes of importance have been up from the platform of COMMON CAUSE for redressal. Quite a few writ petitions have been filed in the Supreme Court. These include, for instance, disruption of the work of courts by lawyers' strikes, problem of accumulated backlog of cases in courts all over the country, malfunctioning of blood banks, challenging the pensions being given to Members of Parliament, inadequacies in the implementation of the requirement of spreading free and compulsory education for children in the country, non-implementation of Consumer Protection Act. Likewise, a number of issues of public importance have been taken to the Delhi High Court. These include the problems of conversion of leasehold properties to freehold, non-implementation of Apartments Ownership Act, problems connected with building bye-laws and unauthorised constructions which have widely proliferated, and such like. A Writ Petition filed against Delhi Electricity Supply Undertaking resulted in a beneficial verdict relating to bills based on defective meters. From time to time matters have been taken up for straightening out problems related to income tax, wealth tax, gift tax, capital gains tax, for avoidance of aberrations, discriminations and harassments.

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

COMMON CAUSE retains its basic character of being a non-political, non-profit and voluntary organisation. Its membership is open to everybody, without any restriction of caste, community or creed. Its membership is spread all over the country. Dedicated persons devote their time and energy to its activities. They do not draw any remuneration. Its expenses are incurred, through membership subscriptions, on essentials of printing, typing, duplicating, stationary and postage, and other such inescapable requirements.

We are deeply grateful to the numerous persons in various parts of the country who send us information and bring to notice the inequities, inadequacies, anomalies, discriminations, distortions and aberrations in various laws and rules, and their operations as well as in the operations of the functionaries charged with the responsibility of administering the laws. Their help is invaluable. Increasingly we look for comprehensive material based on detailed study of individual problems for enabling us to effectively pursue the problems for redressal. We have rendered service for over ten years and have derived great satisfaction from it.

Membership of the organisation is open to all. Membership fee presently is Rs 50 for annual membership for individuals, Rs. 250 for life membership for individuals, Rs. 200 for annual membership for associations and organisations.

The periodical COMMON CAUSE is published by the organisation. It is brought out quarterly. It has no separate subscription. Members receive it free.

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H.D. SHOURIE
DIRECTOR.