

COMMON CAUSE

VOICE OF "COMMON CAUSE"

INDIA SHOULD HAVE TWO STANDARD TIMES

A matter of utmost importance seems to have escaped the notice of our policy makers. This relates to the standard time observed in this country—the Indian Standard Time (IST). Indians have been conditioned to abide by the existing IST and have never gone beyond its connotation except to know that we are about five and a half hours ahead of the international standard time, also known as the Greenwich Meantime.

The British selected Allahabad as the standard point for India since it was roughly in the centre of the country. Allahabad lies 82 1/2 degree to the east of Greenwich meridian. Nobody has ever questioned this decision nor assessed its consequences. But experts are now saying that this prescription of the IST has been responsible for the tremendous backwardness and disparities in the country.

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* Articles on different subjects in this issue are reproduction of important recent articles of the Director of COMMON CAUSE.

Throughout the world, the activities of all beings, human as well as animals and birds are closely linked with sunrise and sunset. For most beings, the day is occupied with activities and night is for rest and the biological clocks have been accordingly set.

The adoption of one IST for this country has far reaching consequences. India is a large

country, spread over about 2000 km from east to west. In terms of longitude, it is spread over 30 degrees, from 97.5 east in Arunachal Pradesh to 67.5 west in Gujarat. Since every 15 degrees imply one hour, between the east and west of this country the difference is of two hours.

Consider the implications of this dispensation. When the sun rises in summer, say at 6 am in Delhi, it rises at 5.30 am in Allahabad and about 4.30 am in the eastern parts of India. In the western parts it rises at 6.30 am.

Efficiency and concentration are at their peak when the mind is fresh and the body is not fatigued. This peak is stated to reach nearly an hour after waking up in the morning. Accordingly, it is argued that concentration of students, and efficiency of the workers in offices, factories and professions, is already long past its peak when they start work on the basis of this dispensation of time.

People are driven by the biological clock and not by the mechanical one. In Shillong, people get up around 4.30 am or even earlier. A person in that part of the country goes to his workplace at about 9 am. But his efficiency can hardly be at its peak after he has already spent four hours of the morning. Students would have spent nearly four morning hours without being involved in studies; they accordingly start school work with lowered concentration. In contrast, those who get up around 6 am in the western parts of the country are closer to their peak of efficiency when the working day starts for them or when they reach their schools.

And what happens in the evening? At 5 pm, Bombay is bathed in bright daylight with nearly two hours to go before sunset. There is more scope for outdoor activities at such places and, incidentally, less night driving. But in the eastern parts, it is nearly dark when students return home from school. This means no time for games. For those who work in offices and factories, the evening hours are very short; they are already tired having woken up at 4 am and having started work after wasting 4 to 5 hours in the morning. This contrasts with western India where two to three hours of daylight are devoted to leisure.

The problem gets aggravated in the winters when the sun descends much earlier in the evening, and rises much later. This way, the hours for relaxation and recreation are further decreased in the eastern parts compared to those in the western parts.

These facts of anachronisms are based on a talk delivered at a recent conference on energy management by commodore B K Dattmajumder, retired project director of the ministry of defence. Apparently, commodore Dattamajumdar's voice has been the lone insistent voice raising this issue. Analysts at the Tata Energy Research Institute (TERI) have dealt with this matter in relation to energy conservation. Way back in June 1988, TERI suggested that the country should be divided into two time zones. The analysts felt that dividing the country into two time zones will disperse the peak hours of energy demand.

The peak demand of energy shoots up all over the country at almost the same time during the evening hours every day. This results in enormous strain on both the electricity grids and the power stations. With two time zones, the power load in the two zones will approach their peak value at different times and thereby reduce the peak demand by a definite percentage which has been estimated to save about Rs. 400 crore.

When the demand for electricity increases following the expansion of the economy, this saving will also go up. By dividing the country into two time zones, TERI estimated that the government would cut energy consumption by about 5.7 per cent.

But energy management is only part of the broader issue. A major consideration is that the adoption of two standard times has the potential of altering the work habits, enhancing efficiency and improving the health of the entire populace.

It would be inappropriate, according to experts, to tinker with this problem by fixing two time zones on the basis of division alongside the Allahabad longitude. This can create more problems than it will help solve.

An attempt on this basis will mean that a major part of the country will fall in the western side, 70 per cent of the electricity load will be in that region and many states will end up having two time

zones. Taking all the relevant factors into account, the proposal formulated by experts is that Jammu and Kashmir, Punjab, Haryana, Delhi, Rajasthan, Gujarat, Maharashtra, Madhya Pradesh, Goa, Karnataka and Kerala should comprise the West Zone, and rest of the country should be in the East Time Zone.

This suggestion has been further concretised by prescribing that local time of Jammu should be IST (W) or Mountain Standard Time, and the local time of Calcutta can be the IST (E) or Bay Standard Time.

USA and Canada are spread over 100 degrees of longitude. These countries are operating on four time zones. The zones have been demarcated in such manner that they follow the borders of the states so that any one state is not divided into separate time zones. Indonesia is also operating on three time zones—western, central and eastern. Brazil, another country of substantial spread, has four standard times. Russia operates on multiple time zones considering its vast spread. Australia has three time zones. Most European countries keep their clocks one to two hours ahead of GMT, to capitalise on daylight.

Most of these countries also advance their standard time during summers for maximum utilisation of daylight hours. Various considerations have made these countries adopt the strategy of daylight saving time besides the division into different time zones, for deriving maximum benefits from the daylight hours. The advance of daylight time in winter months further helps in saving energy, reducing traffic accidents and generating atmosphere conducive to higher productivity.

These important points need to be emulated in India. The very fact that the IST has functioned for more than 100 years is no justification for not changing it if the alteration can do good to the country. Too long has the country neglected this idea which can herald a new work culture, optimally utilise daylight hours, effect saving of energy, improve productivity in all spheres of activity, and possibly take the country on the path of prosperity.

TEST OF TIME

A TREE that stands alone is a symbol. Graceful elms along the rivers and brooks, patriarchal beeches, great oaks and gaunt maples are trees that have fought a long, testing battle and have established their strength.

For a century and more they have known the tempests of winter, the miracle of spring and the heat of summer. A century ago a small seed found sanctuary in good humus and a tiny white root struck downwards; a slender green shoot lifted towards the sky and stars. Over the decades while a nation fought wars, grew in power and tapped the sources of space, the trees grew taller.

Cattle have rested in their shade; birds have made homes among their branches. Great roots reached far to find food as branches developed. Men and women have lifted their eyes to the trees, and in their serenity have found inspiration for the testing of life.

A tree that stands alone represents qualities that a man admires. The tree has met and conquered the storms of life; it has bowed but never broken before powerful forces. Its feet are in the ground but its head is lifted to the light.

All men stand alone. Each has his private sanctuary where no other may enter. A man with his feet on the ground and his head lifted to the sky and stars, has a foundation that will stand the test when tempests assault.

...

You cannot play with the animal in you without becoming wholly animal, play with falsehood without forfeiting your right to truth, play with cruelty without losing your sensitivity of mind. He who wants to keep his garden tidy doesn't reserve a plot for weeds.

II RESUME' OF IMPORTANT ACTIVITIES OF COMMON CAUSE

We provide hereunder information in brief about certain important current activities including the cases pending in the courts and matters taken up with the concerned authorities. These are indicative of the enormous lot of work being handled by COMMON CAUSE.

PENSIONS TO M.Ps. :

The writ petition challenging pensions being given to the Members of Parliament has come up a number of times before the Supreme Court. The court has now referred this writ petition to the Constitution Bench taking into account the fact that this petition involves interpretation of certain provisions of the Constitution. We will now await fixation of hearing of the case by Constitution Bench of the court.

BLOOD BANKS:

The writ petition relating to malfunctioning of Blood Banks has come up before the Supreme Court quite a number of times. The court recently set up a Committee of three persons for going into the requirement of revamping the structure and functioning of Blood Banks for ensuring that the deficiencies in them should be obviated. The Committee consists of a senior Officer of the Ministry of Health, Director General of Health Services and the Director of COMMON CAUSE. THE Committee has held meetings. Report has been finalised and submitted to the court and is expected to come up for consideration during the month of September '94. The Committee has suggested that the Red Cross Society of India should be made the nodal agency for supervising the functioning of Blood Banks and for ensuring that the deficiencies in them are effectively overcome.

CRIMINAL CASES IN COURTS :

Our writ petition on the subject of criminal cases pending in the courts all over the country has been pending for almost eight years. It will now come up for consideration before the Constitution Bench of the Supreme Court. In this writ petition we offered certain specific suggestions for adoption which would bring down the pending lists and enable the judicial system to extricate itself from the difficulties it is presently encountering.

LAWYERS STRIKES :

The writ petition on this important subject has come up before the Supreme Court on a number of occasions. On the last hearing the court directed that Bar Associations all over the country should send their comments and suggestions on the proposals embodied in our writ petition to the effect that the Code of Conduct drawn up under the Indian Advocates Act should inter alia lay down that strikes by lawyers should not be resorted to.

ELECTION COMMISSION :

Our writ petition challenging the appointment of two Election Commissioners to operate at par with the Chief Election Commissioner has been referred by the Supreme Court to the Constitution Bench and is now likely to come up for hearing before the Constitution Bench alongwith other pending matters on the subject.

UNAUTHORISED COLONIES :

Our writ petition embodying the prayer that unauthorised colonies should not be allowed to be regularised has come up before the Delhi High Court on a number of occasions. The High Court has already directed that "till further orders" no unauthorised colonies created in the recent years should be regularised. Government of India and DDA have yet to submit their replies to the writ petition. Meanwhile, on a special request made on behalf of the Delhi Government the court recorded that if the administration considered that they were entitled to extend the facilities of electricity and water supply to these colonies under any existing law they were at liberty to do so, but such action would not be deemed to effect regularisation of any unauthorised colony.

LEASE-HOLD CONVERSIONS :

The case relating to leasehold conversions has been already disposed of. The Government has changed the scheme, on our writ petition, making optional the conversion of the flats or plots. The charges for conversion remain unaltered, but in the case of rehabilitation colonies and a couple of other specific colonies the charges will need to be reconsidered by the Government in accordance with the direction given by the High Court.

INTERVENTION IN C.P. ACT CASE :

Under the Consumer Protection Act it is laid down, by a recent amendment of Section 27, that fine upto Rs 10,000 or imprisonment upto three months can be levied on a person who files frivolous or veracious complaint. A question has arisen whether consumer 'court' inflicting this punishment can also issue warrant of arrest in the event of default by the concerned person. This matter has been taken by a company to the Delhi High Court. From COMMON CAUSE we have filed an Intervention Application for a decision on this important matter.

INTERVENTION IN RELATION TO PRE-FIX "DOCTOR" :

An important case has recently has been filed in the Delhi High Court wherein a person carrying the qualification of Therapist has claimed that he should be allowed to use the pre-fix of "DOCTOR" before his name. This matter has very wide implications and is of all-India importance. From COMMON CAUSE we have sought intervention in this case. The Ministry of Health, Medical Council of India and Indian Medical Association will also be parties in this case.

RED-LINE BUSES :

A complaint was filed by us before the National Commission established under the Consumer Protection Act against depredations caused by the operation of Red-line buses in Delhi and claiming damages on behalf of the accident victims stating that the amount should be deposited in the Consumer Welfare Fund. Complaint was filed over one year ago. It has not yet come up for hearing because of the accumulated backlog of cases before the National Commission. It is now expected to come up in the next few weeks.

AIR INDIA STRIKE :

A complaint was filed more than a year ago before the National Commission against the strike resorted to by the Engineers of Air India which created serious problems for the passengers, who are consumers of service of airlines. This case too could not come up earlier and is now expected to be listed for hearing in the coming weeks.

NATIONAL SAVINGS CERTIFICATES :

In a complaint before the NATIONAL COMMISSION we have challenged the deductions which are being made by the postal authorities while making payment of the aggregate amount refundable on deposits made under the scheme of National Savings Certificates after the stipulated lapse of six years. Notices in this case have been issued; no reply has yet been received on behalf of the Government. We hope this case will come up soon for hearing.

STRIKES BY BANKS :

This complaint also was filed before the National Commission many months ago. We challenged the appropriateness of the banks going on strike, which inevitably causes enormous inconvenience and losses to the consumers all over the country. The case has yet to be listed for hearing. Replies on behalf of the Indian Banks Association and a trade union have been received, other replies are yet awaited.

CITIZENS RIGHTS COUNCIL :

An initiative has been taken by COMMON CAUSE to sponsor the establishment of an organisation by the name of CITIZENS RIGHTS COUNCIL. This initiative has come about on the demand of some concerned citizens of Delhi who have expressed desire to be associated in asserting the rights of citizens in relation to the provision of public services by organisations, institutions, agencies and departments of the government. Initially the organisation will concentrate its attention on persuading all departments and institutions of the government to spell out the standards of service which they are providing to the citizens and to commit to the maintenance of such standards. Following rights have been decided upon for being pursued by the organisation:

- Right to demand the prescription of specific standards of public service.
- Right to demand performance of the service of the specified standard.
- Right to be consulted in formulation of standards.
- Right to access to public functionaries.
- Right to information
- Right of choice
- Right of redressal

The proposal of getting these RIGHTS spelt out emanates from the movements which have already been initiated in certain other countries and which have got embedded in the shape of CITIZEN CHARTER. Such action has been initiated in U.K. and also in Canada.

It is envisaged that the CITIZENS RIGHTS COUNCIL will take up individual items of public service for detailed analysis and that PUBLIC HEARINGS on these individual service items will be organised for stimulating emergence of public demand.

PROPERTY TAX :

The subject of property tax still continues to cause serious problems to the houseowners of Delhi. Nearly six lakh owners of properties are affected by the assessments of property tax. Numerous complaints continue being received about discriminatory assessments and receipt of huge demands of arrears from 1988-89. Recent pronouncements highlighted in the newspapers have created considerable confusion in the public mind. A letter has been again addressed to the Chief Minister of Delhi wherein following matters have specifically been brought to notice for seeking clarification:

I. REBATE

- a) Rebate of 20% has been announced if the payments relating to current year are made before the end of September 94. Notification to this effect has been issued. It has, however, not been made clear what rebate will be available if payments are not made before 30-9-94 and are instead made before 31-3-95.
- b) It is not clear that rebate will be applicable, and upto what period, in respect of payments of arrears which are being demanded by MCD/NDMC.
- c) Nobody has yet clarified what rebate will be available on payment of instalments of arrears if the arrears are not paid before 31-3-95.

II. ARREARS

Bills of huge amounts of arrears running into lakhs of rupees are demanded from assessees, for immediate payment. These demands have now been suddenly made on the basis of assessment on rental whereas previous assessments were made on cost basis; this has enormously increased the size of payments. Concerned officials are refusing to allow payments of these arrears in instalments. No clear instructions are available as to what instalments can be paid, whether instalments have to be paid in current financial year which may be totally impossible in numerous cases of huge demands, and over how many years the payment of instalments can be spread. Demand made on behalf of assessees has been that the arrears should be spread over next five years, and the rebate of 20% should continue to be available for these payments of arrears. This reasonable demand of citizens should have been conceded; it will ensure payments and will avoid litigation.

III. BILLS

Bills of assessments and arrears have been received by tens of thousands of owners. These bills demand payments by specified dates following which no rebate will be allowed.

IV. NOTIFICATIONS

Without specific notifications the press statements issued recently have caused confusion. Chief minister has issued statement that rebate of 20% will be available if payments are made before the end of September 94; it can be assumed that this rebate will be available for current year's assessment as well as on payment of arrears made before end of September 94. Prof. V.K. Malhotra, in a statement widely reported in the Press on 4-9-94, has advised assessees "not to be disturbed" by the demands and that new bills will be received by them. This will positively stand in the way of expeditious payments being made by the assesses for taking advantage of the rebate of 20% announced on payments made before the end of September 94.

V. ORIGINAL PRICE

The problem of assessments based on "original price" continues to cause enormous problems. Those who purchased land decades ago get away with small assessments; who purchase land or flats recently face impossible demands. One can imagine the problems of persons who have recently purchased small flats from DDA at high prices or from builder at Rs 30 lakhs, or of a person who buys plot from a previous allottee at fantastic price of Rs 50 lakhs. Their problems will continue mounting and these will inevitably have repercussions in courts because assessments of Property Tax in such cases will be totally discriminatory violative of the principle enunciated by the Supreme Court.

VI. N.D.M.C.

NDMC is not allowing any rebates whatsoever on payments of Property Tax. It is surprising that NDMC should be able to disregard the announcements made by Chief Minister. In the public mind it obviously amounts to mockery of the functioning of democracy in Delhi if NDMC continues to arrogate to itself a position totally different from the rest of Delhi.

PROJECT OF LAYING GAS PIPELINES

Recently it came to our notice that there were instances of serious hazards built into the laying out of high pressure distribution gas pipelines branching out from the outlet point of the BHJ Pipeline. Designing and execution of these distribution outlets are reported to have certain serious defects. As the hazards arising from these defects have potential of great disasters, the Government of India was addressed to consider immediate action of closure of gas supply through such hazardous distribution channels pending high level inquiry. The hazards of disasters and sabotage arise from various departures from the standard norms in the execution of the works over the past couple of years. It is reported that during this period there have been as many as 22 instances of leakage, symptomatic of extreme potential of havoc that can be caused. Instances were communicated to the Government of India about the layout of gas pipelines in the vicinity of Delhi which are reported to be fraught with numerous faults. The pipes are not embedded deep enough below the surface and at places are even exposed to dangers of sabotage.

The Gas Authority of India have communicated their comments on the points highlighted in our letter to the Government of India. Subsequent thereto GAIL have decided to set up a Standing Committee, including two concerned citizens having close association with environmental matters. Director of COMMON CAUSE has been associated on this Committee. Further action will continue to be pursued.

AIR FARES :

There were press reports that Director General of Civil Aviation had issued verbal instructions to all airlines operating from and to India directing them that they or their agents should not henceforth offer any concessional fare or other facilities of the nature of free excess baggage, stop-overs, hotel discount etc. to any passengers. He is reported to have issued the threat that non-compliance with these directions will invite severe penalties against any airline that defaults. We took up this matter with the Ministry of Civil Aviation & Tourism pointing out that directions of this nature, which can be termed arbitrary, should not have been issued verbally and that such directions can be considered to seriously affect the interests of passengers who are consumers. We pointed out that it was the essence of commercial functioning that there should be competition between the providers of services and manufacturers who produce goods. We requested the Ministry to reconsider this decision and enforce only that which is in the interest of consumers.

REVENUE STAMPS :

Some doubts were communicated to us in regard to the value of revenue stamps to be affixed on receipts on payments. Till recently the denomination of revenue stamp to be affixed on receipt was 20 paise where the amount exceeded Rs. 20. There were reports that the denomination of 20 paise had been increased to Rs. 1 where the receipt relates to an amount of more than Rs 500. We have requested the Ministry of Finance, Department of Revenue to clarify this matter.

PROCEDURES IN AIIMS :

Complaints have come to our notice about certain unfortunate procedures prevalent in the All India Institute of Medical Sciences, New Delhi, in cases where death of a patient takes place in the Institute. The procedures cause delay even in the delivery of the body to the relatives, and there have been complaints of bribes having to be paid for meeting even this requirement. Likewise, there are excruciating procedures relating to the procurement of death certificates. These complaints have been brought to the notice of the authorities of AIIMS.

Another complaint relating to AIIMS is that in a recent meeting its Governing Body, under the Chairmanship of the Ministry of Health, decided to increase the percentage of reservation for SC/ST even for posts of Resident Doctors who after MBBS have to pursue further studies for attainment of MD qualifications. We have taken up this matter with the Ministry of Health, Government of India. In a communication received from the Ministry we have been assured that interests of an organisation of the status of AIIMS will continue to be safeguarded in this matter.

SERVICE LANES :

Service lanes provided in the residential colonies generally continue to be sadly neglected and they are used more for dumping garbage etc., with the result that they present an unfortunate spectacle in the residential areas. We have referred this matter to the Government of Delhi and have made concrete suggestions. The suggestion communicated is that the service lanes of the colonies should be put to a proper use by encouraging the house-owners on either side of the lane to plant some shrubs etc. so that they maintain a clean and healthy look. Areas behind each house can be demarcated for encouraging the respective houseowners to utilise it for greening and beautification, without any right of ownership or continued user. Copies of our letter had been sent to DDA, Municipal Corporation of Delhi, New Delhi Municipal Committee and Cantonment Board. The suggestion appears to have been welcomed.

We have started receiving response to our communications and hope that proposal of this nature will be put into effect. We have also communicated this suggestion to the Ministry of Urban Development and the Minister of Environment of the Government of India for wider implementation.

CONSUMER PROTECTION ACT IMPLEMENTATION :

There are yet a number of problems being encountered in the implementation of Consumer Protection Act in the states. At a number of places the functioning of District Forums and also State Commissions has various types of inadequacies. In certain districts huge backlogs of cases have developed which necessitate even the first date to be fixed 5/6 months from the submission of complaint and inevitably the decisions on cases have started badly languishing. In various other districts the number of cases is very small indeed, but no adequate effort has so far been made in clubbing together adjacent districts for the functioning of Forum in accordance with the directions of Supreme Court. There are reports from West Bengal, U.P., Bihar, Punjab and Himachal about District Forums not yet having been established on an independently functioning basis even where the number of cases is sufficiently big, and to this extent there is non-compliance with the directions of the Supreme Court. Certain State Commissions are also encountering problems in their functioning. There are reports that the State Commission at Shimla and the State Commission at Bombay have declined to operate because of poor accommodation and inadequate provision of equipment and furniture etc. Matters relating to these problems continue to be brought to the notice of the Ministry of Civil Supplies, CA & PD and they are also being taken up directly by the CHIEF Secretaries of the concerned State Governments.

PACKAGING RULES :

Certain problems have arisen from a recent notification issued by the Government of India debarring affixation of price label on package. It is contended that this notification operates to the detriment of small industries which do not have adequate resources for modernised equipment required for spray-printing of prices which are often necessitated. This matter has been referred to the Directorate of Weights & Measures of the Ministry of Civil Supplies, CA & PD. Another important decision relating to Packaging Standards, which was taken by the Standing Committee established for the purpose by the Government of India, relates to elimination of certain products of the nature of perfumery and cosmetics from the rigid prescription of standards of weight/volume which had been prescribed for them long ago, and leaving it to the forces of competition to deal with this problem.

OATH COMMISSIONERS

On a suggestion received from Mr. Justice Milap Chandra Jain, Judge of the Rajasthan High Court, we have issued letters to all Chief Secretaries on the subject of appointments of all Notaries and Oath Commissioners for administration of oaths and affirmations. It has been stressed that a lacuna presently exists in making these appointments. Notaries appointed under the Notaries Act are mostly available at H.Qs. of districts, and persons residing at distant places from district HQs have to travel a long distance to approach them for purpose of attestation of affidavits required to be used in non-judicial proceedings such as those relating to Income Tax, Sales Tax, Transport, Food & Civil Supplies, Housing Board, Corporation assessment etc. They are also required to pay more to the Notaries by way of Notary fees and tickets. For meeting this problem Rajasthan Government has issued a notification under Oaths Act whereby they have been empowered to administer oath and affirmations for purpose of affidavits required for non-judicial proceedings. It has been suggested to the State Government to consider the possibility of initiating similar action.

T.V. PROGRAMMES.

In a letter to the Central Ministry of Information & Broadcasting we have pointed out that the producers of TV serials are apparently taking advantage of the TV time by incorporation in the programme the "acknowledgments" and which precede and succeed the programme at the time of TV presentation. There is also an increasing tendency of taking TV time in presenting the story of previous episodes of the serial. This practice is obviously wrong and needs to be discouraged. The Ministry of Information & Broadcasting has been requested to lay down guidelines about the presentation of "acknowledgments" and avoid too much time in each programme being taken in presentation of the background of story of the serial.

SPECIAL CONCESSIONS FOR BANK STAFF

We understand that the staff in banks, and particularly those engaged in trade union activities in the banks, are being given special concessions which ostensibly are not justifiable and can be considered as discriminatory. It is learnt that an additional interest of one percent over the interest rates prescribed by Reserve Bank of India on deposits made in the banks are presently being paid in respect of the deposits made in the banks by employees of the banks as well as retired staff members and widows of staff members. This additional payment of interest appears to have been authorised by the Reserve Bank of India. Likewise, loans at special concessional rates are reported to be made available to employees of banks. There are reports that about 25,000 employees of the bank are "released" for working in the interest of their trade unions; they remain busy with their own private business but are stated to continue drawing salaries and benefits from the banks. Even those banks which show

losses continue to pay salaries and benefits on regular basis to employees alongwith stipulated enhancements. These matters have been referred by us to the Ministry of Finance, Government of India for ascertaining the exact position on this behalf.

In the matter of trade union activity in the Banks we have communicated to the Chairman of State Bank of India, and also to the Banking Division of the Ministry of Finance, the extremely unedifying spectacle of numerous posters in various colours pasted on all the walls of the entire area of the main hall of the State Bank of India building on Parliament Street at New Delhi. Posters and handbills pasted on these walls related to the trade union elections fixed for a particular day. We have immediately taken up this matter and asked the State Bank of India to intimate the expenditure which will need to be incurred on renovation of the walls and removing the defacement caused by the pasting of posters and handbills. It is obviously a matter of great regret that vandalism of this nature has been allowed to be perpetrated on public property and that the tax payers will have to be burdened with the cost of renovation of the walls thus defaced.

Tikku had trouble hearing till he went to the neighbourhood doctor, who promptly extracted a dime from the guy's ear. "You're marvelous" cried Tikku. "I can hear perfectly now. It was there for three months!" "You mean you knew it? Why didn't you take it out?" asked the baffled doctor. Tikku shrugged his shoulders, "I didn't need the money."

...

Chief Executive : "My wife made a millionaire out of me."
Assistant : "What were you before?"
Chief Executive : "A multimillionaire."

...

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

...

A woman drove up to her home, staggered out of her car and into the arms of her husband, gasping: "Wow! Is it hot! I thought I'd pass out." "But why didn't you open the windows of the car while you were driving?" "Oh no!" she answered, "I want the neighbors to think we have an air-conditioned car."

...

A couple walking in the park noticed a young man and a woman sitting on a bench, passionately kissing. "Why don't you do that?" said the wife. "Honey," replied her husband, "I don't even know that woman"

...

An elderly lady was sitting in her rocking chair knitting, her Persian cat reclining at her feet. Suddenly a fairy appeared and asked the old lady if there was anything she wished. "Yes," was the reply, "I would like to be a young woman again." The fairy waved her wand - and there she stood, a lovely girl of eighteen! "Now," asked the fairy, "is there any other wish you would like granted?" "Oh yes, I would like a handsome young man." Turning to the cat, the fairy waved her wand, in its place rose a fine looking youth. He looked sadly at the girl and sighed, "Now aren't you sorry you took me to the vet?"

III CITIZENS HAVE RIGHTS

Time has come for us to spell out and start demanding the rights of citizens. In other countries this movement has gathered great momentum; there is no reason why we should lag behind.

In the governmental functioning there are already some symptoms emerging, in certain departments and organisations, which show recognition of the fact that interests of citizens can no longer be disregarded and that citizens cannot now be taken for granted. Occasionally one comes across, in certain policy pronouncements, the use of words "accountability", "transparency", and "delivery system" in the provision of public services and of governance. These words symbolise the rights which people in other countries have been able to extract from their governments. We must start pressing for the incorporation of these words in the terminology of government functioning in India, at the centre as well as in the states. It will be interesting to see what these words and their connected phrases connote. These carry the language and the message of modern day governance.

It will surprise people in our country to know that in Canada, for instance, each department and institution of the government has been made to spell out in detail what services they commit to provide, of what quality, and at what time, and what systems each one of them has installed for monitoring the delivery of such services and dealing with any complaints that are received from the people. The government has promulgated that recipients of its various services are its clients, the customers; their satisfaction is the *raison-d'etre* of existence of the government machinery. Like the private sector enterprises which exist for providing services and which depend entirely on consumer satisfaction for achieving the objective of their making profit, the governmental machinery is placed under obligation to ensure that while they do not work for profit they have to give complete satisfaction to those who received the public services.

All the various departments of the Government of Canada have laid down specific standards of the services. These are widely publicised and people are given assurance that these standards of the services will be maintained, they will continuously be made open and that any lapse in the maintenance of these standards will not be allowed to be repeated. Let us look at some of the standards which have been prescribed by the respective departments of this government. These are really eye-openers for us who are getting inured to inadequacies and defaults of the functioning of our institutions and departments.

- Revenue Department of Canada, equivalent of central taxation department, has laid down that
- i) it will keep in view always the maintenance of 100 percent accuracy in communicating demands to the citizens;
 - ii) There will be at most 20 minutes wait at any counter of the department for provision of information of services;
 - iii) In the matter of telephone enquiries the department will ensure that out of 100 calls made to it no more than 30 at any time will result in busy signal on the first time, and once the caller is in the queue he will be connected to the concerned official within at most three minutes;
 - iv) There will be at most one day response time for business enquiry, not more than 30 days in replying to any letter;
 - v) Client request for alterations in taxation demands must be finally decided within 28 days.

Immigration Department will ensure that clients' entitlement is finalised in 21 days from application and telephone enquiries are answered within 150 seconds. Communications Department has prescribed that in the heritage service system response time will not be more than five seconds, land-fixed ratio applications will be processed within 15 days, investigations will be processed within 30 days. Supply & Service Department will ensure that family allowance is delivered on 20th banking day of each month, veteran pensions must be delivered on 2nd last banking day of each month, information regarding procurement of supplies will be delivered to clients in such manner that it is provided immediately where electronic documents become available, within four working hours in the case of FAXed programme, within 4 hours for hard-copy posting, and level of service will be maintained at 96 percent efficiency over four-week period. National Health and Welfare Department has laid down that its telephone enquiry service will not be chargeable to clients but will be toll free, 90 percent of all substantial health benefits bills will be paid within 30 days, at least 85 percent of its recognised hospitals will meet the hospital associations standards, 90 percent of all its immunisations status requirements will be met within the prescribed period.

Now let us look at some of the commitments which have been made by the government in U.K. It has issued a White Paper in the shape of a Citizens Charter. This Charter commits the government to a variety of initiatives aimed at making public services more responsive and accountable to their clients, improving the quality of service and involving the people in choices. It prescribes as a policy that competition will be encouraged in the provision of services, wherever possible, to spur quality improvement; this will include reliance on market forces through privatisation, contracting out and removing the monopoly status of public services. It has committed that services standards will be published, making the information available on performance in relation to the standards, more performance - related pay, and providing clients the opportunity to act when services are unacceptable, introducing effective complaints and redressal procedure as important factors of the entire programme. In prescribing standards the U.K. Government has, as in the case of Canadian Government, prescribed that if a resident, for instance, calls for ambulance it must reach within 14 minutes where the need is in urban area, and in 21 minutes if the call is from rural area. Such specific standards have been prescribed in relation to large number of services, in areas such as transport, communication, procurement of supplies, dairying, live-stock grading, farm improvement programmes etc.

Learning from the management of private enterprises and their inescapable need of reaching out to their clients for providing satisfaction about their products and services the governments of these countries have introduced the fundamentals of TOTAL QUALITY MANAGEMENT (TQM) techniques in the functioning of their departments and agencies. TQM system is based on comprehensive management reform for provision of satisfaction instead of aiming only profit, making management and employees responsible for company performance. It implies commitment to provide excellence in services. It is recognised in the government that in business situation the dissatisfied customer can go elsewhere if he is unhappy with the service or product provided, but in government there is hardly any other alternative. This makes it all the more important that there should be close relationship between the client and government department providing the service. Operatives in government correspondingly shoulder higher responsibility.

We in India are at the threshold of transformation which the processes of economic development and liberalisation are bringing about; new horizons are opening up. There are inadequacies and difficulties; we need to effectively and quickly overcome them. There are various facts of the government

functioning, at the centre and in the states, that need to be overhauled and improved. This is indispensable for improving the quality of our public services and for ensuring that they are delivered satisfactorily and promptly. The governmental machinery unfortunately has become bloated, oversized and flabby. Public grievances are hardly attended to. Points of contact between citizens and field apparatus of the government have enormously increased. But simultaneously the harassments of people have also increased. Administrative and financial powers have become very centralised. As one travels from the centre to the states and to districts and villages, the quality of administration shows distinct deterioration. Hardly anybody pays attention to requirements of efficiency, effectiveness and productivity of the governmental apparatus. The country is functioning as a democracy but democratic institutions have not penetrated to lower levels of government and administration. There are many ailments of the functioning of democracy; the problems based on political considerations often hold sway over the legitimate interests of the country.

Correctives need to be applied. Governmental machinery requires to be toned up at every level. Decentralisation must be stimulated, down to the level of zila, town and village; local governments at the respective levels have to start effectively operating. Role of the public sector has to be reconsidered, with incorporation of privatisation where this is feasible. In any case, people's organisations and institutions must be associated with the operations of governmental machinery as well as public sector functioning. Changes have to be brought about at the administrative level for ensuring that people have easier access to services and they are provided services of the proper standard. There has to be greater enforcement of discipline and accountability. Openness in decision making must become the hall-mark of the functioning of government and people must be involved in decision making processes. These are indicative of the changes that need to be brought about for making the governmental apparatus more responsive to the people and to meet their requirements of services for which they pay and which they demand.

There is a paramount need of evolution of Citizens Charter in our country. Citizens must be made conscious of their rights. They must be in a position to demand the provision of services to them of the standard they expect and want. The Charter should demand the spelling out of the standards of services and performance by all departments, agencies, organisations and institutions of the government; there must be accountability for providing the services committed; there must also be openness in the functioning of government, and secrecy in normal operations of public dealings must be avoided; people should be consulted in the formulation of standards; there should be a proper system of information dissemination; and there must be provision of satisfactory redressal machinery and monitoring of the services for their quality and proper delivery. These are the basic requirements which we in this country must demand. Where other countries have achieved this there is no reason why we cannot do it too.

It was their 25th Wedding Anniversary, and he promised her anything she wanted.

"Do you remember when you proposed to me?" she said, "you got down on your knees and said, 'I love you.' That's what I'd like you to do again."

"Are you kidding?" he frowned.

"No, I'm serious."

"OK," he said as he got down on both knees, "Dear, I love you - now help me up!"

...

IV SERVICES AND POLITICIANS

Civil and administrative services in the country are encountering severe strains. Politicians in power at many places have chosen to undermine their effectiveness. It is necessary to take stock of the malaise to see what correctives are needed.

Services are the pillars on which any administration and governmental structure stands. They are of primary importance in the functioning of democracy. They deliver the goods. Policies are laid down by the government comprising elected representatives of the people; they hold the reins of government; services are the instruments for carrying out the policies. Any weakening of the services can inevitably threaten strength of the entire structure.

There is no gainsaying the fact that services in this country have in the recent decades been weakened, brought down in the esteem of the people, demoralised, shorn of their effectiveness. The word "bureaucracy" has been made symbol of ridicule and contempt; it is being used mainly in derogatory sense; all sorts of inadequacies are being attributed to the operation of "bureaucracy"; they are held up as being responsible for the mess wherever it exists. Humiliations and indignities are heaped on them; the very name of services is being tarnished. Politicians have found in them easy scapegoat, heaping on them condemnations for anything that goes wrong, transferring to them the public gaze for their own defaults and deficiencies.

Unfortunately, some weaknesses and deficiencies have crept also into the services. Their performance standards have got lowered; insecurity bred in them by unhealthy operations of political masters has necessitated their making compromises with basics of administration; lowered standards of their recruitment and training have brought about general lowering of standards of performance, and most unfortunately, corruption has also crept in besides inadequacy of performance.

Generalisations in regard to these matters of sense of frustration and demoralisation in the services and of inadequacy of their functioning and the lengthening shadow of corruption, would obviously not be appropriate. Spread of the services in the country is enormous, including the central services, state services, of public sector, services of autonomous institutions, organisations and local bodies; services dealing with general administration, police, judiciary and all other various areas. There are hundreds of thousands of people working in the services. There surely are large numbers who, are competent, knowledgeable, effective, of unimpeachable integrity, adhering to the pledge of performing their duties most diligently. Defaulters, sycophants, disgustingly pliant and corrupt constitute only a blot, aberrations, deviations from the norms. These bring bad name to the services; they enable politicians and the people to brand the services by distorting the word "bureaucracy"; they become subservient and bend before the perpetrations of the politicians and become useful tools in their hands.

Let me put before you two specific cases to show how the services are being undermined, weakened and demoralised. These cases are symptomatic of what political masters are doing to the services and how the henchmen of political masters in the services are facilitating the transgressions. Both these cases are of senior officers, of the Indian Administrative Service, who are undergoing serious distress and deprivations because of standing up to uphold the prescribed regulations and the law. Both are of Bihar State which, according to all reports, is proving an outstanding example of maladministration

and bad governance which is becoming endemic there. It is necessary to know some details of how these two officers are suffering humiliation and how norms and regulations are being thrown to the winds in dealing with them.

These two officers are Mr. R.S. Tiwari and Mr. S.K. Sinha. Both of them are of senior rank in the Indian Administrative Service which is an all-India service, entitled to hold posts of Commissioners of Divisions and Departmental Secretaries. Officers recruited to this service are allotted to cadres of states; these two were allotted years ago to Bihar Cadre. Officers allotted to states remain eligible for being posted in the central government ministries, and often these postings are made for exposing them to problems of all India perspective. Placement in the centre is normally for a prescribed period after which they revert to the state cadre. Centre maintains records of all officers; when they become entitled and are found eligible on the basis of performance and seniority; they are empanelled by central government for further senior postings. Mr. R.S. Tiwari was, four years ago, Secretary of the Education Department of Bihar Government. He has now been sent to hold charge of a non-descript post as member of State Planning Board where, according to him, he has no work, no responsibilities to discharge, nothing to do. This is the way adopted for humiliating and belittling him, and for demolishing the record of his service. Reason for his woes is that 12 years ago when he was Collector and District Magistrate of Patna he had the temerity of ordering the arrest of a Member of Parliament and some members of the political party for participating in a demonstration in violation of the prohibitory orders issued to prevent violence and lawlessness. These politicians in subsequent years have come to occupy positions of power. They had brought privilege motions against him before the legislature but these failed to do any damage. More serious manipulations were then resorted to. The officer alleges that the Chief Minister got a police report registered alleging misfeasance by him when he was Education Secretary. The State Vigilance Department, stated to be fully subservient, was used as instrument for launching his persecution. On the strength of a police report filed against him the officer was placed under suspension during his absence on leave, without asking for his explanation. He took the only course open to him and filed appeal to the Central Government under the relevant rules. Order was issued by the central government, as an order of the President of India, revoking his suspension and directing immediate reinstatement. This direction was ignored; reminders issued by Government of India were disregarded; even communication from the concerned Central Minister to the Chief Minister remained unacknowledged.

The sordid tale goes on. Central Government failed to secure compliance of the order passed in the name of the President. The officer, in utter exasperation, knocked at the doors of judiciary. The Central Administration Tribunal has been set up as a statutory body to deal with such administrative problems. Its headquarter is at Delhi and it has branches in various parts of the country. The officer moved the CAT at Patna for effecting implementation of President's order by the state government. The Tribunal gave its verdict and directed the state government to reinstate him forthwith. State government complied with the direction, reinstated the officer, but on the same very day again ordered his suspension. The officer again appealed to the Central Government; the central government again set aside the suspension order, directing his reinstatement. The state government chose to defy this order too; the officer was not reinstated. He then filed an application for contempt of court impleading the Chief Minister and the state government. Thereupon he was reinstated but was kept without any posting. He again knocked at the doors of the court. This time he moved the Supreme Court. This eventually resulted in his present posting, but unfortunately on a post which is considered a garbage post and from which the previous incumbent had sought premature retirement. He claims he has no work to do. This way he has suffered four years of intensive torture because he had dared to take action against some politicians in exercise

of his duty and for their violation of the law.

The case of other officer Mr. S.K. Sinha tells a similar nauseating tale. He too is an officer of super time-scale, fit to hold post of Secretary and Commissioner of state government. He has put in about 20 years of service in I.A.S. He has likewise incurred odium of political leaders of the state ostensibly because he had in 1991 acted as Observer appointed by the Election Commission which castigated the work of some officers who are favourites of the political masters, and also because he had the cheek to ask for appropriate designation of the office he was holding. He has faced as many as seven transfers in 30 months. He has been posted to a second grade post to which no I.A.S. officer had ever previously been posted; post without an office or an address or work or any allocation of funds; a post stated to be 250 positions junior to the post to which the officer of his seniority was entitled. He sought sanction of leave; this was refused. He too chose to appeal to the Patna Branch of CAT; the order of his posting was stayed. Once again the state government issued order of the posting. The officer initiated proceedings for contempt of court. Meanwhile he had come to know of a case of serious fraud and embezzlement involving his political masters. Before he could initiate criminal proceedings he was suddenly, in the late evening after he had left office, telephonically informed that some other officer had assumed charge of the post held by him; notification of the posting issued the day after. He again appealed to CAT; the transfer was again stayed, but he was prevented at gun point from entering his office. Once again he was ordered to be transferred; again he appealed to CAT; interim stay was again granted. The fight went on and eventually the officer further faced humiliation of being suspended and the matter widely publicised in the press. Once again the officer knocked at the doors of CAT; the Tribunal again stayed the suspension order, directing that his salary should be paid. The direction was not complied with, and the officer prayed for contempt of court proceedings. The Tribunal held that the suspension of the officer was malafide, capricious and amounted to circumvention of the directions. Once again the officer was prevented from entering the office, this time on the plea that the state government desired to take this matter to the Supreme Court. Proceedings initiated before the Supreme Court are now dragging on; meanwhile the officer continues to be deprived of any posting and of any salary.

These two cases are illustrative of utter chaos and serious malfunctioning which apparently prevails in Bihar. It is learnt that there are certain other similar cases where the senior officers in this State are being thus maltreated, lowering them in the eyes of the people, rendering the services totally subservient and ineffective. We are collecting more instances of such perpetrations and meanwhile we look forward to receive any information which may be relevant in connection with crisis which services are facing.

When officers who are expected to deliver justice to the people, to serve their causes, to project image of good governance, are humiliated and made to suffer such indignities, and impression is thereby sought to be created that political leaders are the lords and masters, it obviously becomes a matter of very serious concern. People need to take note of these condemnable developments. Services themselves need to give serious thought for determining what action needs to be taken by them, collectively in each district and state of the country, while removing any deficiencies which may exist in their functioning and to expose malfunctioning of political leadership so that interests of the country are not allowed to be jeopardised.

V PROBLEMS OF CONSUMERS

The recent meeting of the Central Consumer Protection Council, the highest advisory body set up under the Consumer Protection Act, expressed serious concern which consumers all over the country are feeling, about inadequacies that have crept into the implementation and functioning of the Act which for the consumers has turned out too be the panacea they have been looking for. Operations of the quasi judicial redressal machinery set up under this Act for redressing grievances of the consumers came under severe critical review. Cases have piled up at a number of places in the Forums established in the districts and in the Commissions which have been set up in the individual States and the Union Territories. At the level of apex body, the National Commission, heavy backlog has developed.

In the statute it was laid down that cases should be disposed of within 90 days; of course with the rider "as far as possible". Stage has unfortunately come when even the first date, after the filing of complaint, now comes after four to six months. There are cases at the level of National Commission itself where the first date has not yet been given even after filing of the complaints a year ago. In the Rules framed under this statute it is laid down that not more than one adjournment should be given. But, there are adjournments galore, in every case. Consumers are complaining that redressal machinery provided for under this Act was never expected to work in the shape of regular courts; the Forums and Commissions were provided with Benches of three persons for quick hearings and decisions, shorn of the rigmarole of the normal courts. Consumers are bitter, therefore, that this entire machinery, right from the central level to district level, has now got converted practically into normal civil courts.

These grievances expressed by representatives of consumers in the Central Council have necessitated the setting up of a Working Group for fresh detailed study of the lacunae which are now being experienced in the implementation of the statute. Among the provisions and procedures of the Act this Working Group will focus attention on various other important issues. There are, for instance, certain provisions in the Indian Post Offices Act and Indian Railways Act where any cases of loss suffered due to deficiency in the service are remediable under their own provisions. Consumers 'courts' have felt helpless, on account of these provisions, in giving redress under the Consumer Protection Act in certain matters relating to the operations of these services. This situation needs to be remedied. Consumers have for long been demanding that statutory provisions of Writ jurisdiction of High Courts in relation to decisions under the Consumer Protection Act need to be removed; this has not so far been conceded, with the result that in numerous cases all over the country High Courts have stayed the proceedings instituted under this Act or have given directions upsetting decisions by the consumer 'courts'. This interference is holding up expeditious redressal. Consumers have for long been expressing that intercession of lawyers in the cases under this Act should be restricted; Respondents should be allowed to engage lawyers only where the complainant engages a lawyer, or where the court considers such intercession necessary; third demand too has been languishing.

There are other demands of the consumers. A large number of cases have been filed all over the country wherein allegations have been made of negligence and incompetence of doctors which have led to serious problems in the treatment of patients. High Courts at various places have entertained Writ Petitions on the subject; a decision has recently been given by Madras High Court which is contended to be against the interests of consumers and has been appealed against in the Supreme Court. Consumers feel that instead of this controversy being further enlarged it is desirable to clearly provide in the

Act that 'medical service' comes within its purview, as was done in the case of 'housing service'. For long consumers have been demanding that civic services should be brought within the ambit of this Act. Municipal authorities, under their respective statutes, are charged with the obligatory responsibilities of providing certain essential services besides providing certain other services which are categorised as optional. They exist for providing the compulsory services, and where there is deficiency in providing such services they should be made answerable. Accordingly, it has been contended that there is obvious justification in the demand for placing these services under this Act.

There are certain other demands. For instance, qualifications relating to the appointment of Presidents of District Forums need to be reconsidered so that delays do not take place in their selection and appointment which inevitably cause serious delays in disposal of cases. Likewise, vacancies in the benches set up in the districts and at the level of States must be filled up immediately so that the work is not held up. Sittings of the Benches should be for the whole day instead of part-day hearings which are presently operating at a number of places. There are complaints of inordinate delays in the payment of allowances to Members of the Benches. Problems of accommodation and staff have not yet been satisfactorily resolved. Funds are not being adequately and promptly provided for operation of the redressal machinery. All these matters need to be streamlined. State Governments have to be persuaded to discharge the responsibilities imposed on them under this Act.

Another matter of importance taken up in this recent meeting of the Central Consumer Protection Council was that of the Consumer Welfare Fund which has been created by the Government of India and which can give considerable fillip to the consumer movement in the country. Consumer Welfare Fund came about by crediting to it the amounts which were adjudged as "unjust enrichment" on the part of industries which had omitted to lower the prices of their manufactures when the Excise Duty previously proposed for increase was subsequently reduced with the stipulation that they would pass on the benefit of decrease of Excise Duty to the consumers. An amount of about rupees nine crores has so far got credited to this Fund. Case is presently pending before the Constitution Bench of the Supreme Court, and on its decision will depend what more can be expected to get credited to this Fund from this source. While proposals for utilisation of this Fund are under consideration, and applications have been invited for giving grants from it for specific projects of consumer organisations, the consumers have raised voice for diverting to this Fund money from other sources which can likewise be contended to belong to consumers, and also to establish similar consumer Welfare Funds in all States and Union Territories. Direction to this effect has now issued to the States from the Government of India. As an instance, it is learnt that amount of almost about Rs. 177 crores is presently lying unclaimed in the banks. Some accounts remain unoperated for years, either because of demise of account-holders or omission to operate them. Likewise, sizeable amounts remain unclaimed in the Life Insurance Corporation. These amounts in fact belong to consumers in general. Obviously there cannot be any better utilisation of these amounts other than to transfer them to the Fund which has been earmarked for the benefit of consumers. In State Governments and Union Territories, likewise, there may be certain amounts, such as those relating to Sales Tax, which remain unclaimed as Refund and these need to be appropriately transferred to the Consumer Welfare Funds of the States. Utilisation of these Funds by the Government of India and States can greatly strengthen the consumer movement.

While these are some of the essential demands of consumers for strengthening the consumer movement thorough the provision of funds and by filling the lacunae in the Consumer Protection Act, there are certain features of the operations which continue to cause concern about increasing tendency of misuse of provisions of this important statute. It is of great importance that the scope and possibility of any

such misuse be effectively curbed at the present initial stages so that the movement is not adversely affected. Temptation is evident everywhere to bring within the operations of this Act almost everything that is presently emerging as a dispute because people have a feeling that operations of this Act bring about some expeditious decisions; they have despaired of securing decisions in the normal civil courts. One receives enquiries every day, for instance, whether provisions of this Act can be invoked for claiming damages for non-payment of rent by a tenant and for causing his eviction; whether an exporting company can claim from the bank compensation for not advancing to it the funds required for executing an export order. People wanting adoption of particular route of the operation of a public bus, in a district in the South, sought the utilisation of provisions of this Act for meeting their demand. A person sought the intermediacy of the consumer 'court' to claim compensation for non-furnishing to him by the Registrar of Documents all the original documents submitted many years ago which were stated to be untraceable. As no court fee has to be paid for claims under this Act, a person claimed heavy compensation of as much as Rs 2.27 crores alongwith interest @ 31 percent from a bank for alleged dishonouring of his cheque of Rs. 10,000/- on alleged untenable grounds and for using some abusive, and intimidating language, threatening to close his account with the bank.

Consumers do not want intrusions of this nature in the operations under this Act. They want that it should not get sullied by unscrupulous manipulations of those who claim capability of exploiting and bending provisions of law for meeting their demands. These stratagems can weaken the consumer movement. Consumers are most keen not to allow the movement to be thus weakened, and in fact seek every avenue of strengthening it.

He was in a rundown condition, so he visited his doctor.

"It doesn't surprise me at all," scolded the physician, "It's because of the wild life you've been living. You'll have to cut out drinking, smoking and chasing around with women!"

"Thanks, Doc," said he and got up to leave.

"Just a minute," called the doctor, "you didn't pay me for my advice!"

"Why should I?" answered he, "I'm not going to take it."

...

As the grandmother stood with her and son-in-law in the hospital nursery, she proclaimed with pride that her first grandchild had her daughter's eyes, her daughter's nose, her daughter's colouring and her daughter's dimple.

Her son-in-law asked, "Doesn't the baby look anything like me?"

"Your mother is coming tomorrow," the grandmother answered. "Then the baby will look just like you."

...

She often feeds pigeons in the park near her home. One day, as she fed the growing flock surrounding her, a man came over to her. "While you're feeding perfectly good bread to the birds," he told her angrily, "there are people starving in Somalia" She, never one to back down from a fight, looked him in the eye and said, "I'm sorr , but I can't throw that far."

...

If I had my life to live over, I would try to make more mistakes. I would relax. I would climb more mountains and swim more river. I would go barefoot earlier in the spring and stay that way later in the fall. I would have more dogs. I would ride more merry-go-rounds. I would collect more daisies.

I would have more actual troubles and fewer imaginary ones.

...

VI PACKAGING CONCEPTS ALTERING

Concept of liberalisation has started altering the atmosphere in various aspects of our functioning. Winds of change have started wafting, blowing away the cobwebs of inertia. Rules and regulations which in almost every sphere have been strangulating initiatives and holding up activity, have started being swept aside. This is a very healthy and welcome development. Let me cite a recent instance, small in dimension but big in impact, which expamplifies this change.

We are all aware of products sold in packaged form. A stage has now reached when almost 95 percent, or even more, of all products sold in the markets are in packaged form. With the exception of a few items of foodstuffs and vegetables and fruits, almost all products are now in the market in packages. There is a law which regulates packaging standards; all enterprises of industry and trade have to abide by the package requirements laid down in this law. Certain new developments in the packaging rules, which have relationship to the winds of liberalisation and the opening up of economy, are interesting.

The relevant law is the Weights & Measures Act which was enacted in 1976 on introduction of the important change to metric system of weights & measures. One aspect of the Weights & Measures Act is the promulgation of Packaged Commodities Rules. These Rules carry the statutory authority of the law and regulate the packaging standards and requirements.

Packaged Commodities rules prescribe, regulate and govern all packaging. They lay down what information must be printed and displayed on the package containing the products. These Rules make it essential that no package can be put up for retail sale unless it meets all the prescribed requirements. On every package, for instance, there must be conspicuously printed or affixed the name and particulars of manufacturer, common or generic name of the commodity packaged in it, the net quantity in terms of standard weights & measures, the month and year of manufacture and packing, unit sales price of the packaged commodity, and retail sale price of the full package. Certain items such as milk, cold drink, petroleum gas etc. were exempted from the prescription of printing of the month and year of manufacture and of sale price. In relation to these various requirements there are details of certain specific exemptions. In regard to some exempted items too demands have started arising from the consumers that prices should be printed on them.

In the matter of retail price the requirement previously was that every package must have printed on it the words: "Maximum Price local taxes extra". This requirements was got altered two years ago to the words "Maximum Price all taxes inclusive". This was done because local taxes leaked at the retail stage and often did not reach the exchequer. The change was welcomed when it came about, but manufacturers have since taken undue advantage of the differential in sales tax and octroi in different states and towns, and have resorted to the display of price based on the highest sales tax. This is greatly resented by the consumers and the matter is being considered afresh by the Government of India on pressures developed by consumers. This matter is expected soon to be effectively tackled.

Winds of liberalisation have now been in evidence in another important aspect in relation to the enforcement of Packaging Rules. This matter relates to the specific Rule which lays down the size and standard of packages. It is inter alia prescribed in the Rules that no commodity shall be packaged except in packages containing the standard size prescribed under the Rules. In these Rules a whole

schedule, called the Third Schedule, spells in minute details the quantities of specific products which shall form the quantity in packages relating to the respective products. As an instance, it is prescribed that products covering the range of cosmetics and perfumes including all facial creams, shall be packed only in quantities weighing in grams 30, 35, 40, 45, 50, 60, 70, 80, 90, 100, 120, 140, 160, 180, 200 and thereafter multiples. In biscuits it is prescribed that the packages should contain only the following quantities specified in gms. 25 and 30 for canteen packs, 50, 60, 70, 80, 90, 100 and 110 in wrap packs, and 100, 120, 140, 150, 160, 170, 180, 190, 200, 210, 220 and 230 in air-tight cartons. In respect of items such as jams, sauces, ketchup and the like a whole array of quantities have likewise been prescribed for being followed by the manufacturers. Specification of such bewildering range of quantities is itself indicative of the absurdities embodied in these Rules, involving unnecessary multiplicity of quantities and proliferation of packages which could cause only confusion to consumers; it would be practically impossible for anybody to distinguish the quantities in package such as those of gms 20, 30, 35, 40, 45, 50 as has been done in the case of cosmetics and perfumes. Ostensibly, such proliferation and multiplicity were brought about in the Rules due to pressures of manufacturers and through obvious compliance of the functionaries.

This entire matter came up recently before the Standing Committee constituted by the Government of India for reviewing the provisions of Packages Commodities Rules. Members of this Committee include representatives of the important organisations of industry and trade as well as those who represent the interests of consumers. Deliberations of this Committee in the recent meeting evidenced the change that economic reforms and processes of liberalisation have brought about.

A very welcome and healthy development noted in the deliberations of this Committee was the tendency, expressed on behalf of representatives of consumers, that in the context of market forces which have been generated by liberalisation, it would be appropriate to look at the entire matter of restructuring the provisions of Packaged Commodities Rules from the viewpoint of simplifying them and reducing to absolute minimum the sizes and quantities specified for the packaging norms. It was emphasised that Rules should be so simplified and made transparent that the scope for intrusion of the inspector is minimised, which would reduce the scope of corruption and harassment of manufacturers, and at the same time minimise the multiplicity and proliferation of sizes for eliminating the scope of foul play on the part of manufacturers. Deliberations of the Committee, in the context of the tone set on behalf of the consumers' representatives, helped to take some very important decisions which will have inevitable impact on the markets in the future.

It was decided that certain items particularly those which are of products catering to the sophisticated and upper middle classes, need not be included at all in the restrictive clauses of packaging norms. Cosmetics and perfumes, jams and squashes and marmalades were proposed to be straightaway deleted, leaving it to the market forces and competition to decide what standards of packaged commodities are required by the buyers. Similar was the position relating to items like biscuits, cereal products, chocolates, toffee, rassogullas, cocoa, condensed milk, ice cream and mineral water. Committee decided positively, on the other hand, in favour of retention in items such as babyfood, bread, pulses and cereals, cleaning products, tea, coffee, cooking oils, salts and soap. In relation to items which were suggested for retention in the Rules it was explicitly emphasized that the sizes should be prescribed in such manner that the next higher size is not less than 50 percent above the lower size in order that illiterate and unknowledgeable consumers are no longer duped.

Symptomatic of the approach in the matter of this importance from the viewpoint of market operations

was, for instance, the discussion in relation to sizes of soft drink bottles. There has of late been a virtual pricing and marketing war between manufacturers of certain wellknown brands of soft drinks. Viewpoint of representatives of consumers was very clear on the issue of soft drinks which are used all over the country. There has previously been multiplicity of soft drink sizes, in milliliters, of 100, 150, 200, 250, 300, 500, 750, and 1000. This multiplicity can only lead to confusion and exploitation of consumers. There have been continuous demands from the industry that the sizes of 200, 250, 300 among others, should be retained. There have been equally strong views expressed from the consumers that this multiplicity is totally unnecessary and must be avoided; the industry should adopt only one size out of this range, either 250 or 300 mltr, and should not be allowed to have both.

These problems of sizes and standards of packages are of obvious importance from the viewpoint of manufacturers as well as consumers. Demand of the consumers is clear; they do not want any longer to be confused or duped by manufacturers in the matter of size and quantity, which have relationship to price. They are willing to allow manufacturers free scope in relation to those products which are for the discriminating and sophisticated buyers; in relation to such products market competition will determine what is required by the buyers. This will also help to eliminate the impositions of inspectors. In respect of other items, which are used by the masses, the industry must not be allowed to use stratagems which can be injurious to the interests of consumers. These deliberations of the Committee, which now await final decision by the Government, are symptomatic of the changes that have come about in the expanding economy, sweeping away cobwebs of the Rules which held sway for over 15 years and which were ripe for being revamped.

Shanti is the treasurer of her social club and has had no difficulty in the safekeeping of the funds, (Rs.15.00). Therefore, when her bank called her to advise that her balance was overdrawn, she was quite disturbed.

"How much am I overdrawn?" she asked.

The bank manager told her: "Thirty rupees"

"Look here," said Shanti, "What was my balance last month?"

"Five hundred rupees" replied the manager.

"Well?" asked Shanti, "Did I call you up?"

...

When jurors were unable to attend his San Francisco court because of heavy rains, US District Judge declared, "I hereby order that it cease raining by Tuesday."

Five years of severe drought immediately set in.

Reminded of his motion recently by colleagues, the Judge proclaimed, tongue-in-cheek, "I hereby rescind my order of February 14, and order that rain shall fall in California beginning February 27". The state's heaviest rains in several years started that same day. Judge said that this was "proof positive that we are a nation governed by laws."

...

Employees of a small firm began to notice that the boss left each day at 2 p.m. and decided they, too, would go early.

One man saw the boss's car in the driveway. He looked into a window of his house and saw his wife in the arms of the boss. Not knowing what to do, he walked away and returned later at his usual time.

The next day, all the employees again left early - except for this one man.

"Hey," asked a co-worker, "how come you're not leaving with the rest of us?"

"Because," he responded, "yesterday I almost got caught!"

...

Quotations and jokes have been selected from various sources including Readers Digest.

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

OUR GRATEFUL THANKS

We have now the privilege of receiving assistance 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

A large number of public causes of importance have been taken 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 and the requirement of appropriate collection and testing of blood for transfusion purposes, challenging the pensions being given to Members of Parliament, inadequacies in the implementation of Consumer Protection Act, and failure of the government machinery in fulfilling the constitutional requirements of spreading free and compulsory education for the children in the country. 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 their battles in relation to the products and services provided to them. A major achievement of the organisation has been to secure amendment by the Government of the relevant rules prescribing the mode of price printing on packages with the result that now the price, inclusive of all local taxes, is being printed on packages, all over the country. 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 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.

In taking up the case of consumers the organisation was able to secure orders from the Supreme Court for expeditious establishment of the redressal machinery under the Consumer Protection Act in all districts of the country. Contacts and relationships with organisations of consumers all over the country continue to be maintained.

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. Donations to COMMON CAUSE are eligible for special exemption available under the Income Tax Act.

H.D. SHOURIE, DIRECTOR