

COMMON CAUSE

VOICE OF "COMMON CAUSE"

OUR RAIL DISASTERS MAIN CAUSE HUMAN FAILURE

There has been an alarming increase of rail disasters in our country, involving considerable loss of life, destruction of property, and great harm to the reputation of functioning of our railway system. Railways have expanded enormously in the country; unfortunately the inadequacies and shortcomings of our railway system are manifesting themselves in the same proportion.

- ★ Everybody is eligible to take membership of COMMON CAUSE. No form is required. Merely send your name and complete address, preferably written in CAPITAL LETTERS. Send it to our new address: COMMON CAUSE, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, NEW DELHI 110070.
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- ★ We receive numerous letters. Replies are invariably sent. On the average our receipt is about 20/30 letters every day. Kindly, therefore, write only when you must; letters received in local language present us difficulties in deciphering.
- ★ Donations to COMMON CAUSE are eligible for exemption available under Section 80-G of the Income Tax Act. Your donations, and those of your friends, will be most welcome indeed.

Our railways are undoubtedly spread over the length and breadth of the country. They constitute a stupendous network for transport of goods and passengers. Its rail lines have length of 66000 Kms., employing 1.6 million workers, with annual budget of Rs. 28,000 crores, carrying 13 million passengers and 1.2 million tonnes of goods, running 1300 trains every day.

Correspondingly, its record of accidents and failures has become a source of very serious alarm. July accident, known as Gaisal disaster, accounted for nearly 400 deaths and 600 injured. The last November accident at Khanna in Punjab, where two trains rammed into each other, claimed 210 lives and 400 injured. These major accidents sent shock waves across the country but as time passes these are merely becoming statistical data. Let us look at other gruesome statistics.

In five months of last year, from July to November, there were as many as 211 accidents, other than the Khanna accident, resulting in 157 deaths and 403 injured. These accidents took place on all the railways, the Central Railway, Eastern

Railway, Northern Railway, North Eastern Railway, Southern Railway, South Central Railway and Western Railway. In five preceding years there were 165 collisions, 1630 derailments (practically 350 every year), 318 level crossing accidents, involving 728 deaths. In one year alone, in 1996-97, there were 2,965 rail failures, 12,580 engine failures, 37,150 cases of defective wagons, 3,140 cases of poor brake power, and the astounding number of 1,25,259 failure of signals.

These figures are indicative of the faults and defaults in the railway system. The disturbing fact is that these figures may also not be correct ones, because it is generally known that figures of accidents and mishaps are "filtered" by the subordinate staff and even at higher levels they are kept under wraps. The more disturbing fact about the mishaps is that at least 70 percent of these are eventually traced to human failure.

- RAIL DISASTERS
- POPULATION CONTROL
- PRICE PRINTING ON PACKAGES
- CASE OF CAPT. SATISH SHARMA
- RECYCLING OF PLASTICS
- MISC.

There are certain basic causes of these accidents, mishaps and shortcomings. A major cause is the unfortunate continuing dependence on human factor in the present era of modernisation. Other causes include: existence of over-aged assets, lack of reliability of installed equipment, inadequacy of safety devices which could cancel a wrong operation caused by human failure. Another important cause is that of political pressures of populist requirements of expansion and addition which may not normally be feasible nor necessary. In the last few years as many as 900 new trains have been introduced, large number of them on political demands because the political masters considered certain additions necessary for the objective of expanding vote banks.

For all these expansions and additions, as well as the normal maintenance of existing equipment, safety aspect fails to receive the specific attention which is very essential. It is reported that whereas railways spend nearly Rs. 14,000 crores annually on disbursing salaries, it sets aside only about Rs. 250 crores for the requirements of signalling and communication which are connected with safety aspects.

Accidents are obviously a matter of very serious consequence to the country and the reputation of our railway system. A very disquieting fact is that while enquiries are ordered for examining the causes of accidents, reports of enquiries are hardly ever made public. They are treated as private and confidential reports as though railway property is the private property of the Railway Board. No information is normally available about the action taken against defaulting officials and workmen. No indication is available whether in relation to any serious accident any severe penalty has ever been imposed on the defaulting staff and cases brought to court for trial. In fact, there are reports that where action is eventually taken against any official it is written off in due course. An Inspector of South Eastern Railway who was held responsible for a serious accident was merely suspended for six months and reinstated thereafter without any cut in his emoluments.

Technological upgradation in relation to every aspect of the functioning of railway system is of paramount importance in the context of present day requirements and the enormous expansion of the railways. Priorities of investments for this purpose have to be given special importance, simultaneously curbing the demand for expansion on populist and political considerations. Expansion will inevitably be required for creating third and fourth corridors for passengers and goods where the existing corridors are intensively used. Maintenance of tracks and the rolling stock must receive maximum possible attention from the viewpoint of safety. Requirements of scientific advancements must receive particular attention. Areas of technological backwardness, obsolescence, and absence of effective management practices must be expeditiously overcome. There must be constant monitoring, expansion, training and retraining at all levels of the railway administration.

While looking at this totality, and at the gruesome statistics, and while considering the steps that need to be taken to avoid railway accidents in future, one cannot help taking account of the grave tragedies and harrowing particulars of the gory scenes of these accidents. The aforementioned Gaisal accident is one such which shakes one's insides. It was in this accident where, according to a report, "victims in the front carriage were torn to pieces by the mangled metals; limbs ripped from bodies of passengers hung from gaps in the wreckage; torn arms, hands and feet littered carriages, and broken bodies had been tossed like scraps of meat across the wreckage"; "railway coaches piled up like multistoreyed building; one on top was burning, people were screaming and there were bodies all over the place". These are the scenes that should drive us to ensure that these do not ever get repeated.

From the platform of COMMON CAUSE we have taken this entire matter to the Supreme Court urging that the Court should direct the Railway Ministry and the Railway Board to immediately set up groups of known experts, from within and outside the government, to examine the various aspects which have relationship to the functioning of the entire railway system, including safety requirements and technological upgradation, that these expert groups should complete their task and submit their recommendations within three months, and that the railway administration should implement these recommendations within period of one year.

We will look forward eagerly to what directions the Supreme Court eventually gives on this writ petition. Meanwhile, we earnestly hope that the railway administration will take note of these basic essentials and set the process in motion for effecting the essential improvements.

POPULATION MUST BE CONTROLLED

(We reproduce below a short write-up which the Director of COMMON CAUSE had sent to Times of India as contribution to a "debate" on the subject of Population Control; it appeared in the newspaper recently).

Everyday there is talk about our population reaching the billion mark in the current millennium, possibly this very month. This is a sad commentary on our development; a serious blot, which should make us ashamed.

Expansion of our population is in fact expansion of our poverty, inadequacy, illiteracy, and want. We have the capacity to show to the world our cultural heritage, our religious endowments, our respect for high morals; but what we are demonstrating by expansion of our population is our gathering tatters, our emaciated children, our hutments of poverty, our expanding diseases, epidemics and disasters. We have shown to the world that we can reach out to the very top in scientific endeavour, in academic acumen, industrial development, supply of high talent, but while these greatly impress, our failure to overcome the shortcomings of the spectacle of famished bodies, diving morals, rising crime, gathering corruption, inevitably gives us a sense of shame. It is sad that our country has enormous capacity but is beleaguered by poor policies and certain loathsome features of politics.

Our politics and political functioning have actually stood in the way of our raising our head in the comity of nations; these have thwarted proper development of our potential, and continue to throttle all efforts at demonstrating our real capability for progress. Political climate and poor ideologies have stood in our way.

Certain unfortunate developments in our politics have been the main cause of the catastrophe that we are now facing, on our reaching the billion mark in population. The subcontinent, before it was partitioned, had total population of 33 crores; on partition India had 30 crores. Over the same geographical entity, the same area of land, with same rivers and forests and fields, the population has grown more than three times in the last fifty years. Inadequacies for them of food, water and shelter are consequently inevitable. From the rural areas the people flee to urban areas, in search of employment opportunities for their bread; these migrations sow the seeds of overcrowding, slums, want, housing problems, and inevitable rising graph of crime and expansion of immorality and unscrupulousness.

An unforgettable spectacle has been of a barefooted famished elderly, squatting on the dirt road and searching, picking up, and eating, each individual grain of the parched gram, out of the tiny lot which had got spilt accidentally out of carefully tied "Jholi" under the tattered lion-cloth that he was wearing. This spectacle typifies what is happening in India. It makes one cry out loud against the policies that have brought about such a situation.

We could have prevented such degradation of our populace. We have the ability and intelligence. The main obstacle that has stood in the way was the serious blunder committed by the motivated Sanjay Gandhi, during the reign of Indira Gandhi, to resort to forced sterilization of some women for enforcing control of population. That was more than thirty years ago. His action invited severe condemnation and scorn. That scorn spread through the length and breadth of the country. Politicians since then have not been able to get over that unfortunate episode.

No political party has since been willing to come forth boldly and declare that it will strive to control the population. All sorts of subterfuges and euphemistic phrases have been coined by the respective administrations, declaring their programmes to aim at "family welfare", "family planning"; nobody has dared to declare that they will not allow the population to expand, that they will adopt positive programmes for control of population, that they will resort to clear-cut policies of incentives and disincentives which are indispensable for implementation of any programme for controlling population.

This can be done. This must be done. In the interest of our survival, curb the explosion of population; this is the one matter of greatest importance.

CASE RELATING TO PRINTING OF PRICE ON FILM PACKAGES

COMMON CAUSE had filed a complaint in District Consumer Disputes Redressal Forum Delhi against M/s. India Photographic Company Ltd. for selling Kodak brand of films without printing the price on the packages containing the films. It was contended that printing of price on the packages was mandatory under the provisions of the Packaged Commodities Rules promulgated under the Standards of Weights and Measures Act, 1976. M/s. India Photographic Company, distributor of Kodak films in India, filed writ petitions in the High courts of Andhra Pradesh and Kerala for stay of proceedings; which were not stayed.

Taking into account that the High Courts had not stayed the proceedings, the District Forum found that the complaint filed was in the general interest of the consumers who were entitled to know the price of the product which was required to be conspicuously displayed and if that was not done, the interest of the consumers would be jeopardised. The District Forum vide its order dated February 28, 1989 directed the Company to display the sale price of the film on the package in a manner so as not to violate the order of stay passed by the High Courts. In appeal, the State Consumer Disputes Redressal Commission held that it would be in the interest of justice for the company to (i) publish the price of film in a national daily fortnightly; (ii) print notice on its invoice - asking the dealers to print or attach a price tag on the film before selling it to the customer; (iii) issue circulars to each dealer to print or affix a price tag on each film before selling the film to the customer and (iv) attach price tag on each unit in their own shop/outlet before it is sold to the customer.

Not satisfied with the order of the State Commission the appellant Company approached the National Consumers Disputes Redressal Commission which dismissed the revision petition with the following observations:

"We would however clarify that when cartons containing large numbers of film rolls are sold from their out-let on wholesale basis in an unopened condition, it would constitute sufficient compliance with the directions issued by the State Commission, if the petitioner can affix to each carton a sticker clearly indicating the price at which each film roll is to be sold in retail, and the retailers be informed by a circular that they are not to sell the rolls at any price exceeding what is indicated on the sticker. In the event, however, of the petitioner effecting retail sales from their own outlet each packet containing a single roll of film sold by them should bear a sticker showing the price of the film roll".

Thereafter, the company filed an Appeal in the Supreme Court. The court considered all aspects of the relevant rules, the Packaged Commodity Rules, and expressed that they were not satisfied with the contentions put forth by the company. It was specifically pointed out by the Supreme Court in its judgement that acceptance of the plea put forth by the company, based on citation of particular Rule, would result in the frustration of provisions of Consumer Protection Act and encourage the retailers and distributors of foreign made goods to charge prices according to their convenience, without letting the consumers know the actual price of the commodity. The Appeal was dismissed by the Supreme Court.

This decision has particular importance in relation to the price printing on packaging which has been made mandatory in the country and which is also applicable to products which are imported into the country. The wholesalers and the retailers of the imported products cannot escape the responsibility of printing the price on packages of such products.

A CASE WHICH HAS EVOKED WIDE INTEREST CAPT. SATISH SHARMA CASE

On the above subject we reproduce hereunder an article of the Director of COMMON CAUSE which has appeared in the Times of India. It deals with the writ petition filed in the Supreme Court from the platform of COMMON CAUSE, on which two-judges Bench of the Supreme Court ordered cancellation of the 14 Petrol Pumps allotted by Capt. Satish Sharma, the then Minister of Petroleum, directed that they should be auctioned, and imposed a fine of Rs. 50.00 lakhs on Capt. Satish Sharma. On appeal the case was heard by a three-judges Bench of the Supreme Court which, while holding that these allotments of Petrol Pumps were "atrocious" and indicated "wanton exercise of his powers", the Court wrote off the fine imposed on him, mainly on the ground that there had been no misfeasance on the part of the Minister.

We have been literally flooded with letters from readers of this article. They have conveyed their serious concern at the writing off of the fine, some have gone to the extent of criticising the second judgement. Out of these letters we have picked up a few contents of which have been partly reproduced in this issue of the periodical. The contents of these letters will be of interest to readers of the periodical.

In reproducing these letters our approach has been merely to indicate how the average person has reacted to the second Judgement; we do not in the least agree with any criticism that is contained in any letter in regard to the second judgement of the Hon'ble Supreme Court for which we have the greatest regard and respect.

The article which appeared in the Times of India is reproduced below.

"ATROCIOUS: FACTS REGARDING SATISH SHARMA'S CASE"

I have high respect for the Supreme Court and have always looked up to it for finding solutions to problems of the people where the governmental authorities fail to provide redress. I have had the privilege of taking to the Supreme Court a number of very important cases in the public interest from the platform of COMMON CAUSE, and have derived great satisfaction of achieving the objective of securing redress of grievances of the people. Therefore, whatever information I am putting forth in this piece is not in any way intended to cause the slightest disparagement of the apex court.

I am referring to the judgement that this August body has given in the case in which the erstwhile Petroleum Minister of Govt. of India Capt. Satish Sharma had been fined Rs. 50 lakh by a previous bench of this court; the fine has now been written off by a larger bench.

The case had originated from a writ petition submitted by me on the subject of corruption. I had placed before the court specific allegations of wrongful allotment of petrol pumps by the Petroleum Minister, on the basis of a report which had appeared in a newspaper.

The judgement of the previous bench of two judges had cancelled the allotments; ordered these petrol pumps to be auctioned; imposed fine of Rs. 50 lakh on Capt. Satish Sharma; and ordered that a criminal case should be registered against him and also that the CBI should hold further inquiry. This judgement has now been reversed by the three judge bench which is reported to have held that there was no justification for ordering prosecution and further inquiry.

The new judgement is reported to be of 124 pages. I have not yet had the opportunity to see it. Its basic decisions have been highlighted by the press.

My purpose in writing this piece is merely to put forth before readers the main facts of the case. I consider it appropriate that people should know the facts about the allotments that were made and the procedure that was adopted in making the allotments. The case relates to allotment of 14 petrol pumps, and these were brought to the notice of the court in August 1995.

The lucrative potential of a petrol pump is obvious. For allotment of petrol pumps and gas agencies the Government had set up three high level oil selection boards for different regions. These boards are presided over by retired high court judges.

Definite criteria and strict guidelines had been prescribed for selection of allottees and these had been published in a pamphlet. A selection procedure had been laid down including a process of inviting applications, screening of applications and holding of interviews. Eligibility criteria were elaborately laid down.

It needs to be mentioned that arising from another previous writ petition, a Supreme Court bench comprising the then Chief Justice and one other judge, had on March 31, 1995 laid down detailed criteria which must be followed in making allotment of petrol pumps, and had prescribed specific guidelines for regulating the exercise of any discretionary power in the matter of such allotments.

These guidelines prescribed that allotments under discretionary powers can be made only on compassionate grounds, for instance, to a dependent of a person who has given supreme sacrifice to the nation; the next of kin of a person who has lost his life in abnormal circumstances, individual cases of extreme hardships; etc.

The allotments of petrol pumps in the present case were made directly on the orders of Petroleum Minister without following the prescribed procedure and in utter disregard of the determined eligibility criteria. Applications were received directly in the office of the minister; they were straightaway put up to him and orders of allotments were secured.

A matter of particular importance in these allotments was the type and standing of the persons to whom they were given. Petroleum ministry had been asked by the Supreme Court to submit details of these allotments, and they were furnished in two detailed affidavits filed by the Secretary in the ministry of petroleum. Here are some revealing facts about the persons to whom these allotments were made as contained in the affidavits filed by the Petroleum ministry.

Allotments included the son of Mr. Buta Singh, former Home Minister; relatives of the Petroleum Minister's personal staff including the private secretary; two separate allotments to relatives of his additional private secretary; the wife of the personal assistant of the additional private secretary; the son of a high court judge; and wives as well as relatives of members of Oil Selection Boards.

In each case the justification put forth was that the applicant was educated but unemployed, or that the applicant was in need and his earnings were inadequate. Applications in all these cases were addressed direct to the minister; allotments with a short, stereotyped note stating that the applicant was in need and deserved allotment of a petrol pump. Submission of the applications was done by the minister's personal staff which included personal assistant, private secretary and additional private secretary.

These are the allotments which were the subject of condemnation by the two-judge bench of the Supreme Court and for which the court ordered the imposition of a fine of Rs. 50 lakh on the minister for misuse of discretionary powers. The three-judge bench, while writing off the fine, has remarked that these

allotments and the conduct of the Petroleum minister in showing such favours were "atrocious" and "reflected wanton exercise of powers". However, the verdict of the latter bench is that the Court could not direct the Government to pay "exemplary damages" to itself for such conduct of the minister. It is reported to have been held by the bench that though the conduct of the minister was wholly unjustified, it fell short of misfeasance in public office.

Arising from this episode, in which the erstwhile Petroleum Minister had obviously misutilised his discretionary powers in making the allotments of petrol pumps, and the fact that the fine imposed on him for this act by one bench of the Court has been set aside by another bench of the Court, questions are now being asked whether this implies, for instance, that a minister of the government, who undoubtedly functions as a public servant during his tenure as a minister, can with impunity make such "atrocious" allotments of residential plots in a colony or flats in a building being developed by the government or award contracts at will effecting distribution of such largesse, utilising his discretionary powers and disregarding of prescribed procedures and eligibility criteria.

No easy answers are apparently available to such a question.

The above article was followed in the Times of India by an article of Mr. Rajinder Sachar, former Chief Justice of Delhi High Court. That article is also reproduced below:

PIL DEALT A BLOW BY SHARMA CASE VERDICT

Justice Rajinder Sachar

A pall of gloom must spread over all Public Interest Litigation (PIL) activists with the Supreme Court setting aside the earlier Bench decision imposing exemplary damages of Rs. 50 lakh on Mr. Satish Sharma for wrongly allotting 15 petrol pumps. The earlier Bench had held all allotments made by Mr. Sharma wholly arbitrary, nepotistic and motivated by extraneous considerations.

The review court also recorded its own findings in more devastating form as follows: "..... the conduct of the petitioner in making allotment of petrol outlets was atrocious, specially those made in favour of the members, oil selection board or their son, etc., and reflects a wanton exercise of power by the petitioner. This court has already used judicial vituperative in respect of such allotments and we need not strain our vocabulary any further in that regard."

Notwithstanding these strong observations, the court has surprisingly gone ahead to review the earlier judgement. It is a little difficult to appreciate how having held that the conduct of a Mr. Sharma was wholly unjustified, the Court could go on nevertheless to say that it fell short of misfeasance in public office. It is settled law that misfeasance in public office is the name given to the tort which includes malicious power and deliberate maladministration. In such a case the courts have power to impose damages, because no public servant can say "you may set aside an order, but you cannot hold me personally liable".

Rule of Law

The court accepted the principle that in action for tort, exemplary damages can be awarded when the conduct of a government or its officers is found to be arbitrary. However, it accepted the review by

laying down a principle, which if allowed to prevail, would damage the whole fabric on which a representative democracy is based, namely, its finding that Mr. Sharma "did not on becoming a minister assume the role of a trustee in the real sense nor does a 'trust' come into existence in respect of government properties".

Directors of public oil companies are trustees of their company finances and would be liable. But inexplicably, the court holds that Mr. Sharma, who, as minister of petroleum, appointed directors is blameless even when the finding is that he has betrayed his position as a minister. Can anything be more cynical?

The principle of a minister's responsibility for any maladministration is well established, and was expressed by a British foreign secretary (1968) thus: "we will breach very seriously constitutional position if we start holding officials responsible for things that are done wrong - if things are wrongly done, then they are wrongly done by the ministers".

According to Dicey, acts of ministers are subject to the rule of law. Thus a minister is liable to criminal or civil proceedings in a court of law.

Public Wrong

The Supreme Court of Canada (1959) awarded damages against the Prime Minister of Quebec personally for cancellation of a restaurant owner's liquor licence, on the ground that the cancellation was an abuse of discretion.

Another reason given in the review is that unless there is an identifiable plaintiff there cannot be an order for compensation or damages to redress the loss. But this proposition ignores the distinction between private and public law remedy, namely, that the purpose of public law is not only to civilise public power but also to assure the citizen that they live under an legal system which aims to protect their interests and preserve their rights.

Another worrisome finding is the proposition that as Common Cause, the litigant, had not applied for a petrol pump, it could not have obtained damages for itself and therefore, no tort of misfeasance had been committed by Mr. Sharma. These findings ignore the warning given decades back that if because of a technical plea of locus standi people are denied the right to judicial remedy to redress such public wrong, they may turn to the streets and in that process, rule of law will be seriously impaired.

Letters received from readers of the first article, abridged in certain cases, are reproduced on the following pages.

"Atrocious: indeed. With due respect to the highest judicial forum in the country, the common man is shocked: in spite of finding the behaviour in office of the Captain the Supreme Court in its collective wisdom has chosen to let him free. The prosecuting agencies are so much politicised during the last fifty years they never produce any evidence to prove the guilt of any politician in or out of power. Instead of taking the prosecuting agencies to task, the SC has chosen to be lenient on the erring Honourable one. When will all things change and the guilty however mighty they be brought to book and answer before the court of law? All these fifty years we never had a politician punished for any of his crimes."

V. Ramanathan,
Ernakulam.

"You have raised very pertinent questions in your article. Although the court has conceded that the acts of the minister were atrocious, these, in the eyes of the court, however do not attract any retribution from the law. The exercise of executive authority by the government functionaries is protected from the scrutiny of the courts and their judgements wherein for prosecution sanction of the head of the state is required. The court has here not liked to lift the corporate veil which is implied from the assertion that the Government could not pay exemplary damages to itself.

You have stated that the court is reported to have held that though the conduct of the minister was wholly unjustified, it fell short of misfeasance. Infact, the ministers and for that matter all executive functionaries work in a group and are influenced by its culture. Of course you have served the government but I feel a qualitative change has come about. The perception of the state as an instrument of governance through the rule of law has given place to the native culture based on arbitrary discrimination whatsoever which gives a semblance of observance of some criterion but is devoid of any stately purpose. There is need to have deterrence against wanton exercise of authority but it will be unrealistic to expect that such measurers will evolve from within the executive given the state of development of our society. The court through its earlier judgement sought to create a system of deterrence which has now been overturned by it. Instead, the efficacy of the earlier measure should have been judged and a more effective system put into place."

R.B. Joshi,
New Delhi.

"The award of punishment by one bench and clean chit by other reminds one of the warning of Dadabhai Naoroji, the grand old man of India who had said that the judicial system introduced by the British was too costly and un-suited to India. And this is what Justice P.N. Bhagwati had once said. "Legal equality in India was only formal and delays and arrears have made litigation a gamble where the dishonest and the rich have all the advantages." Another eminent jurist V. Krishna Iyer, turned a social reformist too, is of similar view. He once said: "If you have lakhs of rupees, you will get justice within a month; if you don't have it, it will take years." He has also warned: "If the people failed to act in time (to eradicate the plague of mafia-politician tie-up) they would only find a government of the criminals, for the criminals, by the criminals through poll process - the process of alluring the poor by money power and terrorising the voter by muscle power."

Sahil Brelvi,
Delhi.

"I belong to Amethi constituency from where Satish Sharma won election in the name of Rajiv Gandhi and enjoyed privilege of Petroleum Minister. He kept all norms at abeyance. His own thinking was made the rule. Only nepotism and corruption were the main criteria. In the pride of his wealth illegally earned he forgot that he was an ordinary human being. Matter may kindly be got referred to still larger bench to review its own decision by Hon'ble Apex Court at the earliest, else morality in pubic life will die in day light. COMMON CAUSE deserves special thanks."

P.S. Dviwedi,
Bokaro.

Two cars stood face to face in a narrow street. Neither driver would budge. After the argument had prolonged for some time, one of the drivers opened a newspaper with considerable ceremony, settled down in the seat, and began to read it. Not to be outdone, the other driver leaned out of his window and shouted: "Excuse me, could you pass me that paper when you are through with it?"

"The facts stated in Times of India, if they are correctly stated, I have to state: The latter bench must have found some lacuna in the verdict of earlier bench who passed their verdict in the light of facts laid down in your writ. Against a simple criteria which have been laid down and the same has to be followed by any Minister who deliberately over-looked and allotted the petrol pumps and gas agencies and on basis of this, the correct verdict has been over turned by another learned Supreme Court bench, it is something not bearable. Since many years/decades our supreme court has been a "symbol of correct verdicts". The public faith must be "maintained". The Ministers are public servants and being public servants they do not deserve any rights to over-look the laid-down criteria deliberately, if they do so, they should be properly punished. Hope the above shall stand in the interests of our fair justice and you should not keep quiet and the court may be asked to "relook".

S.P. Agarwal,
Bombay

"The judgement has upset the serious need of justice and punishment for damaging public service oaths. It seems to be totally against need of Time. It means anyone who tries to interfere is striving helplessly. We fail to understand the facts, findings, value of system we have been given. We are compelled to follow such administration. It seems our own spirit is being hurt and mind spoiled. Let us wait, pray and hope our dreams come true. System of justice works on 'favour', 'advice', and 'connections' basis. Common man has very little room."

V. Mistry,
Mumbai.

"It is clear from your article that the case is much more atrocious and the article is written in guarded language so as not to be accused of contempt of court. This matter should therefore be of concern to every citizen of the country; since, as you have written, any minister or public servant can carry out "atrocious" actions without fear of consequences? It is regrettable that in the atmosphere of corruption which we live in today, efforts of concerned citizens like yourself are foiled by those in power. As a layman, there are some things which I would like to know:

How did the matter come up for reconsideration by the three judge bench after the same court delivered its judgement several years back? Does government paying exemplary damages to itself mean that the Rs. 50 lakh penalty was on government and not on Satish Sharma? If so every citizen of this country was expected to pay for "atrocious" actions of a small group of persons. From your article, it is clear that highly placed persons who have secured allotments and the minister's personal staff have colluded in abuse of power. If no justification is seen for ordering prosecution and further inquiry, corrupt persons are getting excellent encouragement. Surely this cannot be the intention of the highest court in the country."

M.B. Damania,
Mumbai.

The differences between a wrestler and a man with a bad cold is: A wrestler knows his blows and a man with a bad cold blows his nose.

"There, now," cried the little girl the other day rummaging through a drawer in the bureau, "grandma has gone to heaven without her spectacles."

"In my opinion the 3 member bench of the Supreme Court has negated the earlier judgement. The latest judgement on the one hand holds Satish Sharma's actions "atrocious" and on the other hand it absolves him from any penalty or punishment i.e. upholding a crime and then exonerating the criminal, in a judicial process and that too by the highest court of the land. Mr. Satish Sharma should have been given punishment proportionate to his crime."

D.V. Bhatia,
Chandigarh.

The answer to the questions raised in the penultimate paragraph of your learned piece is contained in Article 74 (4) of the Constitution of India under which every Minister of Union is under oath to discharge his duties faithfully and conscientiously and also do right to all manner of people in accordance with the constitution and the law without fear or favour, affection or ill-will. May I suggest that you explain to all concerned, in your usual forceful manner, the significance of oaths or Affirmations (Third Schedule) of the Constitution. Also draw attention to, in my judgement most important Article of Constitution - ARTICLE 46 - what has been neglected all these years."

M.S. Handa,
New Delhi.

You are right in your observation that it does not seem to offer easy solutions. It is a problem of our political culture in which our ruling elite have tended to seek unbridled arbitrary powers. At the local levels, the village pradhans, chairman of town area and municipality behave, more or less, like the proverbial high caste zamindar. Yet, in the light of the facts you present, the Supreme Court, if the law permits, may be requested to review the judgement of the Second Bench. It may be argued that discretionary powers of the public servants and democracy are incompatible as the former kill the latter. Exercise of discretionary powers need be democratised if there be any need for them. The judgement of the Second Bench would create a bad unwholesome precedence. In the light of the current practice of law and justice, Satish Sharma be given an exemplary punishment.

This judgement tends to help a crooked politician who is a white collar criminal. His subordinates be punished for abetting the crime of the minister. In a wider perspective, such problems arise because of the fact that in our system the P.M. and the C.Ms. are responsible not to the people but to those who elect him/ them. This renders the main executive weak, partisan, evasive, corrupt, legislators wayward behaviour demanding out of the way privileges which are often granted to them at the cost of public interest and needy sectors of the society."

Gauri Shamkar Bhatt,
Dehradun.

A miserly business man who was away from his house, sent his wife a cheque for a million kisses. The wife, sent back the reply which read: "Dear John: Thanks for the birthday cheque. The milkman cashed it this morning."

...

A girl was surprised that her lover bought three tickets instead of two for themselves.

"Why three?" she demanded, thinking there might be another girl in the background. "Why," explained the youth, "for your mother, your father, and your little brother."

...

"If our Supreme Court, the ultimate hope of justice for any Mortal Being in India, is unable to punish the Atrocious conduct of erstwhile Petroleum Minister, Mr. Satish Sharma, then where a common helpless Indian should knock to seek the justice and redressal of atrocities being committed by corrupt politicians and bureaucrats on our society.

This judgement, at the eve of general election has saddened me as Mr. Sharma, is now once again entitled to commit such unpunishable atrocities."

Mohan Swarup,
Mathura (UP).

"I saw the dictionary first in order to know the true significance of the word "Atrocious" which I find that the word has been rightly described in its true sense - I also wondered as to how a verdict has changed at the nick of time of general elections for a party which is almost in "Fore Front" to the political arena and that too for a person who is well known in the Amethi constituency. Such things should not occur at any stage and should be viewed with haetous. More and more comments should be poured in media daily to highlight such irregular acts of the culprits in the High Place."

S.P. Reverkar,
Jalgaon.

"I have carefully read your article under the heading 'atrocious', the dictionary meaning of which is 'WICKED' or 'VERY BAD', pertaining to the allotment of Petrol pumps by Shri Satish Sharma. I have been following the case through the media right from the date of your filing of the petition in public interest, the subsequent judgement of the SC in March, 1995 and the present judgement which is REVERSE of the earlier judgement of the Supreme Court. In the first instance, as an ordinary citizen, I am unable to understand how this REVERSAL happens. In my opinion, you should not take this lying down but should put up an appeal in the S.C. full bench of the SC, or, otherwise, as you have rightly said in your present article, corruption and favouritism by the people's representatives in the parliament will go UNPUNISHED. I belong to that school of thought that, if you once pick up a problem then it should be taken to its logical conclusion and not left in the middle and hence the appeal for a bigger or the full bench of the SC."

A.P. Malhotra,
Nagpur.

"It gives us lot of satisfaction that at least you tried to bring the irregularity regarding the allotments of petrol pumps to the Supreme Court. However you have touched only a portion of the corruption that is 14 allotments done by Petroleum Minister Captain Satish Sharma directly. It was an open secret that a person wanting a petrol pump had to approach the OIL SELECTION BOARD which had one politician as a member. It was no secret again that some other members of the Board were also controversial. One willing to pay cash was allotted the desired petrol pump. In some cases directions came through the Petroleum Minister which overruled the stand taken by OIL SELECTION BOARD.

You will be surprised to know that more than one thousand petrol pumps were allotted during this period by these so called OIL SELECTION BOARDS and in each case money was paid. Taking an average

payment of 10 lacs this amounts to scam of 100 crore rupees. Another peculiar point of selection was that most of the allotments were done to sons/daughters, brothers, relatives of politicians, this you can check yourself. Therefore, you must try to probe into bigger scam which was done by Capt. S. Sharma."

Kailash Singh,
Varanasi.

* * *

"Your actions at this age is really praise worthy. For any Indian, is there any way to be out of the present mess created by politicians. Even the judiciary is too difficult to be understood. Recent judgement in Satish Sharma's case which has changed the previous judgement made on your PIL is unable to be understood by a common man. The previous two judges of the same court on the basis of article 32 of the constitution awarded penalty to pay Rs. 50 lakhs, the present judges have interpreted the article differently. Can our Constitution, be read and understood by all educated persons with same interpretation. This can save time and money."

Gopinath Sarangi,
Cuttack.

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"The Supreme Court has superseded its earlier decision imposing a fine of Rs. 50 lakh on Satish Sharma, former Petroleum Minister for misuse of his discretionary power as Minister. The premise of quashing the earlier judgement, according to Supreme Court, seems that it amounts to state punishing itself which is not admissible. In other words in the eyes of ordinary citizen Satish Sharma (even though he is out of office) has been equated to the State. He has not only been let off the fine but all other charges of misdemeanour have been quashed by the court. In India, we have seen, with utter dismay that politicians are rarely punished for whatever wrong they inflict on the society. It may be pertinent to point out that every minister has to take an oath before entering upon his office, or allegiance to the Constitution of India and that he would discharge his duties without fear and favour. When the court itself has found his actions as 'atrocious' how is it not violation of his oath. He favoured such persons as were not at all eligible for allotment of petrol pumps from his discretionary quota? The court judgement will further embolden unscrupulous politicians to play havoc with the public property and funds. Smt. Sheila Kaul former Minister for Urban Development who has been similarly punished would also, in all probability, be let off."

Dr. T.N. Bajpai,
New Delhi.

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"That the 3 judges new Bench has given a decision which is not very clear to ordinary people like me. Reversing decision must have some sound reasons which have not been elaborated. The discretion with a minister does not mean that the entire procedures laid down after serious thought can be changed on flimsy grounds. The judgement creates awe in the mind of ordinary citizens who cannot say anything in these matters.

Har Bhajan Singh,
Delhi.

Husband: I must get rid of this driver; he's nearly killed me three times by reckless driving."

Wife: "No, dear not yet. Give him another chance."

"Captain Satish Sharma who has been charged for unscrupulous allotment of petrol pumps and gas agencies has been cleared of all the charges two judge bench of S.C. had imposed on him in Nov. 1996. Court has clarified that Mr. Sharma is not involved in criminal breach of trust. Rule of accountability and liability has not been defined of ministered public servant. Please read the judgement and let us know what will be the implication of this judgement on eradication of corruption.' Since this case was taken up by Common Cause detailed study is required and if possible review of this order may be followed in four Judge Bench.

Major C.B. Singh (Retd.),
Pilibhit.

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"As a matter of fact, I expressed my anguish when I read in the local newspaper that the earlier judgement has been completely reversed by the new SC bench. The judgement is really shocking. I am sure that there would be hundreds of people who must have expressed shock over the 2nd judgement of SC. When there is well laid down procedure and guidelines the minister has no business nor authority, to use his discretion in allotment of petrol pumps to the relatives of his personal staff and his friends after getting the applications processed by the personal staff surreptitiously. The process itself establishes the fact of favouritism done for a monetary consideration only. Therefore, the previous bench of SC Judges had not only cancelled all the illegal allotments but also imposed an exemplary fine of Rs. 50 lacs on Capt. Sharma and ordered registration of a criminal case against him as well as instituting of a CBI inquiry. I, therefore, strongly feel that the present judgement must be challenged before a full bench of SC and a review petition should be filled. Corruption at the highest level must be nailed and the guilty must receive exemplary punishment."

S.R. Kadhao,
Nagpur.

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"I have been following your articles and your effort to clean up the public life with great interest, but the ruling of the Hon. Supreme Court on Sharma case has set clear dimensions for the loot of our nation. Who did not know what Sharma was doing or what Mrs. Kaul has done and amassed huge wealth and yet the highest court of the nation does not like them to be punished monetarily. This has opened flood gates for others. You may wish to kindly petition the CJ of the Hon. Court to reconsider this ruling as it is allowing a minister to firstly loot and then get away with it. It is proving Laloo Yadav right when he says 'there is no such thing as moral ground'. This is a very serious matter for the nation."

Lt. Col. K.S. Kalha (Retd.),
S.A.S. Nagar

"Now tell me about the dream you had," the phychiatrist said to the young lady on the couch.

"Well, I dreamt that I was walking down the street with nothing on but a hat."

"And you were embrassed?" suggested the doctor.

"Indeed I was!" agreed the lady. "It was last year's hat."

•••

Two fellows met at a restaurant. One of them was accompanied by his wife.

Said one to the other: "Let me present my wife to you."

"No, thanks," replied the other: "I've got my own."

"I recollect a Supreme Court judgement reported perhaps in 1986 ruling that a decision of a two judge bench cannot be overruled by a three judge bench even if 3 is numerically higher than 2. A bench of two or three judges is constituted by the Supreme Court as a matter of convenience. But a decision by a two judge bench cannot be overruled by a bench of three judges. A bench of five judges can only overturn a decision by two judge bench. In view of the facts stated in your aforesaid article, I feel this is a fit case for review by a bench of five judges or a constitution bench."

Dinanandhu Mishra,
Nayagarh.

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"I personally feel "atrocious" about the second verdict on Capt. Satish Sharma. When the first verdict passed those strictures against Capt. Sharma and imposed a heavy fine as well which was much appreciated by the people at large. Now just a couple of months later the court says there was nothing specifically malafide against Capt. Sharma. Is it fair? Obviously, the new verdict in favour of Sharma would work new opening for others when considered necessary/opportune. You are perhaps constrained from putting such views bluntly for fear of contempt of court. You have written and that will be the end of this episode. No one in our country will dig into the repercussions of this judgement. In India, if you have money you will also have the law on your side, sir. Only the poor are destined to suffer. I wish people like you bring about a much awaited awakening among the sleeping masses. I wish you good luck though I know nothing will change the malice except of course its further worsening."

A.A. Rahman,
New Delhi

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"I have to submit that the judgement appears to be one neglecting the desired socio-economic transformation which can be brought about only through judicial activism so necessary in the present day dirty politics. Definitely, the S.C. judgement does not redress the grievance of the people. The political leadership must be debarred from - as also the bureaucratic hierarchy - exercising any discretionary allotments or release of any dealership/distributorship, LPG or any other (like, telephone) connections, residential flats or plots. Against this judgement of the Hon'ble Supreme Court, it is suggested, that another P.I.L. before a full bench of judges be filed with the backing of public hysteria in the press and on television. Non-political NGOs and Rajya Sabha Members (nominated) may also be involved."

G.C. Mathur,
New Delhi.

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"It is ATROCIOUS of the Supreme Court to have gone back on its own verdict which was given a year back on a case which was brought to the notice of the court in 1995. I read about the recent judgement given by the 3 member bench in the case of the former Petroleum Minister of the Government of India Capt. Satish Sharma. The TOI reported that the learned judges found that the Government could not fine itself, and hence changed the order. To the best of my memory, the first court order was for punishment of Capt. Satish Sharma by a fine of Rs. fifty lakhs. The news report about the revised order by the judges says that the judges find that the Government cannot fine itself, and hence the change. The matter is not of the Government paying the damages (fine of Rs. 50,00,000 but that Capt. Satish Sharma had to pay the

penalty. The way it has been now interpreted by the 3 judges bench enables Capt. Satish Sharma not to pay the penalty for his misdeeds while in office as the Petroleum Minister.

It is reported that the 3 judges bench of the Supreme Court found that though the conduct of the minister was wholly unjustified, it fell short of misfeasance in public office. Now has the Supreme Court ever said what misdeeds by a minister or/government official are considered as "misfeasance in public office"? The present judgement sets a precedent by which all and any "misfeasance in public office" by a minister and other government officials including the judiciary officers cannot be punished. With such a strong safeguard given to wrong doers in the government, the evil of graft and corruption has got encouragement."

K.J. Parakh,
Mumbai.

"Though I have great faith in the Supreme Court of India and hold it in great reverence but the recent judgement by an Hon'ble bench of this August seat of Justice in the case of ex-Petroleum Minister Capt. Satish Sharma has started shaking this firm faith of mine. The nation is likely to be orphaned, leaving no door to knock for justice against any oppression or unjust governance. Such a judgement after a short while stigmatisation of the accused would encourage the criminals to bounce back with renewed vigour. If this happens and continues to happen, days are not far away when the flood of corruption and criminalisation will sweep us all, high and low, alike.

I pray to you, if law so permits, please file a fresh petition to the Hon'ble Supreme Court requesting revision of this judgement. Since different benches of the S.C. are apt to have different perceptions about the same situation and for that matter different standards to take decision I am very much sure the purest of the pure, next below God almighty, our Supreme Court of India will definitely listen to our feeble voice for justice and award an exemplary punishment to the persons in whom the nation reposes confidence for governance when they betray their faith and stab them in the back. Though one of the benches of this August body of the constitution has made us tremble, I am sure my Supreme Court of India will emerge unwet like the lotus and save the nation of the chaos ahead."

S.P. Khanna,
Dehra Dun.

"I fully agree with you whatever the verdict of highest court, such politician should be punished and all allotments earlier made should be cancelled. So many cases, examples Bofors, Submarine are going on. But public are not aware of final outcome, and court's decision takes 10/15 years. Probably my grand son will know the decision. People of this country are reasonably good. Everyone almost loves his motherland and wants justice in public places. It is only the politician who are destroying the country."

S.K. Chaudhury,
New Delhi.

A Calcutta flat dweller called up a bird-shop the other day and said, "Please send me 50,000 cockroaches," "What for?" "I'm moving today, and my lease says I must leave the flat in exactly the same condition in which I found it".

"I was really shattered when I heard that Supreme Court has given up 50 lakh rupees back to Capt. Satish Sharma and asked for no further inquiries. I was shattered because I had great respect for Supreme Court earlier. And for the best of my knowledge, I still remember that video clipping in news when great Capt. Satish Sharma was saying that if I get caught then I would speak everything about certain people which fairly means that not only he but many people were behind this scam."

Ms. Tejaswi Vaidya,
New Delhi.

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"I entirely agree that the judgement of review in the case of Capt. Satish Sharma baffled me, more particularly the thinking of the Supreme Court of India. I have asked my friends to obtain a copy of the judgement as it will make interesting reading."

Bhupen Dalal,
Bombay.

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"The previous two judge bench of the Supreme Court which imposed fine of 50 lakhs must ponder about the Supreme Court verdict dropping the exemplary damages. Will they not feel insulted by this verdict? Suppose the case is further referred to bigger, biggest, larger, largest 1/2 mile long bench, will there be different verdict? It is a matter that judges of all India must seriously ponder how the public will feel verdict of one court dismissing earlier judgement? You have very rightly posed the question in atrocious allotment of land or plots."

M. Chidambaram,
Madras.

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"You had done a great service to the 'Common Cause' by submitting a writ petition to the Supreme Court of India pointing out the wrongful allotment of petrol pumps by Capt. Satish Sharma. Although the Supreme Court Bench itself, arising from another writ petition, had laid down the eligibility criteria and specific guidelines on 31st March 1995 that allotments under discretionary powers of petrol pumps and gas agencies can be made only on compassionate grounds such as to a dependent of a person or next of kin who may have done supreme sacrifice for the nation. But in the present case Capt. Satish Sharma, as has been reported, had made allotments of petrol pumps to a son of a former Home Minister and relatives of his private secretary and additional secretary etc. These were acts of sheer favouritism and not a discretionary use of his powers. So a bench of two judges of the Supreme Court rightly cancelled the allotments and imposed a fine of rupees fifty lakhs upon the Minister and also ordered that a criminal case should be registered against him and also that the CBI should hold further inquiry. But very strangely this judgement has been reversed by a fresh three judge bench of the Supreme Court who held that there was no justification for ordering prosecution and further inquiry. However, the latter bench of the Supreme Court admits that though the conduct of the Minister was wholly unjustified, it fell short of misfeasance which means doing of a lawful act in an unlawful or culpably negligent manner but the court could not direct the Government to pay "exemplary damages" to itself. I fear such a verdict, when a case of corruption is endorsed by court, may encourage other Ministers to indulge in malpractices."

Mahindar Singh,
New Delhi.

"What you have ambiguously stated in your article is being largely discussed in the judicial fraternity and also in the press, since the 3 judge's bench at Supreme Court passed it's order to acquit Mr. Satish Sharma in the petrol and gas agency allotment case. And this at a time when elections are announced. It this is the situation where in India is justice being done on merits? When this is the situation faced by learned people like us, where can the illiterate and financially backward people go to get justice?"

J. Anandji,
Mumbai.

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"Even the highest court in this country takes a very lenient view of the atrocious acts of a minister who had misused his powers blantly. Who knows? Perhaps the court may be correct? There may be constitutional and judicial restrictions? Had the earlier judgement imposed the personal fine of Rs. 50 lakhs on the minister, it would have been a different story. It appears the earlier judgement was for the payment of this amount by the Government. (This is incorrect impression. The fact is that the fine had been imposed on the Minister). Similarly it appears that there is no sense in continuing with further CBI or police inquiries about the minister, when all those arbitrary allotments were cancelled.

But then can the Court, that too the highest court in the country allow a minister to go unpunished when he was engaged in the ATROCIOUS ACT OF WANTON EXERCISE OF POWERS? It appears from the verdict of the Supreme Court that there are sufficient constitutional and judicial provisions for a corrupt minister to escape from the clutches of law. Or in other words the ministers and top bureaucrats are not accountable to any one and they can continue to enjoy the spoils of their political misdeeds and go scot-free?

M.K. Harikumar,
Navi Mumbai.

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"I agree with you that Satish Sharma's wrongdoing requires stronger castigation than just verbal strictures. I am writing to you to express my solidarity with Common Cause, in whatever course of action that you contemplate in such cases."

Ajay Singh Yadav,
Bhopal.

Angry wife to husband: "Can't you just say we've been married for 24 years instead of 'almost a quarter of a century'?"

...

Magistrate: "Now speak solemnly and tell the court just what passed between you and your wife during the quarrel?"

Husband: "Your Honour, half a dozen eggs, two plates, three cups, five bottles, one tin of biscuits, three tomatoes, two pairs of shoes and one pair of sandals."

...

* A YOUNG man with little money in his pocket saw a restaurant sign reading: "Eat now. Your grandson can pay the bill later." Not believing his good luck, he went inside and asked the manager if the sign was correct.

"Yes," the manager replied. "Our patrons can eat and drink all they want and their grandsons will pay the bill later."

The young man, still unmarried, ordered a huge meal and a pint of beer. When he was finished, the waiter brought him a huge bill. "What! I spoke to the manager about your sign. Why are you presenting this bill to me," he asked.

"Sir," said the waiter, "this is the bill for the dinner your grandfather ate here, may years ago."

"The Satish Sharma case and the recent judgement by the Supreme Court have brought up issues which must be resolved if we are to effectively tackle the cancer of corruption which is the number one problem of India today. The issues are: 1. Can we divest authority from accountability? and 2. Are there two sets of ethics - one for a position and the other for an individual? It is obvious from the facts that there has been a gross abuse of authority and discretionary powers. The persons concerned have violated their own departmental guidelines in the allotment of petrol pumps.

India has developed a Culture of Subservience and a Culture of Impunity. Those in authority have been immunised from the Rule of Law. They can do no wrong nor can they be charged in the normal process. Despite the many scams we read about and the rampant corruption of which we are all aware, we have hardly seen any action being taken or any major convictions. Apparently technicalities submerge and over-ride the Truth. I pray that COMMON CAUSE will bring about a change."

F.L. Lobo,
Pune.

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"The facts and the review judgement of the Apex court are startling to the average mind, in the above case. It was thought that the intention of the first bench was that the fine of Rs. fifty lakhs levied by it would have to be paid by Mr. Satish Sharma out of his own pocket for his "atrocious" acts of mis-using his discretionary powers as a minister. However, the second judgement of a larger Bench implies that the fine has to be paid not by Mr. Sharma, but his Dept. to the Central Govt. Treasury. The net result is that Mr. Sharma is let off scot free, when it is a fact that our politicians are too thick skinned to take note of even very adverse remarks against their personal conduct - and when there is no bar on their continuing in political life as MPs. MLAs, Ministers etc.

The judiciary is now the last resort of the common man, and hence it should sustain the confidence placed in it by taking a broad, practical view of crime, criminals and their containment. The legislature will not quickly bring in the needed changes for reasons of its own, but the judiciary can still do much by broad-basing its approach to the purpose of law, and its implementation. It is a matter of great regret that the proceedings instituted by Common Cause in this land-mark case have not been successful."

B.V. Gandhi,
Mumbai.

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"One can only agree with the opinion that Satish Sharma's conduct was indeed atrocious, and conclude that the second SC judgement revoking the fine imposed previously, was every bit as atrocious as Sharma's conduct. One fails to understand how, in spite of the minister's behaviour being seen as "wholly unjustified", it falls short of "misfeasance in public office". The dictionary defines 'misfeasance' as the wrongful exercise of lawful authority. By wantonly straying outside the strict guidelines limiting the distribution of petrol stations to those deserving them only on compassionate grounds, and by ignoring the required high level selection boards presided over by retired high court judges, Mr. Sharma appears to have classically moulded his conduct to fit the definition of misfeasance, in every detail. The plea that "the court could not direct the Government to pay exemplary damages to itself for such conduct of the minister", has neither substance nor relevance to the issue. It should have been the minister concerned, who was deemed liable to pay the Government, from his personal funds, for wilful misuse of public office. Citizens have reason to feel betrayed for failure to redress, the social damage done by a maverick minister."

Pesi J. Padshah,
Pune.

"According to me it is not only "ATROCIOUS" but also it is very unfair to reduce the punishment. The truth must come out. The common man's faith in the judiciary is receding. There is a feeling amongst the majority that people go to the court either to prolong the matter or to regularise the unfairness or illegality. The normal process was abused.

Coming to your point of view, as a retired Senior Executive of an Oil Company, I fully endorse your views. I have very fair knowledge of the selection process of Dealers and Distributors not only for Petrol, HSD but also for LPG. The role of the Oil companies was limited to invite applications, short list them based on the rules & thereafter it became the prerogative of the Ministry of Petroleum and Minister to select the Dealers/Distributors. The Oil companies are kept in dark except to report the selection of candidates. The selection or rather appointment was made by a Committee headed by a retired judge and the details and justifications for allotment of dealership was not made known to oil companies.

My heart cries for the injustice against your action on bringing out the corrupt politicians. If a serious note is not taken of the misuse of privileges with politicians by giving "benefit of doubts" using the loopholes in the law, it is very tragic. It is the educated who are responsible for the low morale and not the illiterate masses."

S. Pattabiraman,
Mumbai.

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"My observations below are based exclusively on the relevant reports published in the Times of India published from Delhi and the Assam Tribune published from Guwahati. Subject to the above limitations my comments and suggestions are:

While reversing the earlier judgement of the two judge bench of the Supreme Court the latter three judge bench of the same court has called the official conduct of Captain Satish Sharma, the accused minister, as "atrocious" and "wholly unjustified", and yet decides that "it falls short of misfeasance in public office" and that the court cannot direct the accused to pay the amount of Rs. 50 lakh as damages or compensation to the Government. I do not know the legal ingredients of the act of misfeasance, but the dictionary meaning of the word 'misfeasance' very much includes 'wrongful exercise of lawful authority'. I think that there is a legal concept called 'spirit of law' in contrast with 'words of law' and the former has prevailed over the latter in quite a few court judgements in a number of cases. Cannot this case fall in this category!

Regarding the quashing of the order for payment of Rs. 50 lakhs as damages by the accused, I fail to understand how the payment made by an accused person (be he a minister or an ex-minister) to the Govt. can be construed as a payment by the Government to itself! Are not corrupt Govt. officials, on conviction, required to pay fine which are credited to Govt. treasury?

The argument that the petitioner (Common Cause) of the PIL is not an aggrieved party in this case is too specious to be convincing. In fact 99% of the common people aggrieved by various arbitrary and illegal actions of the public servants are incapable of seeking redress in the higher courts due to lack of necessary knowledge and/or resources, and they have to depend on such NGOs as the Common Cause. Should these silent sufferers be deprived of this benefit? Cannot the Common Cause now petition for a further review by a full bench decision of the Supreme Court headed by the Chief Justice of India!"

Ajay K. Roy,
Guwahati.

I was surprised to read the revised judgement of SC reviewing its own judgement. I feel that the earlier judgement of S.C. Bench of two judges is just alright. In fact the judgement could have been more severe and exemplary! There should be no necessity to review its own judgement by the S.C. unless it involves a life sentence or some national security. Such "reviews" should be stopped, otherwise it may become the fashion of day to ask for review of judgements. This will increase the work load of courts who already seem over burdened. I feel that the review judgement of S.C. may be set aside and the earlier judgement upheld.

Brigadier S.K. Sikka Retd.,
Noida.

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"If the Supreme Court holds the view that Government cannot fine itself, there is nothing debarring it from imposing some other deterrent punishment, say life imprisonment or life term disqualification from holding any elected and/or public office. Because what he has done is sheer abuse of power and misuse of trust vested in him. Any kind of deterrent punishment alone will check such unscrupulous politicians to conduct themselves within the four walls of law. Letting the delinquent persons go scot free on purely technical and feeble interpretation will demoralise law abiding citizens and encourage such mischief mongers."

S. Ganesan,
Bombay.

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"The big people all over in today's world always escape. Two decisions show that law too has two legs. It is yet to be thought whether the minister or Mister Satish Sharma (Captain) was to be fined. These acts are always committed for personal gains. A minister of a Govt. is not supposed to act in a King-like way. Some limitations are to be observed carefully. It appears, therefore, that it can only be as "Mister Satish Sharma (and not minister Satish Sharma) who preferred this act for his personal gains and favours. But the judgement remains a judgement, yet thinkable. A sad but serious story, and no answer for what should be and what should not be."

Chunilal C. Migranani,
Mumbai.

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"It is a matter of record that SC in many cases have corrected itself at the bigger bench level, in its self composed system, and therefore, there is no reason to think that the SC cannot improve this judgement, primarily because the judgement is a matter of conflict between the smaller bench and the bigger bench. It, therefore, becomes imperative that the third bigger bench of S.C. must resolve the existing conflict, which prima facie is confusing in legal content.

The present judgement primarily hangs on the word and meaning of 'misfeasance' and the derivation 'court could not direct the Government to pay exemplary damages, to itself for such conduct of the minister'. It may be seen on close examination that these two aspects were either not considered by the smaller bench or these occupy a stretched out argument to the extent that it has resulted in the complete reversal of the judgement. Such an assumption or basis certainly requires the scrutiny by a bigger bench. Otherwise a public servant can take refuge in these two arguments to escape punishment.

The entire case of Satish Sharma when seen in the context of the functioning of the Government leaves no doubt in the mind of the intelligent people that he misused his powers in the most belligerent manner. Therefore, the question that it 'falls short of misfeasance' must have a very strong legal disability to forgive him in the acts, for which he was duly punished by the smaller bench."

Dr. (Prof.) G.S. Sirohi,
Delhi.

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"I was indeed not surprised at the (mild?) reaction shown by you in the Atrocious case. Three Supreme Court judgements have been referred to by you. My question is if there is a "contempt of court" proceeding, which supreme court judgement prevails. I was totally taken aback that the Rs. 50 lakh fine imposed on Capt. Satish Sharma was actually to be paid (or paid) by the Govt. of India. You and me are tax payers. The minister goes scot free. The allottees (all VIPs) are also scotfree. Many questions arise: What is justice? Where is it?"

Narasimhan,
New Delhi

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"Two benches of the same court have given diametrically opposite judgements on the same facts. Chief Justice on his own should order a review by another and bigger bench in order to establish the court's credibility in public eye. The observation (as reported in TOI Aug. 5) that the court cannot direct the Govt. to pay exemplary damages to itself, is difficult to accept. The damages should be levied on the minister and not the government. Every member of the Govt. should carry responsibility of his actions as an individual. Otherwise what pressure would be there on a minister to do the right thing. The observation of the court (as reported in TOI Aug/4) that the powers vested in Supreme Court are plenary powers which are not fettered by any legal constraints. Then why these powers are not used in this case which has been disposed off merely by an ineffective observation of atrocious behaviour."

Air Vice Marshal Surinder Singh (Retd.),
New Delhi.

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"The last judgement given by the three member bench is truly mind boggling and, to say the least, is self contradictory. An act called atrocious not only goes unpunished but the person is rewarded for the blatant misuse of the authority (vested in him in good faith) by asking the Govt. to refund the penalty of Rs. 50 lakhs imposed by the earlier judgement given by a two member bench of the Supreme Court. Although the allotment is from the discretionary quota, the fact remains the discretion was not unfettered and was to be exercised within the parameters laid down by the Hon'ble Supreme Court earlier in March 95. The judgement if left unchallenged/unaltered, is bound to open flood gates for many more in future to resort to wanton, unjustified, arbitrary use of powers."

Prof. (Dr.) S.C. Tyagi, Senior Citizens Forum,
Muzaffarnagar.

A young man went up to the librarian and asked for books on suicide. The librarian said, "Yes. Take a look over there, some-where on the middle shelf." The chap came back a few moments later and said, "I can't find any at all." The librarian replied, "Yes, it's awful. The chaps never bring 'em back."

"It is most unfortunate that no political culprit has been punished in this country. All are enjoying full comforts of life and facilities at public expense. Politicians have authority to bestow perks of every type. They are enjoying x,y,z, security when old couples and innocent women and children are being murdered; nobody has thought of giving any security to these helpless people."

M.L. Guhati,
Dehra Dun.

"I am in total agreement with the views expressed in the article. Even though showing such favours has been termed as atrocious and reflected wanton exercise of powers, the bench has also condemned the conduct of minister as wholly unjustified. It stated, it fell short of misfeasance in public office. Dictionary meaning of misfeasance is the improper and unlawful execution of some act that in itself is lawful and proper. It is not clear how an act unlawful can itself be lawful and proper. Obviously because he was a minister he is allowed to go scot free."

A.H. Chaudhari,
Dombivli West.

"According to the article, the allottees included relatives of the Petroleum Minister's personal staff including the private secretary; two separate allotments to relatives of the additional private secretary, the wife of the personal assistant of the additional private secretary; wives as well as relatives of member of Oil Selection Boards. All these applications were addressed directly to the minister. They were put up to him for his orders by the same staff with a stereotyped note of justification for allotment of petrol pumps. This is a clear case of conspiracy by the staff working with the minister. These members of the staff who were responsible for putting up the cases strictly according to rules broke the rules for their own selfish ends. The same applies to the members of the Oil Selection Boards. All these persons were probably more guilty than the minister himself and should be brought to book."

Dr. G.D. Thapar,
Ambala Cantt.

"As a lawyer I am also stunned at the larger bench of the SC's reversal of the pervious order fining Rs. 50 lakhs to Mr. Sharma. Of course I have not gone through the full judgement, but still can't fathom rationale behind the judgement."

Jayakrishna Sahu,
Balangir.

"A three judge bench of the Apex Court has reversed the decision earlier made by a two judge bench of the same court while setting free the corrupt Satish Sharma to an honest Satish Sharma. This will undoubtedly boost the morale of many political stalwarts who are struggling to get an "honest stamp" affixed to them by courts for a permanent solution to turn their black into white-honest incomes. Why not a full bench of the Apex Court decide the Satish Sharma case when two benches have differed over the matter? After all it is tax-payers money that has been plundered in broad day-light by the white collared. Should they go scot-free?"

Nitya Bihari Mohanty,
Cuttack.

RECYCLING OF USED ITEMS

Affluence and mass consumption have resulted in production of large quantity of garbage including used plastic products, glass bottles and a host of other items. Apart from being a drain on natural resources, the dumping and burning in incinerators of such used products is polluting the environment. Extraction of natural resources also adversely affects the environment.,

There is urgent need to develop better and more environment friendly disposal system. Developed countries like Germany, Sweden, Japan etc. have been promoting measures to introduce such changes to help slow down depletion of natural resources including minerals and underground energy, as also to develop ways and means to utilise the garbage articles for productive purposes. There are many used articles which can be recycled. Chief executive of a flourishing Japanese Company has compared recycling to the body's circulatory system - the heart pumps blood through the arteries to deliver nutrients and oxygens, then pulls the depleted blood back through the veins to be replenished and sent out again. There is mass production and mass utilisation of goods which necessitates finding of ways and means to use these goods again. There are now even one-time-use cameras. The manufacturers of such cameras have devised facilities to recycle one-time-use cameras.

In some developed countries, laws have been enacted to encourage recycling. For example, in Japan the Law for Promotion of Utilisation of Recyclable Resources was passed in 1991; the Basic Environmental Law came into effect in 1993 and the Law for Promotion of the Sorted Collection and Recycling of Containers and Packing in 1995. In addition, the Waste Disposal and Public Cleansing Law was revised in 1991 and again in 1997.

Results have been very encouraging. Video tapes, telephone cells, photography film, plastic bottles etc. which are all made from polyethylene terephthalate, are converted into polyester fibres which are used for making carpets. Customers drop off their Quick Snap Cameras for developing. After film is removed everything else goes to the company's Recycle Centre. Cameras are sorted by type and then completely disassembled. Plastic covers and winding knobs are reduced to small pellets which are then moulded into new parts.

In sports-wear recycled polyester is used to the extent of 50%. The outer cloth of some shoes is artificial leather which is 40% recycled polyester. The cap and body of pens, table cloth, pot holders, teapot cover, place mats and coasters are all made of recycled polyester material. Same is the case of bags, hats, polo shirts and dolls. Even school uniforms are woven from mixed yarn i.e. 70% recycled polyester and 30% wool.

Hardly any such measures have been promoted in India. Our quantity of garbage is enormous. It is the right time that the Govt. and enterprising entrepreneurs should take up the job earnestly before it is too late.

A travelling salesman, badly run-down, went to a doctor for help.

"How often do you have sex?" asked the candid medic.

"Every Monday, Tuesday, Wednesday and Friday," answered the salesman.

"Well, my gosh, man! Cut down: Eliminate Tuesday."

"Can't, protested the salesman. That's my one night home!"

•••

"Did you hear about the woman who had triplets and three weeks later she had twins?"

"What! How is that possible?"

"One of the triplets died!"

JURISDICTION OF THE DISTRICT CONSUMER FORUM FOR FILING OF COMPLAINTS

A complaint in relation to any goods sold or delivered or agreed to be sold or delivered, or any service provided or agreed to be provided, may be filed before a District Consumer Forum under whose jurisdiction the opposite party has its head office or a branch office. The Complainant cannot file the complaint with a district forum of his choice. Further, the district forums' jurisdiction is limited to complaints where the compensation sought does not exceed Rs. 5 lakh. Complaints should be filed within 2 years from the date on which cause of action has arisen.

In Delhi there are now six District Forums. These have had to be created for dealing with the large number of cases filed at Delhi under the Consumer Protection Act. Information is often sought from COMMON CAUSE about the location of the individual Forums of Delhi. We give hereunder their addresses:

- Forum 1 : Room No. 2,3, Old Civil Supplies building, Tis Hazari Courts Complex (for North and Central districts).
- Forum 2 : C 22-23, Udyog Sadan, Qutub Institutional Area, behind Qutub Hotel, Mehrauli (South district).
- Forum 3 : C Block Community Centre, Pankha Road, Janakpuri (West & South-West).
- Forum 4 : Bunkar Vihar Complex, Nand Nagri (North-East & East).
- Forum 5 : CSC, Block C, Pocket C, Shalimar Bagh (North-West).
- Forum 6 : Barracks, Kasturba Gandhi Marg (New Delhi).

"I wonder," said the lady at a bridge party. "What men talk about when there are no ladies present."

"Oh, probably the same things we talk about," replied another.

Another of the girls interjected, "They ought to be ashamed of themselves!"

...

The party was a swinging affair. In the dimmed lights of the apartment, Joe spied a female form alone in a corner. He crept up behind her, and before she was aware of his presence, clasped her in a passionate embrace and kissed her soundly:

"How dare you!" she shrieked indignantly, pulling away.

"Pardon me," Joe bluffed smoothly, "I thought you were my sister."

"You jerk," she said tartly, "I am your sister."

...

The new bride was anything but a tidy housewife. She seemed never tired of cleaning until one evening her husband came rushing to the house, entered the hall and cried somewhat dismayed: "Darling", he shouted, "where's the dust on this table? I had a telephone number written on it."

...

A small post office in a Mid-east desert town returned a letter to the sender with the remark:

"Addressee dead over a year. Left no forwarding address."

...

DONATIONS FOR OUR KARGIL JAWANS

COMMON CAUSE had issued an Appeal to pensioners all over the country and also to members of the organisation, to send donations for being remitted to the Prime Minister's Relief Fund for providing relief to our jawans on the borders who have sacrificed their lives, and for their families.

We have had a very satisfying response. More than 700 donations were received, practically from all parts of the country, the amount aggregating to about Rs. 7.50 lakhs.

All contributions have been forwarded to the Prime Minister's Office. Acknowledgements have been sent to each individual by COMMON CAUSE. The Prime Minister's Office has been requested to send them formal receipts. Considering that hundreds of thousands of cheques/drafts have been received by the PMO, it would obviously take some time before the receipts reach the donors.

Meanwhile, we have informed the donors that in accordance with a communication received by us from the PMO, all cheques/drafts are being endorsed to the National Defence Fund, including those which have been draw in favour of the Prime Minister's Relief Fund. Accordingly, all the contributions forwarded through COMMON CAUSE will be entitled to 100 percent tax exemption.

BENEFITS OF LAUGHTER THERAPY

* SENSE OF WELL BEING

The one benefit everybody gets, is a sense of well being. After 15 minutes of laughter in the morning, you will feel fresh throughout the day. There is no medicine like laughter therapy which gives you instant results. You start feeling the freshness straightaway. Many people have found that they don't get irritated over trivial things after starting this therapy. Their approach towards life changes positively.

* MEDITATION AND RELAXATION

Laughter Therapy is one of the finest anti-stress measures. It is ideally suited for today's stress ridden lifestyle. It can be compared to any form of meditation or relaxation. To achieve the desired end through meditation, one has to put in a concerted effort to completely detach oneself on mental and emotional levels from one's own feelings and thought process, as well as from the physical world to prevent distractions.

* HIGH BLOOD PRESSURE AND HEART DISEASE

Laughter definitely helps to control blood pressure by reducing the release of stress related hormones and bringing relaxation. In experiments it has been proved that there is a

drop of 10-20 mm pressure after participating for 10 minutes in a laughter session. It does not mean that those who are taking 2-3 tablets for blood pressure everyday will be completely cured. May be, you will require 2 tablets if you are taking 3 or borderline high blood pressure patients may not require any medication.

* STRENGTHENS THE IMMUNE SYSTEM

Laughter helps to increase the count of natural killer lymphocytes (a type of white cells) and also raises the antibody levels. Researchers have found more antibodies in the mucous of the nose and respiratory passages after laughter therapy. There are many members of laughter clubs who have noticed that the frequency of common colds, sore throats and chest infections has reduced.

* NATURAL PAIN KILLER

Laughter increases the levels of endorphins in our bodies, which are natural pain killers. It may help to reduce the intensity of pain in those suffering from arthritis, spondylitis and muscular spasms of the body. Many ladies have reported reduced frequency of migraine headaches and tension headaches.

(From HASYAYOG)

FROM BUSYBEE COLUMN OF AFTERNOON, MUMBAI

Every morning, for 30 minutes, I take my dog. Bolshoi the Boxer, for a walk. Which is fine, it is my duty. However, Bolshoi thinks he is taking me for a walk.

For instance, this morning, as we set out for our usual walk, Bolshoi said: "I hope you are enjoying your walk."

"Not my walk, your walk", I corrected him. "I am taking you for a walk, so I should ask you if you are enjoying your walk."

"Since when have you started taking me for a walk?" asked Bolshoi.

"I have always been taking you for a walk," I said. "How can you ask such a question. I have so much work in the morning and yet I take you for a walk, and you ask me when have I taken you for a walk."

"I have to sleep in the morning, after a whole night of guarding the house against thieves, and you keep waking me up in the morning and saying, 'Let's go for walk, let's go for walk', so I get up and take you for a walk," Bolshoi said.

"Nonsense," I said. "I wake you up because you want to go for a walk. I make a sacrifice every morning for you. Why would I want to go for a walk, I can walk all day."

"You yourself said you hardly walk in the day. You are putting on too much weight and you should walk more," Bolshoi said.

"That's different," I said. "All men talk like that because of the sedanry lives they lead. But that does not mean I do not make a special effort every morning to take you for your walk."

"What effort!" Bolshoi said. "Anybody seeing us would know who is making the effort and who is enjoying the walk. Let us ask that man and dog coming from the opposite side."

"We shall not ask anybody, certainly not a dog," I said. "It is in the nature of things that men take their dogs for walk and not the other way around."

"If that was the case then you wouldn't be telling me all the time to walk near you, and not go far so that you don't get lost on your own," Bolshoi said.

"I tell you to stay close to me for your protection, not mine so that you don't get run over by a BEST bus," I said. "I look after you when we go for a walk, so it means I am taking you for a walk, you are not taking me."

"Tell me," said Bolshoi, "without me would you go for a walk in the morning?"

"Naturally not," I said.

"Then it means that I am taking you for a walk and without me you cannot go for a walk".

"Certainly not, it means that I go for a walk because I have to take you for a walk, and without you there would be no question of my going for a walk," I said. "And I do not want another word on the subject, I want to enjoy my walk in peace."

"Then you are admitting it is your walk and I am taking you." Bolshoi said.

"No," I said. "It is your walk and I am taking you."

So we returned home and asked the wife to settle the issue. "Every morning the same arguments". The wife said.

While other cities are still discussing whether they should change their names to Kolkata, Dilli and Bengalooru (from Calcutta, New Delhi and Bangalore respectively), I would like to state I am quite comfortable with the change of my city's name to Mumbai from Bombay.

And my advice to people in other cities is, once you decide to accept the change, it is easy. For instance, when I am talking to ministers and Shiv Sena and BJP MLAs, I always refer to Bombay as Mumbai. Jai Mumbai Jai Maharashtra, Jai Bharat.

When I am talking to MLAs of other parties, I also say Mumbai. Because, I think, they are comfortable with it. When I write a letter to somebody in the city, I put Mumbai in the address, not Bombay. Because you never know when it may come in the hands of some patriotic postman, who, on reading Bombay, may tear up the letter and throw it away.

However, when I talk to my friends, I say Bombay. Except when I want to annoy them, then I say Mumbai. It brings immediate reaction: "What is this Mumbai, Mumbai, say Bombay". Not only those who want to change the name, but those who do not want to, can be quite fanatical about it.

To foreigners, I say Bombay, because I do not want to confuse the poor chaps. Though there are a few foreigners, mainly backpackers, who turn around and tell me, it is Mumbai. When talking to friends abroad: I always say Bombay.

But when talking to former Bombay people, now living abroad. I say, "Mumbai that was Bombay in your time." To the man in the street, I say Mumbai. At cocktail parties of the rich and the celebrated, I say Bombay. For instance: "The weather is rather warm for this time of the year in Bombay. Could I have another whiskey, please." If you say Mumbai at a cocktail party, you spend the rest of the evening talking to the servants in the kitchen.

My children, I always correct them. "Say Mumbai, not Bombay, you have long to live in this city than I." And to the wife, I say Bombay or Mumbai, depending on her mood, though most of the time she gets angry whatever I say.

In Gujrati, I say Mumbai because that is how it has always been said. For instance, the Camas's Mumbai Samachar has been Mumbai Samachar for 170 years. And it will be for another 300 years. Bless them.

The Bombay Times, I am waiting for the day when somebody throws a stone at it and insists that it should be called The Mumbai Times. Then we will have a story to write, a picture to publish, and an editorial stating that such high handed, violet and intolerant methods have no place in a democracy.

As for myself. I never write Bombay or Mumbai in the paper, I write - city. For instance: The Pope is likely to visit the city during his tour of India.

OUR ACTIVITIES AND PROGRAMMES

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

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

OUR GRATEFUL THANKS

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

We are also grateful to Kumari L.A. Meera Memorial Trust, Kerala, for providing us financial assistance for our activities.

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

for straightening out problems related to income tax, wealth tax, gift tax, capital gains tax, for avoidance of aberrations, harassments and discriminations.

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

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

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

H.D. SHOURIE, Director