

# COMMON CAUSE

VOICE OF "COMMON CAUSE"

## PERKS OF OUR LEGISLATORS

One can well understand why politicians seek the glamour of power. Considering the enormous accumulation of perks and privileges that go with public offices in our country, one would be forgiven in thinking that persons who enter politics are motivated more by what they will get rather than what they will do for the people.

There are 545 members of Lok Sabha, 250 members of Rajya Sabha and nearly 4,500 members of the state legislatures. The perks and privileges they enjoy are literally innumerable and they go on multiplying.

\* Everybody is eligible to take membership of COMMON CAUSE. No form is required. Merely send your name and complete address, preferably written in CAPITAL LETTERS. Send it to our new address: COMMON CAUSE, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, NEW DELHI 110070. We are ever so grateful to Mr. Vikram Lal, of Eicher Tractors for having enabled construction of COMMON CAUSE HOUSE.

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

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

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

Members of Parliament get salaries; a daily allowance; constituency allowance; office expense allowance; allowance for meeting expenses on stationery and postage; travelling allowance for attending Parliament sessions and meetings of the various Committees; housing facilities; medical facilities; loans for conveyance; income tax relief; foreign exchange quota; diplomatic passports; office accommodation; entitlement of undertaking any journeys within the country and also journeys abroad. The costs of these perks and facilities are not easily determinable; they run into many tens of thousands of rupees a month for each member.

Besides these perks let us look at some of the other privileges. Every member of parliament, who has been member of either House even for one year, has been made entitled for pension for life. This privilege has since been extended to all legislators of states including members of legislative assemblies

and members of legislative councils as well. A writ petition challenging this privilege of life time pensions was filed by COMMON CAUSE over nine years ago in the Supreme Court. The contention put forth was that pension cannot be included within the term salary as salary is paid for services rendered. No provision exists in the Constitution for grant of pension to members of legislatures; they are entitled only to "salaries and allowances". Where pension was considered appropriate it was unambiguously provided in the Constitution, such as in case of Supreme Court judges, High Court judges and certain constitutional authorities like Comptroller & Auditor General and members of the Union Public Service Commission. The judges who heard the case felt that it involved an interpretation of the Constitution and referred it to the Constitution Bench of the Supreme Court. In all these years the matter is yet to come before the Constitution Bench. Meanwhile, all those who were at any time members of central or state legislatures continue happily to draw pensions.

• PERKS OF LEGISLATORS  
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ANNUAL GENERAL MEETING - ANNUAL REPORT & ACCOUNTS

Since 1992 all ex-MPs who served the Parliament for more than one year have been made entitled to receive railway passes on life time basis for free travel in Class I or AC sleeper class anywhere in India and any number of times, along with an attendant in Class II. The reason put forth was that they need these facilities to continue to play an active part in public life even after they cease to be MPs. When this measure was challenged in Allahabad High Court it was sought to be bypassed by issue of an ordinance, which itself stands challenged in the Supreme Court.

Special facilities for air journeys, other than for attending parliament sessions have also been extended to MPs. Every member of Parliament has been given the facilities of 32 single air journeys during the year without any limitation as to the timing of its usage, whether alone or with spouse or for any other companion or relative.

As for free telephone facilities, each member of Parliament is entitled to have three telephones installed, one at his office, one at home and one at the constituency. And he is allowed 50,000 free telephone calls a year from each of these telephones. One can imagine how this type of facility will be misused by friends, relatives and others: 50,000 free calls a year implies that 100 or more calls can be made from each of these telephones for any duration on any day.

Under the Constituency Development Fund Scheme introduced a few years ago, a sum of one crore rupees was allocated to every MP for undertaking programmes and projects at his discretion relating to development of the area and the people in his constituency. It was subsequently increased to Rs 2 crore, and now demands are being voiced for increasing it to Rs 4 crore. There is no assurance that the funds are being spent on essential and useful developmental work and do not get frittered away. There has been criticism by the Comptroller & Auditor General that much of the money allocated under this scheme is in fact lying unutilised.

From the platform of COMMON CAUSE we have taken this matter to the Supreme Court on the ground that the scheme is clearly discriminatory. The allocation of substantial money for utilisation by a sitting MP for development works in his constituency gives him an unfair advantage over the contestants who will be fighting the next election against him. The case is pending in the Supreme Court.

It is a matter of concern that states are increasingly going in for jumbo ministries, comprising up to 92 ministers in UP and 82 ministers in Bihar. Furthermore, the numerous state public sector undertakings are being used providing additional sops to the legislators of the ruling coalition who cannot be accommodated in the bloated cabinet.

More and more, there is a tendency for persons with criminal background to get elected; and there is open talk of the votes of members of state legislatures being purchased for election to the Rajya Sabha which is stated to have become "the most expensive club". Political parties continue occupying a large number of bungalows and other public premises, and they disregard any obligation to pay rent and for using civic facilities. There is gross misuse of transport facility including air journeys within the country and abroad. In some cases there has been blatant misuse of even IAF aircraft by ministers without any charges being paid.

It is time that the public demands transparency and accountability in the matter of the perks and privileges that our legislative representatives enjoy—that these are justified and are used in the public interest. It is also time for the introduction of a comprehensive code of conduct to ensure that our elected representatives do not misuse the powers and privileges attached to their offices.

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A DOCTOR came into a hospital room and told the patient's husband to wait outside while he examined his wife. A few minutes later the doctor came out and asked a nurse's aide if she could get him a pair of pliers. She did, and he went back into the patient's room. Five minutes later he came out and asked for a screwdriver. When he came out a third time and asked for a hammer, the anxious husband demanded to know what was wrong with his wife. "I don't know yet," the doctor said. "I can't get my bag open."

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A WOMAN visited the bank to close her account because she was convinced the institution was going under. Asked by a startled manager why she thought so, she produced one of her cheques, endorsed by the bank "insufficient funds".

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## RAIL DISASTERS

It is very unfortunate that our railway system, which is the largest in the world and which is employing the largest number of manpower in the country, has during the last many years experienced a great lot of accidents. All these accidents and the loss of life and property are a matter of serious concern.

Figures of accidents and connected matters speak for themselves. Two recent accidents claimed about 400 and 210 lives, respectively, besides large number of those seriously injured. In six months of last year there were as many as 211 accidents and 166 derailments; analysis revealed that 133 accidents were due to human failure. In last five years there were 175 serious accidents, 1660 derailments, 338 level crossing accidents, and 728 deaths. During the year 1996-97 there were 12580 engine failures, 37158 cases of defective wagons, 3140 cases of poor brake power and vast number of 125259 failures of signal.

These faults, failures and shortcomings of the railway system are ascribable to various causes. These include the requirements of technological upgradation, modernisation of equipment, introduction of advanced technology including electronic safety devices, consistent efforts in improvement of rail track and rolling stock, minimisation of scope and opportunities of human failures causing the mishaps and accidents, strict disciplinary action for any defaults on the part of personnel of every level, constant monitoring, inspection, training and re-training at all levels of railway system and minimisation of the scope of pandering to the requirements of kinds of populist demands of political levels.

Taking into account the various shortcomings of the railways, and the ostensible failures on the part of the Ministry of Railways and the Railway Board to take any concrete measures for overcoming them we considered it appropriate to take the entire matter to the Supreme Court as a public interest litigation in the shape of a writ petition. The Supreme Court issued notices to the two Respondents. Ministry of Railways has since submitted a long counter in which they have particularly highlighted the fact that they have set up two Commissions under the Chairmanship of two Supreme Court Judges, and have also constituted another Commission under the Chairmanship of another Supreme Court Judge to examine all the various aspects of safety requirements of the railway system.

From COMMON CAUSE we have since filed a reply to the counter submitted by the Ministry of Railways. This reply will be of interest to our readers and we are accordingly reproducing it below. The reply aims at presenting the totality in relation to the points urged by the Ministry of Railways. The case will now further proceed, taking into account our writ petition, the counter filed by the Ministry of Railways and our reply to the counter.

### OUR REPLY TO GOVT. COUNTER

1. In relation to the Counter submitted by the Respondent No. 1, Ministry of Railways, the petitioner makes the following submissions.
2. That Respondent No. 1 has emphasised in the counter-affidavit that the railway system of India is the largest and most extensive rail network in the world. It has to deal with the problems of travel of enormous number of passengers and movement of goods. Large number of public service obligations are stated to have been mounted on the railway system. Following problems of the railway system have been highlighted in the counter - affidavit :
  - (i) While railways have generated amount of operating surplus from the freight sector, the passenger sector results in operating losses.
  - (ii) With drying up of finances and available capital in the country lesser and lesser money is available to railways from the Central Budget.
  - (iii) The railways have consequently to borrow from the open market, last year borrowing is stated to have been of the order of Rs 3000 crores. Interest payment on the borrowed capital is likely to be more than previous year's borrowings.

- (iv) Internal generation of resources of the railways is under considerable strain due to "public service obligations"; implementation of the Vth pay Commission's recommendations has raised the staff cost to 56% of the working expenses; and 28% of resources go towards material consumption and energy charges etc. In the budget estimate only about 9% of the traffic receipts are available for overheads including the investment on the purchases.
- (v) Railways are undoubtedly overstaffed, in fact the system should be able to function equally efficiently with not more than 2/3rd of the existing staff.
- (vi) Safety is undoubtedly a major responsibility, but the fact is that the amount expended on implementing safety measures of upgradation of technology is dependent on the availability of funds.
- (vii) There is extreme limitation of availability of resources and taking into account the priority requirements "virtually no funds are available for modernisation". The extreme shortage of funds necessarily results in reduction of safety margins.
- (viii) With the running of 13000 trains every day approximately 1.5 lakh point levels have to be operated and over 5 lakhs signals worked. All this has to be done by employees of "D" & "C" levels. Training and motivation which are largely sociological factors of these groups of employees have been compared favourably with their western counterparts. Even the minimum educational qualifications on account of sociological factors, have been set at rather low level. Group "D" employees are educated only upto 8th class, and that too from 1998. Safety category staff is unable to understand manuals or comprehend rules.
- (ix) In the matter of safety requirements the Indian railway system has to be necessarily viewed in the light of these factors and the lack of safety track is due to :
  - (a) high level of dependency on human element ;
  - (b) low motivation, non-ideal working conditions for operations.
  - (c) indiscipline and lack of work ethics among the work force, and
  - (d) casual approach to safety among managers.

3. It is unfortunate that the Ministry of Railways, Respondent No. 1, feels as has been stated in reply to contents of para 4(v) of the petition that figures of accidents mentioned in the petition are "not alarming", consideration put forth being that these facts have to be considered in the light of the fact that India's railway net-work is the largest in the world. It has arduous terrain and difficult work culture, there is round-the-clock working of trains and railway equipment. In the same paragraph of counter- affidavit it has been emphasised that "the only way to control equipment failure is to lay down benchmark for maintenance of assets, arrange trained manpower, and strictly adhering to standards".

4. That it has been stated in the counter-affidavit that safety conditions have been examined by various committees that have been set up. Mention has been made of two judicial commissions which are presently operating in matters relating to the mentioned serious accidents and that a Railway Safety Review Committee under the Chairmanship of a retired Judge of the Supreme Court has also been set up. It is noticeable that the Safety Review Committee was set up two years ago, and it is unfortunate that it has not yet completed its task and that only an interim report was submitted after one year of its being constituted. None of the two judicial Commissions which have been set up to enquire into the factors leading to the serous accidents has ostensibly yet submitted its report nor has it been indicated as to when their reports may be expected.

5. That against the background of these various facts submitted in the counter-affidavit the denial of the figures relating to accidents submitted in the various paragraphs of the petition is ostensibly a mere ritualistic formality which features in the various paragraphs of the counter-affidavits. It is observable that in the counter-affidavit Respondent No. 1 has admitted that technological upgradation and modernisation requirements are subject to financial and other constraints. It is admitted in the counter-affidavit that instead of investing resources in upgradation the existing systems of railways have been " investing the resources in carrying more and more people and freight". Limitation of resources is stated to be affecting the various aspects of the functioning of railway system including "surveillance, modifications, signalling circuiting, installation of auxiliary

machine, maintenance practices, modernised maintenance facility of wagons and coaches, introducing ultrasound testing of rail and rolling stock and effective training and upgradation of staff".

6. That the problem is obviously not of disputing the figures relating to number of accidents or of deaths or of derailments or level-crossing accidents; the petitioner wishes to emphasise that the problem as is evident from the submissions made in the counter-affidavit is primarily of the fact that for considerations which have been presented in the counter-affidavit, the safety requirements in the railway system do not and cannot, in the existing circumstances, receive the priority that they need. Dimension and seriousness of the problem is evident from the figures such as those mentioned in the petition that in one year alone there were as many as 12,580 engine failures, 37,150 cases of defective wagons, 3,140 cases of poor power brake and astounding number of 1,25,259 signal failures. The considerations put forth in the counter-affidavit comprise primarily the financial constraints which are due to the very large percentage of resources being utilised on payment of wages, and non-availability of sufficient resources for technological upgradation and modernisation, removal of any shortcomings in the rolling stock and the railway tracks, upgradation of technical knowledge and competence of "C" and "D" level staff, on the functioning of which depend specific requirements of safety. The facts that the accidents are reported and that enquiries are conducted, or that commissions have been set up to enquire into the two serious accidents which resulted in large number of deaths, are not of such serious consequence as the fact, which stands admitted in the counter-affidavit, that the requirements of safety in the railway system cannot be given the full consideration that these deserve, because of the various constraints including the most important one of non-availability of the requisite financial resources and the incapacity of "C" and "D" level staff to be able to comprehend the essentials of safety requirements. It is unfortunate that the High Level Commission to enquire into safety requirements, which was constituted two years ago, has not yet been able to make final recommendations. In fact an impression prevails that the setting up of judicial Commissions or of Enquiry Commissions under the chairmanship of high judicial functionaries can hardly be expected to deal effectively and expeditiously with the specific issues relating to any accidents or losses and the requirements of initiating the steps for upgradation and modernisation which would avoid recurrence of accidents.

7. That against the background of these facts and the various considerations submitted in the counter-affidavit by Respondent. No. 1, the Petitioner considers it necessary to re-emphasise that immediate action needs to be taken by the Ministry of Railways, Respondent No. 1 and the Railway Board, Respondent No. 2, to set up special small groups of high level experts to closely examine the various aspects of functioning of the railway system in order to make specific recommendations on the various issues, namely, the problem of raising financial resources, particularly for ensuring the safety requirements, the matter of technological upgradation of the systems and procedures relating to the operation of rolling stock, safety of railway tracks, ensuring intensive training of various levels of existing staff concerned with movement of rolling stock, maintenance of railway tracks, replacement of incompetent staff with persons capable of being trained and the entire range of other technological upgradation requirements of the operations of railway system. These groups should be charged with the responsibility of submitting their recommendations within a period of not more than three months, and the railway system should determine ways and means of effecting implementation of these recommendations within a period of not more than one year. For dealing with the requirements of setting up such groups of experts which would be able to come to grips with such serious problems it appears necessary that the railway system should maintain list of available persons of outstanding repute and competence, from among those recently retired from senior-most functionaries of the railway system. Small groups of 2/3 experts each should be set up for going into specific issues and come up with their concrete recommendations within the period of not more than three months.

8. That the Petitioner submits that the matter is of fundamental importance from the viewpoint of functioning of the railway system, which is of largest dimension in the country in the movement of passengers and goods in the country. The Petitioner earnestly hopes that the Respondent Nos. 1 and 2 will feel persuaded to review this entire matter as a matter of deep concern and not merely for controverting any facts and figures relating to number of accidents, wagon failures, track failure etc.

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A PHYSICIAN told me about one of his favourite patients. The doctor once asked the fellow if he had lived in the same place all his life. The man replied, "Nope, I was born in the bedroom next to the one where I sleep now."

## POLITICS OF BIHAR

Reproduced below is the article of the Director of COMMON CAUSE which appeared recently in the Times of India. In response a large number of readers have written letters to us from various parts of the country. These contain views strongly expressed about the conditions prevailing in this state. We have considered it appropriate to acquaint our readers with the views which the people have expressed about this state which is showing such spectacle of poverty, illiteracy and mis-governance. In reproducing these letters we have had to abridge them, and because of our space problems we have not been able to reproduce all the letters. It is very satisfying that the people expressed their feelings strongly on matters which are thus highlighted in our articles which have been appearing in the Times of India for about two years.

### IS THERE NO HOPE FOR BENIGHTED BIHAR?

One despairs for Bihar. Will it forever remain mired in the medieval age and be a drag on the entire country, as its most illiterate, backward and lawless part?

One of its ministers made national headlines recently for the illegal confinement of a truck driver and his helper, who were held hostage and tortured inhumanly for a month. They were repeatedly beaten with sticks and rods, their nails yanked out by pliers and they were made to drink urine of the minister.

Lalit Yadav, this "monster of state", as he was called by a newsmagazine, is reported to have been previously a liquor contractor, a real muscleman, known social menace, political provider, always ready to do anything. He was elected twice to the Assembly, and became minister while he was still on the police file a declared "absconder".

Talking of ministers in Bihar government, of the total strength of 346 MLAs as many as 84 have been made ministers. A newspaper has dubbed this a Titanic Council of Ministers. There are eight ministers in charge of education: a cabinet minister each for primary education, secondary education, adult education, higher education, with each cabinet minister being assisted by a minister of state. Six ministers along with ministers of state have been assigned for looking after health, labour and social welfare.

Agriculture, animal husbandry and water resources occupy ten ministers, six of them in charge of agriculture and four looking after the latter. Finance and Revenue is entrusted to nine ministers, five for Finance and four for Revenue. The chief minister has retained the Finance portfolio and there are separate ministers for commercial taxes and national savings. There is a minister for institutional finance and programme implementation and another one for excise and prohibition. Land Reforms is in the charge of one minister, while another looks after Registration. One minister looks after welfare of scheduled castes and scheduled tribes and another is in charge of other communities. Problems of minority welfare are looked after by another minister. There are separate ministers in charge of Relief and Rehabilitation, Labour and Employment. Each Cabinet Minister is assisted by a Minister of State.

A very interesting and intriguing fact is that all 22 members of the Congress Party, which came to the rescue of the RJD some months ago to save it from being overthrown were rewarded by giving them ministerial berths. Eight independent members were also made ministers to ensure their support to the government.

Politics in Bihar has truly been privatised. Eighty-four ministers have to be catered to. They need houses and offices. They require the services of domestic servants, cooks, attendants, drivers, security personnel, gardeners, and some others without specific charge. Many of them demand that their ministerial bungalows be provided with a dairy farm and possibly also fish pond.

Top functionary Laloo Prasad has earned the reputation of being a person who is not afraid of doing anything wrong. He got involved in the multi-crore fodder scam years ago. His remarkable achievement was that when he was being led away to prison he put his wife Rabri Devi in the chair as chief minister, surely a unique episode in the annals of history. From behind bars, and now free on bail, he has functioned as the de-facto chief minister, being the husband of the de jure one.

Scams are a plenty in this sorry state. Recently, the premises of a minister in charge of health was raided by CBI. It was found that he owns ten flats and has investment and assets aggregating to several crores. The road construction minister has earned the distinction of being sent behind bars in connection with the infamous bitumen scam. The minister of education had to quit because of a vigilance case against him in relation to a fake degrees racket. The minister of science and technology was found involved in an engineering college entrance examination scam. He was arrested and put behind the bars; later he was gunned down in hospital premises. The minister of animal husbandry and the minister of state of the same department were issued warrants of arrest in fodder scam; they had to vacate their seats.

Politicians and ministers in Bihar have apparently helped to transfer the same mentality to the bureaucracy. Four senior officers have faced the indignity of attachment of their properties by the Income Tax department. They failed to pay around Rs 4.3 crore in taxes. Their bank accounts, postal deposits and other valuable assets were attached, and over Rs 7 crore was recovered from their residential and official premises.

Tribal and caste wars are rampant in the state due to lack of education and inadequacy of law and order. Women in Bihar suffer severe indignities of gender inequality; their condition is really very pathetic. They are often without food, without clothes, under constant threat of being raped, assaulted and even killed; if they survive they are victims of serial pregnancies, despair and dowry harassment. Children are sucked into child labour.

By all indicators, Bihar is a problem state of serious dimensions. Of course, Laloo Prasad, the de factor ruler, ridicules these facts. He does not believe in progress, in modernisation, in taking the people or the state forward. He belittles what is emerging in the modernised world. Information technology, for instance, is not suitable for Bihar, he holds. Computers, according to his philosophy do not suit our country.

Is there no hope for benighted Bihar? All our countrymen should ponder.

H.D. Shourie

### LETTERS RECEIVED FROM READERS

"Bihar is now symbolic of moral darkness. It is the most illiterate, backward and lawless State. Central Government went to the rescue by imposing President's Rule. However, dirty politics is being played by responsible political parties. It should be the endeavour of all political parties and elected representatives, to evolve a common cause for Bihar. All-out efforts be made to oust the present Govt. In the event President's Rule is imposed, the State should be governed by able administrators from all walks of life viz. Economists, Doctors, Engineers, Educationalists, members of Civil services, etc.. The Govt. should examine the feasibility of a plan called "District Adoption Plan." Under this scheme, each of the districts in the State may be got adopted by various agencies, viz. Central and State Government, Industrial Houses, Corporate Bodies, Commercial Banks, International Agencies, NRIs, etc. These agencies should be called upon to make a Common Cause, for rescue of 'Benighted Bihar' by adopting one of the Districts or part thereof. The agencies should be advised to give emphasis to problems of Housing, Education, Health-care and other social welfare measures. Housing should be made the basis. The common man should not only live well but should be taught how to live well. People should be made to come out of their shanties/slums and live in housing complexes with arrangements for primary/adult education and health-care facilities. The major functions of the State viz. maintenance of law and order, infrastructural facilities, agriculture, industry etc. should be left to the care of Central and State Govt. in co-ordination with the respective lead District Agency. The Govt. should also examine the feasibility of shifting some of the sick mills/factories in metropolitan cities to the backward districts of Bihar, with a view to generate employment. For control of regular menace of flood-water, all-out efforts be made for embankment of sensitive areas. Thus, with the sharing of responsibilities for implementation of social and economic programmes we hope to improve the lot of common man."

*Mrs. J. B. Gandhi, Mumbai*

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"Unless and until caste based politics vanish from the land of Gautam and Mahavira there is no hope for it. The poorest of the poor feel pride if their caste person occupies higher seat in the administration even if that fellow is a highly corrupt one. The voting pattern is caste based. Candidates are selected, for contesting various elections, by the political parties on the basis of the majority of a particular caste in the constituency. Caste based discrimination in the State is as good as racism and racial discrimination. Oppression of scheduled castes and scheduled tribes continued despite constitutional safeguards. Here the laws are not at all effective. In this regard one may recall the words of SOLON, "Laws

are like spider's web; if some poor, weak creature come up against them, it is caught, but a bigger one can break through and get away." As such there should be a demand that caste system should be brought within the ambit of racism and racial discrimination. Land Reforms are to be strictly enforced. In this State the entire land is in the hands of a few feudals and politicians. Majority of the people still are landless labourers. Hence there is clash of interests and violence. Corruption in high as well as low places is rampant. In Government offices you cannot get your work done without greasing the palms of the employees at various levels. The wealth is concentrated in a few hands. This too gives birth to violence in the society where haves are a few and have-nots in the majority. The state is very populous. The educated and uneducated both are unemployed but highly politicised. They vent their frustrations through violence and quickly become unsocial elements and a menace to society. Illiteracy is on the high side in this state. Illiterate people cannot distinguish between the good and the bad. If the above five basic elements are remedied there is, of course, a hope for benighted Bihar."

G. P. Mishra, Nagpur.

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"If we want to improve the lot of people from States of Bihar, UP, M.P. J&K, N.E States - even bigger States like Maharashtra, A.P., Rajasthan and Karnataka - the only solution according to me is: have smaller states- co-terminous with 35 metrological zones of the country. Such zones can have different economic policies to suit their nature based economies; have special laws to control population growth. Unless 100% villages are connected in these states, by all weather roads, the rural development will not take place. And till this happens these states will not develop. Without roads, education, health, development will not reach rural villages. So smaller states and all weather roads and population control are the three topmost items on agenda."

G. M. Patil, Pune.

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"I was rather intrigued by the phrase "benighted Bihar", which perhaps aptly sums up the politico-bureaucratic compendium of this god forsaken state. Bihar is a story about promises made to the poor and dispossessed, which were never kept. It is a story of perpetuation of feudalism and the social structure attending upon it- a story about demagogues, conmen and convicts who sulk and sermonise, tempt and threaten the poor. It is a story about hustlers and hecklers, of self-proclaimed representatives who coerce the people before as well as after the elections. It is a story about retreat and regression of progressive juvenalisation.

What happened to the much touted 'land to tiller slogan' which caught the imagination of the peasantry during the pre-independence period? The land question in Bihar was brought into the social agenda in the 1930s. Bihar assembly passed a resolution for abolition of intermediary landed interests in 1946. On June 6, 1949 it became a law. During these three years powerful lobbies of the landlords in the state assembly succeeded in diluting the provisions of the land reforms law. Next the landlords moved the High Court and Government was restrained from implementing the reforms. Caught in a cleft, the state legislature on its own made further amendments and diluted further the said programme under the Bihar Land Reforms Act 1950. Even this highly diluted law was declared invalid by the High Court. In order to overcome the embarrassment the Congress at the centre moved the first constitutional amendment of 1951, but nothing moved on the ground in Bihar. To crown this mock struggle for poor and dispossessed with humiliation, the landlords refused to hand over the land records to the government. In order to clear some muck from the face of the congress, Vinoba Bhave went about begging for land all over the country including Bihar. In Bihar he collected sizeable land but this land too was not handed over to the peasantry. Now, land reforms are not all about ownership rights of the land. It is basically about changing social relations of production, which in turn carries the entire society to a higher cultural level. If ever the land reforms programme was implemented with a vengeance in this country, it was only in the J&K State. The Government simply dumped the fundamental right in the lumber-room of the state.

In a democracy the Government enjoy a degree of autonomy from the political power structure of the society. This autonomy discourages the temptation of abuse of authority by the power structure. In Bihar the government has lost its autonomy and has become a direct extension of land owning class, coal mafia and their allies. This is how the agenda of the constitution has been highjacked and its provisions used to consecrate that which is profane. How can the constitution come to the rescue of over 90% population of Bihar? How can we as a nation act to stem the rot in the administrative structure to rescue the people from the morass of abject poverty? It will be advisable to I) dissolve state legislature and keep it inert for a period of 10 years; II) suspend fundamental rights in Bihar to carry out land reforms without any hindrance and III) ask for all other states to get involved in the uplift of Bihar. It is true that these suggestions violate the basic tenets of our democracy. But this constitutional stumbling block can be overcome by approaching the people of this country directly for their opinion, through a nation wide referendum. Worldly wisdom tell us that we should overcome our



age-old temptation of making a fetish of every thing useful or useless. If today we don't take bold corrective measures, tomorrow we may have to go through the discomfiture of witnessing Gandhi in his new avatar leading a 'quit' Bihar movement."

S. L. Pandita, New Delhi

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"We read your comments and facts regarding all-round failure of the systems in all respects in the state of Bihar and how it is run by incompetent Ministers and bureaucrats. It may be recalled that NALANDA was the first University established in Bihar 2500 years ago and people from all over the world used to come there to study higher education. Lord Buddha got enlightenment in Bihar. Lord Mahaveer is still worshipped by all the people, so there is no doubt that state of Bihar has produced and still producing exceptionally brilliant people till -day. On the other hand maximum number of poor and illiterate people are living in Bihar. As per our view the cause of this entire problem is today's bad leadership, all pervasive illiteracy and negligible industrialization of State due to non-availability of infrastructure facilities like power and roads etc.

All the problems can be solved phase-wise by providing opportunities in agriculture sector which includes scientific farming, cold-chain system and transportation of perishable items by investment in Rural Sector by the Central Government and proper marketing of the products in domestic market as well as abroad. In Bihar 87.5% of the people are living in villages surviving on agriculture and horticulture. If their produce is properly marketed by the competent agriculturists, scientists, or by unemployed agricultural graduates and compete with the domestic and international quality products then the same can be sold at a higher rate, in domestic and international market through cold-chain system and automatically their per capita income will increase and relationship between farmers and labourers will become very cordial, with the result they will not migrate from one place to another in search of better employment opportunities. Secondly, if farmers and labourers get reasonable price for their produce, they will get educated and in the long run the criminal leaders and incompetent bureaucrats will not be able to influence the people on caste and creed basis; they will not be able to run the Government because of the resistance offered by these educated people."

Litchica International, Mumbai

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"Yes there is hope, as I consider everything is possible in this world. Today what we see in Bihar was not the condition of past and I hope it will not continue in future. One day situation will change, only thing to do is that we should awaken our society people. I also agree that situation of Bihar is more miserable than any other state. Bihar is burning with many problems such as Castism, Poverty, Illiteracy, Unemployment, Backwardness. This state has formed such an image that any people out of this state hesitate in the name of Bihar. Country like India where we talk about Unity, Integrity, Fraternity, Brotherhood become a big problem for India to maintain it. The problem is not only of Bihar, but it is a problem of our country because Bihar is a part of India. In a democratic setup politics is only medium not an end. People should know their power and right."

Keshav Gupta, Surguju (M.P.)

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"Such commentaries on Bihar keep appearing in magazines and newspapers. What is required is a fresh look into Bihar's problems which may give a clue to its solution. Observations, however, brilliant and eloquent, which do not give pointers towards the solution, are in the end mere literacy exercises. A feature of your analysis is that you've not given any reason, why the problems, which have occurred in Bihar, are unique to it and have not occurred in any other state. The answer, I believe, is that in India, there is potential in every state for such problems to occur. Infact, in small measures, such problems, which you've brilliantly and graphically described, are prevalent in all states. The examples are too obvious to be quoted. May be other states could learn from Bihar's mistakes and put their houses in order in time and Bihar can learn from them in coming out of its "night".

Rohit Verma, Pune.

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"The article is truly thought-provoking exposing the political atrocities in Bihar in a nutshell. It is truly pathetic to see and hear about the condition of the general masses in Bihar. The illiterate and the poor are being constantly harassed by the heartless politicians. Do they think that by the mere power of their chairs they can achieve anything they want by any illegal means and get away scot-free? I am sure that Lalit Yadav too will be released, inspite of his inhuman act towards the Dalit drivers. The crime which he has committed is monstrous. The privatised politics in Bihar has to be broken. The people there have to be made aware of their rights and given the courage to fight inhumanity and dictatorship of these so-called ministers. Else what meaning will democracy hold in our Constitution? Will the preamble be viable in this unjustly ruled state? The souls of our great freedom fighters will shed tears of blood if this 'democracy' in Bihar continues".

"Bihar could be retrieved even now, of its maladies, which have been created by mal-administration. Laloo has created a niche for himself amongst the senior illiterate masses of Bihar through his rustic language, food, behaviour. So he gets afraid of any modernisation process, let that be IT industry, computers or such other things which would prove to be a bane for him. If masses become enlightened such persons would be nowhere. Almost one fourth of the total MLAs of Bihar have been made Ministers. Thus, loyalty of all functionaries and executives of the state has been purchased through unfair means what to speak of lower-rung employees. In that way there is no care for any criticism from media or public. Though there are many court cases against Laloo and his henchmen for corruption and various crimes in different courts there is no inkling of any logical end of any of these cases in near future. As such I do not find any hope of Bihar coming out of its medieval age within foreseeable time."

*K. R. Bhattacharya, Delhi.*

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"Facts which this article reveals show that the State of Bihar still belongs to former Middle Ages and it is not a part of modern civilized age. Although there are 8 ministers exclusively in charge of education, yet it is still the most illiterate and backward State of our country. Due to lack of education, tribal and caste wars are rampant; women in Bihar are the worst sufferers. Woman is dressed only in sari, minus blouse and petticoat, and when she returns to her home she passes on the same sari to her mother-in-law to enable her also to come out of the house. In rural Bihar women have only a piece of paper to cover themselves to hide their sex. Such is the condition of women in Bihar in this modern twenty-first century. In our modern age, which is being termed as the age of cyberliberalisation a Bihar Minister of State who is rightly called as "Monster of State" illegally confines his truck driver, mercilessly beats him, yanks out his nails by pliers and makes him drink his urine. And strangely, that Monster has not yet been even arrested. So, in Bihar now there is no law and everybody seems to be above the law. We see violence everywhere in our country. Our present politicians maintain a large number of goons to help them in attaining and maintaining power. The State of Bihar should rightly be called as "State of chaos"."

*Mahindar Singh, New Delhi.*

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"It is a saga of misadventure of one man who knows no bounds for any misdeeds. He is a political kalakar. He has disclosed a face of democratic system, wherein the Nation can get into one day, if proper safeguards are not created now. The adoption of adult franchise, where masses are illiterate and ill-informed, is a failure in itself and one can never hope to provide a well groomed and matured leadership. This was possible where a nation consisted of few islands of United Kingdom. We are talking to-day of Bihar, what will happen when states like Chhattisgarh & Jharkhand are born. Will tribals be able to provide a good administration with a difference? Bihar has seen a long neglect from Central leadership. Media never gave an importance to it in the past. May be that media could do so now finding leadership well fragmented in the State as well as in the Centre. Media's long silence on reporting owes an explanation. The nation as a whole to-day requires a strong leadership at the centre, as well as a responsive leadership in all States. Many regional parties now dominate the political field. This indicates that major political parties have no charismatic leaders within their fold who could unite regional parties and get them under their own fold. An immediate step to improve this situation in Bihar shall be for the Centre to suspend the legislature of Bihar and promulgate President's rule, appoint a good matured team of advisers to Governor and launch massive development programmes including a literacy drive. Also prosecute those involved in scams, and their close associates and put all goons behind bars."

*Col. Rajeshwar, AMBIM (UK)*

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"The only suggestion I would like to give is that the security of all the VIPs should be removed. They are supposed to be elected representatives of the people. They should not have any fears. If they have fears they are not fit to be elected. This will stop them from adopting any illegal means while canvassing for elections. This will pave the way for the leaders in the true sense of the word to be elected."

*Mrs. Mehta.*

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"I have been having serious misgivings on the goings-on in that state for many years. I am very concerned about it today. To think that the cherished city of Gaya in that State is one of the ironies of history. Perhaps Bihar would be better off without so-called democracy and should be given army rule - till such time that its women are given compulsory primary and secondary education (the latter if possible) so that the female population of that state achieves a level of literacy to withstand the nonsense of their male counterparts. There is no other hope. I sincerely pray for the welfare of the poor Bihar people. Perhaps there will be silver lining and a silver spoon for them soon."

*Mrs. AGA, London.*

"The article throws light on the bad political weather affecting masses and the criminalisation of politics. I would like to thank for creating an awareness about the political administration in our country and the cheap political gimmicks played by our dirty political leaders. The matter clearly underlines the need of education among the masses and to the political leaders also. The qualifications like education and good character must be introduced in our law for those who contest elections. The negative vote should be introduced as an electoral reform which is so necessary for the parliamentary democracy. It really helps the have-nots or the down-trodden ones to express their dissent towards mighty rulers. The right to information must be installed resulting in transparency to all about the government activities. What we need is right to information rather than Freedom to Information. Considering the present political scenario, the answer to the question seems to be a big No. The answer should become 'yes' and all the Indians should strive for it, time and tide waits for none, time is already ripe for action."

*Anzil Zachariah, Mumbai.*

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"There is no hope for Bihar in the immediate future. However, I do not think Bihar is an isolated example. The same condition prevails in U.P. and a few other states. I believe U. P. has a 96 member ministry with quite a few criminals. Even we have an unnecessary large ministry at the Centre. The reason for these large ministries is multiparty coalition govts. With the increase in the number of States more regional parties will be formed, which in turn will increase the size of the future coalition ministries in the States and at the Centre.

As regards corruption, all Indian politicians and bureaucrats are expected to be corrupt. No Indian joins politics and public life with the object of serving the country and people. They all join with the sole purpose of amassing wealth and power. Since the politicians cannot amass money secretly, they require the help of bureaucrats and bureaucracy. Hence, we have a bureaucracy where everybody from highest to the lowest is expected to be corrupt. As regards your hope, that our countrymen will take corrective steps to improve Bihar's condition, I am afraid you will be disappointed. Indians are not taught to think in terms of collective responsibility for political, social and welfare of the society in spite of the adult and universal franchise. They expect Govt. or somebody else to solve these problems. I don't expect any improvement in India's condition in near future. Like "Yadu Vansh" of Mahabharata, we have to wait till all the Indians procure fire arms and start killing each other. Civil fightings on smaller scale have already started in Bihar, West Bengal and A.P. We will only then realise the true meaning of Democracy and Freedom. Till then India and Indians have to suffer."

*Dipen Ghosh, Mumbai*

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"The once blessed and hallowed state of Bihar is mired in the morals of casteism, criminality and corruption pervading in the rank and file of politicians, bureaucrats and hangers-on. In this distressing periscope the state of Bihar may be compared to the vast Sahara desert where oasis is almost unthinkable. Distraught travellers treading through the vast sandy expanse often mistake mirage as oasis. This is the fate of the helpless and hapless citizens of the State. Your write-up is infact an X-ray of the prevailing gloomy scenario of Bihar with focus on the challenging future in the wake of the imminent creation of Jharkhand State. The State may continue to be hostage in the clutches of the present political dispensation. Thus future of the State will hardly brighten up unless a mesmeric personage of the stature of Late Jai Prakash Narain appears on the scene."

*C.P. Verma, Patna.*

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"Yes, there is still a hope for benighted Bihar because I believe in the proverb "where there is a will, there is a way" and it would be better to light a candle of hope than to curse the darkness. I, personally, don't accuse any individual for the deplorable condition of Bihar except the public living there. Bihar being a democratic state does not seem to adhere to the principle of democracy- of the people, for the people, by the people. It is high time that the public should come out of their A.C. compartments to vote out the present government. They should endeavour to come out of the threat of the present government rather than to remain swamped in that lamentable situation. The youth of Bihar should be blamed for the under development, enhancement of illiteracy rate and delinquencies of Bihar. The educational level of Bihar has deteriorated. The aspiring youth goes out and abroad for better educational facilities. But the darkest part of the entire episode is that they don't come back and do not contribute a little of them for the development of Bihar. Consequently, all uneducated, frustrated and uncivilized lot has collected out there which does nothing but ruin it more. The upper class of Bihar is so busy in money making and maintaining their social status that they are not bothered about Bihar."

*Manjeeta Chowdhary, Pune.*

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"Bihar is a state synonymous for nepotism, corruption, feudal and caste ridden social structure, high crime rate, exploitation of the poor especially women and above all a state where goons rule and criminals call the shots; the worst and one of the poorest states of India. When one ponders over the sorry state of affairs of this state he is compelled to brood on the subject to infer as to how the systems in this state have degenerated to its 'nadir'. The irony lies in the fact that this is one such Indian State that is rich in natural resources, mineral resources and has an alluvial soil but still per

capita income is the lowest.

The problems begin with illiteracy. Bihar during the ancient times was centre for learning (viz Nalanda) and a centre for trade and commerce during the ancient and early medieval times when Patliputra was the political and cultural capital. But during modern times the state has the highest illiteracy rate and it is this illiteracy that forms the basic cause for the poverty, feudal social system and high crime rate in the state. The illiterate and semi-literate that forms the majority gets swayed on the basis of caste. A Bihari either does not go to cast his vote or if he does he chooses a person from his own caste who may be the worst for the people. As a result of illiteracy caste wars are a common feature in the state. The police force comprising of personnel who have risen from that very soil is governed by the caste based conventions and act accordingly. The state leadership belonging to whichever party that is ruling has taken advantage of this illiteracy. All political parties have been and are still playing the 'caste card' in order to realise their narrow political objectives. The political leadership has never tried to eradicate illiteracy from this state as this suits their narrow political interests. By eradication of illiteracy the people shall learn to fight the menace of hunger and poverty through lawful methods and their vision shall broaden beyond the narrow caste parameters.

The second most important step is the complete overhauling of the administrative and bureaucratic machinery that has been jammed by the constant interference of the state politicians. Officers with clean records and dynamic approach ought to be deputed to Bihar and they should be kept away from the clutches and controls of the state politicians if we want them to yield concrete results. The power sector which is in a sorry state in Bihar must be given in private hands; power theft should be made a punishable offence. Only then availability of power will improve in Bihar. Lastly, the entire exercise might cause infringement of human rights but these have to be taken in the stride. It is only through certain hard steps that Bihar can show signs of improvement."

*Manoj Joshi, Jaipur*

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"The State of Bihar which is most illiterate, backward and lawless part of India does not require titanic ministry to move along the path of vandalism as the state exemplifies all the evils of inequity, exploitation, lack of education and lack of infrastructure. The massacres due to caste politics, the communal fights during elections, the gender inequality, the appalling conditions of the women etc., are the signs of degradation of human value. The humanity has reached an all time low. South Bihar is rich in iron, manganese, copper, uranium, mica, coal, kyanite etc. North Bihar is among the richest agricultural land in India; yet Bihar is now the poorest state. Crooked politics is the curse and it keeps a large part of population uneducated, without proper health care and sanitation. Inequality in every sphere is the major social ill along with injustice, repression of the poor and women, traditional social systems etc. It is high time to check the social evil before it causes more harm. Not only the sufferers but all our countrymen should earnestly try as some where, some one may inflame the social revolution to bring the derailed state back to track. Honest endeavour of every Indian will certainly bring the solution only if we contemplate that there is hope for benighted Bihar."

*Prasanta Nayak Mumbai.*

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"Beyond doubt Bihar has reached its Nadir as far as malfunctioning is concerned; even the results of most of the seats in the elections are decided by muscle power. But in the structure of the Constitution there is a superior power for every entity and institution, and surely there must be one for Bihar also. That Bihar cannot be governed by the normal administrative process should be clear by now, when we see the working styles of ministers, senior bureaucrats et al. The State needs governance by Marshal Law. To Govern the state with an iron hand surely one must get rid of the motley crowd of treachers in that State which interalia means President's rule. But can this simple provision of the constitution be implemented? No, so far at least. Our politicians are masters in the art of diverting attention of the public and the situation is further complicated. My heart bleeds when I see press photographers and journalists falling over each other to take the photograph of Laloo Yadav, and broadcast his speech or interviews. Surely, at least this community must have heard of the fodder and other scams. Privatising of politics is not unique to Bihar. There is no justification for the jumbo size cabinet in UP, and several other States, and even at the centre. In fact the maladies are almost common in Bihar and UP, with Bihar gaining slight edge, and the disease is spreading even to well governed states. So the answer is: either to operate the cancer, or allow it to swallow the whole body and make us slaves once again destroying the Democracy."

*Govind Pershad, Faridabad*

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"This is the only state which has been exposed to the outside world for its dirty politics and criminal records. Economically speaking this is the most unbalanced state in India., low education, vast difference in standards of living ; no social status for women; rape, dowry deaths, murders are common. Children are born and brought up in the surroundings of guns and goons. It is a pity that a State which is so rich in its natural resources is so poor in

development. How can we expect development from a man who doesn't accept Information Technology, a man who commits and succeeds in scams worth crores of rupees, a man who gives ministerial designations to men of criminal record only on the fact that they have helped him to come out with success in scams and crimes. I hereby urge you to come out with such articles in every paper, magazine and other possible media, so that our countrymen, our forthcoming generation may be aware of what's going on in this state and try to come out with possible solution. It's the duty of present generation to apprise the younger generation with the facts of the country and try to motivate them to save our mother nation from this grave crisis, as in Bihar.

*Narendra Boliga, Thane.*

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"The overall situation in Bihar is really alarming for the whole country. If it is not arrested at least at this stage, it will certainly 'be a drag on the entire country'. And like 'bad money drives good money out of circulation', the negative characteristics of Bihar will spill over to other parts of the country very fast. Already, the adjacent areas of U.P., West Bengal, Orissa and M. P. are infected by this virus. I put forth few suggestions to tackle the situation:-

After the formation of Jharkhand also, Bihar needs to be bifurcated further for more effective administration. Bureaucrats of higher echelon with integrity and good background should be posted in Bihar from other parts of the country at least for five years. Their main function would be, apart from day to day administration, to clear the mess and set the administration right. They must train the subordinates in clean, honest and effective administration. The centre must take it up as a project. The Land Reform Act which is already passed in Bihar, needs to be suitably modified to meet the present requirement. The gap between the land-owning and land-less class is very vast in Bihar. Attempts should be made to protect the interests of all sections of the society. Only guarding of the interests of any one section of the society will create more problems than solving them. People should be disarmed completely and local unauthorised arms industries must be destroyed through a combing operation with the help of central paramilitary force. Actually, weapon, be it knife or a gun, helps instigating violence (sometimes unintentionally, sometimes deliberately and sometimes circumstantially also). There is urgency for the emergence of an entirely new political class in Bihar. Educated and enlightened people must come forward to take the reign in Bihar as crusade against its long misrule. Centre should make law to disqualify people with criminal background from contesting elections, to break the nexus between politicians and criminals, to verify the income sources of politicians and bureaucrats periodically, etc. for the whole country. These general laws if applied to Bihar strictly, will do wonders, no doubt.

Serious efforts should be made to change the mindset of the people. NGOs should be pressed into service to help developing a healthy and positive attitude among people. Unless there is a perceptible change in the attitude of people at grassroots level, it will be futile to bring reform at the higher plane which will prove to be a cosmetic change only. Caste-feeling and communal consciousness should be directed in a positive way as the first step with an ultimate objective of doing away with them. Campaign for mass education programme should be launched with the help of voluntary organisations. Education will take care of many social maladies in Bihar. Alongwith mass education campaign, volunteers will inculcate civic and political consciousness in the minds of people. Of course, people have high political consciousness in Bihar, but it is present in its perverted form. Once the mission of mass education and through it proper civic and political consciousness (in its positive spirit) is attained, most of other problems can be handled easily. If you have access to the power centre, you must prevail upon the authorities to take up Bihar on priority basis without further delay. In fact, the situation in Bihar is a shame for the whole country."

*Dr. R. K. Satapathy, Mizoram.*

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A WOMAN was in a modern art studio deciding what to buy. She was having a tough time. Finally she picked out one frame and looked it up and down, this way and that.

Then she called out to the salesman. "I cannot figure out which is the top and which is the bottom", she fumed, "is this what you call modern art?"

The salesman looked sheepish. "No madam, "he replied, "this is not modern art. This is a looking glass. A mirror :"

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MY SISTER, an assistant on the lingerie counter of a chain store, was at a loss for words when one woman handed her a paper bag and said, "I'm afraid this brassiere doesn't fit. Could I exchange it for two pillow cases?"

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BEFORE she could be rushed to the delivery room a woman had her baby on the lawn of the hospital, so her husband objected when he received a bill for "use of delivery room".

Came a corrected bill for "use of hospital lawn".

## TWO STANDARD TIMES

India is observing one standard Time (IST). This was introduced more than 100 years ago, under the British regime. They based it roughly on the fact of middle meridian of the country passing near Allahabad. This Standard Time has been responsible, for certain problems which were not then envisaged, nor have these been since remedied.

Longitudinal width of the country brings about a difference of two hours in the time of east and west of the country. The sun rises at 4.30 a.m. in the far-east whereas it rises at 6.30 a.m. in the west. The morning hours of peak efficiency are not utilised to full advantage in the east, and in the evening darkness sets in very early which disables proper utilization of evening hours for games and leisure time.

On the basis of longitudinal width different Time Zones are prescribed in countries with wide-spread. In USA there are five Time Zones; Australia has three Time Zones ; even Indonesia has three Time Zones. On account of the one Time Zone observed in India we are not utilizing our energy resources to full advantage and our productivity has also suffered.

On these considerations, failing to secure any satisfactory response to the problem from governmental authorities we have considered it appropriate to file a writ petition in the Supreme Court on this important subject. For general public interest we reproduce this writ petition. In it we have made Ministry of Science & Technology and the Ministry of Planning of the Government of India Respondents.

### THE WRIT PETITION

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OR ORDER IN THE NATURE OF A CERTIORARI AND / OR MANDAMUS AND / OR ANY OTHER DIRECTION DIRECTING THE UNION OF INDIA IN THE MINISTRY OF SCIENCE & TECHNOLOGY AND THE MINISTRY OF PLANNING TO URGENTLY EXAMINE THE DESIRABILITY AND APPROPRIATENESS OF CREATING CONDITIONS WHEREUNDER TWO STANDARD TIMES ARE ESTABLISHED IN THE COUNTRY IN SUBSTITUTION OF ONE INDIAN STANDARD TIME (IST) WHICH WAS INTRODUCED OVER A CENTURY AGO AND WHICH HAS ADVERSELY AFFECTED THE LIFE PATTERN AND PRODUCTIVITY IN CERTAIN PARTS OF THE COUNTRY, WHEREAS THE INTRODUCTION OF TWO STANDARD TIMES BASED ON SCIENTIFIC DETERMINATION AS IN OTHER COUNTRIES, WILL ENSURE PROPER UTILISATION OF DAY LIGHT HOURS, IMPROVE LIFE PATTERN AND HEALTH OF THE PEOPLE, ALTER WORK HABITS, EFFECT SAVING OF ENERGY, IMPROVE PRODUCTIVITY, AND USHER IN AN ERA OF BETTER FUNCTIONING AND HIGHER PROSPERITY, THEREBY PROVING BENEFICIAL TO THE INTERESTS OF THE PEOPLE AND AFFECTING THEIR FUNDAMENTAL RIGHTS GUARANTEED UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA.

To

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

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

1. That the Petitioner is a Society duly registered under the Societies Registration Act, 1860, and is engaged in taking up various common problems of the people for securing redressal thereof. The Petitioner Society has also brought to court various constitutional problems. The Petitioner has an established locus standi in its capacity as a bonafide public interest organisation for taking up matters of general public importance. The Petitioner is submitting the present public interest petition for consideration of the Hon'ble court.

2. That this Writ Petition seeks to present a matter of great importance which has hitherto failed to attract the attention of the policy makers and on which the administrative functionaries of the Union of India have apparently not paid appropriate attention in spite of repeated requests. It relates to the observance of one Standard Time in the entire country which was introduced by the British more than a century ago and which is now causing various problems described hereunder. The observance of one Standard Time has in fact done incalculable harm to the country in matters relating to its way of life, proper utilisation of its energy and its overall productivity.
3. That the spread of our country is over 2000 kms. from east to west. In terms of geographical longitude the country is spread over 30 degrees, from 97.5 in Arunachal Pradesh in the east to 67.5 in Gujarat in the West. Since every 15 degrees of the geographical longitude implies one hour, the difference between east and west of the country is of two hours. Implication of this is that when the sun rises at Delhi at 6.00 a.m. in summer it rises at about 4.30 a.m. in eastern parts and about 6.30 a.m. in the western parts. At Allahabad, which roughly was at the central longitude of the country before partition, the sun rises at about 5.30 a.m.
4. That the British selected Allahabad as the central point for the purpose of fixing the "Standard Time." It lies at about 82-1/2 degree to the east of Greenwich meridian which is the adopted focal point for determination of Standard Time everywhere. Since the Standard Time was thus determined during the British period this matter has not been reconsidered.
5. That there is no denying the fact, and scientists have established, that efficiency and concentration are at their peak when the mind is fresh and the body is not fatigued. This peak is stated to reach during the couple of hours after waking up in the morning. If the people, including workers in offices, factories, and professions, as well as students in schools and colleges, start work when the peak is already passed it inevitably affects the work and output because the people are driven by biological clock and not merely by mechanical one.
6. That when, during the summer the time is 6.00 a.m. in Delhi, in Shillong people get up at 4.30 a.m. or even earlier. They go to their work place at about 9.00 a.m. when they are already long past the peak of efficiency. In the evening at about 5.00 p.m. in Mumbai it is yet sun-light and there are two hours before sunset, people there have more time for outdoor activities. In the eastern parts it is already dark at that time; students return home; there is no time for games. In the east for those who work in offices and factories the evening hours are very short; they are already tired, having woken up at 4.00 a. m. This contrasts with western parts of India where two or three hours can be devoted to leisure after work and in schools.
7. That these timings, particularly in the eastern parts of the country which are longitudinally more remote from the Central longitude fixed for determining the Standard Time, inevitably affect the life pattern, work habits, leisure utilisation, flow of life, timings for attending offices and work places and schools etc. thereby affecting productivity of the people. This situation has arisen because of the Standard Time having long ago been determined on the basis of longitudinal middle of the country when these factors were not taken into consideration.
8. That in particular the Indian Standard Time based on local time of Allahabad is not good for the north eastern parts of the country. Bangladesh which lies to the west of India's north-east portion, is six hours ahead of Greenwich time while Indian Standard Time is 5-1/2 hours ahead. People on the north east thereby feel that they are losing precious peak efficiency hours. It is generally being felt that work culture of the entire north-eastern parts of the country has been adversely affected by the one Standard Time imposition.
9. That countries with wide longitudinal spread have adopted different Time Zones for the best utilisation of day light working hours for ensuring that these can be utilised to the best advantage of life of the people and their productivity. USA and Canada, have spread of 100 degree of longitude; they have adopted five Time Zones conforming to longitudinal spread. They have fixed the time in such manner that the Time Zones follow the borders of States, and no State is divided into separate Time Zones. Australia has adopted three Time

Zones. Even Indonesia is operating on the basis of three Time Zones. Russia and Brazil have adopted four Time Zones. Countries of Europe keep the clocks one to two hours ahead of Greenwich mean-time to get benefit of day light to the maximum. In addition they also advance their Standard Times during summer for maximum utilisation of day light hours. Various considerations have led these countries to adopt the strategy of day light saving time besides the division into different Time Zones for deriving the maximum benefit from day light time. In winter months this further helps in saving energy, reducing traffic accident and generating atmosphere conducive to higher productivity. Time Zones adopted in the various countries have been indicated in a separate plan.

10. That this important matter of standard Time is also inter-linked with that of efficient utilisation of electric energy. With the observance of present Standard Time peak pattern of energy shoots up all over the country at almost the same time during evening hours every day. This results in enormous strain on both electricity grids and the power stations. With the introduction of two Time Zones power load in the two zones will approach the peak value at different times and thereby reduce the peak demand by a definite percentage which has been estimated to lead to very substantial saving of the energy. It is estimated that by introducing two Time Zones there will be reduction in the energy consumption to the extent of 5.7 per cent.

11. That the experiences of other countries incontrovertibly establish that the adoption of Standard Times in accordance with longitudinal expanse is beneficial in all spheres. In our country the mere fact that the present Indian Standard Time (IST) has functioned for over 100 years is obviously no justification for continuing to operate this inappropriate measure; changing it to two Time Zones will do enormous good to the country which has neglected the introduction of this measure for too long. This change will herald new culture, alter work habits and enhance efficiency, improve health of the entire populace, ensure optimal utilisation of day light hours, effect saving of energy, improve productivity in all spheres of activities, and usher in an era of better functioning for the country and of higher prosperity.

12. That the petitioner has been pursuing this proposal with the concerned authorities of the Union of India but unfortunately there has been continuously a tendency to avoid taking any concrete steps in the direction of introduction of two Time Zones, resisting a change of this fundamental nature in the context of the feeling that one Standard Time has continued to operate for over 100 years. The Department of Science & Technology, the Respondent No. 1, had set up a Committee sometime in 1996 for examining this suggestion. They had communicated to the Planning Commission the views put forth by the National Physical Laboratory to which this subject was referred by them. The argument put forth by the National Physical Laboratory is that the proposed change will make "no drastic improvement" by changing over to two Time Zones, that there will be half an hour saving in day light in places like Imphal but the same would be lost in Delhi and western parts of the country. Their suggestion is that "balance of advantage for the purpose of saving day light may be in advancing the clocks throughout the country by one hour in summer as this may result in saving of one hour day light in the morning between sun rise and office time. Also their suggestion is "more pragmatic way may be that eastern States resort to time schedule of 8.00 a.m. to 4.30 p.m. whereas the western parts follow the time schedule of 9.00 a.m. to 5.30 p.m." It has also been argued that introduction of two Time Zones concept can cause "infrastructural problems taking into consideration the level of literacy and understanding amongst the vast population, practising different avocations in the country". Over-all view of the Department of Science & Technology is that "notwithstanding the scientifically stated views of National Physical Laboratory for having different working hours in different regions in the country, decision on this matter will have to be a political one."

13. That hollowness of reasons for non-acceptability of these arguments are well evident. The claims that "no drastic improvement" can be expected and that there will be only half an hour saving in day light in the east whereas the same will be lost in western parts of the country, are palpably incorrect. The reasoning put forth by them is obviously based on wrong premises. The alternative suggestion by National Physical Laboratory, of advancing clocks throughout the country by one hour in summer is also impractical, taking into



account the unwelcome and unnecessary changes it will involve in effecting changes in summer and winter timings, in the central areas of the country including the southern States. Also, the suggestion that eastern States should change their time schedule from 8.00 a.m. to 4.30 p.m. whereas other parts of the country will follow the work schedule from 9.00 a.m. to 5.30 p.m. is equally impractical.

14. That all facts and circumstances indisputably establish that there is need of adopting the system of two Time Zones because this change alone will bring about the improvements that have been indicated and will overcome the problems which are presently being encountered. The Petitioner suggests that the adoption of two time Zones system should be effected in such manner as has been done in the other countries, that the dividing line does not pass through any State; instead it should operate in such manner that every state continues to observe the same time throughout its area. This requirement will be evident from the dividing line of Time Zones which has been drawn in the plan. It is suggested that the two Standard Times should be termed in such manner that in due course these become understandable and popular words, namely, the eastern Time should be given the name Bay Standard Time and the western Time should be known as Mountain Standard Time. These respectively will be based on the longitudinal meridian passing through Calcutta and Jammu respectively.

15. That the Petitioner had referred the suggestion of adoption of two Standard Times to the office of the Prime Minister on 6th July, 1994, with copies to the President of India, Vice President of India, Speaker of Lok Sabha, Minister of Defence, Minister of Environment and Forests, Director General, Meteorology Department, Planning Commission, Minister of Power and Non-Conventional Energy Sources and Minister of Information & Broadcasting and Minister of Finance. Initiative was also taken by the Petitioner to address a communication on the subject to Members of Parliament. Positive response was received from some Members of Parliament. The Petitioner does not consider it necessary to burden the record with the replies received. Another initiative was taken by the Petitioner in sending a comprehensive note along with relevant documents to six Members of the Committee which was stated to have been constituted by the Ministry of Science & Technology for considering this matter. Reply was not received from them excepting the Director General of Bureau of Indian Standards (BIS) in which he gave the views of the National Physical Laboratory already mentioned in the foregoing.

16. That this matter affects the interests of the people, their life pattern, work habits, energy utilisation and productivity of the whole populace of the country. It is unfortunate that the decision on this vital question has so far not been taken merely because of certain unconvincing and hollow arguments and suggestions put forth by some functionaries of the National Physical Laboratory; these need to be reconsidered and controverted.

17. That the presentation of the above facts indisputably establish that in India there is need of changing over from one Standard Time (IST) to two Standard Times. The Petitioner suggests that this should be done on the basis of longitudes respectively passing through Calcutta and Jammu and these can be respectively described as Bay Standard Time and Mountain Standard Time, or by some other alternative better terms. All facts will show, as have been emphasised in the foregoing, that this change will herald new culture, alter work habits and enhance efficiency, ensure optimal utilisation of day light hours, effect saving of energy, improve productivity in all spheres of activities, and usher in an era of better functioning for the country and of higher productivity.

18. The present petition is being preferred bonafide, in the interests of justice and in public interest.

19. No other writ petition or other proceeding has been initiated by the Petitioner before any other High Court or before this Hon'ble Court in regard to the subject matter of the present Petition.

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

PRAYER

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

- (i) to issue a writ or in the nature of certiorari and / or mandamus and / or any other appropriate writ, order or direction directing the Respondents, Ministry of Science & Technology and the Ministry of Planning, to give serious consideration to these facts, and instead of trying to work on the basis of non-workable and fruitless alternatives which have been suggested by merely one organisation in the country, namely, the National Physical Laboratory, closely and impartially examine all aspects mentioned in the Petition and take decisions regarding the introduction of two Time Zones, which will lead to the improvement in work habits, health, productivity, energy conservation, and usher in an era of higher prosperity in the country.
- (ii) to pass such other and further orders as may be deemed necessary and proper on the facts and in the circumstances of the case.

For which act of kindness, the petitioner shall, as in duty bound, ever pray.

Petitioner

Through

(H. D. Shourie)

Director, COMMON CAUSE

Place : New Delhi

Dated :

---

THERE WAS a little boy with a bad temper. His father gave him a bag of nails and told him that every time he lost his temper, to hammer a nail in the back fence.

The first day the boy had to drive two dozen nails into the fence. Then the figure gradually dwindled. He discovered it was easier to hold his temper than to drive those nails into the fence. Finally the day came when the boy didn't lose his temper at all. He told his father about it and the father suggested that the boy now pull out one nail for each day that he was able to hold his temper. The days passed and the boy was finally able to tell his father that all the nails were gone. The father took his son by the hand and led him to the fence. He said, you have done well, my son, but look at the holes in the fence. The fence will never be the same, when you say things in anger.

...

IT SEEMS that when the good Lord was making the world, he called man aside and bestowed upon him 20 years of normal sex life. Man thought that was too little, but the Creator refused to budge.

The Lord called the monkey next and gave him also 20 years of good life. "But I don't need 20 years, ten years is plenty," the monkey said. Man spoke up : "May I have the other 10 years?" The monkey agreed.

Then the Lord called the lion and also gave him 20 years. The lion said ten would be enough, so again Man spoke up: "May I have your other ten years?" The lion agreed.

Next came the donkey with the same result, giving ten of his 20 years to the Man.

This explains how Man has 20 years of normal sex life. Ten years monkeying around, ten years of lion about, and ten years of making an ass of himself.

...

GIRL'S FATHER: "My daughter sings so well that you will forget to listen to tape-recorders and stereos after you hear her. She dances so superbly that once you see her dancing, you will stop watching TV and VCR. And she washes clothes better than any washing machine."

Boy's father: "But I have already accepted your daughter's hand for my son. So why are you telling me all that?"

Girl's father: "So that you do not ask for these items as part of her dowry."

...

## UNAUTHORISED COLONISES OF DELHI

Many confabulations and discussions are taking place, many statements issued, many write-ups and news appearing in the newspapers, about the problem of unauthorised colonies of Delhi. Controversies are emerging among politicians as to how Delhi Government conveyed their views to the Central Government about regularisation of these colonies with levy of penalty.

There is no doubt that this is a very serious problem for Delhi. Size of the problem is indicative of its seriousness. There are now about 40 to 50 lakh people living in these colonies; 5 to 6 lakh pucca houses have been constructed in them. Not one single house, out of this enormous number, has been constructed with sanction of the concerned authorities i.e., Delhi government and Municipal Corporation of Delhi. These colonies have been developed by unscrupulous elements among colonisers and builders and it is undeniable that their development has been blessed by politicians. Politicians over the last many years have encouraged the people to go ahead, build and squat in these colonies; they will get them regularised. These are their vote banks.

Demands had emerged from politicians in 1993 for regularisation of 1070 colonies which had till then come up, suggesting that all those which had developed till 31-3-1993 should be regularised. From the platform of COMMON CAUSE we forthwith filed a writ Petition in Delhi High Court, making Government of India, Delhi Government, MCD and DDA as respondents. The court forthwith ordered: "No regularisation till further orders". That order still stands. Since then there have been about 30 hearings of the case. Quite a number of colonies have sought intervention in the case and they have lawyers representing them before the court.

A total prohibition against setting up of any unauthorised colony and any unauthorised construction had been issued in 1977, when, in Indira Gandhi's time, 667 unauthorised colonies, which then existed, were allowed to be regularised. A definite order was issued that serious action would be taken against any official for default in allowing development of unauthorised colonies and construction of houses in them. This order obviously remained totally ineffective, because unauthorised colonies and construction were continued by unscrupulous elements, ostensibly with the encouragement of the politicians and with connivance of the concerned officials.

The 1993 order of High Court barring any further development of unauthorised colonies also continues to be disregarded with the result that by now there are as many as 1500 unauthorised colonies, strangulating Delhi all round, with 5 to 6 lakh pucca houses. Not one single house, as has been stated above, has been constructed with any sanction. Master Plan of Delhi has thus been totally shredded. Besides these colonies the slum areas have also continued occupying every nook and corner of the city. There are about 20 lakh people living in the slums. Half the total population of Delhi is thus living in unauthorised colonies and slums; these are important to the politicians because they are their vote banks.

Our contention before the High Court originally was that these unauthorised colonies should not be allowed to be regularised because they have strangulated Delhi, and unauthorised construction should be severely discouraged. But, the reality in this regard has now to be faced; 5 to 6 lakhs of pucca houses cannot be pulled down and 30/35 lakhs people living in these colonies cannot be wished away. The court has also considered it appropriate to direct the Central Government and Delhi Government to prepare definite norms and guidelines for regularisation of the unauthorised colonies. This matter has been before the governmental authorities for quite a few months. A suggestion has been made by a group of experts that an amount of Rs 541/- per Sq. Mtr. should be recovered from every house owner, for covering the developmental charges i.e. development of roads, drainage, sanitation and water supply. Demands for electricity have also continued to emerge from these colonies, and DVB has recently allowed electricity to be supplied with installation of metering.

It will be interesting to note that these unauthorised colonies have come up totally disregarding ownership of land. They have been developed on government land, government acquired land, private land, gaon sabha land. An aerial survey was got conducted by the government prior to 31-3-1993. The maps of

various surveys are available with the government and have been shown to the court.

The aerial surveys and the studies conducted on the ground showed that 392 colonies were on DDA land and 509 colonies were on MCD land. Suggestions have been made on behalf of the government that buildings in the unauthorised colonies which have more than three floors (Ground and two floors) should be excluded from the purview of regularisation; colonies on government land and in rural zones may also be excluded from the regularisation subject to certain conditions. It has also been suggested that colonies falling in notified/reserve forest areas, colonies / buildings falling in the area or alignment of Delhi MRTS Project, water supply lines, other major public utilities etc. must also not be considered for regularisation.

Our submission to the court in relation to the present stage of planning regularisation of the unauthorised colonies is that in addition to Rs 541/- per Sq. Mtr. proposed to be levied for covering developmental charges, the authorities should also charge an amount of Rs 1000/- per Sq. Mtr. of each plot. This will be of the nature of recovering price of land of each plot on which construction has taken place. More important consideration in submitting this suggestion is that such recovery will give to the government the aggregate of as much as about Rs 5000 crores which can well be utilised for rehabilitating the slum dwellers, for whom colonies should be specially developed in the vicinity of the towns in the neighbourhood of Delhi. Transport should be provided for enabling the residents of these colonies to come to Delhi for work.

The court will now have the opportunity to examine the entirety of this matter in the context of the suggestion which is being made by the governmental authorities for charging penalty from the house owners of these unauthorised colonies, and the suggestions which have been submitted by us. It is surprising that the governmental authorities are yet talking of fixing the limitation date of 31-3-1993, suggesting that colonies which got developed only till that date should be brought into the process of regularisation. The fact has to be faced that since 1993 almost about 400 more unauthorised colonies have developed. These obviously cannot be disregarded. It is necessary that the Central Government as well Delhi Government should re-examine the matter in its entirety and to see how this huge problem created by the unauthorised colonies can be satisfactorily solved and how it can be ensured that there will not be any future unauthorised construction or development of an unauthorised colony.

---

A MAN was travelling in a train, and noticed the fact that his seat number was 77, in the seventh compartment. His ticket was numbered 777. The train terminated at platform number seven, and his taxi happened to have the number 7777. His hotel room, on the seventh floor, was number 77. So, he thought, "There is something in all this." The town he was visiting was famous for its horse races, and, therefore, reading a message from fate, he went to the race track and placed a heavy bet on horse number seven.

Eagerly, he awaited the results of the race, almost certain that the number seven would work its magic. Well, it did - in a way. That horse finished seventh.

...  
 THERE was a young man in his teens.  
 Whose bedroom was piled up with jeans.  
 He picked out his sister's  
 But not till she'd missed hers  
 Did he realize his jeans were Jean's.

...  
 A YOUNG COUPLE agreed that if either of them were to die, the surviving one would try to make contact with the dead one exactly one year following the death. He was killed in an automobile accident. As arranged, she tried to make contact with him exactly one year later and succeeded. This is how the conversation went :

He: How are things up there ?

She: Oh, things are just beautiful. We get up every morning and make love. We then eat breakfast and make love some more. After lunch, we usually take a nap and make love till supper, then next morning we start all over again.

He : That is wonderful. I didn't know heaven should be like that.

She : I'm not in heaven. I'm a jack rabbit in Arizona.

...

## SPECIFIC SUGGESTIONS FOR ASSESSMENT OF PROPERTY TAX IN DELHI.

Property Tax is the main source of revenue for municipal bodies. Its existing provisions, because of being based on antiquated law and ill-conceived bye-laws, are creating serious problems of discrimination, leakages and corruption.

We have emphasised the need of introducing the Unit Area Method which will solve these problems satisfactorily. This method will ensure that (i) rules and procedures will be simple and transparent, (ii) the assessment will be equitable, (iii) assessment has relationship to the quantum of services provided by the municipal bodies, (iv) application of procedure is self-evident to the full satisfaction of assessee, (v) any likelihood of leakage, manipulations and corruption is eliminated and (vi) collections, from property Tax increase substantially.

Following are the main features of assessment rules and procedures recommended for adopting Unit Area Method in Delhi :-

- (i) Structures which are of the nature of mud-huts, tin-sheds, and tented accommodation have been exempted from the levy of Property Tax.
- (ii) Structures built of bricks & mortar and cement-concrete have been treated at par, keeping in view the fact that the major consideration in the assessment of Property Tax is the quantum of services provided by MCD to the residents.
- (iii) Different factors of assessment will be applicable to self-occupied premises and commercial as well as industrial premises.
- (iv) Where the land adjacent to building is of size more than the external built area of the building, slight increase can be effected in the assessment of Property Tax, based on the fact that the quantum of services inevitably increases.
- (v) We understand that at present the number of premises assessed to Property Tax in MCD area is about 7.5 lakhs, Unauthorised colonies, which have almost 4 lakhs premises, have not so far been assessed to Property Tax. These should also be brought into its fold. Total number of properties assessed to PT will thus be not less than 11 lakhs. Out of these we have worked on the assumption that 10 lakhs properties are residential, 1 lakh are commercial (shops and offices) and about 50,000 are operating industries (small and large).
- (vi) Where any premises (residential, commercial or industrial) are on rent, one month's rent will be paid by the owner in addition to the Property Tax assessed on the basis of Unit Area Method. Justification for this additional levy is obvious because the services provided by MCD are facilitating the rental of premises.
- (vii) Assessment based on quantum of rental will inevitably involve elements of discrimination, manipulations and leakages. Instead, provision has accordingly been made to add one month's rental to the assessment of property based on factors prescribed for calculation of Unit Area Method.
- (viii) In making assessments the multiplier, "Rate" has been incorporated as will be evident from the calculation indicated below. This "Rate" factor takes into account all the relevant particulars including the appropriateness of quantum of Tax which should be paid and the aggregate yield that it will secure from the type, nature and number of the concerned properties.
- (ix) The procedures are proposed to be simplified to the extent that the assessee will himself be able to furnish the details and particulars of the property. A properly designed proforma is proposed to be prepared in which the assessee will furnish the requisite information about the property, its location, external measurement of the respective floors, area of the plot, monthly rent, alongwith affirmation that the information furnished is correct in all respects.
- (x) Places of worship may have to be completely exempted. Schools, clinics and hospitals may possibly be charged at half rates, Cinema houses, Colleges and other institutions should be charged at full rate.

Based on these proposals following rough assessments have been prepared indicating the expected recovery of Property Tax (PT) on respective types of premises:

RESIDENTIAL PREMISES

Number of Properties (1)	Approx. Area of each. (2)	"Rate" of PT (3)	PT per House. (4)	Total assessment. (5)
200,000	500 sq. ft.	Re 1.00	Rs 500	Rs 10 crores.
200,000	1000 "	Re 1.00	Rs 1000	Rs 20 crores.
150,000	1500 "	Re 1.00	Rs 1500	Rs 22 crores.
150,000	2000 "	Rs 1.25	Rs 2500	Rs 37 crores.
100,000	3000 "	Rs 1.50	Rs 4500	Rs 45 crores.
100,000	3500 "	Rs 2.00	Rs 7000	Rs 70 crores.
100,000	5000 "	Rs 3.00	Rs 15000	Rs 150 crores.
100,000	7500 sq. ft.	Rs 4.00	Rs 30,000	Rs 300 crores
50,000	10000 "	Rs 4.00	Rs 40,000	Rs 200 crores.

**Rs 850 crores**

COMERCIAL (SHOPS & OFFICES)

20,000	100 Sq. ft.	Rs 5.00	Rs 500	Rs 1.0 crore.
20,000	300 "	Rs 7.50	Rs 2250	Rs 4.5 crores.
20,000	500 "	Rs 10.00	Rs 5000	Rs 10.0 crores.
20,000	1000 "	Rs 10.00	Rs 10000	Rs 20.0 crores.
20,000	2000 "	Rs 10.00	Rs 20000	Rs 40.0 crores.

**Rs 75 crores**

INDUSTRIAL (SMALL & LARGE)

1000	500 sq.ft.	Rs 5.00	Rs 2,500	Rs 0.25 crore.
1000	1000 "	Rs 5.00	Rs 5,000	Rs 0.50 crore.
1000	2000 "	Rs 10.00	Rs 20,000	Rs 2.00 crores.
1000	3000 "	Rs 10.00	Rs 30,000	Rs 3.00 crores.
1000	5000 "	Rs 10.00	Rs 50,000	Rs 5.00 crores.

**Rs 11.00 crores.**

COLLECTIONS FROM RENTAL

Number of rented Premises	Monthly Rent	Total of Property Tax from rent.
20,000	Rs 50	Rs 0.10 crore
20,000	Rs 100	Rs 0.20 crore
20,000	Rs 200	Rs 0.40 crore
20,000	Rs 500	Rs 1.00 crore
20,000	Rs 1000	Rs 2.00 crores.
20,000	Rs 2000	Rs 4.00 crores.
20,000	Rs 3000	Rs 6.00 crores.
20,000	Rs 5000	Rs 10.00 crores.
20,000	Rs 7,500	Rs 15.00 crores.
10,000	Rs 10,000 - 20,000	Rs 15.00 crores.
		Rs 50.00 crores.

Total Collection ..

Rs 990.00 crores.

To

All Members of Common Cause

**NOTICE OF ANNUAL GENERAL MEETING**

The Annual General Meeting of COMMON CAUSE Society will be held in the Constitution Club, Rafi Marg, New Delhi, on Sunday the 26th Nov. 2000 at 10.30 a.m.

Agenda will be as follows:

- i) Consideration of Annual Report and adoption of the Annual Accounts alongwith the Auditors Report for the year 1999-2000.
- ii) Appointment of Auditors for the year 2000-2001
- iii) Activities and Programmes.
- iv) Elections.

It may kindly be noted that in accordance with Rule 15 of the Rules & Regulations of the Society if within half an hour of the beginning the quorum is not present, the meeting shall stand adjourned for the same day and will be held after another half an hour, and members present in the adjourned meeting shall form the quorum of the meeting.

H. D. SHOURIE  
DIRECTOR, COMMON CAUSE

**AUDITORS REPORT**

We have audited the attached Balance Sheet of Common Cause as at 31st March, 2000 and also the annexed Income and Expenditure Account for the year ended on that date after incorporating the accounts of the Common Cause Trust and report that :-

- (i) We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purposes of the audit;
- (ii) The Balance Sheet, and the Income and Expenditure Account dealt with in the report are in agreement with the books of accounts; and
- (iii) In our opinion, proper books of account have been kept by the Society / Trust so far as appears from our examination of the books.

In our opinion and to the best of our information, and according to explanation given to us, the said accounts give a true and fair view :-

- (i) In the case of Balance Sheet, of the state of affairs of the Society/ Trust as at March 31, 2000; and
- (ii) In the case of Income and Expenditure Account, of the excess of income over expenditure, for the year ending on March 31, 2000

For VKGN & Associates  
Chartered Accountants

Vijay Gupta  
FCA-81986

Place : New Delhi  
Date : 8 July 2000

## ANNUAL REPORT FOR 1999-2000

In the new millennium COMMON CAUSE has continued to pursue the objectives which it had set before itself, at the time of its establishment 20 years ago that it would endeavour to take up public causes for redressal and that it would in particular focus attention on common and collective problems of the people. We have reason for deriving satisfaction from the fact that over these two decades COMMON CAUSE has taken up a large number of issues of general importance and has successfully utilised the methodology of seeking redressal of these problems through the intermediacy of the Courts, particularly, the Supreme Court, Delhi High Court and the National Commission established under the Consumer Protection Act.

There has hardly been any matter of general importance which affect people in the whole country or in a state or in a city which has not been taken up and pursued. The instrument of Public Interest Litigation (PIL) for achieving the objectives through these highest courts, has in fact, got connected very closely with the functioning of COMMON CAUSE. This gives us great satisfaction. It is often inevitable and undoubtedly correct that our PIL cases languish for long in the courts despite every effort made to get the decisions expedited. The delays are due to the court procedures.

Because of association of COMMON CAUSE for these two decades with solving of problems of the people, all sorts of demands are made to the organisation, orally and in writing, about problems faced by individuals, seeking help for solving these. Often these demands of individuals are very pathetic, comprising of domestic discords, the matter of pensions and provident fund, matters of deposits made in companies which have defaulted in refund, problems of electricity and telephone disconnections or of extortionate demands of bills and many other matters of such nature. We do take up some matters with the concerned authorities, but in general, we have to request complainants to directly pursue with the concerned authorities at the appropriate level and to seek help of some lawyer friend who can solve the problem.

Among the substantial number of our PIL cases still pending, particularly in the Supreme Court and Delhi High Court are certain matters of wide and general importance. In the Supreme Court we had filed a writ petition challenging the validity of pensions being given to Members of Parliament. Our contention has been that the relevant provisions of the Constitution do not authorise the sanction of pensions to ex-MPs and that this burden on the exchequer need to be avoided. This case was filed nine years ago, in 1991. The Judges who heard it at the preliminary stage felt that the matter involved interpretation of the Constitutional provisions and accordingly desired that it should go before the Constitution Bench. It has since not been possible for the Constitution Bench of the Supreme Court to take up this case. Another case of COMMON CAUSE which is pending before the Supreme Court relates to the MP's Constituency Development Fund wherein every MP is entitled to utilise an amount, which was previously Re. 1 crore and was recently increased to Rs. 2 crores, for undertaking development works in the constituency. Demands are now being voiced for increasing this amount to Rs. 3 crores or even to Rs. 4 crores. We have taken the matter to the Supreme Court, bringing to notice certain deficiencies in the operation of the scheme as pointed out by the Comptroller and Auditor General of India (CAG) and also on the ground that it inevitably involves an element of discrimination against the contestant who will be contesting the next election against the concerned MP. This case is also yet pending before the Supreme Court.

In Delhi High Court the matter of general importance on which hundreds of thousands of people are eagerly awaiting the final decision, relates to Delhi Rent Control Act which was passed in 1995 and has not yet been notified by the Government for bringing it into effect. We hope this case will now soon be decided. Other matters pending before Delhi High Court include the matters relating to payment of conversion charges from leasehold to freehold, problems relating to mis-use of farm houses, the matter regarding the payment of charges for transfer of ownership rights to shopkeepers of certain important markets of Delhi, problem of stray cattle and stray dogs on the roads and some others. All our cases pending in the Supreme Court and Delhi High Court continue to be pursued.



Against the background of enormous lot of work done by our organisation it can be claimed that it has benefited literally millions of people. The case of pensions which in fact was the first one filed by COMMON CAUSE in the Supreme Court gave benefit of pension revision to over five million pensioners. Case relating to election expenses brought about changes in the processes adopted by the political parties in relation to their election campaigns. Our writ Petition on criminal cases pending in the courts of the country brought about closure of hundreds of thousands of pending criminal cases in the courts. Case of Blood Banks brought about distinct changes by directing that the collection of blood should be made only through voluntary donations.

We have regularly continued to provide information to our Members through the quarterly Periodical. Through it we have disseminated general information about our activities, cases taken to "courts", and also problems faced by the people and issues being encountered by consumers as well as the means for their redressal.

We are grateful to the people for the support which the organisation has throughout received from them.

#### **FINANCES :**

Balance Sheet as certificated by our Auditors relating to the year of the Report, is reproduced hereunder. The over-all picture arising from the Audit Report is that income during the year has been Rs 8,76,459 lakhs and the expenditure Rs 8,30,330 lakhs.

*(Kindly see next page)*

### **WORDS OF WISDOM**

#### **"WHAT IS SAMADHI?"**

Someone has said, "The mingling of the drop with the ocean."

Someone else has said, "The descent of the ocean into the drop."

But I say: It is the disappearance of both the drop and the ocean. Samadhi is where there is neither the drop nor the ocean. Samadhi is where one is neither one nor many. Samadhi is where there is neither the finite nor the infinite.

Samadhi is oneness with existence.

Samadhi is truth, samadhi is consciousness, samadhi is bliss.

'I' is not present in samadhi. Samadhi is what remains when 'I' ceases to exist.

And perhaps this 'I' which is not 'I' is the real 'I'.

'I' has two existences : the ego and the Brahman. I am not the ego, but I seem to be.

I am the Brahman, but I seem not to be.

Consciousness, pure consciousness is Brahman.

I am pure witnessing consciousness, but because I identify with the stream of my thoughts, I do not see this. Thought itself is not consciousness. Consciousness comprehends thought. Consciousness is the witness of thought. Thought is the object and consciousness is the subject. To identify the subject with the object is to be unconscious. This is the opposite of samadhi. This is sleep.

What remains in the absence of thought is consciousness. To be in what remains is samadhi.

Awakening into thoughtlessness opens the door to existence. Existence means that which is. Awaken into it: this is the essence of the message of all the enlightened ones."

**COMMON CAUSE**

(Registered under the Societies Registration Act, 1860)

**INCOME AND EXPENDITURE ACCOUNT for the year ended MARCH 31, 2000**

Particulars	31.03.2000 Amount (Rs.)		31.03.2000 Amount (Rs.)
<b>EXPENDITURE</b>		<b>INCOME</b>	
Staff Salary & Bonus	1,94,228	Donations	1,09,871
Honorarium to Consultants	1,49,000	Annual Membership	15,466
Printing & Stationery	1,82,000	Associate Membership	4,051
Water & Electricity Expenses	56,715		
Telephone Expenses	25,802	Interest Received :	
Postage & Telegrams	36,331	* Savings Bank	11,272
Legal Expenses	12,200	* Fixed Deposit with SAIL	5,66,056
Conveyance Expenses	33,903		
Ground rent	29,461	Amount transferred from :	
Meetings & Seminars	2,200	Foreign Contribution Fund Account	1,69,743
Membership Charges	1,205		
Bank Charges	2,261		
Books & Periodicals	654		
Repairs & Maintenance	831		
Miscellaneous Expenses	2,728		
Housekeeping	806		
Depreciation	1,00,005		
	<u>8,30,330</u>		<u>8,76,459</u>
Surplus-Excess of Income over Expenditure	46,129		

Significant Accounting Policies & Notes to Accounts G

Signed in terms of our report of even date

For VKGN & Associates  
Chartered Accountants

For Common Cause

Vijay Gupta  
FCA - 81986

Govind Narain  
President

H. D. Shourie  
Director

Place : New Delhi  
Date : 08 JUL 2000

Maj. Gen. U. C. Dubey  
Treasurer

**COMMON CAUSE**

Registered under the Societies Registration Act, 1860)

**BALANCE SHEET as at MARCH 31, 2000**

Particulars	Schedule	31.03.2000 Amount (Rs.)	Schedule	31.03.2000 Amount (Rs.)
<b>LIABILITIES</b>				
Capital & Corpus Fund Accounts	A			
* Life Membership Subscription Fund		7,71,495		
* Corpus Fund		40,50,689		
Foreign Contribution Fund	B	3,329		
Common Cause Trust	C	4,41,106		
		<u>52,66,619</u>		
Significant Accounting Policies & Notes to Accounts	G			
<b>ASSETS</b>				
	D			5,66,322
Fixed Assets				
Investment				
* Fixed Deposits with SAIL	E			43,96,385
Current Assets, Loans & Advances	F			2,83,770
Income & Expenditure Account (being Excess of Expenditure over Income):				
Opening Deficit			66,272	
Less : Surplus for the year			<u>46,129</u>	
				<u>20,142</u>
				<u>52,66,619</u>

Signed in terms of our report of even date  
For VKGN & Associates  
Chartered Accountants

For Common Cause

Vijay Gupta  
FCA - 81986

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Director

Place : New Delhi  
Date : 08 JUL 2000

Maj. Gen. U. C. Dubey  
Treasurer

**WORDS OF WISDOM**

"UNTIL LAST EVENING, this plant was alive. Its roots were in the ground and there was life in its leaves. It was green and lustrous. Swaying in the breeze, it shed bliss all round. I had passed by it many times and had felt the melody of its life.

Yesterday someone disturbed it, loosening its roots, and coming to it today I found that the plant had breathed its last. This is what happens when the roots are dislodged from the ground. Everything depends on the roots. They are invisible, but they hold the whole secret of life. Plants have roots; man also has roots. Plants have a ground; man also has one. When the roots are dislodged from the ground, plants dry up; so too with man.

I was reading a book by Albert Camus. The opening sentence of the book ran, "Suicide is the only significant problem for philosophy." Why? - because nowadays man finds no purpose in life. Everything has become meaningless and futile.

What has happened is that our roots have been shaken. We have lost our link with the source of life, without which, life is nothing more than a meaningless story.

We have to give man back his roots. We have to give him back his ground. Those roots are the soul, that ground is religion, If this can be done, flowers can bloom once again in humanity."

## OUR ACTIVITIES AND PROGRAMMES

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

A large number of writ petitions have been filed by the Organisation in the Supreme Court and Delhi High Court, and quite a few important cases have been taken to the National Commission established under the Consumer Protection Act. The very first case taken up by COMMON CAUSE, almost two decades ago soon after its establishment, related to the problems

### 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 interalia 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.*

of pensioners. Almost four million pensioners benefited from the three important decisions which the Organisation was able to secure from the Supreme Court, relating to the extension of liberalisation of pension, restoration of commutation of pension and extension of the scheme of family pension. An important matter relating to the pending criminal cases of the courts of the country was taken to the Supreme Court. In our writ petition specific suggestions were submitted for adoption of procedures for dealing with backlog. The important decision given by Supreme Court in this case led to the discharge of large number of accused persons and release of prisoners whose cases had dragged on for long periods. These directions have brought about termination of hundreds of thousands of cases all over the country. On the subject of general malfunctioning of Blood Banks a writ petition was formulated and taken to the Supreme Court. Directions given by the court on this important matter has led to the evolution of system for registration of Blood Banks and stoppage of use of professional blood donors. On the general matter of corruption and establishment of the institutions of LOKPAL and LOK AYUKTAS in the country the Supreme Court, on a writ petition of the organisation, gave a verdict of severe punishment in a particular case, and the matter relating to the appointment of Lok Ayuktas has continued to be pursued by issuing direction to all States. On another writ petition the Supreme Court gave very important direction in relation to the conduct of election campaigns by the political parties, in relation to a provision which has been incorporated in the election

law. The Court also directed strict compliance with law in relation to the submission of Income-tax Returns by the political parties.

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

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

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