

COMMON CAUSE

VOICE OF "COMMON CAUSE"

SOME NEWS ARE HEART-RENDING; SOME NEWS BLEED

H.D. Shourie

One comes across all sorts of news. This happens everywhere, in every country, in every part of a country. News are of various types, of different qualities, relating to different happenings.

There are news that are pleasant; they are welcome; they are heartening. Contrary-wise, there are news that are unpleasant, news that hurt, news that are heart-rending and heart-breaking, and sadly there are news that can only be described as news that bleed, that cause intense agony and pain.

While in our country there are occasions and news that savour of welcome happenings and enjoyment, and news of festivities, of joy, of achievements, welcome and entertaining, for individuals, families and gatherings. There are unfortunately every day occasions when one comes across news that cause anguish and intense pain. In the present recount we will focus only on the sad news and painful news, for the specific objective of waking up people about their happening, about how they can be minimised, by joint efforts of the people, administrative machinery and effective governance.

There are news of havoc caused by floods, droughts, fires, riots, thefts, corruption, scams, murders, and even of terrorist activities. There is no abnormality about these, such unfortunate occurrences happen often and in every country. We in this country specialise news that are extremely agonising.

Take one sad example. In the South, in the village Kamdavkanon of Tamil Nadu, recently 92 children got burnt and killed because thatched roof

of the school building caught fire and all escape routes were barred. Imagine the intense agony and shrieking and screaming of children who were burning and there was no succour or rescue. There was a report of another school, at Sellur in Madurai, which caught fire, but luckily all the 200 children in it had Providential escape. In a municipal school at Pune, which has 120 students, who were not at that time in the class room, a gas cylinder burst, causing damage to the floor and collapse of rickety stairs leading to the school room.

School children, elderlies, women and others, sometimes get crushed and killed under buses on the roads. In Delhi this has happened quite often. Buses crushing against each other have caused

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NEWS THAT ARE HEART-RENDING; NEWS THAT BLEED
INTRODUCTION OF THE JUDICIAL STATISTICS BILL ALONGWITH
THE CONSTITUTION (AMENDMENT) BILL IN RAJYA SABHA

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many casualties. It is very serious consequence that road accidents in India, according to governmental statistics, cause as many as 80,000 deaths annually; 4,00,000 accidents take place annually on the roads of cities, towns and National Highways; 3,30,000 persons receive serious injuries in these accidents. It is easy to talk and hear about statistics of accidents, of children getting crushed under the wheels of buses, but imagine the extreme intense pain that is caused while being crushed, and the agony that is caused to relatives. There was recently news of a bus skid in a gorge killing 17 of its passengers. Such events recur often.

Road accidents lead us to railway accidents. Large number of very serious railway accidents have taken place during last many years, by collisions of trains, accidents caused by failure of signals, and crashing through weakened bridges, compartments hanging from the bridges down to the river, with bodies of passengers protruding out of windows.

Let us now come to certain other news that are heart-rending, the news that have no better expression than that these are news that bleed. We will focus only on recent news.

There was recent news of a middle-aged resident of Delhi having been arrested and sent to jail for having sexually assaulted his two daughters – one of twelve years and the other, a child of nine years. He is reported to be alcoholic and accustomed to sexual abuse of his daughters whenever he was in inebriated state. The man hails from Patna; he was Captain in Merchant Navy. He is stated to have started assaulting his daughters after his wife died.

Rape is obviously the beginning of a nightmare for the victim if she understands what has happened to her. From the legal battles and struggle to come to terms with what happened, the victim also has to face social stigma and lack of acceptance. Post rape trauma leaves the victim scarred for life. She is constantly plagued by thoughts of her future, her marriage, her parents and what the neighbours were thinking about her. In most cases the culprit is a neighbourer; in a number of cases the culprit is a relative, a friend or tenant. Over 60 percent of the accused are of 18 to 25 years. Over 55 percent of these are illiterate and school drop-outs. Most unfortunately, conviction rate has been abysmally low, only about 20 percent.

An instance of such shameful episode was that of 9 years old Shoma of Bagalpur. She was brutally raped by her 50 years-old neighbour when she was only seven years old. This child has not yet got over the physical pain and she is still very confused as to why her "uncle" raped her. The incident left her hospitalised for almost two whole months. The psychological effect is that she hates human touch and rushes for a bath whenever someone touches her, even by accident.

Another shameful case is of Kavita, of 17 years, a beggar in Jaipur. She was gangraped by five boys, including her cousin, at the age of 12. The brutal incident left her unconscious for 12 hours. She still suffers from violent emotional outbursts. The trauma has adversely affected her comprehension capacity.

There is a case of Sunaina of 16 years, in a Madhya Pradesh town, who has completely shut herself from rest of the world. She was raped by her stepfather and stepbrother four years ago just a month after her mother's death; she cannot get over the emotional loss, trauma and grief caused by the incident.

Two other cases of rape are worth mentioning. One is of a young foreign tourist, of about 24-years, from New Zealand, who was raped by the taxi driver who had picked her up at the airport for taking her to the hotel she had named. She was pushed into bushes, raped, and left wailing; the taxi

driver fled, taking her baggage with him. Another case was of an Australian lady of 59 years, a regular visitor to India. She was looted, raped and murdered by the Taxi driver who picked her up from the Delhi Airport; she was going to Brahamkumari Ashram, Karol Bagh, planning to spend some months in the Ashram, to imbibe the essence of heritage of India's religious and cultural history. Case of this type makes one really cry.

While this piece is being written, today's newspaper carries the horrendous story of another rape. This is of a 5-years-old girl, who was raped by her relative, visiting his sister's house in Ghaziabad near Delhi. Girl's cries were heard by some neighbour who immediately acted and handed over the youngman to police.

Eight people have been arrested in Madhya Pradesh in a case of gangrape of three women from Dalit low caste community. They are said to have been enraged on account of a Dalit boy's elopement with the girl from an upper caste Yadav family. The police complaint alleged that a band of about 30 Yadav men raped the boy's mother and his two aunts, having first paraded them in the streets.

Five passengers in the last Borivali bound train one night witnessed a young sexually assault a minor mentally-deranged girl in the second-class compartment. He was eventually handed over to police by other passengers.

The number of rape cases in Delhi has been showing a rising trend in the last three years. As against 490 cases in 2003, 269 were reported till June this year. In 2002, there were 403 cases and 404 in the earlier year 2001. A woman is raped in Delhi every 24 hours, and in overwhelming majority of cases registered by the police in the last six months the rapists were known to victims. 2359 rape cases were registered by the police between 1999 and June this year. Majority of victims (89) and the accused (113) arrested this year were illiterate. The Governmental authorities claim that special patrolling has been ordered in vulnerable areas and traffic police asked to step up drive against the vehicles using tinted glass. All pan-shops and shops selling liquor are required to be closed by 11.00 P.M.

Prostitution has also been on the increase in the city. 125 women were arrested on prostitution charges in the capital during the recent three months. A Hotel-owner was arrested in April, 2004, and an amount of Rs. 4 lakh was recovered from his establishment in connection with prostitution being carried out in the hotel. Cases of prostitution rackets are increasingly being reported from various cities.

Another area of heart-rending and distressing news is that of large number of farmers' suicides that take place, practically everywhere, in the villages of this country, arising from conditions of droughts and floods which severely damage their crops and expectations. Farmers facing the calamities of floods and droughts, often have to resort to take loans for meeting their urgent requirements, the failure of crops disable them from repaying the loans, which ultimately drives them to commit suicide.

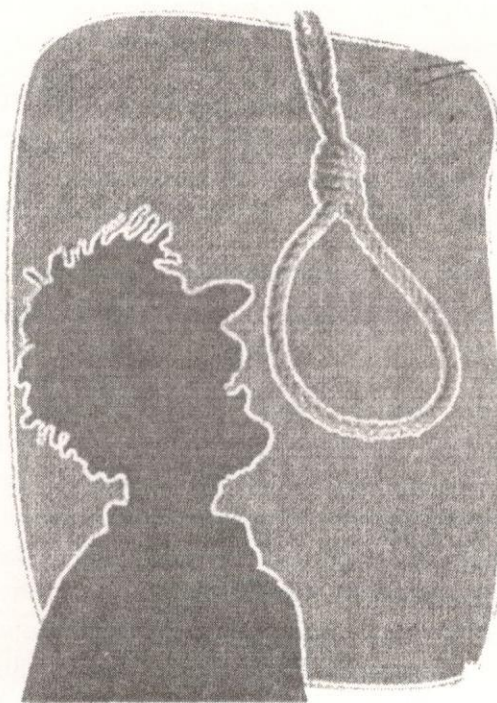
Estimates have been that in Andhra Pradesh nearly 900 farmers committed suicide last year and that total has been more than 3,000 in the last five years. These figures are in fact stated to be underestimated. Reports are that in the year 2000 Andhra Pradesh recorded 9,905 suicides. Since half the population in rural areas consists of farmers, one can imagine the condition of those who have to face situations caused by floods and droughts.

The money required for procurement of pesticides and fertilizers is the major cause of farmers' deaths. The Government decision to give free electric power to farmers inevitably leads to excessive

pumping, falling water table which too drive the farmers ultimately to suicide. It is obviously necessary that groundwater use should be regulated and electricity should be charged at full cost to discourage over-pumping. It would be desirable that the Government should in fact levy tax instead of subsidising inputs, power, water, pesticides and the use of groundwater. Higher input costs for farmers are offset by higher agricultural prices.

Nearly 15 percent of farmers are reported to have recently committed suicide in the Vidharba region of Maharashtra after they lost their crops in the dry spell. Very little help coming from banks in terms of credit, most farmers are at the mercy of money-lenders, and of the Their failure to return the loan leads them to commit suicide.

Procuring credit from rural banks, both nationalised and cooperative sector, is not easy. The loans are five times their interest rates are steep, borrower has to resort to crop premium. A insurance on payment of high Chauhan of Vidharba, allegedly three acres of land Chauhan 20,000/- and Rs. 7,000/- from crop was severely damaged farmer, Gangadhar Bhure, of district Nagpur, and Ram had to resort to commit suicide. Another farmer, Vanihalli of had a number of debts to clear release through suicide. Bellary



Farmers have to bear the brunt. When monsoon fails they suffer; the crops are lost. And when heavy rains arrive, the farmers cannot take loans. One of them was Dasvaraj, of 40 years, a farmer of Kurngidu who compelled himself to consume poison because he had lost the entire Chilli crop cultivated on six acres of land, due to his fields getting flooded by rains, which destroyed the crop.

Suicides take place not only in the South but also in other parts of the country. There is news of 38 suicides having taken place recently in Ghaziabad, a town near Delhi. 14 out of them were undergraduates or school-dropouts; they committed suicide either by hanging or poisoning themselves. Death of women, out of the total of 38, was influenced more by conflict in the family; they use more gruesome means, like burning, drowning or lying under a train. Men were driven to death by poverty, by complete loss of hope, for meeting their essential needs.

These are the types of news that cause deep hurt, other than the news of thefts, burglary, murders and riots etc. It is not easy to curb happenings of this nature, but law and order authorities and administrative apparatus need to devise special measures to effectively minimise these types of happenings. There is also great need of wide spread of knowledge and awareness, besides anticipatory steps which will help to avoid events of such nature which are heart-rending and can best be described as news that bleed.

lost their crops in the dry spell. banks in terms of credit, most money-lenders, and of the Their failure to return the loan rural banks, both nationalised easy. The loans are five times their interest rates are steep, borrower has to resort to crop premium. Ram Chandran hanged himself to death. For had taken a bank loan of Rs. Cooperative Society; his Soya by inadequate rainfall. Another 27 years, from Narkhed Taluka, Chandram Chauhan, eventually by consuming insecticide. village Hommali in Devangere, and had no alternative to his in Karnataka has had the

JUDICIAL FUNCTIONING – DELAYS IN COURTS

Everybody is aware of the enormous delay that comes about in the decision of criminal as well as civil cases filed in the various courts of India, right from Supreme Court to the District Courts. A very important and welcome initiative has now been taken by Mr. F.S. Nariman, Member of Parliament, in introducing the Judicial Statistics Bill alongwith the Constitution (Amendment) Bill in the Rajya Sabha. The Judicial Statistics Bill states that economic reforms cannot succeed unless accompanied by legal and judicial reforms. The attempt to reform law hitherto focussed merely on research work, because of lack of statistical data. Now that new means of collecting empirical data in the legal files are available will be evidence of Information Technology. The availability of empirical data will help legal scholars to better assess performance of our judicial institutions. It will also help legal researchers and law reform agencies like the Law Commission to diagnose accurately the fault lines in the legal and judicial sector which inevitably lead to greater transparency.

The Judicial Statistics Bill aims at creation of a National Authority for judicial statistics, State Authority for judicial statistics and District Authority for judicial statistics. National Authority will consist of Chief Justice of India, a retired Judge of Supreme Court, Presiding Officers of Tribunals established under various Acts of Parliament and the Registrar General of Supreme Court, besides other members possessing requisite experience and qualifications. The State Authority for judicial statistics is proposed to consist of Chief Justice of the High Court, a serving or retired Judge of the High Court, Presiding Officer of any Tribunal established in the State, Registrar of the High Court and any other member possessing the requisite experience and qualifications. Likewise, the District Authority for judicial statistics is proposed to consist of District Judge and any other members possessing the requisite experience and qualifications.

Each of these Authorities, the National Authority, State Authority and District Authority, shall collect statistics about the cases, appeals, petitions and other matters filed in the respective Courts and other Tribunals. The information collected by them will include the legal nature of the dispute, outcome of the dispute, number of hours taken in disposal of the cases, number of adjournments granted and the interval between filing of cases and their final disposal.

Such statistical data will obviously be invaluable for determining action that needs to be taken for effecting improvements to ensure expeditious hearing of cases, appeals, petitions and other matters referred to the Courts. Each one of these three Authorities will prepare Annual Report based on the statistics of the cases, Appeals, Petitions and other matters referred to the Courts. It shall also comment on the trends revealed by the statistics.



Mr. F.S. Nariman, Member of Parliament has introduced another Bill in the Parliament entitled "THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL". In the Bill it has been provided that where a Member of Parliament against whom charges have been framed by a competent Court under Section 240 of the Code of Criminal Procedure for committing any offence, punishable with imprisonment for a term which may extend to five years or more or with death sentence under the Indian Penal Code or any other law, shall be disqualified as long as he is not discharged or acquitted by the Court of competent jurisdiction. Recent trends have shown that a number of persons with criminal antecedents are entering State Legislatures or Parliament. In many cases serious charges are levelled against such persons and due to inevitable delays in the judicial process in combination with influence of money and muscle-power, such persons are able to prolong the trial of criminal cases, thereby defeating the ends of justice. To prevent the person charged in a Court of Law (after investigation) of heinous criminal offences from exploiting the inevitable delays in judicial process it has been proposed in the Bill to make the framing of charges by a competent Court a ground for disqualification. The Law Commission of India has also recommended that the Representation of People Act, 1951, should be amended to the same effect. This is the view taken by the Election Commission as well. It is generally admitted that the entry of criminalisation in politics is a matter of great concern and recommendations have been made that the Representation of People Act should be amended to provide that any person charged with offence punishable with imprisonment for a maximum term of five years or more should be disqualified from being elected to Parliament or Legislature of State. The enactment of proposed legislation will greatly help to de-criminalise policies and will go a long way towards cleansing and purifying the public life.

One of the guests turned to the man by his side and started criticising the woman at the piano.

"What a hoarse voice. Do you know who she is?"

"Yes, the neighbour replied. "She is my wife."

"Oh, I beg your pardon. Of course, it is not her voice to blame. It's the song she has to sing. I wonder who wrote that terrible song".

"I did", was the answer.

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The lady of the house suspected that one of her two sons was paying attention to the maid. Anxious to find out which one, she said to the girl, "Gertie, suppose you could have a date with one of my sons, which would you prefer?"

"Well", replied Gertie, "It's hard to say, Ma'am, for I've had some grand times with both of them. But for real rollicking spree, give me the master".

...

An absent-minded professor took a room at a boarding house. A few days later he knocked on his landlady's door in a state of agitation. "I cannot stay here unless you send a full length mirror to my room immediately".

"But why? That half-length mirror is brand new", replied the landlady.

"It simply won't do. I keep going out without my pants on".

...

A MEMORIAL FOLLY

In July, 2004, some newspapers highlighted an outrageous perpetration which had been going on for sometime in the construction of a Police Memorial at the crossing of Shanti Path and Panchsheel Marg, claimed to be part of beautiful lay-out of Lutyen's Delhi. The steel structure had already been erected very high, to an extent that the view of dome of Rashtrapati Bhawan was being obstructed. Height of the ultimate Memorial was supposed to exceed even the height of India Gate.

From COMMON CAUSE we planned to take this matter to the Supreme Court in the shape of Writ Petition. Meanwhile, we submitted a Representation to the Hon'ble Chief Justice of India to take Suo Moto action to stop the construction of such a Memorial. It would be an ugly imposition on the entire outlay. We later learnt that some prominent citizens of Delhi had taken this matter in the shape of Writ Petition to Delhi High Court which took immediate action and directed to stop all further construction of the Memorial. This was a very welcome step, taken on the initiative of citizens of Delhi. On our letter to the Chief Justice of India we received information from the Registrar that the matter had already been decided by Delhi High Court.

We reproduce hereunder a copy of the letter addressed to the Chief Justice of India along with copy of one of the press cuttings where this problem was highlighted.

July 15, 2004

To

Hon'ble Chief Justice of India,
Supreme Court,
Tilak Mark, New Delhi - 110001.

SUBJECT : "MEMORIAL FOLLY" BEING PERPETUATED IN LUTYEN'S DESIGN OF DELHI.

Your Lordship,

Your Lordship may have seen reports in the newspapers about some prominent citizens of Delhi having sent representations to the President of India, the Prime Minister, the Home Minister and the Minister of Urban Development about Police Memorial being built at the crossing of Shanti Path and Panchsheel Marg which are prominent areas of Delhi.

The newspapers have highlighted this outrageous perpetration in the photographs which show the huge steel structure that is being built, which is reported to have been designed as a structure higher than India Gate, and which, as will be evident from the reproduced photographs, will obstruct the view even of the dome of Rashtrapati Bhawan. Prominent citizens have condemned the perpetration that is being created. Their condemnation has been quoted in the newspapers. I enclose photo-copies of the write-ups alongwith the photographs which have appeared in (i) The Hindu (ii) The Times of India (iii) The Hindustan Times and (iv) The Indian Express.

We request that your Lordship may kindly take Suo Moto notice of this serious development and issue notices to the Ministry of Home Affairs, Ministry of Urban Development and, if necessary, the Prime Minister's Office. An amicus curiae may kindly be appointed to help the Hon'ble Court to deal with this case.

Advanced years (92 years) and certain physical problems have disabled the undersigned from appearing before Your Lordship for personally making this Submission, for which I convey my apologies and regrets.

Respectful regards,

Yours respectfully,

H. D. Shourie, Director



“DIRTY DESIGNS ON DELHI”

“With its design facing criticism, the 47-metre Police Memorial at the Shantipath-Panchsheel Marg junction could well be demolished. Who then approves the design of public structures? Why isn’t Delhi an aesthetically-designed city? What can be done to ensure that eyesores have no place in this metro? *Delhi times* brings you the lowdown on the who and howdunnit of the Capital’s architecture.

If you pass by it, you must have turned up your nose at it — the huge steel girders coming up with no sense of design and aesthetics are ostensibly the Police Memorial. But Delhi’s aesthetes are already crying foul over its inappropriate structure and it might soon be pulled down.

OP Jain of INTACH “plans to move court against the Police Memorial.” Earlier, the design of the structure came for approval to the Delhi Urban Art Commission (DUAC), whose three-member advisory panel comprises architects Sumit Ghosh, AG Krishna Menon and SK Das. According to Ghosh, all three “discussed and rejected” the design in writing. “But the DUAC gave in to political pressure and the structure was built. Now, with the change of government, we have forwarded a proposal to dismantle the Police Memorial.”

OBJECTIONS TO THE DESIGN

According to Jain, the following incongruencies make the Police Memorial an eyesore:

- (a) It is constructed at the Shantipath-Panchsheel Marg intersection, which is symbolic of peace.
- (b) The concept of this Lutyen’s heritage area is that buildings shouldn’t be higher than trees.
- (c) It is out of proportion, out of context, and out of scale with its surroundings.
- (d) It has an awkward axial relation to Shantipath, which offers a view of Rashtrapati Bhawan.

What’s wrong with Delhi’s design?

- **OFFICIAL APATHY:** “Designs fail to live up to their utility because of lack of civic sense. District centres/commercial complexes built by the DDA lack maintenance,” says architect Suchitra Ghosh.
- **LACK OF LANDSCAPING :** “Public spaces aren’t seen as design sites. We need landscaping,” says KT Ravindran, head, urban design, SPA.
- **NO ROAD-NETWORKING:** “Road-networking is important to conveyance. Residential gates have become a nuisance as colonies close them in the name of security,” says Suchitra Ghosh.

- **TOO MANY ENCROACHMENTS** : "Shopping centres, hospitals etc. aren't developed simultaneously with residential colonies," says SPA dean Subir Saha, "The vague areas left for such structures are taken over by encroachers."
- **NO UNIFORMITY IN DESIGN ELEMENTS**: Says architect Vishakha Saxena, "See individual facades. Somewhere, it's Corinthian columns, at other places it's Roman pediments or Greek facades."

Who Designs Delhi?

WHAT HAPPENS WHEN A PUBLIC UTILITY STRUCTURE HAS TO BE CONSTRUCTED?

According to BK Jain, director of planning, DDA: "The starting point for such structures is the DDA, whose plans are drafted by a technical committee with a member-mix decided by the body's constitution. While plans are made by this in-house panel, the committee can ask for the help of architects and designers outside its authority. Plans are then sent for sanction to the DDA chairman. Once a master plan is passed, it is sent to the Union ministry for Urban Development for its okay. Finally public buildings are constructed by the CPWD in areas under the MCD or NDMC as the case may be.

WHO ADVISES THE DDA, CIVIC AGENCIES?

The DUAC is the advisory body for the DDA, NDMC and MCD. "We tell them the pros and cons of a certain design or construction. We have a panel of over 100 independent architects, landscape designers, town planners and artists. They pass or reject designs," says DUAC secretary Dinanath.

WHAT AILS THE DUAC ?

According to a senior member, "The DUAC is headless; it has had no chairman for some time now. The last government used political pressure to get certain plans passed." Says Ghosh, "Theoretically, all designs have to be approved by the DUAC. But practically, it is difficult to do justice to all projects."

What's the way out ?

Is there a solution to this bureaucratic tangle? "The DUAC has been relegated to only passing ideas. It needs to play a more proactive role and set guidelines for architects/planners. In Singapore, if someone puts up an obnoxious hoarding, one can approach the town council," says Subir Saha.

Suggests Ghosh, "Elsewhere in the world, design approval panels comprise senior members of residential areas who can decide for themselves if a certain design is compatible with their neighbourhood or not." Santosh Kumar Sharma, senior advisor, Development Alternatives, says the hierarchy must be broken to penetrate micro-levels. "For this, every public body – from the municipality to the panchayat – needs to be empowered to take action."

THE CMP AND THE COMMON MAN

P.K. Dave

The common minimum programme of the United Progressive Alliance at the centre makes several promises requiring not only very large investment of funds but also massive organizational effort. The promises made to the farmers, the rural population and the common man generally, form the core responsibility of the administration at the centre and even more so in the States. Particularly in this year, when extensive flood damage, loss of crops and destruction of rural habitations have occurred, and despite the promises of a no-drought situation by the government, there is likely to be drought and distress in certain areas and particularly, in the endemic scarcity areas of Orissa, Andhra Pradesh and Rajasthan. It will have to be the first concern of the central government, the Planning Commission, state governments and their field administrations to ensure that benefits in the form of rehabilitation for flood damage, finance for agriculture and other inputs like fertilisers and timely availability of seeds for sowing and resowing are made available. The other areas where promises have been made are for a completely reoriented public distribution system where the highest priority will be given to the below poverty line population and remote tribal areas. Public health and education are major areas of attention and to see that they reach the target groups is a task that has to be performed and fully financed by the central government with the assistance of the state governments. In other words, the first step to be taken is an exercise in fire fighting. In our history of over 50 years, there have been several crises. They have been dealt with by the Indian administration before and it can do so again.

It is obvious that while the Centre through the Planning Commission, may provide the funds, the implementation has to be done by the field agencies of the States. These field agencies cannot be said to be in very good fettle at all. In a fire fighting exercise, there is no room for what is called administrative improvement, professionalisation of the bureaucracy or restructuring of the administration. It is the existing agencies, the planning commission and its advisers, the central ministries' field officers, state governments starting from the Chief Secretary, Development Commissioner, Divisional Commissioners, Collectors, Sub Divisional Officers and down to the field force of tehsildars, block development officers and others that will have to be put in charge. Wherever panchayats are functional, they should be made the agencies of implementation under strict monitoring. This entire field force is required for the implementation of the common minimum programme as far as the services to the common man are concerned.

To keep this article brief and focused, I propose a few steps. I have already described the machinery that must be set in motion. Several parallel steps are needed to be taken: First, the inputs in the form of foodgrains, fertilizers, seeds and finance should be positioned and duly distributed or patterns of delegation set up so that there is no need to go beyond the Collector for any action that may have to be taken. Secondly, educational and health programmes should similarly be handled by the departments concerned and their agencies in consultation with the panchayats where they are active and with full knowledge and support of the District Collector. Thirdly, the drinking water problem is likely to be serious even if there is no drought, because potable water does not reach a very large section of our rural population. Here again, the fire fighting action has to be well thought of and expertly administered. There is no reason why half tonne trucks with water tanks should not be placed at the disposal of sub-divisional officers so that drinking water

can be supplied to villages that are, say, more than one kilometer from the source – up to one kilometer a pipeline could be laid easily and entrusted for operation to the panchayat. Fourthly, and very importantly, all above needs supervision by the Chief Secretaries, Divisional Commissioners, Collectors, as well as strong supervisory support from the Planning Commission and central ministries, who should designate teams of two or three senior officers to the states to inspect and certify the performance as well as assist in removing bottlenecks.

A very important aspect of such a programme is the continuity of officers in the field agencies in their present positions. It may be accepted as a rule that no one would be shifted unless the Commissioner makes written report to the Chief Secretary about non-performance. This particular aspect requires very strong commitment on the part of the Chief Ministers.

Starvation deaths or any large-scale deaths of cattle must not be accepted by government at any level. No cover-up should be permitted, nor the media encouraged to go and look for a few dying children and attributing it to starvation. Full inquiry must be made of each incident, responsibility fixed and necessary action, to remove deficiencies and punish the delinquent and see that such incidents do not recur, must be taken.

In the above prescription, there is sharp focus on the delivery mechanism and monitoring which must lead ultimately to accountability of officers as well as of the state governments who are in charge of the delivery mechanisms. This accountability must be transparent and must be discussed in the state assemblies and the parliament without inhibition.

Finally, I must point to the strong role that the civil society can and must play in ensuring that this programme is carried through without any hindrance, and failures are brought to the notice of the authorities immediately. Wherever there are NGOs having a good past record, programme in limited areas can be handed over to them and supervised as if they were being done by a government agency. There again, once a programme is handed over, it is monitoring and accountability that matter and not interventions and ad hoc orders.

Given such an arrangement, it seems possible to implement the services promised under the Common Minimum Programme with smoothness, efficiency and effectively.

Customer : "What do you have for greying hair ?"

Druggist : "Nothing but the highest respect sir".

...

A young female job applicant was filling out an employment form in one of New York's larger public relations agencies. She had no trouble with the application until she came across a heading entitled : "Sex", she hesitated. Finally, she answered: "Twice a week".

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If you tell a man anything, it goes in one ear and out of the other. And if you tell a woman anything, it goes in both ears and out of her mouth.

...

CITIZENS' & CONSUMERS' PERCEPTIONS OF EXPECTATIONS FROM CIVIL SERVICES

The Consumer Coordination Council of India, of which Director of COMMON CAUSE, had the privilege of being the Founder Chairman, recently held a Conference on the subject of "CITIZENS' & CONSUMERS' PERCEPTION OF EXPECTATIONS FROM CIVIL SERVICES IN INDIA". This is obviously a subject of wide interest and importance. Conclusions and Recommendations arising from the Conference have been published by CCC. We are presenting hereunder these Conclusions and Recommendations which have relevance to the subject of Administrative Reforms and removal of Public Grievances. Our readers may like to glance through these Conclusions and Recommendations :-

1. At the outset, it was agreed that Civil Services, as an Institution is essential for ensuring smooth functioning of the Governmental Machinery and for systematic and effective implementation of Government's Policies. In fact the Civil Services is an important instrument for Development, Planning & Execution. Even in regard to the findings of the Survey, which did not paint an over all favourable picture of the Civil Services, it should be remembered that the perceptions are of individuals reflecting their experience with individual officials.
2. Nevertheless, the Perceptions and Expectations of the Citizens from the Civil Services as quantified perhaps for the first time, through the Survey conducted by CCC, showed that there is urgent need for Civil Services Reforms, to bring about a change in their mindset, motivation and attitude.
3. Civil Services Reforms alone will not change matters since the Civil Services are bound by Rules, Regulations & Procedures. There is therefore need to make a thorough time bound review of Rules, Regulations & Procedures and for taking other measures of Administrative Reforms, to enable the civil Services to function more effectively.
4. Looking at the need for bringing about a fundamental change in the present regulatory mechanism of the Civil Services, it was noted that though more than 50 years had passed since the Constitution of India had come into force, no legislation as stipulated in Article 309 had been enacted for governing the Conditions of Service etc. of the Civil Services, both in the States and the Centre. It is therefore recommended that a comprehensive legislation should be enacted in this regard without any further delay.
5. Consistently with the above, there is need to have a re-look at Article 310 of the Constitution of India, containing the pleasure doctrine of the President or the Governor, which is archaic

and colonial in its approach and wording.

6. Likewise, the protection provided under Article 311 is not only feudalistic, but also, somewhat excessive and is not conducive to the present day requirement of Civil Services of being an instrument of Development and Social change. On the other hand, there is need for incorporating the Obligations & Responsibilities of the Civil Services in implementing Governments' Policies and in establishing an effective and Citizen Friendly Governmental Machinery. There was also need for providing that reasons should be recorded for all decisions, as is stipulated in the South African Constitution. Similarly, "Administrative delay" must be considered as a specific misconduct for disciplinary action.
7. The procedure for recruitment to Civil Services should be improved and streamlined for selecting the best talents in the country. Suitable training programmes should be devised to bring about motivational, attitudinal and behavioural changes in them. The Civil Services should also be trained and motivated to adopt the Principles of the Citizens' Charter and effectively ensure Accountability, Transparency, Availability of Information, Standards of Service and an Effective Grievance Redressal Mechanism.
8. It must be made mandatory for every Civil Service Official to not only serve at the cutting edge level for some time, but also to visit and study every area of public contact, within his purview, periodically, at least once every 4 to 5 years of his carrier of about 35 years and give a report of his findings to his superior officers, suggesting remedial action wherever necessary.
9. The performance of the Civil Services in implementing the Citizens' Charter Principles by various Ministries/Departments must be monitored by a Committee in the Cabinet Secretariat under the Prime Minister, as in UK and submission of an Annual Report on the implementation of the Citizens' Charter to the Parliament should be made mandatory.
10. Under the present system of administration, it is neither possible to reward good work, nor to fix responsibility for punishing erring officials, as the procedures are dilatory and cumbersome. This is perhaps one of the most important drawbacks of the present system, resulting in lack of responsibility and lax performance. There is need to streamline these procedures for enabling good work to be recognized for reward to serve as a motivation for others and quick and effective punishment of errant officials, to serve as a deterrent to others.
11. As a direct corollary of the above, it must be made compulsory to identify individual official or officials of the various Civil Services, in the case of loss to Government through acts of omission and commission, or for penalties imposed on Government Departments and Organisations for deficiencies in service and the amount recovered from the official or officials contributing to such deficiency or loss.

12. There is also need for enactment of appropriate legislation under Chapter III Part XII of the Constitution which inter-alia mentions the Liabilities & Obligations of the State to ensure Accountability of the State. This was recommended by the First Law Commission under Shri M.L. Setalvad.
13. It has been brought to notice that there are as many as 56 Reports of various Committees/Commissions, which have given their recommendations so far and, which have made recommendations relating to Administrative Reforms during the past 50 years. All these Committees and Commissions have spent public money in studying the various issues and making their recommendations. It is therefore the duty of Government that all the Recommendations are consolidated, analyzed and made public, indicating the Recommendations that were accepted for implementation and the Recommendations that were not accepted or not implemented, giving reasons for the same. These should thereafter be publicly debated so that an important input from the public is available for further action.
14. Recommendations made by the Venkatachaliah Commission on Review of the Working of the Constitution and the Surendranath Commission as also the Law Commission, which have relevance to Administrative & Civil Service Reforms may also be looked into for implementation.
15. Many Ministries/Departments have set up Information and Facilitation Counters (IFCs). They are not however serving the purpose for which they were created. Specific Official in each Ministry/Department must be earmarked for coordinating and monitoring of the IFCs. It must be ensured that
 - every Citizen's letter received by the Ministry/Department either directly or through the IFC must be acknowledged within one week with a suitably designed Computerised identification number indicating the name, designation & telephone number of the official, who may be contacted for further information in the matter.
 - every Citizen's letter must be replied to finally or on an interim basis, within a maximum period of 90 days, indicating the status of the matter under reference and how long more it may take for a decision along with the reasons for the delay.
 - no official having public contact should be anonymous. It must be made compulsory for every such official to wear a name badge.

Conclusions and Recommendations relating to the Terms of Reference of the Hota Committee

1. Responsiveness and Citizen-Friendly nature:

Responsiveness and Citizens friendly nature of the Civil Service officials was found to be average or poor by 71% of the respondents. Therefore, Systematic Attitudinal change & motivation through psychological, behavioural management has to be built into the training schedule of officials to remedy

this situation.

The three very important factors that emerged on Responsiveness and Accessibility as adversely affecting the attitude, response and functioning of the Civil Services Officials are: -

- Non-availability when required during prescribed hours of work;
- Unwillingness to specify any time limit for a final response; and
- Not prescribing and publicizing specified timings for meeting public.

There should therefore be proper supervision and inspection at all levels both regularly and by surprise to overcome this. Officials at various levels must prescribe specified hours and days for meeting the public and there should be a system of recording the output and result of such interaction in specific terms for information of the next superior officials. The functioning of this system for the Ministry/ Deptt/Organisation as a whole must be reviewed by the Head of the Organisation at least once a quarter.

Considering the finding that the report card of civil services is not up to mark in regard to responsiveness and citizen-friendly nature, it is recommended that every government department should have a **Citizens' Responses Wing (CRW)** with the following primary responsibilities:

- Providing Computerised acknowledgement of all letters received from the Citizens within one week;
- Monitoring citizens' queries & complaints and ensuring time bound response;
- Monitoring and ensuring availability of officials for interaction with citizens;
- Monitoring and coordinating the functioning of IFCs wherever they exist;
- Facilitating availability of information to the public on official rules and procedures;
- Display of information prominently of the names, designation and telephone numbers of officials, who could be contacted for various purposes and the timings, if any, when they would meet the public; and
- Monitoring the wearing of name badges by all officials having public contact.

2. **Transparency:**

The Perception regarding transparency showed that Civil Services Officials were indifferent or negative in making available information to the extent of 75% by the respondents. This was consistent with the

over all Transparency Rating since 80% of the respondents found the ranking 5 or lower in a scale of 1 to 10.

Right to Information Act is an important tool for Transparency & Accountability of the Civil Services. They must therefore be encouraged to provide such information whenever these are requested within the ambit of the Act and the Rules. It is observed that some States are yet to enact this legislation. Steps may be taken to have such legislation enacted by all States. It is regrettable that though the Freedom of Information Act has been enacted by the Parliament quite some time ago, it is still to come into force, due to delay in framing Rules under the Act. This must be attended to urgently and the provisions of the Act brought into force expeditiously.

The three very important factors that led to lack of transparency in Rules, Systems & Procedures and which affected the performance of Civil Services Officials are:

- Information on rules, systems and procedures are not readily available;
- There is no feedback system to ascertain the difficulties faced by citizens/consumers for simplification or streamlining of the rules, systems and procedures; and
- There are no prescribed standards for performance and completion of tasks in the rules, systems and procedures

Remedial action may therefore require to be taken as follows: -

- Time bound review of all Rules & Procedures & making them available to the public in simple understandable language;
- Wherever possible, standards of performance must be specified and displayed for information of the public;
- Wherever possible, indication must be given for the likely time to be taken in tackling any problem brought to notice by the public; and
- Suitable feedback system must be put in place for looking into the difficulties faced by the public.

3. **Accountability :**

As regards Accountability, the Survey showed that as high as 70% found the Civil Services Officials either not at all accountable or accountable only to some extent.

The three very important factors that led to lack of accountability are:

- Lack of awareness among the public about any prescribed standards or benchmarks of performance for Civil Services officials at various levels;
- Lack of recognition of the right to be informed of the action taken on complaints; and
- Lack of proper system for lodging complaints by the public about non-performance by officials.

Therefore, with a view to ensuring accountability of Civil Services officials, the following steps are recommended:

- There should be clearly defined **standards or benchmarks** of performance for Civil Services officials at various levels. These standards should be **prominently displayed at the entrance** of every Government Department/Office;
- Citizens should be given the choice to fill **feedback form** to note their comments on accountability and functioning of the Civil Services officials. Performance of every Civil Service official should be judged on the basis of these standards. While making this judgment, senior officials should keep in mind the feedback received from the public on the performance of the officials; and
- There should be a well-defined system for lodging complaints and it should be mandatory that the complainants are informed on the action taken on the complaint within a prescribed period of not more than say 90 days.

4. **Ethical Standards :**

In regard to Integrity, Honesty and Ethical Standards, as many as 80% of the respondents perceived it to be either average or poor among the Civil Services officials. In fact most respondents (59%) considered that corruption was not confined to the cutting edge level, or the middle or supervisory levels, but at all levels, including higher and top levels.

The three very important causes of corruption that emerged are:

- Long drawn and cumbersome procedure in punishing offenders;
- Lack of prescribed and publicized standards of various services and lack of transparency encourage corruption for getting things done speedily and out of turn; and
- Touts and middlemen flourish and take advantage of lack of information and exploit the public.

Since majority of respondents found low level of ethical standards amongst the Civil Services officials and prevalence of corruption at all levels, following steps are recommended to address the problem on a priority basis:

- Punishments for corruption should be exemplary.
- Both bribe-giver and bribe-taker should be punished.
- Any person found guilty of corruption or any other malpractice should be debarred from holding any public office for the rest of his life.
- Reward for citizens for bringing to light cases of corruption.
- Suitable safe guards should be provided to those who expose corruption and other malpractices, by enacting a suitable "Whistle Blowers' Protection" legislation.
- Official rules and procedures should be made known to citizens by Citizens' Responses Wing.
- All officials' dealings should be made by citizens themselves or through authorized representatives, rather than touts and middlemen, whose presence should be monitored and effective steps taken to remove them.

Wherever possible and necessary, information on number of applications pending or cases disposed off etc. should be displayed publicly to encourage transparency.

5. **E-Governance:**

Only 33% of the respondents had visited Websites of Government Departments and Public Sector:

- Since awareness in this regard is low, Citizens Awareness Camps should be organized periodically by government departments to make e-governance mechanism popular. Professional assistance may be taken for the purpose.
- All public dealings should be performed electronically to the maximum extent possible, to ensure quicker disposal of cases, saving of time & resources and curbing the influence of touts & middlemen, besides encouraging transparency.

6. **Undue Pressure on Civil Services:**

In order to curb undue pressure on Civil Services by political, executive, business and other vested interests, the following steps are recommended:

- There should be functional autonomy for every department and office;
- No Civil Service official should be transferred or demoted/punished without conforming to the clearly defined rules and procedures for the purpose; and

- A suitable mechanism should be developed for tackling cases of harassment and other out-of-rule official dealings.

In order to curb pressure of administrative/departmental superiors, following steps are recommended:

- All officials should obey administrative hierarchy and functional autonomy within the department/office; and
- Officials indulging in pressure tactics should be punished suitably.

7. Citizens' Charter & Involvement of Civil Society Groups :

- It is strongly recommended that the principles of Citizens' Charter viz. transparency, accountability, standards of service, availability of information and effective grievance Redressal machinery, should be implemented to ensure that Civil Services Officials become a part of a Citizen-Friendly Governmental Machinery;
- Civil Society Groups should be involved in the decision-making process, particularly where citizens'/consumers' rights are involved; and
- Representatives of Consumers/Citizens Groups should invariably be included in all Regulatory bodies.

"I want a divorce from my husband," the sweet little thing said matter-of-factly.

"On what grounds?" her attorney inquired.

"I think he's been unfaithful to me", she replied.

"And what makes you think he's been unfaithful ?", asked the lawyer.

"Well", the little one cooed, "I don't think he's the father of my child".

...

"DARLING, how many times a day do you shave ?"

"Twenty or thirty"

"Are you crazy?"

"No, I'm a barber".

...

From the examination paper: "I have just heard that my sister has a baby. They don't say what sex and so I don't know whether I am uncle or an aunt."

...

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

...

OUR ACTIVITIES AND PROGRAMMES

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

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

OUR GRATEFUL THANKS

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

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.