

# COMMON CAUSE

VOICE OF "COMMON CAUSE"

## A JOINT VENTURE

COMMON CAUSE is a joint venture. It is a cooperative endeavour of everybody. All are as much involved in it as its functionaries and operatives.

It is in this spirit that we want this organisation to keep further developing. In particular we are most keen that the members and sympathisers of COMMON CAUSE should continue evincing close interest in its activities and programmes.

In this context we convey a request. While we are grateful for the numerous suggestions we receive, for taking up various issues with the government or to the courts, it is obviously impossible for any organisation within its resources to deal with all such matters to secure redress. It is in fact quite easy to make suggestion; the basic requirement is of conducting detailed analysis of the problem, study its pros and cons, undertake research of its various aspects, and then determine how it should be taken up for achieving the objective. Where a case is proposed for being taken up with the government or municipal authority or to a court, it is necessary for us to receive a comprehensive and self-contained note which would be so complete that it can be directly sent to the concerned authority for seeking the redress. It will greatly help if two or three copies of the note are forwarded, so that one can be despatched straightaway.

We urge everybody to participate in taking up common problems and grievances of the people. It is not possible, nor do we consider it appropriate, for this organisation to take up problems of individuals because any such effort will only deflect it from the objective of pursuing common causes. Where you feel strongly about a problem we request you to kindly make a detailed and intensive study of it, collect the data relating to it, examine the relevant rules & regulations, determine its ramifications, and send us a complete note on it instead of merely passing on a suggestion. We approach you to help us to help you more.

**Rent Control Law**

**Annual Accounts & Annual Report  
For 1933-84**

**Delays of Justice**

**Making your Will  
Items in Brief**

*All are welcome to reproduce any material from this publication.*

*The publication is not a monthly. It is at present issued once a quarter. There is no subscription. It goes free to Members of COMMON CAUSE.*



## MUCH ADO ABOUT RENT CONTROL

The Govt. of India has at long last announced its recommendations for amendment of the Delhi Rent Control Act. These recommendations are of far reaching importance and they have obvious significance because the amendments of Delhi Rent Control Act will set a model for amendment of the Rent Control legislations of the various States

This matter is of serious consequence to the tenants and houseowners all over the country. It is unfortunate that the proposed amendments have become the subject matter of controversy, and political considerations, related to the proximity of elections, are weighing with the various parties and interests in criticising the provisions which are alleged to be either tilted in favour of the houseowners or of the tenants. It is of primary importance that the proposed amendments, which have emanated after long deliberations and intensive study of the problem by various bodies including the Economic Administrative Reforms Commission, should be considered dispassionately and objectively, for arriving at solutions which should solve the problem and not allow it to be further aggravated.

COMMON CAUSE on its part has sent its comments and suggestions to the Minister of Home Affairs of the Govt. of India (whose Ministry is responsible for the affairs of Delhi), to the Minister of Works & Housing, and the Chief Executive Councillor of Delhi. These comments and suggestions are based primarily on an article of the Director of COMMON CAUSE which appeared in the 'Hindustan Times' of Delhi on 10th September '84'. This article is reproduced hereunder in these columns. It is for individuals as well as organisations and associations interested in the welfare of houseowners and tenants to convey their views and suggestions to the Minister of Home Affairs, Minister of Works & Housing and the Chief Executive Councillor of Delhi. Let tens of thousands of letters on this subject go to them so that they should be aware of the feelings of the people on this sensitive subject.

At long last some semblance of action has been evinced by the Minister of Works & Housing in initiating proposals for amending the Delhi Rent Control Act. Proposals of amendment have been sent to the Delhi Metropolitan Council. It will be only after the Delhi Metropolitan Council has expressed its views that the amendments will be taken up in the Parliament.

The timing has apparently been so arranged that this inconvenient piece of legislation should not have to come before the Parliament till the elections are out of the way. For long years promises were held out to "soon" bring the measure before the Parliament, to amend this archaic legislation which has long outlived its utility. Compulsions of forthcoming elections obviously determined the strategy, ostensibly in the belief that the interests of houseowners could well

be disregarded but the tenants should not alienated. This is a sad commentary on the present-day politics which seeks to derive benefit by fostering cleavage between land-lords and tenants.

It is most unfortunate that some motivated statements have been made against the contemplated provisions. They only cloud and confuse the issues, disabling cool, dispassionate and objective examination of the amendments which are proposed in a legislation which has for years been crying to be corrected and which is only causing harm to the body politic and embittering the concerned elements of the society.

### THE CONTEMPLATED AMENDMENTS

It is of paramount importance that the amendments which are sought to be effected should be under-



ood in their entirety and against the background of the circumstances which have necessitated the amendments. The circumstances are by now well known. The rent control laws in the States were enacted to meet the circumstances created during the second world war. The tenants had to be provided protection in the face of scarcity of accommodation, and at the same time incentive had to be provided so that construction activity should not get smothered by freezing of the rents and application of restriction against eviction of tenants. This legacy of the past has now, after four decades, become a serious bottle-neck. The small landlords feel hamstrung; properties are not kept in good repairs with the result that housing stock gets depleted; there is general reluctance against renting and the premises are kept vacant; there is reluctance against construction for renting. These factors have led to squeezing of accommodation availability, which in turn has led to enormous escalation of rentals, spreading widely the clandestine transactions and generation of black money and general degradation of moral scruples. Relations between the landlords and tenants have greatly embittered, leading to clogging of courts where tens of thousands of cases keep languishing for years, and eventuating on certain occasions into law and order problem,

Against this background let us see what the contemplated amendments are which are sought to be made in the Delhi Rent Control Act. In this context it needs to be born in mind that these amendments are expected to set the pace for emergence of general policies for similar modification of the rent control statutes of the other States, and Delhi is expected to give the lead in this regard. It also needs to be kept in view that these contemplated amendments have arisen from intensive deliberations of the Economic Administrative Reforms Commission, the Ministry of Works & Housing, the Committee of Secretaries of the various concerned ministries, and these have emerged from representations and memoranda of the organisations and associations of tenants and housowners which embodied the pros and cons of the subject. It is also necessary to examine the contemplated amendments in totality instead of picking out individual items in isolation for the purpose of criticising them.

When the contemplated provisions are examined objectively, and in their entirety, it will be seen that any criticism of their having been drafted for favouring the houseowners is unwarranted and ill-informed. In fact, the provisions maintain a noticeable balance between the requirements of tenants and the houseowners, and they aim primarily at withdrawing the protection of rent control statute from those classes of tenants who are affluent and who do not deserve any such protection, explicitly provide protection to the weaker tenants so that they should not be exploited, and at the same time provided assurances for stimulating greater flow of investment in the constructin activity.

Surely, for instance, the protagonists claiming to speak on behalf of tenants cannot be pleading that the affluent tenants, who are capable of paying rent of more than Rs. 1500 p. m. for residence or who have built their own house and are enjoying the benefits of frozen rent, should continue to be protected.

The position would become clear on examining the relevant figures. There are over 5,00,000 house in Delhi. Out of these, about 4,00,000, are on the records of Delhi Municipal Corporation. The remaining include house in the area of NDMC and unauthorised or regularising housing colonies, excluding the jhuggies and jhonparies and houses in urbansed villages of metropolitan area. According to municipal records there are only about 11,000 house out of the 4,00,000 which have rateable value of more than Rs. 15,000/- p. m. This would show that apart from this small number of 11,000 houses, which are ostensibly the bigger houses in the new colonies, all the other houses will still remain within the provisions of Rent Control Act even after the contemplated amendments. Out of 4 lakhs recorded houses of MCD area about half are such where the reteable value is less then Rs. 1,000/-, i. e. where the rental is less than about Rs. 100/- p. m. This shows the extent to which the problem is of the small houseowners and how the contemplated amendments are being given a distorted picture as though all tenants will be denied the protection of rent control law. While it is of course important that weaker sections of the tenants should be given the protection, it is equally



important, as has been emphasised by the Economics Administrative Reforms Commission, that the small houseowners should also be given the protection which has hitherto been denied to them because the Rent Control law was heavily tilted in favour of only the tenants

They cannot be pleading that commercial establishments, banks, corporations and public sector undertakings etc. which can well afford to construct accommodation for their staff, should continue to be provided protection in respect of the house which they are maintaining on lease at frozen rents. They also surely cannot be claiming protection for commercial establishments which have entrenched themselves in accommodation of frozen rentals when they are not passing on the benefit of lower rentals to the clientele of their products. Nor can they pleading the cause of the tenants who are alleged to use the premises for illegal and immoral purposes, and who should not get the protection of the statute.

#### FOR WEAKER SECTIONS

There is genuine and paramount need, on the other hand, of providing protection to the weaker sections among the tenants, whose cause needs to be loudly espoused by those who are at present generalising the criticism of the proposed amendments. In relation to residential premises the poorer tenants continue to retain full protection. In fact, there are views the even the rental limit of Rs. 1500 per month, which has been proposed, is on the high side. Suggestions emanating from the organisations of houseowners were to the effect that the limit should be Rs. 1000; this is a matter which needs to be given further thought, but it is incontrovertible that the tenants who are paying rentals of Rs. 100, Rs. 200, etc. are assured of the protection they at present enjoy. Likewise, in the matter of commercial premises the protection is proposed to be given to those who occupy area up to 64 sq. ft. (this limit is proposed to be 36 sq. ft. in the more important market places of Delhi). Surely, the protagonists speaking on behalf of the tenants cannot be pleading the case of companies and corporations occupying spacious area in multistoreyed buildings or big shops of which the rents have stood frozen for decades.

Provision is stated to have been made for revision of rent on the basis of a formula related to consumer price index. The revision is proposed to be effected every three years to cover a part of the inflation effect.

A safeguard has been provided that in updating the frozen rent the increase should be only to such extent that it not more than half the difference between the frozen rent the standard rent arrived at by indexing or in any case not more than the frozen rent itself. This provision which provides for some increase to compensate the houseowner for the inflation, has been kept under check in such manner that while it does not place an unjustifiable burden on the tenant, it to some extent meets the requirement that the weaker houseowners should not continue to be deprived.

#### OTHER PROVISIONS

It is the interest of everybody that the relations between the tenants and houseowners should not worsen and should in fact improve, that the burden on courts should lessen and should not continue to mount as at present. The procedures for settlement of cases between landlords and tenants are therefore proposed to be simplified. Where a landlord requires the house for his bonafide use, provision is proposed to be made to deal with the case in accordance with the summary procedure on the basis of written statements and plaints and without the rigmarole of the civil procedure code. The tenant will have the authority to pay the rent through money order or to deposit it in court where the ownership of premises may be in dispute. As a deterrent against the unscrupulous landlord it has been provided that where a house has been got vacated on the plea of personal requirement, the landlord will be liable to imprisonment for six months if it is re-let in contravention of the provision. It is a very welcome step that in the landlord-tenant dispute it is proposed to take away the right of second appeal. One only wishes that this type of provision were made in general in relation to civil disputes so that the agonies of expenditure and delays of courts are minimised. One also hopes that the direction that is sought to be incorporated in the provisions of rent controller disposing of every case



within one month, will actually prevail in practice.

### INTERESTS OF HOUSEOWNERS

An important provision which has been proposed to be made, and for which there has been a crying need for years, is that of enabling the houseowners who are either members of armed forces or of civilian government to get back possession of the premises on posting to Delhi or on retirement. The procedure in this respect has been simplified. Satisfaction will, however, have to be provided to the court through appropriate certification that the requirement of the houseowner is genuine and he or member of his family does not possess any alternative suitable premises in Delhi. Provision is proposed to be made that the houseowner should not be burdened with the payment of house tax which should be the responsibility of the tenant to pay because the benefits of municipal services are derived by him. Where a houseowner wishes to sell the premises he will be entitled to deliver vacant possession in six months from the date of execution of sale deed, and where, similarly a person has acquired the premises and needs it for personal use he shall be entitled to get it vacated in six months from the tenant. It has also been provided that the tenancy will not be heritable in perpetuity: the heirs of deceased tenant should be entitled to continue in tenancy for three years.

### INTERESTS OF SOCIETY

The interests of society in general require that incentive and fillip should continue to be provided for the flow of investment into construction activity. To this end it is sought to be provided in the statute that for the first five years after construction the landlord should be enabled to charge the market rent, and that after the period of five years the rent agreed upon between the landlord and tenant will be considered as the standard rent. Where premises already exist the standard rent will be determined on the existing basis excepting that it will be based on 10% of the cost of construction and price of land, instead of the present ratio of 8-1/4%. In the interest of ensuring proper maintenance of the premises it has been provided that one month's extra rent will be chargeable in a year so that the depletion of housing stock is avoided.

It will thus be seen that a positive effort has been made in the proposed amendments to maintain an appropriate balance between the requirements of the houseowners and the tenants, keeping also in view the requirements of the society. It is no use picking up a provision here and a provision there for building up arguments in favour either of the houseowners or of the tenants. The paramount necessity is of determining the measure which will bring about a better atmosphere between the tenants and landlords, reduce the area of conflict and litigation while protecting the rights of both to the extent justifiable, remove the disincitative which at present prevails against construction for renting, and to provide guidance from Delhi to other States for enacting similar amendments in their existing rent control legislations.

It is in this light that the proposed amendments need to be carefully considered. It is wrong to assume that these amendments have been devised to help the landlords or that these will weaken the position of tenants. It is meaningless to politicise this issue and to raise much ado about the measures which have ostensibly been devised for meeting a difficult situation and for resolving the existing problems.

In this context it will also be relevant to look at the opinion expressed by the Petitions Committee of Rajya Sabha which was laid before the Parliament on the 24th August '84'. This Committee has ten Members of parliament on it. In recounting the existing vitiated relation between the tenants and houseowners they have said: "If someone wanted to know what bitterness meant he could have an idea of it by seeing the tenant-landlord relationship in the Union Territory of Delhi". They also state: "It is well known that the Rent Control Act in Delhi is heavily tilted in favour of the tenants and the provisions that afford some protection to the landlords are not easily enforceable. The cases drag on for years as provision for summary trial does not stand incorporated even where there is clear violation of the rent agreements or leases". In the Report the Petitions Committee has emphasised the urgency of effecting amendments in the Rent Control Act and have placed the responsibility on the Govt. of India for urgent implementation or their recommendations.



## DELAYS OF JUSTICE

Everybody in the country strongly feels about the frustrations, exasperations and agonies of law's delays. This matter has been causing concern for years, and quite a few committees and organisations have made study of the problem, but it is unfortunate that so far no concrete suggestions have emanated for overhauling the system and the procedures which are responsible for the excruciating delays and only cosmetic efforts have hitherto been suggested for expanding the judiciary and the courts for dealing with the mounting backlog and fresh institution of cases.

COMMON CAUSE is seriously concerned about this matter. We feel that the remedy lies only in drastic overhaul of the procedures. Tinkering with this problem will merely continue to aggravate it and bring the judiciary into contempt.

For enabling this problem to be examined from the point of view of modifying the procedures, COMMON CAUSE has initiated the process of initially collecting suggestions for altering the procedures which cover the handling of civil cases in courts. The suggestions collected in consultation with members of the bench and the bar are embodied in the write-up below. We would be grateful for members of COMMON CAUSE taking interest in this important subject. They should consult their colleagues and friends, particularly those who may have knowledge of the provisions of Civil Procedure Code and who would be in a position to give concrete and practicable suggestions for modification of the procedures. We feel that eventually with the help of members of COMMON CAUSE, individually and collectively, we would attempt to raise the voice through the media and from various platforms for persuading the legislators and the Government to make modifications which may help to solve the problem of law's delays.

Justice in India is now equated with unmitigated agony. It is no longer refuge of the aggrieved and the weak. It has become the instrument of the oppressor and the aggressor. Crushing expense and excruciating delays have come to be associated as its concomitants. Previously too delay and expense were taken as a part of justice, but never so badly as it is now. Expense is measure of the delay, and the major problem is delay itself.

The problem is how delay can be curtailed in Courts, how the scope of unscrupulous use of the loopholes can be plugged for the purpose, and how the faith in judicial process can be restored. The elements which lead to delays in Courts have been analysed, and based on this analysis of following suggestions have emerged in a series of discussions held with some eminent lawyers and judges. These suggestions relate only to civil suits. Separate effort on similar lines will be made in respect of criminal

cases.

In presenting these suggestions it has not been considered necessary to elaborate the circumstances of the respective elements of delay because these are adequately known to all in the profession of law. In the interest of brevity, therefore the suggestions are presented in outline form.

The purpose in circulating the suggestions is to enable these to be examined by a wider audience including members of the bar and the judges. We would be grateful to them for conveying their view and suggestions on this vital subject. On receiving the suggestions we purpose raising these issues on a wider basis for consideration by the legislatures in the country as well as by Supreme Court, High Courts and the Govt. of India for exploring the possibility of making requisite amendments in the existing law.



It need not be emphasised that possibly quite a few of these suggestions may sound too radical and impracticable on cursory examination. It has, however, to be kept in view that the times have greatly changed since the Civil Procedure Code was formulated and that present day circumstances necessitate bold approach which, while maintaining the essentials of judicial processes, overcome the hurdles which thwart and circumscribe the dispensation of justice.

#### PRE-PLAINT

If a suit is proposed to be filed in Court, it should be made mandatory that the party proposing to file the suit should, atleast 15 days before the filing of suit, send copy of the plaint to the opposite party (ies) by Registered A/D post, indicating the date when the plaint is proposed to be filed and the Court where it is proposed to be lodged. No suit should be entertained unless this preliminary requirement has been fulfilled. This measure will obviate delay in subsequent efforts of securing presence of the defendant (s) in Court. In the plaint, the plaintiff should give detailed addresses of each of the defendants.

#### PLAINT

- i) It should be made mandatory that all documents which are proposed to be relied upon by the plaintiff should be filed along with the plaint, and he should also give along with the plaint complete list of witnesses, with their addresses, who are proposed to be called by him. It should be made clear that no additions to the documents or the list of witnesses will subsequently be allowed. If it is found that incorrect or incomplete addresses have been given, the plaint should be dismissed.
- ii) On filing of the plaint, the office of Court should, except in cases where suit is barred by limitation, straightaway register the suit, noting any defects which may be found in it, instead of returning the plaint for rectification of the defect. An appropriate proforma should be devised on which the defects should be recorded by the

office and a copy of the proforma should be supplied to the plaintiff for rectification of defects within a period of not more than 15 days or till the next date fixed before the court.

#### PROCESSES

- i) The existing arrangement of bailiffs should be reorganised into an appropriate judicial postal department. Greater reliance should be placed on service through postal department by resort to registered A. D. communications. Through bailiffs, the service should be effected only when the plaintiff is prepared to accompany the bailiff for ensuring service; the alternative modes of services should be simultaneously adopted after the first non-appearance of any defendant.

#### INTERLOCUTORY ORDERS

- i) Upon appearance of defendant (s), the written statement(s) should be filed within one month. If the written statement is not filed within one month, ex-parte decree should automatically flow out of the allegations.
- ii) With the written statement, likewise, all documents and complete list of witnesses should be filed. No additions should thereafter be allowed.
- iii) All interlocutory orders, whereby interim relief in the way of injunction has been given, should automatically lapse after 60 days if the person who obtains the interim relief does not take steps to secure final disposal of the interlocutory application by the Court. If the person against whom the interim interlocutory order has been given, fails to take steps within 60 days of its issue to get it vacated, then it should become absolute with reference to the suit. Against these orders of vacation of interlocutory order, or of its becoming absolute with reference to the suit, there should be no revision or appeal.
- iv) Interlocutory applications should be entertainable only within six months of the written statements. After the period of six months, no interlocutory application should be maintainable excepting



where the application is for bringing the legal representatives on record.

#### HEARINGS

- i) After all the preliminaries are completed, there should be one sitting of the parties with the Judge specifically for exploring the possibility of effecting compromise and in this matter the Judge should act as a mediator and conciliator.
- ii) If the negotiations for compromise fail, the Judge should, equipped with the knowledge of documents and the position of the parties, narrow down the issues and frame only those issues, reducing the points of disagreements between the parties to the minimum. Trial should then proceed only on the narrowed issues.
- iii) Adversary procedure which is at present followed needs to be eliminated and all efforts should be made to this end, cutting out the technicalities of the Evidence Act and inessentials in the examination-in-chief and cross-examination. Judge should attempt to arrive at probability of contending versions.
- iv) Issue of jurisdiction, either territorial or pecuniary, should be completely eliminated. To this end, hierarchy of judicial officers as it exists in certain States in the matter of Munsifs and Sub-Judges, should be eliminated, and the jurisdiction of Sub-Judges should be defined in clear terms in regard to territorial and pecuniary matters in such manner that no question of jurisdiction should have occasion to arise in Court. All suits, regardless of value, should be entertainable by Sub-Judge.
- v) In no circumstances should any party be allowed to amend the plaint or the written statement after a period of more than one month from the filing of plaint or making the statement.
- iv) There should be provision only for one appeal, and that too only to the District Judge. All

original civil jurisdiction of the High Courts, where it still exists as hangover of the past, should be abolished, as has been done in the case of original criminal jurisdiction. Also, first civil appeal jurisdiction of the High Court should be abolished. No appeal should lie to the High Court except where point of law is involved. In this way alone can the High Courts be saved from being submerged under mounting appellate work.

- vii) All revisions against interlocutory orders should go only to the District Judge. There should be total bar against entertainment of revisions by High Courts. All orders passed District Judge on revisions should be final. There should be no revision against the order of the Distt. Judge.
- viii) Distt. Judge who is incharge of civil work should not be given any sessions work.

#### EVIDENCE

Every court should be provided with a stenographer/steno-typist. When evidence is taken down by the stenographer/steno-typist, he should keep provision for copies, and the copies should be handed over immediately to the parties in Court

#### ARGUMENTS

Provision exists for submission of written arguments. Judge should see the written arguments and fix a date for securing any clarifications thereon. This should be made mandatory.

#### JUDGEMENT

Unrecorded judgement should not be delivered. Copies should be handed over as the judgement is delivered. Photocopying facility should be provided in the Copying Department.



## NOTICE

### ALL MEMBERS OF COMMON CAUSE

The Annual General Meeting of COMMON CAUSE Society will be held on Sunday the 25th November 1984 in the Constitution Club, Rafi Marg, New Delhi, at 11 A.M. Members are welcome to this meeting. Agenda will be as follows :

- i) Consideration of the Annual Report and adoption of Annual Accounts along with Auditors' Report for the year 1983-84.
- ii) Appointment of Auditors for the year 1984-85.

### Auditors Report

I have audited the attached Balance Sheet of Common Cause as at 31st March, 1984 and the annexed Income & Expenditure Account of the Society for the Year ended on that date which are in agreement with the books of account maintained by the Society.

In my opinion and to the best of my information and according to the explanations given to me the said accounts read with the notes thereon, give a true and fair view :

- iii) Activities & 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 of the meeting the quorum is not present, the meeting shall stand adjourned for the same day and be held after another half an hour, and the members present in the adjourned meeting shall form the quorum of that meeting.

P. D. TAYAL  
Secretary  
COMMON CAUSE

- i) In the case of the balance sheet of the state of affairs of the Society as at 31st March 1984 and
- ii) In the case of the income and expenditure account, of the excess of income over expenditure for the year ended on the date.

Place : New Delhi  
Date : 22nd August, 1984

Sd/-  
A. S. R. GOPAL RAO  
GOPAL RAO & CO.,  
Chartered Accountants

## ANNUAL REPORT FOR 1983-84

The year 1983-84 has marked further satisfactory expansion of activities of COMMON CAUSE. There has been continued recognition of the value and utility of the programmes developed by the organisation, which is also evidenced by substantial expansion of membership. Organisations and Associations in different parts of the country have increasingly sought the affiliation with COMMON CAUSE.

Total membership during the year 1983-84 has shown expansion over the figure of 31,383. A substantial number of ordinary members have sought change-over to life membership.

While the activities and programmes of the organisation have broadly continued to develop on the lines laid down in previous years, following activities are particularly worth mentioning.

### PENSIONS

Government of India eventually issued orders

for implementation of the Supreme Court judgement after the Review Petition filed against the judgement had been summarily dismissed by the Supreme Court. First order was issued on 22-10-83 by the Ministry of Finance in respect of the civil pensioners. The next order was issued on 22-11-83 by the Ministry of Defence in respect of defence pensioners. A third order was issued by the Ministry of Defence on 3-12-83 in respect of the officers' cadre from among the defence pensioners. Ready Reckoners were evolved for enabling expeditious determination of revised pension on the basis of an ad-hoc formula. This was made applicable to the pensioners whose remuneration was not more than Rs, 1000 at the time of retirement.

Actual implementation of the orders issued by the Govt. of India for effecting revision of pensions on the basis of 1979 liberalisation has been very



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tardy indeed. Complaints have continued to be received from various parts of the country about excruciating delays. Hundreds of thousands of pensioners are still awaiting the revision of their pensions. General indications are that even after 8/9 months of issue of the orders the booking of actual expenditure against the provision made for payment of pension arrears has been only a fraction of the total provision. This is very unfortunate indeed and COMMON CAUSE has continued bringing this fact to the notice of concerned authorities of Govt. of India.

Another serious matter in the implementation of the Supreme Court judgement relates to the pre-1972, and particularly pre-1970, defence pensioners. The ready reckoners issued with the orders indisputably show that in the case of pre-1970 defence pensioners the pension revision actually results in reduction of pension instead of an increase, and in the case of 1970 - 72 defence pensioners the gain is insignificant. Individuals as well as organisations of defence pensioners have been feeling very upset on this account. Numerous representations and memoranda have been addressed by the organisations but all these efforts have been unavailing. COMMON CAUSE has sent a comprehensive representation to the Prime Minister, Finance Minister, Defence Minister and the concerned officers of the Govt. of India, wherein problems relating to death-cum-retirement gratuity and element of weightage have been highlighted for removal of the anomalous situation that has arisen. Further action has since been taken to file a Writ Petition on this subject in the Supreme Court. COMMON CAUSE has remained in touch with the Indian Ex-Services League as well as other organisations of pensioners for pursuing this matter. The Indian Ex-Services League has also filed a Writ Petition in the Supreme Court for remedying this situation.

The two other important Writ Petitions relating to pensions, viz., restoration of commutation of pensions and the discrimination relating to family pension, are yet pending in the Supreme Court. It is unfortunate that it has not hitherto been possible to secure early hearing of these two Writ Petitions. Effort continues to be made to this end.

## HOUSE TAX

Delhi homeowners have been eagerly awaiting the judgement of Supreme Court on the two Writ Petitions of COMMON CAUSE dealing with various aspects of house-tax. Arguments relating to these Writ Petitions were heard in February 1983. It is very unfortunate indeed that even till now, months after the

hearing of arguments, the judgement has not hitherto been announced. A number of organisations and associations as well as individuals have written to the Supreme Court about this delay. We hope that on announcement of the judgement it will be possible for COMMON CAUSE to provide further guidance and assistance to the homeowners in regard to problems of assessment, aberrations and anomalies they are experiencing. The third Writ Petition, which dealt with problem of discriminatory assessment of house tax in the contiguous areas of Delhi Municipal Corporation and New Delhi Municipal Committee, yet awaits the fixation of date for final hearing. We understand that the case may come up only after many more months.

## 1984 BUDGET

As in the previous years, COMMON CAUSE made its suggestions in appropriate time to the Minister of Finance. The suggestions covered important areas in relation to direct taxes, including income-tax; wealth-tax; gift-tax; capital gains tax; and estate duty, etc. Some of the recommendations have featured in the Budget.

## TELEPHONES

A comprehensive Writ Petition relating to the inefficiency and malfunctioning of the telephones in the country has been submitted to the Supreme Court. It has, in particular, raised the issues of subsidy being passed on by the Telephones to the Postal Department out of the total profits made from operation of telephones, to the detriment of expansion and improvement of the service, as well as the continued escalation of rates as against the high profits already being made from the service.

## MARUTI CARS

A Writ Petition was submitted to the Supreme Court on the question of anticipated discrimination in the allotment of cars through the medium of Directors' Discretionary Quota. This Writ Petition was not admitted. Meanwhile, two other Writ Petitions, covering similar grounds, have been admitted on basis of certain allotments having been made from the discretionary quota which are alleged to be discriminatory and violative of the provisions of the Constitution.

## MISCELLANEOUS

Various problems of the urban middle classes continue to be pursued with the concerned authorities. Liaison has also been established with the various consumers' organisations. The periodical "COMMON CAUSE" has continued being satisfactorily published. It is distributed free to all members. Its issues have carried useful write-ups on subjects such as investment opportunities, how to write a Will, affairs to settle before one dies, estate duty, blood donation, etc.



## COMMON CAUSE BALANCE SHEET AS AT 31st MARCH, 1984

LIABILITIES	AMOUNT	ASSETS	AMOUNT
<b>CAPITAL FUND ACCOUNT</b>		<b>CASH AT BANK</b>	
Life Membership Subscription	Rs.	In S. B. A/c with Scheduled Bank	21,381.90
Opening Balance	54,265.00	STAMPS IN HAND	229.30
ADD : Subscriptions received during the year	27,135.00	<b>FIXED DEPOSITS</b>	
<b>Corpus Fund</b>		With Indian Bank, Shanti Niketan, New Delhi	1,25,000.00
Donations received during year	57,554.00	INTEREST ACCRUED BUT NOT-DUE	6,807.88
<b>RESERVE ACCOUNT</b>		<b>FURNITURE</b>	
Opening Balance on 1-4-83	12,000.00	Opening Balance	650.00
<b>SURPLUS ACCOUNT</b>		ADD : Additions during the year	531.00
Excess of Income over Expenditure per Annexed Income & Expenditure Account	3,943.55		1,181.00
LESS : Balance in Deficit Account on 1-4-83	2,035.37	LESS : Depreciation	118.00
	1,908.18		1,063.00
<b>LIABILITIES FOR EXPENSES</b>	1,619.90		
<b>TOTAL</b>	Rs. 1,54,482.08	<b>TOTAL</b>	Rs. 1,54,482.08

AS PER OUR REPORT OF EVEN DATE

- Notes: 1. Subscriptions from members have been accounted on cash basis.  
2. Donations appearing in the Income & Expenditure Account include amounts which may require transfers to membership accounts, to give effect to request of donors.

Place : New Delhi

Date : 22-8-1984

### Income and Expenditure Account for the Year ended 31st March, 1984

EXPENDITURE	AMOUNT	INCOME	AMOUNT
Printing & Stationary	12,514.10	<b>Subscription from Members</b>	
Duplicating Expenses	2,010.43	Ordinary	18,420.00
Postage & Telephone	7,495.00	Associate	7,701.00
Part Time Staff	14,085.00	Donations	14,843.40
Other Establishment Expenses	1,300.00	<b>Interest Received</b>	
Conveyance Expenses	3,360.00	From Saving Bank	665.29
Hire of Auditorium	250.00	From Fixed Deposits with Bank	2,500.00
Legal Expenses	800.00	Interest Accrued on Re-investment	3,165.29
Honorarium to Auditors	500.00	Fixed Deposits with Bank	3,978.54
Subscription, Books & Periodicals	204.85		
Repairs & Maintenance	900.10	<b>TOTAL</b>	Rs. 48,108.23
Bank Charges	627.20		
Depreciation on Furniture	118.00		
Excess of Income over Expenditure transferred to Balance Sheet	3943.55		
<b>TOTAL</b>	Rs. 48,108.23		

Notes : forming part of Accounts attached.  
As per our Report of Even Date.

A. S. R. GOPAL RAO,  
GOPAL RAO & CO.,  
Chartered Accountants

S. RANGANATHAN  
President  
P. D. TAYAL  
Secretary

H. D. SHOURIE  
Director  
U. C. DUBEY  
Treasurer



## For Pensioners

- On our request the Govt. of India has extended the date, till 31.12.1984, for the submission of options by the pensioners for the revision of their pensions.
- We had taken up with the Govt. of India the anomaly about ICS pensioners who retired before 1.1.1973 and were being deprived of the benefits of Supreme Court Judgement on the ground that their emoluments etc. were governed by the UK Secretary of State dispensation. The Govt. of India has now rectified the position and orders have been issued for extending to them the benefits of the Supreme Court judgement.
- On the question of deprivation of pre 1972/1970 defence pensioners of the benefits of the Supreme Court judgement we filed on 8.9.1984 a Writ Petition in the Supreme Court. Another Writ Petition on similar subject has been filed by the Indian Ex-Services League. Meanwhile on 15.9.84, the Govt. of India has announced as a 'gift' the ex-gratia payment of amounts of Rs. 25 to Rs. 75 to different levels of pensioners in the way of enhancement of their pensions. It is unfortunate that the payment has been ordered only from September and no arrears will be payable from 1.4.79. The Writ Petitions are being pursued.
- In the matter of pensions we continue to receive all possible problems dealing with various aspects of pension determination, merger of DA, refund of two months' emoluments relating to family pension, problems relating to provident fund optees vis-a-vis problems of those retirees who opted for absorption in public sector enterprises, etc. It needs to be kept in view that our organization deals with a wide range of problems as will be evident from the types of issues which we have been taking up. It is impossible for this organisation to deal with all the various problems of the pensioners. We decided long ago that we would take up the three basic issues of pensioners, viz., removal of discrimination caused by pension liberalisation rules of 1979, restoration of pension commutation and anomalies of family pension. We request that the pensioners' organisations including the Apex Body of Pensioners Associations, which has now been created, should be approached for dealing with various specialised problems of

pensioners which need detailed knowledge and study of the relevant rules and regulations.

- We are aware that delays still continue being caused by various offices of the Accountants General etc. through excruciating procedures which have been devised, in effecting revision of pensions in implementation of the Supreme Court judgement. This is very unfortunate indeed. We have been bringing these delays to the notice of the Govt. of India and they on their part have been issuing instructions but unfortunately the personnel handling these cases are emeshed in the procedures and are disregarding of the agonies that they cause.
- Anxious and repeated inquiries continue to be made by the pensioners in regard to our two Writ Petitions, one on commutation of pensions and the other dealing with problems of family pensions. The Writ Petition of family pension came up for preliminary hearing on the 18th Sept. 1984, and the date 30.10.1984 has now been fixed for its final hearing. In regard to other petition relating to pension commutation we have submitted another application to the Chief Justice of India and hope that an early date will be fixed for its hearing.
- The matter relating to nominations by pensioners, for claiming the arrears of their pensions, was taken up by us with the Government of India, stating that requisite instructions had not percolated widely to the banks and treasuries and that further extension of period should be sanctioned. The extension has since been notified by the Govt. of India and instructions issued to the banks and treasuries etc. We have been informed, however, the branches of banks at many places have not yet received the instructions. This is unfortunate. We have again brought this to the notice of Govt. of India.
- GUINNESS Book of Records has taken note of the landmark judgement of the Supreme Court which has, on the initiative of COMMON CAUSE, benefited 11,00,000 pensioners of Central Government and which has set the stage for extending similar benefits to about a million pensioners of State Governments and for which an amount of Rs. 240 crores has already had to be provided in the Budget of the Govt. of India and more will need to be provided by State Governments.

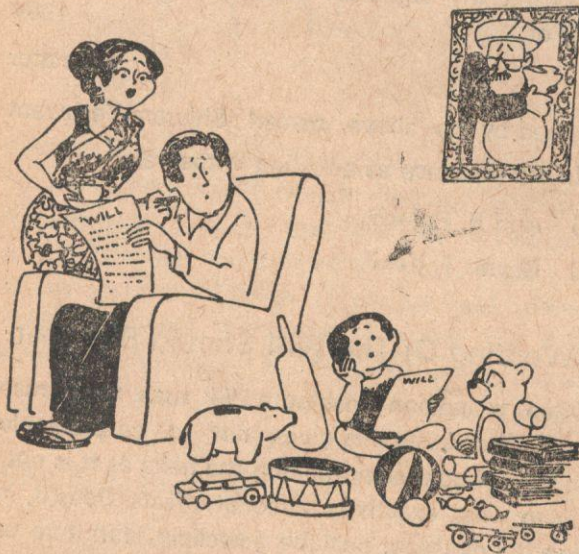


## MAKING YOUR WILL

In a previous issue of this Periodical we had published a write-up on "HOW TO MAKE A WILL". This write-up has evoked great interest as is evidenced by the large number of letters wherein many other persons have asked for copies of that particular issue of the periodical. Considering the obvious importance of this subject for everybody we have considered it appropriate to reproduce hereunder, along with its beautifully explanatory cartoons, the relevant portion entitled "WHAT TO KNOW ABOUT MAKING A WILL" from the book entitled "LAW & TAX FOR THE LAYMAN" which has been written by Mr. M. K. Rustomji & Ms. Khorshed R. Javeri and published by India Book House Pvt. Ltd. (address : Delstar, 1st floor, 9-9A, S. Patkar Marg, Bombay-36). We are deeply grateful to the authors and the publisher for allowing us to publish this material from the book.

### Who Should Make A Will

There is nothing more inevitable than death, and yet many persons refuse to accept this fact. This must surely be the reason why so many educated people will not make a Will. A person who normally insists on taking the most trivial decisions concerning



his affairs himself will think nothing of avoiding the most important decision affecting his property; in other words he does not make a Will, and leaves things in disarray causing much confusion, tension and quarrelling amongst his heirs.

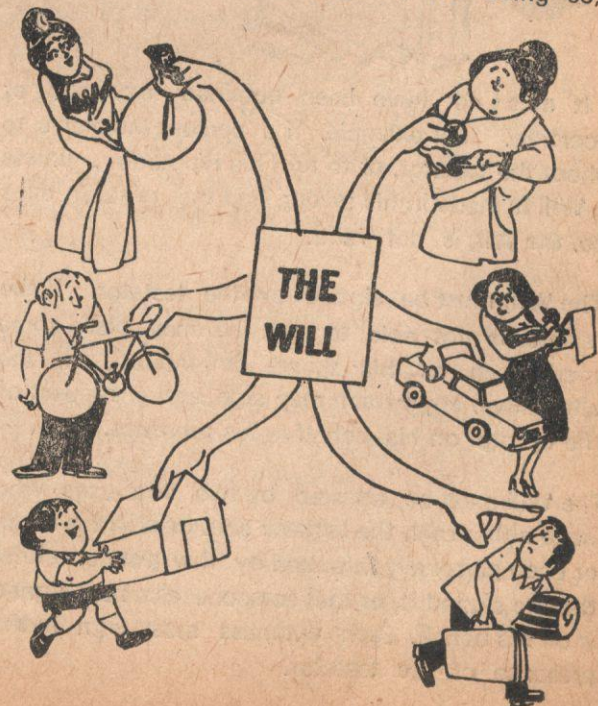
Every person who is not a minor (i.e., over the age of 18 years) and who has property of any reasonable value, whether movable or immovable, should make a Will.

### What Is A Will

A Will is a document in which a man sets out his wishes as regards the manner in which his wealth and possession should be divided on his death.

### Why You Should Make A Will

Earlier a man generally told his children and other relations how his money should be divided after his death and his wishes were respected. Today the wishes of a dying or dead man do not have the same sanctity; and should there be a situation where the relative entrusted with the task of carrying out the wishes of the dead man is likely to gain by not doing so, the





chances are that there will be a convenient lapse of memory. Besides, there is no reason why one should trust the memory of another when with a little mental exertion one can put down one's wishes in the form of a Will on paper and in a manner that would remove any misunderstanding on death.

### How To Go About Making A Will

In order to be valid, a Will must comply with the following conditions:



- i) It must not have been obtained by fraud or coercion. For example, if a person threatens to shoot the testator, or to ruin his reputation, unless a Will is made in his favour, and the testator does so, the Will is not valid.
- ii) The Will must be signed by the testator. If the testator is not able to sign, he may place some mark such as his thumb impression. In the alternative, any person may sign at the request of the testator on his behalf in his presence.
- iii) The Will must be attested by two witnesses who have either seen the testator sign or affix his mark, or been personally informed by the testator either that he signed it, or that someone else has signed it on his behalf. Each witness must sign in the presence of the testator.

It is not necessary to use any technical or legal language in a Will. All that is necessary is that the meaning should be clear. A simple Will on the following lines would be in order.

I, Shivram Yeshwant Patil residing at 21 Bhulabhai Desai Road, Bombay 400,036, declare this to be my last Will.

I appoint my son Ramnath Patil to act as the sole Executor of my Will.

I bequeath my flat jointly to my wife Meena and my sons Ramnath and Govind so that each is owner to the extent of one third of the value of the flat.

Except as provided above, all my other properties and assets shall be divided equally between my wife and my two sons mentioned above and my daughters Rukhi and Seema.

In witness whereof, I, Shivram Yeshwant Patil have put my signature on this my Will on the day of 1984

Testator

Signed by the above named Shivram Yeshwant Patil in our presence as attesting witnesses.

- 1) Anil B. Parekh
- 2) Navnit T. Vakil

### The Wording Of The Will Should Be Clear

Often a person making a Will uses the phrase 'personal effects', but this gives rise to considerable confusion and quarrelling among the heirs as it is not clear as to what exactly is personal effects. Does it, in addition to clothing, include jewellery, furniture or the car? Considerable confusion and heart burning among the heirs can be avoided if the description of personal effects and also other assets and their distribution is made perfectly clear.

### Make Fresh Will On Marriage

Every person other than a Hindu or a Muslim i.e. a Christian, Jew, or Parsi should make a fresh Will on marriage because marriage automatically revokes



a Will made by such person before the marriage.

A recent case illustrates the importance of this point. A rich elderly Parsi widower with grown up children married a young lady, and died within a few

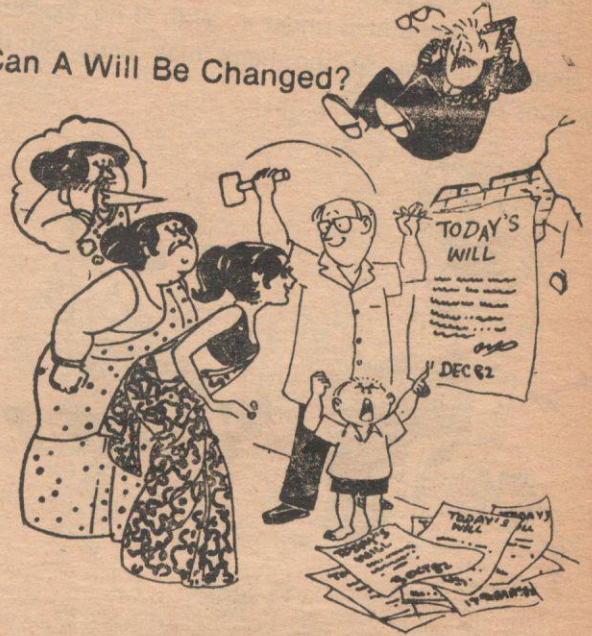


days of his marriage. His children in whose favour he had made the Will which had not been changed by him were jubilant that the young widow who in their opinion had married their father for his money would inherit nothing. Their joy was short-lived when they learnt that under Parsi law the Will was automatically revoked by the marriage, and the widow would inherit under intestate succession as an heir in addition to the children.

### Who Can Be A Witness

Any person, even a minor, can be a witness. The witness need not know the contents of the Will. He is merely a witness to the signature. A beneficiary under a Will must not be a witness. A Will witnessed by such a person will be valid, but the bequest made to such a person will be void. So will a bequest made to the husband or wife of a witness. Many a legacy has gone astray because of lack of knowledge on this matter.

### Can A Will Be Changed?



A Will can be revoked or changed at any time by the testator by executing another Will. It must be specifically noted in the new Will that the previous Will is revoked. This intention must be made clear; otherwise the later Will will not necessarily replace the earlier one.

### What Is Meant By An Executor?

An executor is a person appointed by the Will to carry out the instructions of the testator. He would therefore obtain probate of the Will, if this is necessary. He would also collect the debts, if any, owing to the estate and distribute the estate according to the Will.

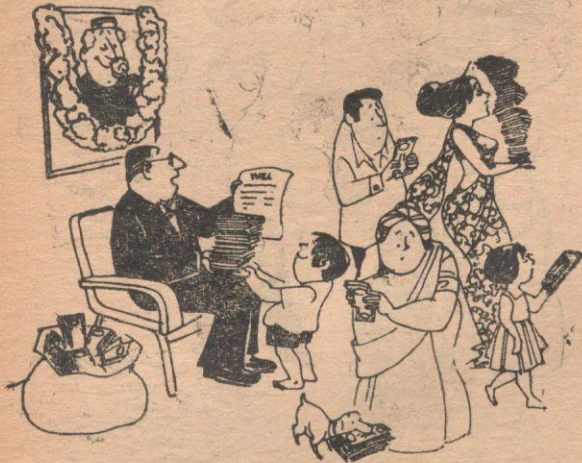
There is nothing to prevent an executor from inheriting under a Will.

Since the executor should survive the testator, it is obviously desirable to appoint a person younger than the testator as an executor.

It is also desirable to ascertain from the executor whether he would be willing to act executor in order to avoid a situation where he refuses to do so subsequently.



It is not necessary that there should always be an executor appointed under a Will. If no executor is appointed, one of the heirs may carry out the functions of an executor.



If one has no person one can trust, it may be a good idea to appoint a bank as executor. A minor cannot be an executor.

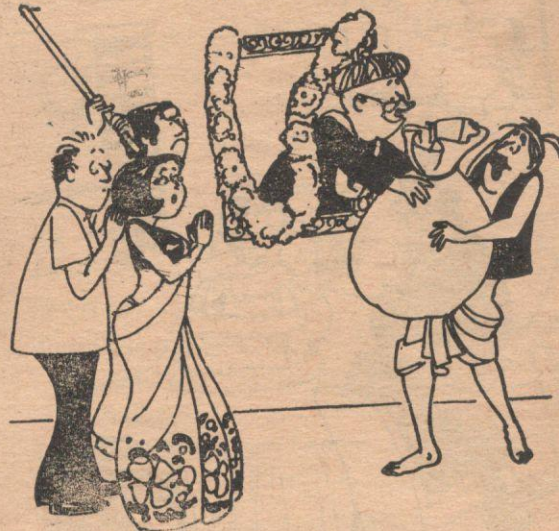
More than one executor can be appointed. In such a case the executor will act jointly, and on the death of one, the other will be entitled to carry on as executor.

### What Is Meant By Probate? Is It Necessary?

Probate is the act of getting a Will certified by a court. A will is a private document primarily indicating the wishes of the testator. It is, therefore, not necessary to obtain probate of a Will in order to make valid, especially since applying for probate in many cases is a time-consuming and expensive process. Probate is actually necessary only if the Will relates to immovable property situated in cities like Bombay, Calcutta or Madras. Probate is also necessary if the executor wishes to recover any debts owing to the estate of the deceased through the courts or a beneficiary has to establish his rights. Otherwise as long as all parties are satisfied that the Will is in order and if no one is going to contest the Will there is no need whatsoever to go through the trouble and expense of taking out probate.

### To Whom Can One Will One's Assets?

There is nothing to prevent a person from leaving his property to a complete stranger, even to the exclusion of his own kith and kin. Under Muslim law,



however, a man cannot give away by Will more than one third of his property. The balance must be distributed among his heirs according to Muslim law and this is broadly explained at the end of this chapter.

### What Is The Position Of Bequests To Charity

A person who has a near relative or a niece or nephew living, cannot make a bequest to charity unless certain formalities are complied with. The reason for this seemingly strange restriction is that persons on their deathbed sometimes overlook the legitimate claims of their close relations because their minds are attuned to matters more spiritual. Instances are also known of adventurers who persuade a dying man to contribute to charities from which the money is siphoned off into their own pockets. The law therefore provides that a bequest in order to be effective must be made to charity at least twelve months before the death of the person, and further the Will must be deposited with the Registrar within six months of its execution and must remain deposited till the death of the testator. If these formalities are not complied with, the Will will not be invalid; only





the bequest to charity will not take effect. These conditions however, do not apply to Hindus and Muslims.

### What Safeguards Can One Make Against Tampering Of A Will?

There is a genuine fear that lurks in the minds of some persons after they have made their will and made known its contents, that it may be altered or destroyed after their death by someone who has not inherited under it or not benefited sufficiently under it. Two alternatives are suggested to deal with this situation: one alternative is to appoint a bank as an executor. In this case, a copy of Will will be deposited with the Bank, and the question of altering it or tampering with it are remote. Further, the bank with the resources at its disposal is better able to prove the Will in court or obtain probate if that is necessary. Another option is for the testator to register the Will with the Registrar under the Registration Act during his lifetime. The testator himself can appear before the Registrar, and if the Registrar records evidence of this fact, the Will can easily be proved in court subsequently if this is necessary.

### Where Property Etc. Is In Joint Names

Some people avoid making a will because they are under the impression that if all property is in joint names, on the death of the first named person, the survivor will automatically inherit the property by law. This is an entirely wrong notion; joint names



have little meaning: assets can only be inherited by Will or if there is no Will by the laws of intestate succession.

### Where A Name Is Noted As A Beneficiary For Provident Fund Or Gratuity

It is also wrong to believe that because one has nominated one's wife or children as beneficiaries under an insurance policy or for one's provident fund or gratuity, there is no need to make a Will in respect of these amounts. A nominee under an insurance policy receives the money only on behalf of the legal heir as a trustee would. If the intention is that the nominees should inherit the money, it is best to provide for this clearly in the Will. In the case of Provident Fund and Gratuity also, it is best to mention the names of the nominees in the Will to make sure that they receive as beneficiaries themselves.

### What Happens If There Is No Will?

If a person dies without making a Will, the property goes by what is called intestate succession. This means that the law steps into the place of the testator, and depending on the community to which the deceased belonged, the property is divided between his relatives as defined by law. The same is the case if a person makes a Will, but does not dispose of his entire property by Will. For instance, if a person owns property of Rs. 5 lakhs at the time of his death, but by his Will indicates only how Rs. 4



lakhs should be distributed, the balance of Rs. 1 lakhs will be divided by the rules of intestate succession.



If, therefore, one does not wish this to happen, one should appoint what is called a 'residuary legatee' to whom the balance of the estate should go after all the specific legacies have been paid.

### What Happens When People Die Intestate Without Making A Will?

The law is complicated in this respect Very broadly the position is as follows:

#### Hindus

If a Hindu man dies intestate, the widow and the mother have an equal share to his estate. It is interesting that no special preference is given if one is a male or female.

#### Muslims

Under Muslim Law, a person cannot give by Will more than one-third of his estate and two thirds is distributed among the heirs according Muslim law. In this case, the distribution of the property will depend on whether the deceased was a Shia or a Sunni. Broadly it is interesting to note that the inheritance by Muslim law weighs heavily in favour of the male heirs as against the female heirs as in most cases a son would get double of that received by a woman, the principle being that a female has a husband to support her.

#### Christians

Where a Christian dies without making a Will, one-third of his estate goes to the widow and the remaining two-third is divided between the children. If the deceased has no children then half of his property will go to his widow and the other half to his other relations, like father, mother, brothers etc.

#### Parsis

Among the Parsis, the parents of the deceased are entitled to a share even if there is a widow and children. The share of each male child and the widow is twice the share of a female child. The share of the father is one half of the share of the son; and the share of the mother is half the share of the daughter. In Parsi law also a male heir benefits much more than a female one.

### PROBLEMS OF AGE

After two years of study, the Committee appointed by the Singapore Government on the Problems of Aged has submitted a comprehensive report covering various aspects of life in old age. The report identifies several important aspects which need to be given attention such as the need to lead a healthy life, the ability to support one-self and involvement in society and stable family ties. These solutions are not easy to find, nor easy to implement. Nevertheless, the report is stated to be proving useful in paving the way in encountering the tangible challenges when 20% of the population are expected to comprise old people by the end of century.

### IN BRIEF

One of the important recommendations of the report is to make it compulsory for children to look after their parents because of the moral responsibility which should not be viewed lightly. The objective is to improve the situation so that the senior citizens will be able to enjoy more active, healthy and meaningful life. This will of course require active roles at the individual level, with parents and children carrying out their respective responsibilities.

#### FOOD WASTE

For maintaining the prices guaranteed to growers the European Common Market, common organisation



of ten countries of Europe, dumps every minute about 500 Kgs of apples. This scandal of food waste policy spreads over a large number of other items. In one year the ECM destroys millions of lemons, oranges, peaches and numerous heaps of vegetables. The vegetables are buried in huge pits and covered with oil to make them inedible. The statistics of ECM show that nearly 27,000 tons of oranges, 15,000 tons of mandarins, taken off the market, were destroyed last year. Such waste of food is outrageous when half the world is starving.

### MATRIMONIALS

An interesting study has recently been made of matrimonial advertisements appearing in a newspaper in India to find the impact of modernisation on the choice of marriage partners, particularly in relation to the aspect of caste considerations. The study having been made in relation to advertisements placed in an English newspaper of a metropolitan city, it was obvious that the persons placing the advertisements were from advanced sections of the society well educated, westernised, city based, working in good jobs and belonging to top brackets in relation to their income and wealth. The result of the study is interesting : Out of 984 advertisements analysed, as many as 75.4% mentioned caste requirements.

### SHORTAGE OF COINS

On the problem of prevailing extreme shortage of coins having been communicated to Reserve Bank of India by COMMON CAUSE, we have received a copy of the Press Communique which the RBI has issued in this respect. In it the RBI claims that the supply of coins to the public through the counters of various offices of RBI has been considerably stepped up, as a result of significant expansion in the production of coins and further efforts are being made to augment the production of coins.

### WEALTH TAX ASSESSEES

Would you believe it ? The total number of wealth tax assessees in our entire country, with assessable wealth of over Rs. 20 lakhs, is only 784; those having wealth tax between Rs. 10 to Rs. 20 lakhs is 3,776; those having wealth below Rs. 5 lakhs number 3.02 lakhs. Thus only 4,560 persons in the country have net wealth of over Rs. 5 lakhs.

These figures are from the Government Department concerned with assessment of wealth under the wealth Tax Act. There is a feeling that probably the number of persons possessing the stated wealth of above Rs. 10 lakhs in the entire country would be found only in a part of the big city of Bombay and also of Delhi.

### INCOME TAX ASSESSEES

Likewise, the figure of income tax assessees in the country is revealing. Number of assessees with income of over Rs. 5 lakhs is reported to be only 599. This figure can also be put in the category of Believe It or Not.

### URBAN LAND CEILING ACT

This Act is stated to be one of major causes of holding up the construction activity. This Act was designed to serve three objectives (i) imposition of ceiling on the vacant land holdings; (ii) limitations on the size of dwelling units; and (iii) regulation of transfer of urban property. None of these objectives has been realised through this enactment. This legislation has merely resulted in increased litigation and increased administrative costs and blocking of land fit for development. In Bombay alone about 20,000 hectares of surplus land is estimated to be lying unutilised.

### PARKING CHARGES

The levy of parking charges by self-appointed contractors has assumed scandalous proportion in various cities. More often than not there is no authorisation by the concerned municipal authorities for levy of such charges at certain places, and entrepreneurs on their own have been collecting the parking charges for cars, scooters and bicycles etc. on the basis of some printed 'tickets'. We took up this matter, for instance, with the New Delhi Municipal Committee in respect of parking charges which have for long continued to be levied outside the Nehru Park in New Delhi area. The Administrator of NDMC has replied that no authorisation has been issued by the NDMC and that a notice board to this effect is now being set up at the parking place. Similar query has been addressed to the Commissioner of Delhi Municipal Corporation in respect of certain other areas where parking charges are being levied by contractors.



**OVER-SPENDING MLAs**

During the past year the MLAs of a State in India spent Rs. 1.20 crores on travel and consumed Rs. 2.50 crores worth of medicines, averaging Rs. 22,000 and Rs. 46,000 each, all at government expense. One MLA cost the government Rs. 62,000 in travel; he must have been travelling 340 Kms. every day. 12 MLAs spent more than Rs. 30,000 each on rail travel alone.

What MLAs have done Ministers are reported to have done better. During two years, the cost of keeping Ministers on the move has been about Rs. 50 lakhs. Some Ministers have claimed travel bills of Rs. two lacs and over. How the Minister manage to be in a state of perpetual movement is something of a miracle.

A facility enjoyed by MLAs is free availability of medicines. One dispensary maintained by the State Government is stated to have supplied MLAs Rs. 34 lakhs worth of medicines. One MLA took medicines worth more than Rs. 15,000; mostly these medicines were drawn without prescriptions of any doctors.

Ministers of another State spent Rs. 22.56 lakhs on telephone calls, travel, and entertainment during one year. Seven Ministers spent more than Rs. 1 lakh each on making telephone calls from their residences. One Minister spent Rs. 1.22 lakhs on entertainment.

**Miscellaneous**

Our programme of LOK ADALATS, about which we had written in a previous issue of the periodical, is now expected to be initiated in the coming weeks by starting one LOK ADALAT in Delhi. It will be inaugurated by Mr. Justice P. N. Bhagwati Judge of Supreme Court of India in his capacity as Chairman

of the Central Committee for Implementing Legal Aid Schemes.

We are keen to make correction of addresses of the members and also to remove the cases of duplication where they have occurred. Where any member is receiving more than one copy of our periodical we would be grateful if he could send us the particulars of membership numbers on which these are being received. They can find membership number recorded on the address pasted for despatch of periodical.

We are receiving complaints from some members that they are not receiving our circulars. It may kindly be noted that circulars on specific subjects are issued primarily to organisations and institutions for initiating action thereon or for transmitting information to their members. It is impossible to send these circulars to members all over the country. Information is disseminated to the members through this periodical.

We often receive, alongwith voluminous documents, problems of individuals either in relation to fixation of their grades or non-payment of gratuity or revision of pension, demands of electricity dues, disconnection of telephones, assessment of house-tax, etc. It is impossible for us to deal with the problems of individuals and we have been repeatedly exhorting that individual problems should not be sent to us and we will not be able to deal with them. We can at best try to deal with common problems and grievances of the people.

Kindly try to save us the burden of making frequent change of addresses. To individual member this is our request. To organisations and associations we repeat the request that they should fix one address and intimate that to us. With change in office-holders every year the change of address for our purposes should be avoided. One more request. Kindly write to us only when you must.

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**Printed Matter**