

COMMON CAUSE

VOICE OF "COMMON CAUSE"

REVIEW THE LAWS, REGULATIONS AND PROCEDURES

There is paramount need of reviewing and changing the laws which are operative in the country, and also the Rules, Regulations and Procedures which are based on them. There has been enormous proliferation of these laws and regulations. Presently there are nearly 3000 Central laws in operation. Besides these, there are a large number of laws enacted by the States. The position is totally confounding; every individual is expected to know the law; any contravention of the law can lead to harmful consequences.

It can well be argued that existing ailments and problems of the people are largely attributable to the multiplicity of the rules, regulations and procedures. These are the major cause of delays in decision making, and of harassment of the people by the operative staff. These inevitably result in unavoidable need of the use of "grease-money" or "speed-money" which has often to be resorted to by people to get their problems resolved and expeditiously dealt with. Widespread malaise of corruption, particularly at low levels, is traceable to the proliferation of these laws, regulations and procedures.

* Everybody is eligible to take membership of COMMON CAUSE. No form is required. Merely send your name and complete address, preferably written in CAPITAL LETTERS. Send it to the address: COMMON CAUSE, A-31, WEST END, NEW DELHI 110021. Membership fee for individuals is Rs. 100 for one year; Rs. 500 for life membership for individuals; Rs. 200 for annual membership of organisations and associations.

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

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

A very important exercise has recently been initiated under a directive of the present Prime Minister, to review all the existing laws, regulations and procedures. Instructions have been issued to all Ministries and Departments of the Central Government that they should immediately set up Expert Groups for reviewing all the laws and regulations which respectively concern them. These Expert Groups, according to the instructions, are to be composed of selected senior officers of the Ministry/Department and also to have on them the representatives of Consumers and Legal Profession. The tasks entrusted to these Expert Groups are: (i) identification of the laws which are no longer required or relevant and can be immediately repealed, (ii) identification of the laws which are in harmony with the

existing conditions which need no change, (iii) identification of the laws which require changes or amendments and to give suggestions for amendments, and (iv) to suggest revision of rules, regulations and notifications based on the respective laws. The entire task has to be completed by every Ministry/ Department within three months.

This is indeed a great and important step forward. There are reports that the various Ministries and Departments are diligently working on these instructions. They have constituted Expert Groups. In some Ministries where number of laws is considerable, Expert Groups have set up Sub-Groups which are entrusted specific laws for immediate scrutiny and requisite attention. Ministries/Departments appear to have geared up to complete the entire task before the end of October.

Arising from the deliberations and recommendations of the Expert Groups, the entire matter for further action is projected to be placed before the Commission for Legal Reforms, which will be set up under the administrative control of the Ministry of Law and Justice. This Commission will coordinate and harmonise the recommendations

REVIEW THE LAWS

OUR RECORD OF SERVICES

A SIGNIFICANT JUDGEMENT

A NEW WRIT PETITION

PUBLIC GRIEVANCES REDRESSAL

emanating from the Ministries and Departments based on recommendations of the Expert Groups where these relate to more than one Ministry/ Department. The objective of this Commission will be to suggest measures, based on recommendations of Expert Groups, which will lead to quick redressal and citizens' grievances in the field of law.

It is earnestly hoped that this exercise will result in lessening the number of laws, eliminating the archaic and out-dated laws, and bring the laws up-to-date.

One is dumb-founded at the serious omission of past decades to tackle this major problem. There are, on the Statute Book, laws dating back to early 1800's which are still operative. On glancing through a compendium of presently operative laws, I have come across two laws, Admiralty of Offences (Colonial) Act, 1849 and Admiralty Jurisdiction Act 1860, which even now lay down the words: "Act to provide for prosecution and trial of Admiralty of Offences in Her Majesty's territories in India." These laws are still on the Statute Book.

There are large number of archaic laws. As many as approximately 40% of the presently operative laws are of 1800's and early 1900's. These include, for instance: Telegraph Act of 1885, Wireless Telegraph Act of 1933, Railways Act of 1890, Electricity Act of 1910. These Acts are supposed to regulate presently existing matters and processes some of which were not dreamt of in those years. Official Secrets Act of 1923 holds extremely strong grip on the behaviour of all officials of the government in relation to matters which need to be disseminated to meet the present day requirements. Drugs and Cosmetics Act of 1940 deals with matters which over the decades have vastly altered and progressed. Procedure in judicial courts of the country are regulated by Evidence Act of 1872; no wonder there are now nearly three crore cases pending in the courts, both civil and criminal. In the matter of general social importance, as further instance, Divorce Act applicable at present is of 1869.

Over the decades enormous number of amendments have been effected in each of the laws and often also in the Rules. Result has been that often the intent as well as content of individual Sections of the laws has so enmeshed in the amendments that it becomes difficult to unentangle real import of the provision. Amendments have necessarily to be couched in legal terminology with the result that to an ordinary

individual it has become well nigh impossible to understand relevant provisions of the laws. As an instance, consider the following amendment incorporated in relation to Section 2(3)(b) of the Central Excise Act, picked up at random:

- (b) no notification or order issued or made under the Central Excise Act or the said rules (whether issued or made before, on or after the 24th day of September, 1982 and whether or not in force on such date) granting any exemption from any duty of excise or fixing any rate of such duty shall have the effect of, or be construed as providing for exemption from the duty of excise leviable, or, as the case may be, fixing the rate of duty, under the said Central law, unless such notification or order...

In the exercise which is presently in progress in the Ministries of the Government of India for review and revision of the laws, it is hoped that recourse will not be taken to burden the laws with series of amendments. It will be better to re-write the laws and enact them afresh.

There is in fact need of introducing in each enactment what is termed "Sunset Provision", as in U.S.A. The provision of "Sunset" works in this way. Often, laws are enacted only for a few years. The objective is that at the end of that period the legislators will evaluate the law, make adjustments, then reauthorize it or get it repealed. All agencies set up under various enactments are subject to "Sunset" laws, and they go out of existence unless reauthorized for further specific period of years. As an instance, nearly 200 State Agencies and Advisory Committees in Texas State of U.S.A. are subject to provision of Texas Sunset Act. There is need of examining this entire matter to see how "Sunset" provision can be incorporated in our laws, particularly those which need re-examination after prescribed period.

This broadly is the background which emphasizes the need of a comprehensive, urgent and detailed consideration of the entire sphere of laws, rules, regulations and procedures which presently are impeding progress and adding to the irritations and exasperations of people. One, therefore, places great hopes on result of the exercise which has been initiated. A great lot will depend on successful completion of this task.

COMMON CAUSE OUR RECORD OF SERVICES

COMMON CAUSE, a registered Society with membership of about 5,000 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. It has been laying emphasis on taking up common and collective problems of the people, but a large number of individual problems of aggrieved citizens are also referred to it. The individual problems, wherever possible, are referred to the concerned departments and organisations of government, and generally find solution. The collective problems are taken to courts. A large number of writ petitions have been filed by us in the Supreme Court and Delhi High Court, and quite a few important cases have been taken to the National Commission established under Consumer Protection Act.

Some of the important decisions secured from the Supreme Court, Delhi High Court, and the National Commission, and some important matters taken to them, are mentioned in the paragraphs that follow :

Elections and Political Parties : A recent important decision secured from the Supreme Court has been on the subject of non-maintenance of accounts by political parties and challenge to existing provisions whereunder expenditure incurred by political parties during elections was not taken into account in relation to the expenditure incurred by candidate on his election. The Supreme Court has directed the Government of India to take action against the defaulting officials of Income Tax department who did not take action against political parties for non-submission of their income tax returns; more important aspect of the decision is that the expenditure incurred by a political party in the constituency of candidate has now to be clubbed together with the expenditure incurred by the candidate, which would disqualify the candidate if the total expenditure exceeds the prescribed limit. This decision has widely affected all recent elections in the country; everybody notices that there are no blaring loud speakers, no posters, writings on the walls, hoardings etc. Every candidate is trying to remain within the prescribed limit of expenditure.

Corruption : An important writ petition was filed in the Supreme Court on the general subject of corruption prevailing in the country, emphasizing the importance and requirement of establishing the LOKPAL institution of the nature of Ombudsman, with powers to investigate complaints of corruption including even those against the Prime Minister and Ministers of the Central Government, and Ombudsmen in the States with similar powers of investigating cases of corruption including those against Chief Ministers and their Ministers. An off-shoot of this important case, relating to unscrupulous allotment of petrol pumps and gas agencies to important persons and their relatives, has resulted in a very important decision of imposing a compensatory penalty of huge amount of Rs. 50 lakhs on the previous petroleum Minister of the Government of India who has been held responsible for the illegal and unconstitutional allotment of petrol pumps to persons not eligible for such allotment.

Pensions : This case in fact was the first important matter taken up by the organisation which brought about decisions from the Supreme Court benefiting about four million pensioners all over the country. This matter arose from pension liberalisation which was effected in 1979 by the Government of India for its pensioners; the liberalisation was not extended to those who had retired earlier than 1.4.1979. This matter was challenged by the organisation in the Supreme Court. The Court held that there cannot be any distinction between one pensioner and another, with the result that the liberalisation got extended to about two and a half million Central Government Pensioners. Thereafter it got extended also to all pensioners of State Governments, thereby giving benefit to total of about four million pensioners. Another important decision relating to pensions, secured by the organisation, related to restoration of pension commutation. Previously commuted portion of pension was never restored; this was challenged by us and the court directed that pension should be fully restored after 15 years of commutation. Still another important decision in the matter of pensions related to family pension which is given to widows. Government of India had prescribed that the family pension would be given only to those widows whose husbands had retired after 1.1.1964. This was challenged by the Organisation, with the result that all widows of pensioners all over the country have started receiving pensions. Hundreds of thousands of widows, who had never previously known anything about pension, suddenly started getting pensions, alongwith arrears from 1977.

Pending Criminal Cases : There are presently about three crores cases pending in the courts of the Country. Out of these about one crore are criminal cases. A comprehensive writ petition was filed in the Supreme Court on this important subject, making specific suggestions about the procedures to be adopted for dealing with this backlog. A very important decision has been given by the Supreme Court directing the discharge of accused persons and release of prisoners where cases have dragged on for long specified periods. These directions have brought about the termination of hundreds of thousands of cases all over the country and have released large number of persons who were for long languishing in prisons.

Lawyers Strikes : During the last many years there have been a large number of instances of lawyers going on strikes in various districts of the country. The backlogs of cases pending in the courts of India have mounted enormously. Strikes by lawyers seriously aggravate the problems of clients and disposal of cases by courts. The matter was taken to the Supreme Court by the organisation. A very important decision has been given by the Supreme Court directing that if the lawyers ever go on strike, their Bar Associations will not prevent any lawyers from going into courts of law. This decision has had a very salutary effect. At some places where lawyers have been prevented from going to attend their courts, contempt proceedings have been initiated against the functionaries of Bar Associations.

Blood Banks : There are over 1000 blood banks in the country. Most of them were reported to be functioning unsatisfactorily. Their accommodation was unhygienic, equipment antiquated and unsatisfactory, their procedures indicative of malfunctioning. More than 600 of these blood banks were unlicensed. Most of the blood banks of the country have been dependent on professional donors who are often the poor people from the streets. These matters came to light in a report prepared by an organisation commissioned by the Government of India. Based on this report we took the matter to the Supreme Court. A very important decision has been given by the Supreme Court directing the Government of India and State Governments to set up appropriate organisations at the national level and state levels, to ensure that all blood banks are licensed within a period of one year, and also to ensure that professional donors are eliminated within a period of two years. Licensing of blood banks, after careful scrutiny of their eligibility, has now been practically completed, and organisations have been formed in accordance with Supreme Court directive. Steps are being taken for elimination of professional blood donors.

Consumer "Courts" : Under a law passed in December '86, known as Consumer Protection Act, it was made mandatory that in every district of the country there should be a consumer "Court" where consumers could complain about defects and deficiencies in products and services, and claim compensation. In the first three years consumer "Courts" were established only in about 30 districts. There are 514 districts in the country. It was feared, therefore, that it might take a century for the consumer courts to be established in all districts of the country. The matter was taken to the Supreme Court by the organisation, impleading the Government of India and all States Governments in it. Resulting from the directions issued by the Supreme Court, threatening contempt of court proceedings against defaulting officers of State Governments, the consumer "Courts" got established in all districts of the country within a period of about six months. There are reports, however, of inadequate functioning of these courts in some States and districts. This matter continues to be followed up.

Unauthorised Colonies : Nearly 1500 unauthorised colonies exist in and around Delhi, practically taking up all open and vacant land everywhere. In 1993, the number of these colonies was reported to be about 1100. These colonies are presently accommodating above 30 lakhs people. These have been developed totally without any sanctions either of layout or of building construction. In addition, there are nearly 20 lakhs people living in slums and clusters of **Jhuggies and Jhaumparis**. Towards the middle of 1993, when Elections to Delhi Assembly were expected to be announced, demands started emanating from various politicians asking for regularisation of the unauthorised colonies. From the platform of COMMON CAUSE, we filed a Writ Petition in Delhi High Court, contending that the regularisation of these colonies would cause perpetuation of serious problems for the future of Delhi. Delhi High Court issued direction that "till further orders" no unauthorised colony should be regularised. This stay order is still operative. There have been a number of hearings of the case. Government of India and Delhi Government have put forward their points of view and suggestions. We have continued to highlight the fact that it is a serious human problem but regularisation of these colonies should not be effected without very detailed survey of each colony for ensuring that all basic and essential requirements are provided therein, including school, community centre, market place, post

of e, police post etc. in accordance with the directions which were previously issued by the Government of India. It is expected that decision of this case will soon be forthcoming from Delhi High Court.

Property Tax : The matter of Property Tax assessments affects the interests of more than 6.5 lakhs house-owners of Delhi. There have for long been serious complaints about anomalies, discrimination and absurdities in the assessment of Property Tax, involving also enormous lot of corruption. This matter was taken by us from the platform of COMMON CAUSE to the Supreme Court in 1984 and important decision was secured for regulating the procedure of assessments. There has since been no abatement in the difficulties encountered by people in the matter of assessments of Property Tax, and the matter was again taken to Delhi High Court. A further addition to this problem has been caused by promulgation of Property Tax Bye-laws which have also created complications. The entire matter is now before Delhi High Court. Final decision is awaited.

Pensions of Parliament Members : The organisation has challenged, in a writ petition before the Supreme Court, the pensions which are presently being given to all Members of Parliament and also to Members of State Legislatures. Our contention is that provisions in the Constitution do not envisage the giving of pensions to legislators. The matter was considered by a Division Bench of the Supreme Court and was referred for finalisation by the Constitution Bench of the Supreme Court. We are still awaiting the setting up of Constitution Bench for hearing the case.

Iodized Salt : Problems relating to inadequate iodization of salt, in violation of the prescribed statutory regulations, was taken up by the organisation before the National Commission established under the Consumer Protection Act. Drinking water in various parts of the country is deficient in iodine which causes diseases like goiter etc. For ensuring that this malady is eliminated it has been considered necessary that salt should be iodized. The matter was not being satisfactorily pursued by the Government of India. This matter was taken up before the National Commission established under CP Act and strict instructions have been communicated to the salt producing companies for ensuring proper iodization of the salt.

Intravenous Fluids : Another important case taken up from the platform of the organisation before the National Commission of CPA was that of bringing to focus the absence of rigid quality control in the manufacture and bottling of intravenous fluids which are administered into the bodies of patients through their veins in hospitals and nursing homes. State Governments and the Government of India were impleaded in this case. Very strict instructions have been issued to the concerned authorities to ensure that in future there is no scope for any malfunctioning in this matter.

Buses on Delhi Roads : There have been serious complaints of chaotic running of public buses on roads of Delhi. A fleet of about 4000 buses was brought on to the roads five years ago to supplement the transport provided by the existing public sector organisation. These buses were unfortunately given individual permits, with the result that they are competing with each other on the roads and speeding up for picking up passengers waiting at bus stands. Large number of accidents have been taking place because of these uncontrolled operations. This matter has been taken by the organisation to the National Commission and is presently pending.

Strikes by Banks and by Air India : Strikes were observed for two full days by all Banks in the country three years ago, and strike was observed for one full week by AIR INDIA. Former was brought about by all employees, the latter by Flight Engineers of the airline. Separate cases were filed by the organisation regarding these strikes before the National Commission, highlighting the serious difficulties caused to consumers. One day's strike by Banks is reported to hold up 35 lakh cheques and transactions worth about Rs. 6000 crores. AIR INDIA strike is reported to have affected about 30,000 passengers. The case relating to AIR INDIA strike has been decided by the National Commission castigating the Flight Engineers Association. The Banks strike case is yet pending.

Besides these various important cases the organisation has filed quite a few other cases in the Supreme Court and Delhi High Court. Some of these are yet pending. We have challenged the action recently initiated by Delhi Electric Supply Undertaking (now D.V.B) to secure statements from all domestic users of electricity (approximately 15 lakhs in number), on threat of disconnection, about their existing load, calculated on the basis of all existing switches, sockets and plugs. Delhi High Court has asked DESU not to take any action for non-submission of statements till decision

of the case, which is presently pending. Another important matter taken to Delhi High Court is of extensive load-shedding by DESU in various areas of Delhi, causing disruption of industrial functioning and serious inconvenience to the residents; load-shedding often continues for one hour or even more. DESU has to resort to load-shedding on account of difficulties being encountered by it in the matter of availability of electricity from its generating sources. The matter continues being pursued. Another case taken to Delhi High Court relates to the deprivation caused to superannuated employees of the establishments which are registered under Employees State Insurance/Act. They are deprived of the benefits of medical facility if their wages cross the limit prescribed under the Act. We have contended that it is nowhere laid down in the Act and Rules that if an employee reaches the Wage Limit before superannuation, he is to be debarred from the provision of medical facility. The case is being further pursued. Still another matter taken to Delhi High Court relates to the levy of heavy payments by Delhi Development Authority for conversion of leasehold plots and flats to freehold. This matter affects hundreds of thousands of owners of houses and our initiative has brought about useful results. Some other cases of similar wide significance have been filed and are being pursued.

The organisation receives 20/30 letters every day; replies are sent to all. A quarterly Journal is published which goes to members all over the country.

A psychiatrist ran into one of his patients at a restaurant. "Doctor," the woman said, introducing her spouse, "this is my husband - one of the men I've been telling you about."

...

At his London home in Hyde Park Gate, Sir Winston Churchill celebrated his eighty-second birthday. After posing for photographers, Sir Winston heard a game try at felicitation from one. "Sir Winston," called the cameraman, "I hope to take your picture on your hundredth birthday."

Sir Winston turned and regarded the well-wisher with a scorching glare leavened with a trace of smile. "I see no reason why you shouldn't, young man," he rumbled. "You look hale and hearty enough!"

...

Lady Nancy Astor, who is noted for her sharp tongue, once got annoyed with Churchill. "Winston," she said sharply, "if you were my husband I'd put poison in your coffee."

"Nancy," replied Churchill, "if I were your husband I'd drink that coffee."

...

On cold night a man with reputedly poor eyesight was driving a friend home. The frost was thick on the windows, and after a couple of near accidents the friend tactfully suggested that it might help if they cleaned the windscreen.

"What's the use?" the driver replied. "I left my glasses at home."

...

An indignant traveller wrote the railway: "I take your 9.35 a.m. train daily. I cannot get a seat near the front of the train and sometimes have to stand all the way. Several coaches on this train near the back carry very few passengers. Will you please advise me why those coaches cannot be put on the front of the train so we won't be so crowded?"

...

A businessman in love with a night-club entertainer employed a detective agency to check up on her. He received the following report: "The young lady has an excellent reputation. Her past is without a blemish. She has many friends of good social standing. The only scandal associated with her is that she has often been seen lately with a businessman of questionable character."

...

"She told me," a woman complained to a friend, "that you told her the secret I told you not to tell her."

"Well," replied her friend in a hurt tone, "I told her not to tell you I told her,"

"Oh, dear," sighed the first woman. "Well, don't tell her I told you that she told me."

...

Man is harder than iron, stronger than stone and more fragile than a rose

...

There are no menial jobs, only menial attitudes.

...

Anyone without a sense of humour is at the mercy of everyone else.

A SIGNIFICANT JUDGEMENT

An important Judgement has been recently pronounced by the National Consumer Disputes Redressal Commission, awarding damages of the amount of Rs. 17.50 lakhs for wrong treatment of child in a Delhi hospital which has resulted in the child becoming spastic, blighting his whole future life. The judgement has been pronounced after three years' trial of the case. The case on behalf of the child was put forth and argued by the Director of COMMON CAUSE, who was asked by Child's parents for help.

Harjot, the only child of Kalwant Singh Ahluwalia and Harjeet Ahluwalia, was two-and-a-half year old when this unfortunate incident took place. He is now five years. He has been rendered so incapacitated that he cannot sit up, cannot speak, cannot eat on his own, cannot look after any of his daily needs. The damage caused to him irremediable.

Harjot had developed fever which persisted for about a week. He was taken to Spring Meadows Hospital in New Delhi. The consultant doctor of the hospital prescribed medicines for his treatment. The fever persisted, and it was later found that the case was of typhoid. The consultant doctor wrote down prescription which contained direction that the child was to be given intravenous injection of "chlorophenicol". The nurse on duty wrote down a prescription and gave to the father of the child to bring the medicine from shop in premises of the hospital. Injection was given by the nurse intravenously. The child immediately collapsed and went into "cardiac arrest".

Resident doctor was immediately called. He thumped the chest of child for restarting the heart and also gave some injections. It was found that instead of writing the name of "chlorophenicol" in the prescription, the nurse had wrongly written the name of a medicine of the brand of "chloroquine" which is an anti-malarial drug and is never given intravenously to children.

Heart of the child revived after some time but in the meanwhile developed serious complications of brain damage. He was kept on manual ventilator in the hospital; after three days he was shifted to All India Institute of Medical Sciences for longer term treatment by auto-ventilator. It has been found, on recent examination in a major government hospital, that the child has developed "gross physical and mental deficiencies of profound nature". It is reported that he will throughout remain dependent for all his daily needs, including feeding and self-care. He will not be able to walk or talk or express himself. He will not be able to pursue any formal education or undertake any gainful employment. It is stated that there can be possibility at most of marginal functional improvement with the help of intensive physio-occupation and speech therapy and other therapies.

The case was contested before the National Commission on behalf of Spring Meadows Hospital and also the nurse and insurance company which had insured the hospital against any serious casualty. Evidence on behalf of the child was given by his father and the doctor grandfather who had reached the hospital within a couple of hours on receipt of the alarming news, supplemented with the records of Spring Meadows Hospital as well as those of All India Institute of Medical Sciences. Based on recommendations of the All India Spastic Society and other physio-treatment agencies regarding future treatment of the child, claim of Rs. 28.00 lakhs was submitted before the National Commission.

The claim was resisted by the hospital on various grounds. On behalf of the insurance company, it was contented that the nurse was unqualified. Occurrence of complication of "cardiac arrest" was contested.

In the long and comprehensive judgement given by the National Commission it has been held that the child has suffered, is suffering and will suffer bodily and mentally due to the negligence on the part of the hospital and the nurse. It is emphasized in the judgement that no amount of compensation can retrieve the mental conditions of the child. For making a provision, however, for rehabilitation and maintenance of the child, an aggregate amount of Rs. 17.50 lakhs has been awarded by the National Commission for payment to the parents of the child. The amount has been based on details in relation to the equipment required for purposes of treatment and rehabilitation, recurring expenses, expenses on physio-therapy and occupational therapy etc. Responsibility of insurance company in regard to re-imburement payable to the hospital has also been gone into detail in the judgement, including problem raised

by the insurance company about the hospital having engaged unqualified nurse. On the grounds comprehensively discussed in the judgement, the insurance company is held to be estopped from raising the issue of nurse being qualified or not, particularly in view of the fact that even after the hospital was found not to have qualified nurse, the insurance company had extended the insurance to the hospital. For proper utilisation of the awarded amount, in the interest of the child, it has been directed in the Judgement that an amount of Rs. 10.00 lakhs out of the total should be placed in Fixed Deposit in a Bank, under the direction of Registrar of National Commission, for a period of not less than three years, and that the interest accruing thereof should be paid to the parents of the child for his treatment.

Following editorial in the Hindustan Times, after this important Judgement was delivered, has highlighted that problems of this nature are arising in hospitals and nursing homes, and steps need to be taken by all concerned to see how such problems can be minimised.

DISEASED HOSPITALS

When K.S. Ahluwalia and Harjeet-Ahluwalia took their two-and-a-half-year old child Harjot to a south Delhi hospital in December 1993 for treatment of a mild fever, they did not foresee the tragedy awaiting them. Diagnosed for typhoid, callousness on the part of hospital staff rendered the child a spastic. The National Consumer Disputes Redressal Commission has now awarded Rs. 17.5 lakh as damages against the hospital for its "carelessness", but that will not lessen the pain suffered by the family. Harjot's fate is not an isolated instance. Far too many cases of doctors' neglect and high-handedness of the hospital staff are coming to light. Only two months ago, due to negligence at another hospital, a healthy boy of 17 was reduced to an inert bundle of skin and bones. Cases of a patient admitted with fracture in one leg ending up with both legs fractured and doctors operating on the wrong kidney and so on no longer seem to shock the conscience of the hospital staff, particularly those in the mushrooming nursing homes. Those who take their wards to these hospitals are aware of the exploitation they will have to endure. For a minor ailment the patient is virtually prevailed upon to undergo a series of highly expensive diagnostic tests. Justice Liela Seth commission of inquiry, probing the circumstances under which Rajan Pillai died in July 1995, has also recommended the initiation of penal proceedings against two doctors who treated Pillai carelessly.

There is obviously something rotten in our hospitals. Traditionally the relationship between a patient and a doctor was a sacred one. That relationship has gradually deteriorated into one of buyer and seller. If today more and more aggrieved patients are moving the consumer courts, it is due to the unscrupulous private practitioners and nursing homes. There are black sheep in government hospitals too. The need to strengthen the Consumer Protection Act cannot be overemphasised. Doctors have their reservations about bringing the medical profession under the ambit of the Act, but self-regulation by the medical profession has not been adequate. The role of the Indian Medical Council has left much to be desired. All doctors and hospitals cannot of course be tarred with the same brush. But doctors will have to accept the principle of accountability. The decision of the National Consumer Disputes Redressal Commission to compensate the aggrieved parties is bound to have a deterrent effect on erring doctors and heartless hospitals and nursing homes.

My three year old son emerged from the bathroom smiling. "I brushed my teeth," he said. "And then I brushed Sally's."

Sally was our elderly yellow Labrador retriever. Horrified, I explained to the son that it wasn't a good idea for him to brush Sally's teeth, and that we'd have to go and buy him a new toothbrush.

A few days later, as we were both brushing our teeth, son asked, "Mummy, why did I have to get a new toothbrush?"

"Remember, I said patiently, "you used yours to brush Sally's teeth."

"But Mummy, I didn't use my toothbrush on Sally's teeth. I used yours," replied the son thoughtfully.

...

We were a gloomy lot gathered around my husband's bed on the evening before his heart-bypass operation. In an effort to cheer him up, our daughter reminded him of an acquaintance who fathered two sons after bypass surgery.

When I entered the Intensive Care Unit the next day, my husband was plugged into an impressive array of life-saving equipment. He gave me a weak smile. "Hi, Sexy," he whispered. "Hope you don't mind, but I really don't feel up to it tonight."

PUBLIC GRIEVANCES

REORGANISATION AND STRENGTHENING OF MACHINERY

Grievances of the people are multitudinous and keep multiplying. People experience extreme exasperations in trying to find redress.

The grievances cover every conceivable area of government functioning and include also the problems encountered by the people in relation to services of public sector organisations, municipal authorities, housing boards, banks, insurance, transport, electricity, telephone, postal services, rations, judicial delays, besides grievances they often express against private sector functioning including problems relating to price fixation, quality, availability and all the rest.

These mounting grievances are now a virtual crescendo. This atmosphere of mounting exasperations of the people due to non-redressal of grievances can jeopardize the functioning of democracy. There is urgent need of taking cognizance of this extensive and expanding malaise and to take positive steps to meet the problem. This writing attempts to put forth concrete suggestions for reorganisation of the Redressal Machinery of public grievances in the context of inadequacies of the existing system.

CENTRE

At the Centre there are two departments/directorates dealing with problems relating to public grievances. One is the set-up for handling public grievances & Administrative Reforms in the Ministry of Personnel, Public Grievances & Pensions. This cell consists of an officer of the level of Additional Secretary, assisted by 3/4 officers of the level of Deputy Secretary/Under Secretary. This office is supposed to lay down guidelines and effect coordination of issues relating to public grievances. It also directly receives public grievances from all centres and from all quarters, States as well as the Centres. Receipt of grievances by it is of the order of 7000/8000 a year. In respect of all these grievances of the public it at most acts as a post office, transmitting the grievances to the concerned authorities, except that a small number of complaints are taken up for being pursued to watch action taken on them. This office claims to occasionally review the functioning of the public grievances machinery existing in all the other Ministries, departments, and at local levels, and also to inspect their offices, monitoring their performance to the limited extent possible. It is of importance to note that about one-third of the complaints received by this office relates to State Governments and local authorities. These are passed on to them, with information transmitted to the complainants.

In the Centre another set-up exists for handling and dealing with public grievances. This comprises of the Directorate of Public Grievances operating under the Cabinet Secretariat. This Directorate is headed by an officer of the level of Secretary and is assisted by 4/5 officers of the level of Deputy Secretary/Under Secretary. This office was created in 1988, with the ostensible purpose of strengthening the redressal machinery, to operate as a focal point for receiving, examining and dealing with public grievances. This Directorate was also entrusted the special authority of calling for relevant files from the concerned offices, settling the individual grievances, passing orders thereon, and taking steps to ensure that the decisions taken are enforced. The number of complaints received in this Directorate is also about the same size i.e. about 7000/8000 a year.

An important fact worth taking note is in that in these two offices of public grievances, and particularly in the Ministry of Personnel, Public Grievances & Pensions, the complaints received are mostly from retired government employees; these relate to their service matters, payment of pension, gratuity, retirement dues, Provident Fund etc. These are not public grievances as such; persons aggrieved by mal-functioning or inadequacies of municipal authorities, housing boards, banks, cooperatives etc. ostensibly do not even know of the existence of these offices; therefore, their complaints are few and far between. The existence of Directorate of Public Grievances under the Cabinet Secretariat

too is not known as widely enough so that the complaints addressed to it are also by only a small fraction general complaints of the people. More so, because the areas from which the complaints can be entertained by it have been prescribed and are limited. These include: railways, posts, tele-communications, banking, insurance, urban development, civil aviation and surface transport. Complaints received in relation to these subjects are attended to, the others are merely passed on to the concerned authorities for disposal.

Both these offices, that of the Public Grievances & Administrative Reforms, and the Directorate of Public Grievances under the Cabinet Secretariat, are operating from the same building (Parliament Street, New Delhi) and are actually located on the same floor. Their nomenclature and functioning are ostensibly of the pattern which inevitably causes considerable confusion. Firstly, the existence of these is not widely known to the general public; secondly, the division of work between them also involves duplication; thirdly, a large number of complaints received by them deal primarily with matters of service and retirement benefits, fourthly, their operations to a large extent are of the nature of post office functioning, for passing on the complaints to concerned authorities for disposal, excepting that the Directorate under the Cabinet Secretariat claims to pursue some individual complaints by calling for files and passing orders for compliance.

Under the existing instructions all Ministries, and the departments and organisations working under them, are expected to set up their public grievances cells. Detailed information does not appear to have been collected at any stage as to whether these instructions are satisfactorily being complied with, what they do with the public grievances received, what and whether any satisfactory follow up action is taken, and whether any annual report is formulated in respect of their performances. It is obviously of paramount importance that these public grievances cells should effectively operate; they should have the authority and competence to enquire into the complaints, take decisions thereon, ensure compliance of these decisions, and inform the complainants about the action taken. With the availability of computer facilities it should be possible that the information relating to complaints should be computerised by individual departments, organisations and Ministries, and some senior officer of each Ministry should remain responsible for ensuring that the complaints are properly attended to and dealt with.

In the public sector organisations and enterprises of the Centre, likewise, according to existing instructions, public grievances cells are supposed to have been set up. In these too, particularly in the bigger ones, including banks, insurance companies, transport authorities etc., there should be computerisation of the public complaints and action taken thereon. There should be clear instructions about compilation of annual reports of the functioning of public grievances cells of each public sector organisation and enterprise, and transmission of these reports to the concerned Ministry.

In the States, likewise, public grievances cells are expected to have been set up in all important departments and also in the organisations and enterprises of public sector, but there is no consolidated information apparently available whether this has been adequately done and whether the cells are satisfactorily functioning. There appears to be no coordination presently existing between operations of public grievances cells at the level of each State Government, and between the public grievances machinery of the States and the Centre.

One important matter that needs consideration in dealing with this entire matter at the present stage is that with the enactment of Consumer Protection Act and the redressal machinery in the shape of consumer 'courts' established under this Act in all districts of the country, considerable lot of public grievances, in relation to problems encountered by people as consumers are being taken to the consumer 'courts'. The jurisdiction of Consumer Protection Act covers "products" as well as "services". The concept of "services" covers practically all services including banking, insurance, electricity, telephone, entertainment, etc.

Public grievances are also dealt with, in certain aspects, in the vigilance departments and audit departments of the Central Ministries and the State Departments. These, respectively, operate under the overall charge of Central Vigilance Commission and the Comptroller and Auditor General. These are important organisations. The latter is a Constitutional authority. Vigilance Department are expected to operate as watch-dogs and to deal with malfunctioning of any official; audit departments, operating under the Accountants General of the States and owing ultimate

responsibility to the statutory authority of Comptroller and Auditor General, deal with all matters of wastage and frauds relating to public funds. The functions of these organisations have obvious relationship with and relevance to the matter of public grievances, and in effecting any reorganisation and strengthening of the machinery of public grievances their operations must essentially be kept in view.

Still another important matter which has relationship to the problems relating to the matter of public grievances is that of the establishment of Lokayuktas in the States and the proposal of establishing Lokpal institution at the Centre. These are to operate as watch-dog organisations, on the pattern of Ombudsman operating in some developed countries. Eleven States in the country have clearly established Lokayukta organisations; these are presided over by judicial authority of the status of a Supreme Court Judge or High Court Chief Justice. Their charge is to deal with complaints against public servants as well as politicians in power. They inevitably are concerned with public grievances. The existence of these institutions, and the contemplated establishment of more of these in the country, will need to be kept in view in planning the reorganisation and strengthening of machinery for redressal of public grievances.

Redressal of public grievances is of primary importance. Frustrations and exasperations of the people must not be allowed to grow and multiply. There is need of bringing about reorientation and changes which can effect improvements in the existing machinery, at the Centre, in the States, in public bodies of the nature of Municipalities and Development Boards, and public sector enterprises. We have previously suggested to the Government of India, and reiterate, that there is no reason why the Directorate of Public Grievances, under the Cabinet Secretariat, should exist as a separate entity when a whole Department of Public Grievances exists in the Ministry of Personnel and Public Grievances.

Existing set-up in each Ministry and Department, as well as in the States, public bodies and public sector enterprises, needs to be closely examined for determining the measures which must be taken for expeditious and effective disposal of public grievances. Government of India needs to take the initiative of setting up a Working Group for examining this entire matter and to come forth with specific suggestions for effecting reorientation and strengthening of the machinery which presently exists in the Ministries, Departments, States, public bodies etc. Mere collection and projection of statistics should not be the objective; it should be to ensure that dissatisfaction of the problems in the matter of redressal of their grievances is removed.

H.D. SHOURIE

When a piercing shriek of "Oh, my God." broke off a matter-of-fact telephone conversation between a married couple, the husband, terrified by the ensuing silence, called the police.

Fifteen policemen sped to the house and found an unconscious woman beside a dangling telephone. Revived, she gasped: "He's still here in the house. He may be under a bed, or he may be in a cupboard. But he's still here. He ran straight up to me...."

"What did he look like?" interrupted the police sergeant. "Why, he looked like - like any other mouse, I think - only more so."

...

As a new, rather shy physical therapist, I enjoyed conversing with my patients but would become uncomfortable when questioned about my personal life.

One day a 100 year old woman, after learning I was married, asked if we had any children. When I told her no, she countered, "And why not?"

"We're both just starting careers," I replied, "and we don't have the time".

This silenced her for a moment while I sighed with relief. Then she shook her head, patted me on the hand and said, "Sweetie, it only takes 15 minutes.

...

The difference between a helping hand and an outstretched palm is a twist of the wrist.

...

If a window of opportunity appears, don't pull down the shade.

...

**A NEW WRIT PETITION
FILED IN DELHI HIGH COURT**

**IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL JURISDICTION**

WRIT PETITION

IN THE MATTER OF:

**COMMON CAUSE
THROUGH ITS DIRECTOR
SHRI H.D. SHOURIE
PETITIONER**

VERSUS

1. NATIONAL CAPITAL TERRITORY OF DELHI (STATE)
THROUGH CHIEF SECRETARY
2. MUNICIPAL CORPORATION OF DELHI
THROUGH ITS COMMISSIONER
3. DELHI FIRE SERVICE
THROUGH THE CHIEF FIRE OFFICER
4. DELHI DEVELOPMENT AUTHORITY
5. DELHI VIDYUT BOARD
THROUGH ITS CHAIRMAN
6. DEPARTMENT OF HEALTH
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
THROUGH THE SECRETARY
7. PRESS COUNCIL OF INDIA
THROUGH ITS CHAIRMAN
8. MINISTRY OF INFORMATION & BROADCASTING
THROUGH THE SECRETARY
9. UNION OF INDIA
THROUGH THE SECRETARY
MINISTRY OF HOME AFFAIRS

RESPONDENTS

**PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A
WRIT OF OR IN THE NATURE OF MANDAMUS OF ANY OTHER APPROPRIATE
WRIT, ORDER OF DIRECTION TO THE RESPONDENTS**

To

The Hon'ble Chief Justice of the High Court of Delhi and his companion justices of this Hon'ble Court.

The humble Petition of the Petitioner abovenamed.

MOST RESPECTFULLY SHEWETH:

The Petitioner is a Society duly registered under the Societies Registration Act, 1860, and is engaged in taking up various common problems of the people for securing redressal thereof. The Petitioner Society has also brought to Court various constitutional problems. The Petitioner has an established locus standi in its capacity as a bona fide public interest organisation for taking up matters of general public importance.

The Union of India through the Ministry of Home Affairs exercises control over various matters concerning the administration of Delhi including matters relating to law and order, land use and certain powers relating to licensing. This control is exercised inter alia through the Lt. Governor of Delhi who along with the Chief Minister of the National Capital Territory of Delhi exercises executive powers of the nature referred to above. Respondent No.2 has the immediate responsibility inter alia for ensuring effective and adequate fire service system in the National Capital Territory of Delhi and also for ensuring that construction in Delhi conforms with the sanctioned plans in accordance with the existing Government policy. Respondent No.3, the Delhi Fire Service is responsible for fire safety measures in the buildings as per the provisions of Delhi Fire Prevention & Safety Act, 1957. Responsible No.4 is the umbrella body charged with the planned development of Delhi. The Delhi Development Authority is being impleaded as a party inter alia so that all the concerned departments and wings of Government endeavour in unison to ensure the formulation, of comprehensive policies and enforcement thereof to prevent the recurrence of such incidents. Respondent No.6 is responsible for regulating and ensuring the reliability and provision of effective requisite services in Delhi hospitals including the Centralise Accident and Trauma Services (CATS) to enable speedy and effective assistance to victims of any serious accident. Respondent Nos. 7 and 8 are being impleaded for their role in reporting such incidents through the media. Respondent No.5, Delhi vidyut Board is responsible for generation, transmission, distribution and supply of electricity throughout the National Capital of Delhi.

This petition in public interest is being preferred to ensure that constitutional guarantees in a liberal welfare State with respect to human rights of citizens as the central pillar of our constitutional scheme are secured through the intervention of this Hon'ble Court considering the widespread dissatisfaction with the response of the concerned agencies of the Government in relation to problems arising from serious disasters of like nature in the wake of the 'Uphaar Tragedy'. These proceedings are not adversarial in nature. The petition is intended to vindicate and effectuate the public interest by prevention of violation of society including those who are not aware of and are individually not in a position to secure their constitutional rights.

This social action petition is necessitated in view of the general feeling that adequate response and effective measures are not forthcoming on the part of the Respondents in relation to their obligations and the constitutional and statutory rights of the victims of tragedies and in respect of the culprits who are the real perpetrators of the offences leading to such tragedies. The petitioner seeks to secure that tragedies such as the one witnessed at Uphaar are not allowed to recur through effective preventive measures at all levels and should any such unfortunate incident ever recur there should be appropriate, adequate and timely response by the Respondents to meet the situation.

FACTUAL CONTEXT:-

The facts leading to the filing of the present Petition are summarized as under:-

1. That on 13.6.1997, at about 5 PM, a devastating fire broke out in the sub-station of Delhi Vidyut Board (DVB) located in the ground floor or Uphaar Cinema Hall in Green Park area of South Delhi. The matter is, hereafter, referred to as 'Uphaar Tragedy'.
2. It is understood that for the purpose of supply of electricity to the residents of Green Park Area, DVB had installed its sub-station on the ground floor of Uphaar Cinema Hall. Electricity to the Cinema Hall was also ostensibly being supplied through the same substation under an agreement for supply of electricity executed between the company and DVB.
3. It is understood that at about 7.00 a.m. on the morning of 13.6.1997 a minor fire had broken out in the DVB transformer located on the ground floor of the Uphaar Cinema complex. On receipt of the Complaint the concerned DVB staff had come to attend to the fault in the transformer. It is understood that one of the cables of the transformer had been burnt, which is stated to have been repaired by the DVB staff. However, on the same day at about 5.00 P.M. in the evening an explosion took place in the transformer causing outflow of oil from the transformer. The spillage was chased by fire. The cinema hall staff are reported to have made attempts to arrest the fire by throwing sand etc. on the burning oil. Soon it got out of control and spread into the theatre, causing havoc and loss of many lives.
4. From the various versions now available it appears that the excessive smoke generated as a result of the fire created panic among the cinema viewers in the Hall at the relevant time and in the resulting situation a number of lives were lost while attempting to escape from fire and smoke in the Hall and balcony of the theatre.
5. An enquiry by the Lt. Government of Delhi was ordered into the incident and the enquiry report thereon has been submitted by Mr. Naresh Kumar, Deputy Commissioner (South) Delhi. The contents of the report and the appointment of Mr. Naresh Kumar, Deputy Commissioner, South Delhi, as the investigating authority has been

- challenged by way of public interest Petitions pending in this Hon'ble Court. Delhi Police is also carrying out its investigations and has since lodged FIRs against many persons alleged to have been responsible for the tragedy.
6. It is understood, according to Press reports, the probe has since been transferred to CBI which in turn is reported to have stated during Court proceedings that it would not rely upon the Naresh Kumar Committee Report. The said newspaper Report is annexed herewith as Annexure/I. The CBI is expected to carry out independent investigations for itself unfettered by the investigations of the Delhi Police.
 7. During the investigation of the tragedy arrests of a large number of people were ordered and effectuated. The arrested individuals included lower staff of Delhi Vidyut Board (Respondent No. 5), junior staff and employee of Uphaar Cinema, and the owners and top management of the Company owning the Uphaar Cinema. The arrests were widely reported through electronic and print media in a manner that gave the general impression of culpability and responsibility of all the accused and arrested for their alleged acts of omission and commission resulting in this tragedies. Copy of the news-report are annexed herewith as (ANNEXURE/II COLLY). The generally adverse public perception about the alleged involvement of the accused in the tragedy has thus been created even before the beginning of a regular trial in the matter.
 8. It is the respectful submission of the petitioner that adverse media publicity especially in criminal prosecution tend to create a hostile atmosphere against the accused thereby giving rise to a serious possibility of investigations against the accused being distorted. Such a situation is not conducive to a fair trial of the accused guaranteed inter alia by Article 21 of the Constitution and is also subversive of the rule of law which is an essential feature of the basic structure of the Constitution. Adverse and hostile publicity against the accused in a criminal trial reverses the presumption of innocence in favour of the accused into a presumption of guilt against accused thereby destroying the first principle of criminal jurisprudence guaranteed inter alia by Articles 21 and 14 of the Constitution.
 9. It can also be contended that such media coverage, leading to raising presumption of guilt and innocence of persons being investigated or apprehended is definitely violative of basic human rights of the individuals to privacy and dignity as integral component of the rights guaranteed under the Article 21 of the Constitution. The reports are annexed herewith as ANNEXURE/III COLLY.
 10. Recently there have been reports in the print media that the capital's Health and Fire Services are not satisfactory, adequate or efficient to deal with emergent, unforeseen incidents like the "Uphaar Tragedy" - Reports are annexed herewith as ANNEXURE/IV. There are reports that the fire engines which reached the site were not equipped with water supply and had even failed to lift water from available stocks at the site of the tragedy. It is understood that the ambulance services which were pressed into action from nearby hospitals were found lacking even in the basic facility like oxygen cylinders and ones summoned from the Centralised Accident and Trauma Services (CATS) took unusually long time to reach the accident site. It is submitted that it is the primary responsibility of the Government to ensure that in times of emergencies like the present case precious lives are not lost due to inadequate and untimely response of vital services such as the ambulance and fire services. There are reports that basic essential services for dealing with emergencies of burns and general trauma services are grossly inadequate even in the major hospitals of the city.
 11. It is understood that after the experience of "Uphaar Tragedy" the Department of Health has decided to relaunch its CATS ambulance services. However, the same may run into difficulty as there is reportedly an impending threat of strike by the ambulance officers due to their long pending demands. It is the responsibility of the administration to ensure early and smooth launching of these vital services and any problem in the may should be sorted out forthwith. The Department of Health needs to ensure that the CATS ambulances are stationed at such distances throughout the city so that in times of need they are able to reach the accident sites without losing any precious time in traffic jams etc. Additionally, these should be kept in a state of full preparedness with constant communication with the Control Rooms. For this purpose, Delhi could be divided into zones and the ambulances so stationed as to reach the site of accident within fifteen minutes of receipt of message.
 12. In the aforesaid factual context issue of vital public interest having a bearing inter alia on the liberty of individuals and responsibility of management staff and employees in similar situation arise. Following questions of vital public interest thus arise and are sought to be raised through this petition.
 - A. Whether and in what manner the rules of conduct of business and the functions/powers conferred on various departments/wings of the National Government of Delhi need to be harmonized in order to ensure that uniform policies are framed and their effective implementation ensured in the matter of coping with tragedies/disasters

such as the "Uphaar Tragedy".

- B. Whether there is any effective system to monitor lapses on the part of public authorities in the matter of exercise of their public duties. Whether the response of the Respondents in the wake of the "Uphaar Tragedy" is adequate and consistent with their constitutional and legal obligations to citizens, more particularly, whether the fire, sanitation, medical and health departments of the Union of India, MCD and the Government of National Capital Region of Delhi have adequate resources to respond to tragedies of such nature in future.
 - C. Whether there is a credible investigative system in place to fix responsibility and liability for such disasters in order to ensure that none who is guilty escapes the Law nor those unconnected directly with the causation of the incident are dragged in for media effect or for media satisfaction.
 - D. Whether sufficient legal safeguards/guidelines exist to regulate investigation by the prosecuting and other agencies of the State/Union of India to ensure justice to all concerned consistent with the constitutional freedom including the basic human rights of the persons charged with offences relating to such tragedies.
 - E. Whether "Bail and not Jail" jurisprudence propounded by the apex court being a corollary of the fundamental right to freedom and liberty should not be made to prevail in relation to the matter of grant of bail and whether the relevant provision of IPC and Cr. PC should not be so read consistent with the basic requirements of the constitution.
 - F. Whether widespread media publicity in the nature witnessed in the "Uphaar tragedy" and other such incidents jeopardise the cause of objective investigation and fair trial of the alleged offenders and whether excessive media reporting is inconsistent with the right to privacy and dignity guaranteed by Article 21 of the Constitution.
 - G. Whether a publicity oriented investigation and media hype surrounding the case which results in a prejudiced public perception against the alleged offenders should not be viewed critically by this Court as custodian of the Constitution consistent with the cardinal principle of criminal jurisprudence which tilts in favour of presumption of innocence of the accused.
14. The Petitioner contends that respect for and recognition of human rights of the accused including right to privacy and dignity at all stages of investigation is consistent with the presumption of innocence in favour of the accused. Such an approach in the respectful submission of the Petitioners is recognized in the "BAIL and not JAIL" jurisprudence propounded by this Hon'ble Court as a logical extension of the guarantee enshrined in Article 21. The exercise of discretion in the matter of grant of BAIL ought also be consistent with the aforesaid principles.
 15. The Petitioner further submits that in order to obviate multiplicity of investigations in such matters a comprehensive set of guidelines and rules is required to be framed by Union of India/Government of Delhi.
 16. It is submitted that the Uphaar tragedy should not become an occasion for transgressing the aforesaid principles underlying the constitutional scheme and all those who stand trial irrespective of their status and position should have the benefit of a free, fair and impartial adjudication of the charges against them. Adherence to the rule of law which is an essential feature of the basic structure of our constitution demands rational, objective and not an emotive approach in the manner of fixing criminal responsibility to placate natural public sensitivity in such matters.
 17. The Uphaar tragedy could provide an occasion and is, indeed, a justification for this Hon'ble Court to direct the concerned authorities to frame and apply a comprehensive set of regulations and guidelines to ensure that such tragedies do not recur and to direct the Respondents to lay down rules for impartial and objective investigation in such circumstances so that the exercise of public power is civilized through public law and citizens not directly concerned with the tragedy are not subject to the rigour of criminal law. These guidelines ought to obviate the need for multiple investigations by different agencies thereby delaying justice to all concerned, as has unfortunately come about in the present case.
 18. The apex court has declared that judicial role in public interest matters has a dynamic and positive role with responsibility for the organization of proceedings, moulding of the relief and supervising the implementation thereof. Since the decision in this matter would have ongoing implications and considering the special fact of the case, it would be manifestly in the interest of justice for this Hon'ble Court in the exercise of its power to seek assistance of independent experts, Commissioners, Advisory Committee and amicus whose findings would serve as important inputs in working towards appropriate schemes and formulations in consultation with the Respondents and other

relevant agencies of the Government to prevent such man-made disasters in future. This is particularly necessary considering a divergence of opinion as to the responsibility culpability for the incident, between different investigative and fact finding agencies of the Government of Delhi and the Union of India.

This Hon'ble Court may also consider the possibility of initiating appropriate action towards the framing of appropriate legislation regarding "victimological liability" which makes the State liable for man-made disasters.

PRAYERS

In the premises aforesaid it is prayed that this Hon'ble Court may be pleased to issue appropriate writ, order and directions as below:

- A. To direct the Union of India/Government of Delhi, MCD, DVB to frame/amend the rules of conduct of business and fix responsibility so that there is no jurisdictional issue prejudicing timely and effective response by the concerned Departments and agencies of Government in such situation.
- B. To direct the Department of Health to ensure that prompt and efficient emergency services like the ambulance, health and medical services are available through CATS as well as through hospitals at all times so that loss of lives in incidents like "Uphaar" can be avoided.
- C. To direct the Municipal Corporation of Delhi and Delhi Fire Service to ensure that prompt and efficient Fire Services are available throughout the city at all times.
- D. To issue writ, order, directions as may be appropriate to the Government of India and the Government of the National Capital Region of Delhi to put in place a credible system of investigation so that there is no multiplicity of enquires in order to avoid conflicting findings of fact, thereby delaying trial and defeating the ends of justice.
- E. Direct the Central Government and Government of National Capital Territory of Delhi to frame and formulate comprehensive rules regulations and guidelines, to ensure that the investigations in such circumstances are impartial, objective and comprehensive so as to fix culpability of those concerned.
- F. To issue appropriate directions to Respondent Nos. 6 and 7 to formulate and/or strictly enforce the existing rules if any, relating to media reporting so that in judicial matters media reporting is not prematurely suggestive of culpability of any persons and that the case is not tried through the media in violation of the basic human rights of the accused to privacy, dignity and fair trial consistent with constitutional scheme and criminal jurisprudence.
- G. To direct the Government of National Capital Territory to devise appropriate strategy in consultation with the Union of India where necessary, for adequately and expeditiously compensating the victims of the tragedies of such nature, and their families in the case of the demise of the victims.
- H. To appoint independent experts, investigation and Commissioners to assist this Hon'ble Court.
- I. To issue such other consequential and necessary orders or directions and to so mould the relief as may be considered to be just and fair in the circumstances of the case.

PETITIONER

While visiting relatives, I noticed that they had replaced their usual TV with a smaller model. Thinking that perhaps the larger set had broken down, I asked why the small one was there. "Oh, my brother-in-law replied, "we decided to watch less TV."

...

In answer to a quiz question, "What is the first thing you notice about a girl?" a young man said, "It depends on which way she's going."

...

Statistics are like a bikini bathing suit. What they reveal is suggestive, but what they conceal is vital.

...

The US theatrical manager, Charles Frohman, cabled a European actress asking what salary she wanted to appear in a play in New York. She demanded thousand dollars a week.

"ACCEPTED THOUSAND WITH PLEASURE," wired Frohman.

"THOUSAND FOR ACTING," she promptly wired back, "PLEASURE EXTRA."

...

SOME IMPORTANT LETTERS

COMMON CAUSE receives a large number of letters every day from various parts of the country. They contain enumeration and elaboration of the problems encountered by the people, conveying their keenness to seek redress. Where problems are of individuals, we inform them that it is not possible for COMMON CAUSE to take up individual problems; we can at most deal with common and collective problems of the people. Where the problem, even from individual, is of important and essential nature, it is communicated to the concerned authority. Normally we have been receiving response from the authorities addressed.

We reproduce hereunder some of the letters which have been addressed by COMMON CAUSE to various authorities on certain common problems.

1. Letter addressed to the Comptroller and Auditor General and the Chief Secretary of Uttar Pradesh.

I enclose photo-copy of write-up which appeared in recent issue of the magazine "OUTLOOK". It contains mention of certain large-scale expenses involved in undertaking projects, firstly, of carving out new districts in U.P. and secondly, in raising a memorial in Lucknow. Facts relating to these have been highlighted by drawing line in the margin at the concerned places. These are public funds which relation to the expenditure on the project of memorial that the money had been drawn from the Contingency fund.

These are obviously matters of great importance from the viewpoint of public interest. It is mentioned in the report relating to the construction of memorial that CAG team is enquiring into the matter.

We would be grateful if the U.P. Government could kindly confirm whether the facts stated in this magazine report are correct, and if not, what the correct facts are. We also request CAG to kindly indicate whether the enquiries being conducted by CAG Team have been completed and what its findings are. Ostensibly these matters are of general public interest and we hope that there is no secrecy involved in relation to them. It is in this context that we have asked the required information. We earnestly hope that we will be able to get the requisite information in a fortnight.

Extract from the enclosure of this letter:

"Mayawati, Chief Minister of U.P., announced the setting up of Ambedkar Park Project in Lucknow's Gomati Nagar, design for which has been prepared by a known Architect and Artist. Initial outlay for the Project was Rs 14 crores. Within two months it jumped to Rs 34 crores, and its current status is Rs 71 crores. By September 21, when the Chief Minister proposes to inaugurate it, the cost will touch Rs 100 crores mark.

The Chief Minister has gone ahead with the Project despite objections from U.P.'s Finance Department on the ground that there was no allocation. A Team of Comptroller and Auditor General is currently in the State examining how Rs 100 crores has been withdrawn from the "Contingency Fund". In this case CAG Team is looking for the files even before the Project has been completed."

2. Letter addressed to the President, Federation of Indian Chambers of Commerce & Industry (FICCI):

"Everybody has been talking about and feeling concerned about the fire hazard in high-rise, buildings and public buildings. Newspapers have been full of Uphaar Cinema tragedy. There are reports of failure on various fronts in ensuring fire safety measures in Uphaar and also in certain high-rise buildings which have had outbreak of fire in recent months.

This malaise is not restricted to Delhi alone. There have been incidents of fire in high-rise buildings in other cities also.

There cannot be any doubt that there has been failure on the part of the authorities as well as builders, architects, electric authorities and fire-fighting services in enforcing the standards of fire protection measures which are stated to be strictly enforced in other countries. This is a very serious matter as has been evidenced by these recent tragedies.

In order to focus attention on the basic essentials of the requirements in the designing and construction of buildings a known foreign trained Architect, who is very well acquainted with the standards prescribed and enforced abroad, has prepared on my request a short self-contained note in which he has dealt with of the basic technical details. I am of the view that an organisation of the stature and status of FICCI should take interest in the subject. Initially a meeting/ Seminar can be called under the auspices of FICCI to which selected Architects and builders should be invited besides representatives of MCD, NDMC, DVB, Fire Services, and representatives of the concerned Departments from Delhi Government and from the Central Ministry of Urban Affairs. There will be need of going into technical details. For this purpose a couple of knowledgeable Architects and Builders should initially make presentation, with Slides etc. if possible, where after the meeting can go into the specific issues for detailed discussion, aiming at evolution of Code for adoption by MCD, NDMC, DVB, etc., and suggestion for enforcement of the Code through legislation where necessary.

I am sending this important proposal to FICCI for consideration. In the interest of effectively grappling with this problem, I hope FICCI will favourably consider the proposal. The Architect, Mr. Ashok Gupta will be willing to make a presentation of the basic ideas incorporated in this note.

As an initial step, I am sending a copy of this letter to the Secretary, Government of India. Ministry of Urban Affairs, Nirman Bhawan, New Delhi.

I will look forward to receive a positive response from FICCI.

3. Letter addressed to the Chairman, Delhi Vidyut Board of Delhi Government :

"DVB advertisement in the Hindustan Times of 1st August, 1997 has just been brought to my notice. It has caused great surprise and serious concern.

We have made immediate enquiries and have ascertained that there has been utter failure on the part of DVB (DESU) in providing covers and seals on the wires which are introduced below the meters. We have been told by the experts that there is probably not even one consumer in whose case DVB (DESU) has provided sealed covers for the wires below the meters. I have myself checked up and find to my utter surprise that out of four meters installed in our own premises at A-31, West End, New Delhi, the cover-and-seal has not been provided from the very beginning since the house was constructed. The meters must have been read hundreds of times by the Meter Readers and not even once was this fact ever brought to our notice. Obviously, this type of requirement would be known only to those who are experts or knowledgeable about electricity installations etc.

We understand that it is actually on this account that extensive theft of electricity is taking place and ostensibly with the collusion of DVB (DESU) staff they manipulate the connecting wires entering the meters, and the meters are thereby reversed or stopped.

This is a very serious matter, and I have considered it necessary to bring it immediately to your notice. It is obvious that in these circumstances it is nothing short of ridiculous that payment of as much as Rs. 5,000/- per K.W. is being asked for from the consumers for providing seals which DESU have themselves omitted to instal. The public notice in this advertisement is, therefore, positively dangerous in-as-much as it can lead to extensive harassment of consumers who are totally unaware of the fact that the wires entering the meters have to be enveloped in a box which should bear the seal.

I suggest that DVB should immediately take steps to first instal boxes for covering the wires below the meters of all consumers, and put them under seal; this fact, after doing the needful, should be brought to the notice of every consumer. After every consumer has thus been equipped, then alone a campaign should be launched to see if any of these boxes and seals are tampered with. Strict action thereafter be taken against those who tamper with the boxes and seals, who can then be presumed to commit theft of electricity.

I request that we may immediately be informed about the action DVB propose taking on the request embodied in this communication."

4. Letter addressed to the Health Secretary of Delhi Government.

"There have generally been reports that "Emergency Services" in Government and private hospitals of Delhi are inadequate and cannot meet the urgent and immediate demands which arise from time to time. It is obviously of fundamental importance that in a city of the size of Delhi, there should be adequacy of "Emergency Services" in all the hospitals. In this context, we consider that it would be desirable for the Government to immediately set up a small group of experts to examine the existing "Emergency Services" for determining the inadequacies which need to be remedied. We earnestly hope that this suggestion will be found acceptable and will be acted upon. We may kindly be informed about the action taken.

In relation to the matter mentioned above, we enclose herewith photo-copy of a press cutting from the Hindustan Times dated the 26th August, 1997. It is self-explanatory."

Matters of such nature continue to be pursued with the concerned authorities. Where replies are not received and the matter is considered to be of general importance, we examine the possibility of taking the matter to Court in the shape of Public Interest Litigation.

In heavy traffic I was edging past a woman driver who was trying to reverse into a parking space that was clearly too small. Suddenly her car swung out and humped into mine. Flushed with exasperation, she leaned out of her window. "You could see I was going to do something stupid," she said. "Why didn't you wait to see what it was?"

...

My five-year-old son went with me to see a young couple's new baby. He gazed at the small red, wrinkled face a long time, then murmured solemnly: " So that's why she hid him under her coat for so long:"

...

A Scotsman, about to leave India, was asked by his highly unsatisfactory manservant for a letter of recommendation. He pondered a moment, then wrote: "To Whom It May Concern. The bearer of this note, Raju Ram, has served me during the last two years to his complete satisfaction. If you are thinking of giving him a berth, be sure to make it a wide one."

...

A Scotsman had just won a new car in a raffle but, far from being elated, he seemed decidedly glum. "What's the matter, Jock?" asked a friend.

"Mom," he answered, "Its this other ticket. Why I ever bought it, I canna imagine."

...

My wife asked me to post a letter at the railway station. "Please don't forget," she said. "It's important." But I did forget, and was walking out of the station when a man tapped me on the shoulder. "Remember the letter," he said. As I made my way to the nearest mailbox, another man called after me: Don't forget the letter." But how on earth could these strangers know I was supposed to post a letter? When a third person reminded me, I blurted out: "How do you know about it? And to set your mind at rest, I've just posted it."

"In that case," the stranger said, smiling, "we may safely remove the label pinned to your back."

The label read: "Remind him to post that letter!"

...

You never really understand a person until you consider things from his point of view.

...

Can't you move your hands, son?" asked the solicitious doctor.

"No", said the boy.

Again the doctor. "Are your hands hurt?"

'No'.

"Will you try and move them for me?" asked one kindly doctor.

"No," replied the boy. "I've got to hold up my pyjama trousers."

...

LETTER FROM A READER

Following letter has been addressed to COMMON CAUSE by some person who has described himself as middle management level officer in the Government of India. He has not given his name, nor designation or address. The letter has been sent by him anonymously. It speaks of the functioning of the staff in government offices, including the senior level as well as the middle and lower levels. This letter is being published without any comments, excepting that we are most keen that the functioning of all operatives in the government departments, organisations and Ministries as well as in the States should improve and the functionaries should see how they discharge their responsibilities in the best interests of the people and the country.

The letter of this writer has been prompted by an editorial of a newspaper which he has forwarded with it and which speaks of the strike recently resorted to by the Central Government employees and also further indefinite strike threatened by them. The letter, followed by the editorial, are reproduced below :

I am a Government employee and I believe very much in the basic tenet of Bhagavad Geeta that "Karma Kiye Ja, Phal Ki Ichccha N Kar". I try to do the job assigned to me by the Government to the best of my ability and with all the sincerity & honesty and at a rapid pace. I am also very punctual in attending office. All through my career in Government I have got 'outstanding' rating. Infact, impressed at my performance, many a time my superiors load with the work of two seats in cases of exigencies.

I am middle management level officer in the Government of India. I have been provided with a PA and a Peon. I hate feudalistic tendencies, I have myself learnt typing and operation of computers. I also do not feel shy in picking up my own glass and taking water from a tap to drink. The result is that my work does not suffer in the absence of my PA and Peon. I also do not use the services of my Peon for personal work. I on my own go to the bank to withdraw/deposit money and also to MCD & DESU offices to deposit my water bills & electricity bills respectively in a queue. Further, I never try to take advantage of my official position like misusing official vehicles, fleecing the Public Sector Undertakings, Attached and Subordinate offices etc. I never try to mix my personal work with the official work.

2. As I have simple habits and also the fact I am teetotaller, I have been able to manage my home fronts also well. I teach my children and also extend all help to my wife, who is also employed, in all house hold chores.

3. I also firmly believe that all the citizens of this country should strive for what has been mentioned in para (1) to (3) above for the betterment of the standard of the country. Hence, I do not prescribe to whatever demonstrations and strikes which are being organised by the Government employees these days for raise in their salaries. Majority of the Government employees do not deserve even a single penny for the amount of work which they are doing. There is total lack of discipline these days in Government offices. The employees are attending office on their own whims and fancies. With the advent of computers, photostat machines and fax machines the work of Peons, LDCs, UDCs etc. in the Government has reduced to great extent. These days when you give one page to type to an LDC or UDC, he will behave in such a way as if you have committed a very big crime. Government is doing the crime of running a charity for maintaining such employees. Parliament spent almost a week in discussing about the rampant corruption prevailing in the country but it is pity that no body talked about the rampant lack of work culture in Government, which has severely plagued this country. The latter is the main reason for the problems of public not being solved amicably and timely. When a Government servant will be at his seat for only few moments he will not be able to solve the problems of all. He will solve the problems of selected few, who are normally his pets. This is the sole and main cause of corruption in the country.

4. We the middle level offices in the Government are helpless and are not in a position to enforce discipline only because of the lack of similar discipline prevalent amongst senior level officer, who are not punctual in attending office and shirk work. We are not in a position to provide examples of discipline of senior level officers to the junior level employees. There are black sheep at the middle management level also. Majority of Senior Level officers continue to live in the same old British legacy of being feudal and aristocratic, especially the IAS officers. In most cases they never hesitate in misusing the Government machinery to their advantage. They expect that every day in the morning the Peon should be at the gate to receive his briefcase when they come to office in the morning. Normally, in the Government of India official vehicles is provided to officers of Joint Secretary level and above for coming from residence to office and back. For the remaining time the vehicle should be at the disposal of office for immediate official work. But these vehicles are kept at full and sole disposal of each officers, who use same for their own personal work also. There are many cases wherein these vehicles are used on holidays also for personal work like going to hospital, pictures, market etc. The drivers and General Administrations work in connivance with the officers and get advantage in the form of OTA and Honorarium. The Ministers/Officers also entitled to certain number of staff e.g. Private Secretaries, Personal Assistant, Peons etc. but we find today in the majority of Ministries/Departments of GOI the Ministers/Officers have personal staff much more in excess to their entitlement and most of them attending to the personal duties of their bosses. One may say that over the years the work of the officers have increased. Agreed, but some thing should be done for legally increasing the entitlement of having more personal staff.

5. The Minister/Officers also illegally avail and use the facilities of the PSUs and Offices with whom they have dealings for e.g., vehicles, air conditioners, computers, stationery, guest houses etc. If all these things are stopped, there will be less of financial burden to the Government. The Government in turn will be able to pay good salary to its employees and the result will be that there will be less of temptation to become corrupt.

6. I am in agreement with the Singapore Prime Minister when he says "that if you pay to the Government servant less, then you will not get quality personal to run Government affairs but only monkeys". He also says that "too much of freedom and liberty to the Government employees is also not good for the proper health of the country". Human beings are basically fearful. Sometimes a lit bit of strictness, checking and use of carrot & stick does have an effect and things do improve.

7. Going about with your reputation and status in the society, I would request you to put a break on the above two diseases which threaten to eat our society beyond repair, by filing a PIL in of respect of the following two:-

- (a) Against the Department of Administrative Reforms & Public Grievances, Government of India over their failure to enforce discipline and maintain work culture in Government offices.
- (b) Against the Ministry of Personnel & Training for stopping the Senior Level Officers from illegally using the official machinery, facilities of PSUs etc. Here, it may be pertinent to mention that as to why the Officials and the Ministers of the Ministry of Civil Aviation are dead against the entry of TATA-SIA Airlines. The main reason is that they will be able to endlessly fleece the two white elephants viz. Air India and Indian Airlines. I don't understand why should the country subsidize the rich people who only travel by air. In cases of exigencies and calamities we have the Indian Air Force to fall back upon. Why should the precious government funds be utilised for purchasing aircraft for IA and Air India. Let the private parties run the same. Government should only provide the infrastructure like Civil Aviation Authority, Airports etc. Hotel Corporation of India has opened a counter in the Office of Minister of Civil Aviation,

which provides food and snacks free of cost on daily basis to the employees. The vehicles of Indian Airlines and Air India are being illegally used by the personal staff of the Minister. There are many such cases in other Ministries also.

8. *The result will be that when the Government staff will develop the habit of being on time and also be there for most of the time in the office. The problem of more and more people will be settled and there will be less chance of corruption. Also there is need to fix accountability and time limit for dealing with the work for each and every Government employee. Secondly, by foiling the illegal use of vehicles by the Government employees, GOI will be saving a lot on the petrol/diesel there will be petroleum conservation and pollution control also.*

EDITORIAL

THREAT OF STRIKES

The 50,000 Central Government employees who struck work in the national Capital on Thursday and the nearly 40 lakh Government employees who have threatened to go on indefinite strike have apparently taken to heart the popular saying that "the wheel that squeaks the most gets the oil;". Competitive radicalism may explain the string of strikes like the bank strike, hospital strike and the mass casual leave by employees of Central Government offices and public sector undertakings that left the Capital paralysed in the past one week, but such acts show little concern for the plight of the common man during the work stoppages. Whenever a pay commission report is submitted, the tendency among the employees is to expect a financial windfall. In the present instance, the Government has not only accepted the pay hike recommendations like reduction in the number of holidays inculcating a greater discipline among employees etc. The initial reaction of the various unions was not very negative. But then began the familiar game of whining and arm-twisting. Additional demands made by various unions forced the Government to defer the implementation of the pay commission report, thereby encouraging them to become even more adamant.

That Government is best which governs the least. In India, however, this does not seem to be the case. Most government departments are overstaffed. The inefficiency of the employees and the culture of red-tapism have become the hallmark of such departments. More pay, less work, seems to be the motto. Many State Governments pay 85 to 90 per cent of their revenues on the salaries of their employees. But the pay commission's proposal to abolish vacant posts is strenuously rejected by the unions. It is for the Government to streamline its various departments, and any resistance to such moves can only create complications. Unfortunately, vote bank politics has become the bane of our country. All political parties swear by liberalisation but they routinely support the demands of employees, even when they seem unjustified. No one talks about the work culture which has been warped by corruption and utter contempt for the concept of public service. What may have encouraged the unions to be more aggressive is the knowledge that a coalition Government is subject to many pulls and pressures. But it is time that the Government coped with the threat of strikes with greater determination.

While we were living in Paris, our bell rang one morning. My husband opened the door and found himself confronted by a policeman, who presented him with a summons for illegal Parking.

It happened that on the date in question we had been in Arles, and we even had our hotel bill to prove it. But the policeman brushed the explanation aside.

My husband decided to try another approach. Asking the policeman to step outside with him, he whispered: "You're right. I was in Paris on that date, but my wife thinks I was in Arles."

"Mais, alors." said the officer, smiling broadly - and tore up the summons.

...

FROM "BUSYBODY" COLUMN OF AFTERNOON BOMBAY

If I was writing a story, this would be titled 'Bolshoi Meets The Mouse'. But this is not a story, this is real life. So, no title.

If happened this morning. My dog Bolshoi the Boxer, said: "You have no time for me any more, all the time your are playing with your mouse."

"Mouse! My mouse! What are you talking about, I don't have any mouse or mice," I said.

"If you don't have a mouse, then what is that that you have in your hand all the time you are sitting on the internet," Bolshoi said.

"Oh, that, that's not a mouse," I said.

"If that's not a mouse, then what is it. Tell me, what is it called, if not a mouse," Bolshoi said.

"Well, it is called a mouse, but it is not a mouse. It is just a gadget to get on the website, it is a means to an end, it is not a mouse."

"You don't have to lie to me, if you prefer your mouse to your dog, it is all right with me," Bolshoi said. "You can spend the rest of your life with your mouse, who cares."

"I have to spend time with the mouse, because I cant' get on the internet otherwise. And you can do so much with the internet. I mean, if I were to spend all that time with you, what would I do, besides talk. You should be happy I talk to you, most people don't even talk to their dogs."

"They don't talk because their dogs don't talk," Bolshoi said.

"Sometimes I wish my dog also did not talk," I said. "Now, stop disturbing me, I have to get back to the mouse."

"See, I told you, it is mouse, mouse, mouse. What am I supposed to do while you are busy with your mouse."

"I don't know," I said. "Eat your bone or something. What do other dogs do with themselves. And, in any case, why are you so dead against the mouse, you are not a cat."

"If I was a cat, that mouse would not have dared enter the house," Bolshoi said.

"Look, I already told you, it is not a mouse like that. It does not care whether you are a cat or a dog or whatever, it will be here. It is an inanimate object, it has no life, though, one click and it comes to life and brings the whole world to you. Really, magnificent."

"You have never called me magnificent," Bolshoi said. The only time you called any other animal magnificent was that racehorse that won you some money for the first time in your life."

"Yes," I said. "Now, any case, why do you have to call him a dog," I said. "May be I can send Mr. Gates and E-Mail suggesting that."

"Your mouse will never let that E-Mail go through," Bolshoi said.

The wife was saying: "Sometimes I wish you were like Mr. Laloo Yadav."

"Are you trying to insult me first thing on a Monday morning," I said.

"Why should I want to insult you," the wife said. "Look at Mr. Yadav, he has made his wife chief minister. Would you ever dream of doing such a thing for your wife, not that I want to be chief minister."

"I am glad you don't want to be chief minister, because I have no intention of making you one," I said.

"Even if you wanted to, you could not, because you are not a chief minister yourself. First, you have to be a chief minister before you can think of making your wife chief minister."

"Let us not go so fast," I said. "First, if I wanted to become chief minister, I could become chief minister, I could become one, especially of Bihar. Next, as chief minister, I would not have to resign, with the CBI pounding at my feet, because I would not do anything as mean as usurping the money meant to feed cows."

"I know your type, once you get a position, you stick to it, you are not the type who would gallantly vacate it for your wife," she said.

"Mr. Yadav did not gallantly vacate for his wife, he was forced to," I said.

"Nobody forced him to make his wife chief minister, in fact, most people are against it, so don't tell me he was forced to make Mrs. Yadav chief minister," she said.

"Rabri Devi."

"What?"

"Mrs. Rabri Devi, not Mrs. Yadav," I said. "And another thing I want to point out to you is, what sort of a chief minister is she going to make. She has no knowledge, background, I doubt if she can read or write. It is all right to say that democracy is for the masses and grass roots, but not Mr. Laloo Yadav's wife as chief minister."

"Why not," said the wife. "If Bhandarnaike's wife and Nehru's daughter can become prime ministers, why not Laloo Yadav's wife. And it is not that she is going to be alone, Mr. Yadav will be there, in the house and in the office, sitting beside her to guide her and take decisions for her."

"That is what people are afraid of," I said.

"What are people afraid of, what is there to be afraid?" the wife said.

"There is a lot to be afraid," I said. "That Mr. Yadav will continue to be chief minister by proxy, and that his resignation, for which everybody worked so hard, would be meaningless. Even if he is arrested and put in prison, he will continue to act as chief minister thru his wife. You know how Bihar jails are."

"I think you are against chief ministers appointing their wives as chief ministers," the wife said. "I wonder, if Mr. Manohar Joshi has to resign, will he make his wife chief minister."

"He may, but Mr. Munde's wife will contest that," I said.

OUR ACTIVITIES AND PROGRAMMES

COMMON CAUSE as a public interest organisation has reached out extensively in ever-widening spheres for taking up causes of the people for securing redressal.

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

OUR GRATEFUL THANKS

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

A large number of public causes of importance have been taken up from the platform of COMMON CAUSE for redressal. Quite a few writ petitions have been filed in the Supreme Court. These include, for instance, disruption of the work of courts by lawyers' strikes, problem of accumulated backlog of cases in courts all over the country, malfunctioning of blood banks and the requirement of appropriate collection and testing of blood for transfusion purposes, challenging the pensions being given to Members of Parliament, inadequacies in the implementation of Consumer Protection Act, and failure of the government machinery in fulfilling the constitutional requirements of spreading free and compulsory education for the children in the country. Likewise, a number of issues of public importance have been taken to the Delhi High Court. These include the problems of conversion of leasehold properties to freehold, non-implementation of Apartments Ownership Act, problems connected with building bye-laws and unauthorised constructions which have widely proliferated, and such like. A Writ Petition filed against Delhi Electricity Supply Undertaking resulted in a beneficial verdict relating to bills based on defective meters. From time to time matters have been taken up for straightening out problems related to income tax, wealth tax, gift tax, capital gains tax, for avoidance of aberrations, discriminations and

harassments.

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

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

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

H.D. SHOURIE, Director