

COMMON CAUSE

VOICE OF "COMMON CAUSE"

POLITICAL FUNDING SYSTEM MUST BE IMPROVED

Existing system of funding of political parties and elections has, over the last couple of decades, undoubtedly become the root cause of spread of evils of corruption, black money, and malpractices in the country. It is of fundamental importance for survival of democracy that malpractices of political funding must be effectively tackled and overcome. Political parties on their own will be reluctant to effect the necessary changes; people must, therefore, raise their voice loud enough which the political parties will not be able to disregard. In this note we seek to place before the people the serious problems that exist in the present system and the steps that must be taken to cleanse it. In formulating the proposals, we have taken into account the studies and recommendations which have been made on this subject by Indrajeet Gupta Parliamentary Committee and recommendations of Law Commission, among others.

- Everybody is eligible to take membership of COMMON CAUSE. No form is required. Merely send your name and complete address, preferably written in CAPITAL LETTERS. Send it to our new address: COMMON CAUSE, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, NEW DELHI 110070. We are ever so grateful to Mr. Vikram Lal, of Eicher Tractors for having enabled construction of COMMON CAUSE HOUSE.
- Membership fee for individuals is Rs.100 for one year; Rs.500 for life membership for individuals; Rs. 200 for annual membership of organisations and associations. Send by crossed cheque in favour of COMMON CAUSE.
- We receive numerous letters. Replies are invariably sent. On the average our receipt is about 20/30 letters every day. Kindly, therefore, write only when you must; letters received in local language present us difficulties in deciphering.
- Donations to COMMON CAUSE are eligible for exemption available under Section 80-G of the Income Tax Act. Your donations, and those of your friends, will be most welcome indeed.

For purposes of elections political parties require tonnes of funds, for organising meetings, rallies, erecting rostrums and pandals, printing leaflets and posters, hiring loud-speakers, arranging trucks and other transport for collecting voters, often making payments to voters for attracting them to participate in rallies, distributing leaflets, paying the personnel engaged for reaching out to voters, and many others related requirements. Political parties have also to organise and maintain offices at appropriate places, incurring expenditure on arranging accommodation, equipping the offices, engaging staff, and adopting various strategies for reaching out to the people and communicating to them.

EXISTING POSITION AND PROBLEMS :

- (i) All sorts of legitimate and illegitimate means are being adopted by political parties and election candidates for collecting funds. Corporate bodies, institutions and organisations, which are the major source of funds, resort to various means, legal and illegal, to provide funds to political parties and sometimes to individual candidates. The means adopted by them have led to creation of big generation of black money. Contributions by individuals are comparatively small, and here too the means adopted for meeting the requirements of individual candidates are almost invariably illegitimate.
- (ii) Under provision of Representation of People Act limits on expenditure by candidates standing for elections were prescribed many years ago. These were Rs. 4,50,000 and Rs, 1,50,000, respectively, for election to Lok Sabha and a State Assembly. These limits have now been raised to Rs. 15 lakhs and Rs. 6 lakhs respectively. The limits apparently continue to be under review by the Election Commission and are linked to the cost of living index.

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- (iii) These limits are, however, considered by political parties and election candidates as mere formality. No regular checks are exercised by governmental authorities to ensure observance of these limits.
- (iv) Political parties, recognising that their objective is to "win" the elections, adopt all sorts of means of raising money and of spending it to the extent of even buying votes, distributing liquor and other goodies, bribing officials, and utilising rowdies and 'goondas' of the locality.

Measures for dealing with these problems exist. These comprise certain statutory provisions which need to be strictly enforced, and one particular harmful statutory provision needs to be deleted. These provisions are enumerated below :

- (a) Section 13(A) of the Income Tax Act: This Section makes it mandatory for every political party to maintain detailed accounts of receipts and expenditure, and to file return of income in respect of each assessment year. It is also provided that the accounts must be got audited. In the event of default the Finance Ministry has to make an investigation/enquiry against defaulter political party and to take action in accordance with the law.
- (b) Section 139(4)(B) of the Income Tax Act: This Section prescribes that the Chief executive officer or secretary of the political party shall submit all particulars as prescribed under various relevant provisions of the Act.
- (c) Section 142(1) of the Income Tax Act: This Section states that for the purposes of making an assessment under this Act, the Assessing Officer may serve on any person a notice requiring him to submit the return within the prescribed period.
- (d) Section 276 CC of the Income Tax Act: This Section lays down that default in compliance with the provisions of the above mentioned Sections of the Act will invite punishment of rigorous imprisonment for a term which should not be less than 6 months but which may extend to 7 years, along with fine.
- (e) Section 293 A of the Companies Act: This Section lays down certain strict instructions about the contributions that can be made by a company to a political party or election candidate, and the procedure that must be adopted at the level of Board of Directors for sanctioning the amount of contribution.
- (f) Explanation I provided under Section 77(1) of Representation of People Act: This provision was incorporated in Section 77(1) of the Act a couple of decades ago, and cleverly provides that any expenditure on the election of a candidate by a political party will not be counted towards the expenditure incurred by him, thereby completely defeating the purpose of prescription of the above mentioned limits on expenditure by candidates for the election to Lok Sabha or Legislative Assembly. The anomaly brought about incorporation of this "Explanation" under the Section necessitates its deletion because the returns of election expenses presently filed by the election candidates are invariably false.

Every political party must be made to strictly abide by the statutory requirements of maintaining detailed accounts of all receipts and expenditure and also to comply with requirements of getting the accounts annually audited and submitting the audited accounts to the concerned Income Tax authorities. These are mandatory requirements, and it amounts to serious offence if there is omission on the part of any political party to comply with these provisions.

It is necessary that all public welfare organisations and institutions should be aware of these provisions; they must take steps to ensure their strict observance. Initially they might write letters to individual political parties, asking whether they are complying with these requirements of the law, and demand that the reply must be sent within a fortnight. If no reply is received they should prepare self-contained

Writ Petitions and take the matter to the concerned High Court of the State or to the Supreme Court where necessary. It might be mentioned in this connection that COMMON CAUSE has already been pursuing this matter; reference is invited to the Supreme Court Judgement (AIR – 1996 – SC – 3081). We have now submitted another Writ Petition, after again writing to all Central and Regional Political parties, recognised by the Election Commission, where no reply has been received from them about their maintenance of accounts, getting the accounts annually audited, and submission of audit reports to the concerned Income Tax authorities.

There should in fact be a definite rule that accounts of political parties like the accounts of public companies, should be published yearly, with complete disclosure under the respective heads of accounts. Failure to do so should invite action including derecognition. It should also be made obligatory that accounts, of receipts and expenses, of individual candidates should be made public in their constituencies. Supervision of audit should be made mandatory by authorising the Election Commission to enforce this requirement by appointment of a Council of at least two Auditors for ten constituencies each.

It is in fact of utmost importance that transparency should be generated in relation to raising of funds and their utilisation, and this can best be done through ensuring the proper maintenance of accounts and their annual audit. If it can also be made obligatory that politicians should list the sources of their funds, it will operate as a deterrent because each contribution can be checked by the Income Tax authorities. This procedure may initially invite resistance from the politicians and also from corporate bodies, but over a period of time it may settle down and its long term effect will undoubtedly be beneficial.

After having dealt with existing ailments, provisions of the law, and action that needs to be taken to bring about transparency and to effect requisite improvements in the system of funding of the political parties and elections, we outline hereunder certain other proposals which have relationship to the totality of this subject and its analysis.

STATE FUNDING

There have often been suggestions that there should be provision for State funding of elections; all sorts of formulations and stipulations have been suggested for introduction of State funding. There are certain important issues on account of which it is inconceivable that State funding can be successfully introduced in the country and even whether it will be acceptable to political parties. The suggestions made in relation to the proposals are :

- (i) the State funding in any case be restricted only to those National and Regional parties which are recognised by the Election Commission; (ii) the States should meet the essential expenses of political parties during election campaigns and provide them administrative support during the period between elections; (iii) objective of State funding; (iv) objective should be to bring about insulation between political parties and business houses as well as other contributors of funds; (v) main suggestion is based on the consideration that State subsidies in the form of cash could be misappropriated. Therefore, the subsidy should be in the form of facilities, like allotment of accommodation to political parties for their offices free of rent, provision of rent-free telephone with subscriber trunk facilities at the premises, higher quota of free calls, and provision of sufficient time on Doordarshan and on All India Radio for election and to extend facilities through other TV channels to ensure balanced and fair coverage; (vi) provision of sufficient quantity of petrol and diesel to run the vehicles for election campaign; (vii) sufficient quantity of paper for printing election lecture and identity slips; (viii) adequate postal stamps and copies of electoral rolls of each constituency as well as amplifier systems for each constituency. Other suggestions include placement of restrictions on wall paintings, display of cut-outs, hoardings, banners and posters, and on number of vehicles.

These suggestions appear to be appropriate but deeper analysis and examination shows impracticability of their adoption. It is obviously impossible to devise any foolproofing mechanism for determining the quantum of facilities justifiable for respective political parties on the basis of their standing and strength. Till such time there can be such thoroughly reliable system, with acceptance of full audit of funds of political parties and of individual candidates, deletion of Explanation I of Section 77(1) of Representation of People Act, a foolproof mechanism to deter any expenditure violation; till these measures are satisfactorily in position, State funding does not appear to be possible. Law Commission has also expressed similar views. Law Commission has expressed that State funding, even partial should not be resorted to unless other requirements are implemented and that this proposal may prove counter-productive, defeating the objective of introducing State funding. Another view of State funding is that a National Fund should be created out of Consolidated Fund of India to specifically subsidise the expenses by earmarking Rs. 5/- or Rs. 10/- for each vote secured by every political party in any constituency. It should be made compulsory that use of such fund should be got audited and that at least half of it should be spent on election campaigns. Practicability of these suggestions and their acceptance and implementation by political parties is apparently not feasible.

LIST SYSTEM :

In proposing reform of electoral processes the Law Commission of India has suggested the introduction of "List System" which will allow the Election Commission to allocate seats proportionately among the parties on the basis of percentage of votes secured in every State. In the existing system majority of voters often go unrepresented in the Parliament/Assembly as candidates who secure between 30% and 35% of votes get elected. For this purpose the Commission has suggested allocation of 25% seats of Lok Sabha and of Legislative Assemblies for being filled by the List System. Political parties are reported to have supported the proposal. However, it is doubtful whether introduction of any such System will be able to solve the existing problems.

CONTRIBUTIONS BY CORPORATE BODIES :

It has also been suggested by certain sources that contributions by corporate bodies as well as organisations and institutions, should be banned. This suggestion is obviously neither feasible nor will be acceptable to political parties. The proper course for adoption in relation to this important source of fund is that while legally allowing donations and contributions, subject to overall limits as was the case prior to 1985; in fact all such contributions should be encouraged by making them tax exempt within certain limits so that maximum funds become available. For example, the exemption should be limited to say Rs. 25,000/- per individual and Rs. 10,00,000/- for a company, provided it is ensured that the exemptions are related to contributions to party funds. In case of the corporate contributions, Board of Directors may be authorised to approve upto the amount of Rs. 1,00,000 and anything above this amount should require the approval of shareholders. Political funding should be a separate Head in the accounts and the Annual Report of the Company. This will ensure transparency.

In conclusion it is evident that in cleansing of the system of funding of political parties and elections, which are the basic requisites for survival of democracy, there is no alternative excepting that (a) every political party as well as individual election contesting candidate, must maintain detailed accounts of all receipts and expenditure, (b) they must get the accounts audited by Auditors approved by the Election Commission, and (c) they must submit audit reports to the concerned Income Tax authorities. These requirements are based on mandatory statutory provisions, and any default in compliance with these requirements must result in derecognition and disqualification of the political party and of the defaulting individual contestant; they must also be published where penalty provisions have been incorporated in the Statute. We earnestly hope that all public spirited persons, organisations and institutions will lend their helping hand to ensure that the concerned authorities strictly enforce the above mentioned statutory provisions in the interest of strengthening the functioning of democracy in the country.



LETTER TO CENTRAL MINISTERS & CHIEF MINISTERS (Funding of Political Parties & Elections)

Reproduced below is copy of the letter with which we have sent the write-up on the subject of Political Funding System to all National and State Political Parties recognised by the Election Commission, as well as to all Central Ministers, State Chief Ministers and to Chief Election Commissioner.

People feel extremely concerned about the malpractices and foul-play which have in the past couple of years entered into the arena of Funding of Political Parties and Elections. The general impression is that these malpractices have vitiated the entire atmosphere in the country and generated black money and corruption, leading also to scams, scandals and various stigmas on the country.

We enclose a self-contained Note covering the entire subject. We appeal to political parties to give serious thought to these matters. They must modify and cleanse up the processes of fund raising for elections and for various other requirements of office functioning, travels, campaigns, rallies, printing, transport etc., which in fact are all related to elections and maintenance of political stature.

We have spelt out various problems and issues in the attached Note. We earnestly request the leaders of your political party to give serious consideration to these problems and the suggestions furnished in this Note.

We are sending this Note to all National and State Political Parties recognised by the Election Commission. We might mention that we have also taken this matter to the Supreme Court, impleading all these political parties, for ensuring their strict compliance with the mandatory statutory provisions that exist in the Income Tax Act and Companies Act, compliance of which has been earlier emphasized by the Supreme Court in the Judgement (AIR – 1996 – SC – 3081), (i) in regard to the maintenance of detailed accounts by the political parties about receipts and expenditure, (ii) getting the accounts annually audited by approved Auditors, (iii) submitting the audited reports to the concerned Income Tax authorities. It has already been pointed out that omission to abide by these statutory provisions will amount to contempt of court besides imposition of heavy punishment of imprisonment as provided under Section 276 of the Income Tax Act.

We, representing the voice of the people, beseech every political party to take serious note of these provisions and help to cleanse the existing vitiated atmosphere. Initiative may be taken by the major political parties to hold all-party meeting for dealing with the important issues.

We will greatly appreciate receipt of response from your political party. We are also sending copies of this communication to all Ministers of the Central Government and the Chief Ministers of States to apprise them of this move.

PATIENT to famous psychologist : "Professor I've been having terrible obsessions for years, and no one has ever been able to help me."

"Well now, who treated you before?"

"Dr. Rathore.

"I see, He's an idiot, I'm curious to know what he advised you to do."

"That I should come and see you."

...

"WHY do you always insist on talking about the weather to your barber?"

"You wouldn't have me talk about anything as exciting as politics to a man who is handling a razor, would you?"

...

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

PROMOTE COMMUNAL HARMONY

On the important subject of the need of promoting communal harmony in the Country we have recently taken the initiative of writing to : (i) Prime Minister (ii) Minister of Information and Broadcasting and (iii) important producers of films and TV programmes. These letters are self-explanatory and are reproduced below.

LETTER TO THE PRIME MINISTER

We from COMMON CAUSE wish to convey to you a proposal of paramount importance which can have potential of healing wounds and ensuring avoidance of likelihood of embitterment among votaries and followers of different religions. We suggest setting up of a high-level COMMISSION FOR PEACE AND HARMONY, consisting of a small group of 5/6 respected dignitaries drawn from different religions, Hindus, Muslims, Sikhs and Christians. This Commission should be charged with the responsibility of exploring and devising all possible measures for generating an atmosphere of peace and harmony, of compassion and tolerance, of हम भाई भाई relationship, of evolution of principles of humanity among persons of different religions. The Commission should meet for four days every week and complete its task in a period of two months. It should lay out specific proposals of programmes and activities which need to be taken for bringing about amity and harmony among the communities. In specifying the tasks and responsibilities of the Commission we suggest that following points may be considered among others :

- (i) What changes in the syllabi of education in schools and universities should be brought about for ensuring the development and continuation of harmonious relationship between communities, and what measures should be taken for discouraging and stopping the existence or development of any schooling and other educational systems which are likely to promote differences and estrangement between communities ?
- (ii) What measures should be taken to promote the establishment of inter-religious Peace Promotion Committees in urban areas as well as in villages ?
- (iii) How visuals, programmes, discussions and interviews etc., should be stimulated through Doordarshan and what measures can be adopted for encouraging other TV channels to develop programmes for similar objectives of promoting communal harmony and peace ?
- (iv) What changes need to be made in the existing laws, applicable to different communities, relating to marriage, divorce, adoption etc., and how the purposes thereof can be served by incorporating their provisions, which may be adjudged indispensable, in the general civil and criminal statutes of the country ?
- (v) How financial and other help, for fulfilment of these and related essential objectives in the area of promoting peace and harmony among various religions, can be secured from business and industry organisations like ASSOCHAM, CII, PHD, FICCI ?

We earnestly hope that you, our Hon'ble Prime Minister, will kindly give consideration to these suggestions and get them examined by groups of experts in the PMO and other concerned Ministries, for taking appropriate decisions on the suggested lines if these are considered worth being implemented.

We will eagerly look forward to hear from your Office as to what decision is taken on these proposals.

LETTER TO CENTRAL MINISTER FOR INFORMATION & BROADCASTING

I am addressing this letter from COMMON CAUSE to convey a suggestion for your kind consideration. You are holding the important portfolio of Information & Broadcasting which constitutes the primary medium for carrying important messages to the people besides providing them news, entertainment and information.

We in COMMON CAUSE feel that the medium of Radio and TV, more particularly the latter, can in the present circumstances be very effectively utilised for generating atmosphere conducive to communal harmony. Importance of this matter is obvious in view of the communal conflicts, clashes and disharmony which unfortunately are being promoted by vested interests, our neighbouring country, and certain internal elements.

We consider that positive and concrete efforts need to be very effectively made to promote goodwill between the communities and to overcome the differences based on religion and caste. TV can prove a very powerful medium for attaining this objective. What we contemplate is that some very attractive and interesting stories and events can be formulated for being projected through TV Programmes, and Radio medium. Stories and events based on matters relating to children, young persons, adults and elderlies can grip the imagination and subtly bringing about understanding between different communities.

Some knowledgeable story-writers and script-writers can be entrusted the task of formulating enchanting stories of family life of neighbours or friends and acquaintances of different communities, and develop situations where persons of one family start entertaining special feelings towards members of family of another community. Very appropriately and subtly the seeds of compassion, love and regard between neighbours and acquaintances of different communities can be developed which can help to achieve the objective of bringing about communal harmony.

Suggested hereunder are some rough ideas indicative of types of stories and situations which can be taken up for development into fascinating and gripping stories for short programmes as well as serials. DOORDARSHAN channels can prove a boon to the country by taking up such subjects for development and projection :

- (i) Child of a poor family going to school, falls; a person picks up the child and takes him/her to the parents who are of another community; give them practical help and continue further helping the child.
- (ii) Take initiative to finance education of a child of another community.
- (iii) Children of different communities are taken out together for excursion and fairs and for participating in interesting events.
- (iv) In schools children of different communities are persuaded to help each other and promote close friendship.
- (v) Young boy and girl of different communities meet, fall in love, and both families accept the love and even marriage. Special facilities and financial assistance by Government in such cases. Such type of stories must be handled very carefully to avoid adverse reaction.
- (vi) Middle-class persons of different communities start business/industry, working together; removing all hesitations and uncertainties.
- (vii) Middle-aged and elderlies taking initiatives in developing situation, to adopt persons of other communities as brothers/sisters etc.
- (viii) Old-aged Bonds that can exist between different communities, bringing about close relationship and understanding between families.

The above situations are merely indicative of the types of events and situations which can be taken up and developed by imaginative story-writers and script-writers. The purpose in formulating such situations shall be to promote communal harmony through projecting imaginative & gripping stories.

I also enclose a "MESSAGE" which I got designed for the purpose of sowing the seeds of communal harmony. The "MESSAGE" "GOD IS ONE" is self-explanatory. Names of God, in various languages of India, have been shown in the design. This "MESSAGE" was sent to a number of newspapers and periodicals in the country. Quite a few of them printed it. I feel that this "MESSAGE" can possibly be utilised repeatedly through DOORDARSHAN projections. This suggestion may also be got examined.

We earnestly hope that you and your Ministry will kindly give consideration to the proposal of initiating activities which would aim at sowing the seeds of communal harmony.

LETTER TO NATIONAL FILM DEVELOPMENT CORPORATION AND IMPORTANT FILM PRODUCERS IN THE COUNTRY

I am addressing this letter from COMMON CAUSE to NFDC and important film producers in the country. It is on the important subject, which should be the concern of everybody in the country, to promote communal harmony. Cinema and projection of films through the medium of TV constitutes the most important medium for attaining an objective of the nature which we are communicating to NFDC and the producers of the films. By giving individual as well as collective consideration to the matter it can attain this important objective of bringing about understanding and harmony between communities.

Our suggestion, which we have also communicated to the Minister of Information & Broadcasting, can be utilised for generating positive and concrete efforts to prepare and project visuals, of the nature of dialogues, stories and situations which would subtly sow the seeds of harmony and remove misunderstanding between the communities. Film producers can surely be of enormous help, collectively and individually, to consider this important subject for development of events, stories and situations which would grip the imagination of the people and orient their mental attitude to treat persons of other communities as adopted brothers, sisters, nephews, nieces, uncles etc. and create the atmosphere of complete peace, understanding and harmony between different communities. They should educate the people to look out for any mischief makers who sneak into the society for disrupting the harmony, and hand them over to governmental authorities.

We give below a few events and situations as samples, which can be contemplated for developing through the medium of TV for attaining this objective. These obviously are only tentative suggestions; experts and knowledgeable story-writers and script-writers will be in the best position to think of the situations, events, dialogues and love affairs etc., which can be developed for this purpose.

- (i) Child of a poor family going to school, falls; a person picks up the child and takes him/her to the parents who are of another community; give them practical help and continue further helping the child.
- (ii) Take initiative to finance education of a child of another community.
- (iii) Children of different communities are taken out together for excursion and fairs and for participating in interesting events.
- (iv) In schools children of different communities are persuaded to help each other and promote close friendship.
- (v) Young boy and girl of different communities meet, fall in love, and both families accept the love and even marriage. Special facilities and financial assistance by Government in such cases. Such type of stories must be handled very carefully to avoid adverse reaction.
- (vi) Middle-class persons of different communities start business/industry working together; removing all hesitations and uncertainties.
- (vii) Middle-aged and elderlies taking initiatives in developing situation, to adopt persons of other communities as brothers/sisters etc.
- (viii) Old-aged Bonds that can exist between different communities, bringing about close relationship and understanding between families.

We earnestly hope that NFDC and Film Producers will kindly give serious consideration to this objective and determine ways and means for attaining the important requirements of peace and harmony between the communities.

We will look forward to a line in reply.

WEIRD PRACTICES & WITCHCRAFT

We feel very concerned that even in the present age of Science and Technological developments there are weird practices and rituals for appeasement of superstitions in certain backward and poverty-stricken areas of the Country. Instances relating to those were projected on T.V. screens recently. We have written to the Ministry of Human Resources Development of the Govt. of India that for overcoming these practices concrete and positive efforts need to be made to develop among all people the basics of "scientific temper and spirit of enquiry and reforms" as provided in the Directive Principles of our Constitution. This matter being of obvious importance we have considered necessary to reproduce the letter hereunder:

We citizens feel extremely concerned that in our country in the present century, and inspite of the enormous scientific and general development that has taken place, there are still vast areas of inadequacy, poverty, hunger and backwardness. It is of course recognised that problems of economic development and removal of poverty and hunger are not directly the concern of the Ministry of Human Resource Development, and that the responsibilities of HRD are primarily of promoting literacy and progress of education in all its various aspects.

Against the background of these facts we wish to particularly refer to your Ministry certain problems which have relevance to the need of removal of stigmas that attach to our country in relation to ugly manifestations of backwardness in various localities and areas. These stigmas are particularly of the unfortunate weird practices that still prevail in certain parts of the country wherein witchcraft, ugly spectacles of exorcism of evil spirits, appeasement of superstitions, and even human sacrifices are practiced, ostensibly for appeasing certain imagined Gods and Goddesses and evil spirits. Recently there was news item on TV about ritual performed in a village of Tamil Nadu, by wrapping some grown-up children in cloth like shrouds, carrying them in processions, burying them in graves dug for the purpose, covering them with earth, and recovering them after about a minute. Couple of days ago there was a visual on TV wherein it was mentioned that a child of seven years had been sacrificed to appease some evil spirit. There will surely be several instances of such nature, of harrowing rituals and performances, particularly involving lives of children and women, which are taking place in various parts of our country, particularly in the backward areas and in villages.

We do recognise that institutions such as National Human Rights Commission would be taking notice of such happenings; they would probably investigate individual cases of such nature and determine as to what action can be taken. They will also be entertaining complaints where these are specifically made which relate to human rights.

Question inevitably arises whether such governmental action is enough. Obviously it is of fundamental importance that witchcrafts, rituals and weird practices of such nature must be effectively tackled for removing them from the mindset of the people. This can be done by imbuing in them "the scientific temper, humanism and spirit of enquiry and reforms" as provided under the clause of Article 51A(H) of the Directive Principles incorporated in the Constitution of India. We invite reference of your Ministry to this specific important provision, for determining whether any steps have hitherto been taken by any part of the Ministry to deal with this important requirement, and if so, we would be grateful for information about the programmes initiated and results achieved. We are confident that your Ministry must be realising the serious nature of this matter and the need of taking special steps to overcome these problems, taking the country forward and ridding the backward areas and people of such weird acts and ugly rituals. Your Ministry is undoubtedly the only arm of the Government of India which has the responsibility to deal with this matter. In case there is doubt on the question as to which Department or Section of your Ministry will deal with this subject we feel that the "Department of Elementary Education & Literacy" may need to have specific Section which is entrusted with this important task.

We eagerly look forward to a reply on this important matter from your Ministry in a period of one fortnight.

COMMISSIONS OF ENQUIRY

There has been a spate of Commissions of Enquiry, at the level of the Govt. of India as well as in the States, since the enactment of Commission of Enquiry Act of 1952. Some of the Central Commissions are : National Human Rights Commission, National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women and National Commission for Minorities. These have been operating for a number of years and have brought out their Annual Reports. There are other Central Commissions also.

There is now a growing feeling that quite a few of the Commissions of Enquiry, constituted by the Govt. of India and also particularly the State Governments, have been in existence, some for decades, and that the work entrusted to them yet remains incomplete. We consider that this matter needs to be examined in detail, for informing the people and for taking up with the concerned authorities, so that proper utility of the work and findings of these commissions should be ensured. For this purpose we have written a letter to the Home Ministry of the Govt. of India and to all State Governments, asking them for information about Commissions that have been set up by them, the work they have done and a tentative indication of when the task entrusted to them will be completed. Copies of these letters are reproduced below:

LETTER TO THE HOME MINISTRY OF GOVT. OF INDIA ON THE SUBJECT OF COMMISSION OF ENQUIRY ACT, 1952

Under the provisions of Commission of Enquiry Act, 1952 (as modified by Act 79 of 1971), the Government of India and the State Governments have been authorised to set up Commissions of Enquiries on any of the matters listed respectively in (Lists I and III) and (Lists II and III) of the Seventh Schedule of the Constitution of India. We are aware of the following Commissions which have been set up by the Government of India under this statute:—

- (i) National Human Rights Commission.
- (ii) National Commission for Minorities.
- (iii) National Commission for Scheduled Castes and Scheduled Tribes.
- (iv) National Commission for Women.

We have also been able to secure copies of the latest published Annual Reports of the Commissions other than that of MINORITIES COMMISSION. These are indicative of the wide range of problems which are being enquired into by these commissions.

For the purpose of a comprehensive study which has been undertaken by COMMON CAUSE we would be grateful for information on the following points in relation to the implementation of Commission of Enquiry Act by the Government of India. It might be mentioned that we have separately addressed the State Governments (copy enclosed) about the Commissions appointed by the respective Governments under provisions of the Act in relation to the subjects listed in Lists II and III of the Seventh Schedule of the Constitution of India.

Information is sought on the following points in relation to the Commissions (other than the above four National Commissions) set up by the Government of India :—

- (i) Date of appointment of the Commission.
- (ii) Name and status of the Chairman (with names of any successor(s)).
- (iii) Number of staff members presently working in the Commission.
- (iv) Very rough idea of the expenditure so far incurred on the Commission, and annual expenditure which is presently incurred.

We require this information urgently and would be grateful if it is supplied within period of not more than one month.

LETTER TO ALL STATE GOVERNMENTS ON THE SUBJECT OF COMMISSION OF ENQUIRY ACT, 1952

Your Government would be aware of the enactment of Commission of Enquiry Act, 1952 (as modified by Act 79 of 1971), whereunder the State Governments, as well as the Government of India, are authorised to appoint COMMISSIONS OF ENQUIRY for making enquiries into any of the matters listed, respectively, in (Lists II and III) and (Lists I and III) of the Seventh Schedule of the Constitution of India.

We are collecting information about the action taken by the State Governments under this important statute and would be grateful for information on the following points relating to the COMMISSIONS OF ENQUIRY constituted by your State Government since 1990 (i.e., during the last 11 years):

- (i) Date of appointment of the Commission.
- (ii) Date and status of the Chairman (with names of any successor(s)).
- (iii) Terms of reference of the Commission.
- (iv) Number of staff members presently working in the Commission.
- (v) Copy of the latest published Annual Report of the Commission.
- (vi) If the task entrusted has yet to be completed, the present state of affairs and whether any regular hearings/operations by the Commission are presently taking place, indicating also the approximate period during which the task is expected to be completed, and the steps which are being taken to get the task of the Commission expedited.
- (vii) Very rough idea of the expenditure so far incurred on the Commission since its establishment, and annual expenditure which is presently being incurred.

This information is urgently required, and we would be grateful if it can be provided within period of not more than one month.

If any COMMISSION OF ENQUIRY set up by the State Government has been operating for more than 15 years, and is still operating, we may kindly be furnished information about the activities of the COMMISSION, number of staff working for it, and its approximate annual expenditure.

Late one night, a mugger wearing a ski mask jumped into the path of a well-dressed man and stuck a gun in his ribs. 'Give me your money', he demanded.

Indignant, the affluent man replied. 'You can't do this - I'm a politician'.

'In that case', replied the robber, 'give me my money'.

...

A soldier who had married just before going overseas returned to the United States, filled with the desire to see his young bride. At his request his commanding officer granted him a special twenty-four-hour pass. When he reached home wife was in the bath-tub.

He didn't come back until another twenty-five hours had elapsed. His CO barked at him : 'what do you mean by overstaying your leave?'

'Well, Sir'. But you see, it took almost two days for my uniform to dry'.

...

UNIT AREA METHOD FOR PROPERTY TAX ASSESSMENT

Delhi Municipal Corporation has eventually started planning the introduction of Unit Area Method which COMMON CAUSE has for long been advocating. In the initial step they have categorised over 1900 residential colonies of Delhi into seven categories; the categorisation has been widely published in newspapers. On this important subject the concerned authorities had asked the Director of COMMON CAUSE to give his detailed views on the proposal, various aspects of which have appeared in certain newspapers during the last few days. The views communicated to the concerned authorities on the subject would be of interest to the readers, and are reproduced below :

There have been some adverse criticisms and certain other reactions; these are inevitable. After all, the proposal involves a drastic change from the outdated assessment basis, and there are surely quite a number of premises which have not so far been brought into the net. There are also quite a few unauthorised constructions besides the unauthorised colonies.

Taking into consideration the various relevant facts regarding the proposed change to UAM I would like to convey the following broad observations which I consider very appropriate and necessary. These are in fact the principles and criteria on which the new Property Tax assessment structure needs to be based.

- (i) The categorisation of colonies has undoubtedly been a tremendous job. Almost 1900 colonies have been categorised on the basis of certain criteria which were adopted for the purpose. In publishing the categorised colonies views have been expressed that top-level categories are among the "posh colonies". This observation and such classification, in my view, is not justifiable or necessary. The observation that "posh colonies" are getting better municipal services is not correct. Municipal services comprise roads, sewerage, drainage, garbage removal and park maintenance. Electricity and water supply are supplied on payment. The so called "posh colonies" are getting the same municipal services as the others; it is possible that in some colonies, like Vasant Vihar, there are certain wide roads, which have been necessitated because of larger spread of colony, but this fact cannot be taken to imply that any special consideration is being given in the provision of services to such colonies.
- (ii) I have always maintained that the assessment of Property Tax should be on the basis of quantum of services which the resident gets, which is dependent on its size, which in turn determines roughly the number of persons living in the residence. Therefore, the size of premises can be the only proper basis for determining the amount that should be charged as Property Tax relating to the provision of municipal services.
- (iii) It is a matter of satisfaction that MCD is now thinking of levying Property Tax on the basis of quantum of accommodation (the built area) in replacement of the existing rental basis, which is based on the "cost of construction and the price of land on the date of commencement of construction", which has actually been the major cause of leakages, grievances and exasperations. Unit Area Method will solve these problems.
- (iv) In quantifying the area of construction it will be proper that measurements should be external measurements and not based on the "carpet area" which is often adopted for various purposes of built area. Calculation of "carpet area" leads to all sorts of manipulations and is an important source of corruption. I agree with the proposal that two-third of the aggregate constructed area (external measurements) of respective floors of the premises, should be taken as the basis for calculation of the Property Tax. In taking the external measurements the projections and verandaha etc. of any upper floors should not be taken into account; external measurement should be only from the one end to the other etc.

- (v) I would like to stress that all premises, small or large, must be assessed to Property Tax. Any premises which have so far remained outside the net must be brought within it. In fact, I consider that Government buildings, premises of any institutions, and even religious buildings should also be brought in the list, unless any of these have been specifically excluded under some law. Whichever premises are receiving municipal services must be assessed to the Property Tax.
- (vi) I have preferred to take the Property Tax Rate at the uniform figure of Rs. 40/- per sq. mtr., taking into account the fact that municipal services provided in the city shall normally be considered to be of uniform standard, and not of preferential quality to any colony or areawise.

Taking into account these broad principles I would now like to give you my views on the application of UAM to the premises in Delhi. Firstly, reference needs to be made to the statement which is reported to have been made by Mr. Rakesh Mehta that there might be 30 lakh premises in Delhi. He has stated that presently only 9 lakh premises are being assessed and the present Property Tax recovery is Rs. 900 crores. I personally consider that the total number of premises may not be as high as 30 lakh; I would prefer to base the calculation on the total number of premises being 15 lakh. If we can reach this figure through effective surveys it will be an achievement. Taking this figures as the basis I have attempted various permutations and combinations for calculating the amount of recovery. Eventual picture that arises from my calculations is presented below.

I have put the total of 15 lakh premises into four categories: (i) plots of size upto 100 sq. mtr., (ii) plots of size 100 to 200 sq. mtr., (iii) plots of 200 to 500 sq. mtrs., and (iv) plots of more than 500 sq. mtr. including those of 1000 to 1200 sq. mtr. I have adopted the general basis that about half to 4/5th of the smaller sized plots are covered by the construction; construction may be about 1-1/2 to 2 floors on each plot (some plots may have three floors and even more, but for purposes of calculation I have taken the broad basis of 1-1/2 to 2 floors). The calculations eventually arrived at on the basis of these broad criteria are the following. For facilitating these calculations I have taken the plot sizes 100 sq. mtr, 200 sq. mtr etc., though the actual size may be somewhat less, in the context of the aforementioned criteria of "upto 100 sq. mtr" and "100 to 200 sq. mtr" etc.

- (i) Plot of 100 sq. mtr. : construction of 80 sq. mtr. on ground floor and 70 sq. mtr. on upper floor: total area 150 sq. mtr. Property Tax rate, for the calculation is the uniform rate of Rs. 40 per sq. mtr. Assuming there may be three lakh such premises the total recovery from this category will be $(80 + 70) \times \frac{2}{3} \times 40 \times 3,00,000 = \text{Rs } 120 \text{ crores}$.
- (ii) Plot of 200 sq. mtr : Ground floor and upper floor : $(150 + 100) \times \frac{2}{3} \times 40 \times 4,00,000 = \text{Rs. } 266 \text{ crores}$ (assuming that there may be 4 lakh premises on plots of the sizes 100 to 200 sq. mtr.).
- (iii) Plot of 200 sq. mtr. to 500 sq. mtr. Ground floor and upper floor : $(300 + 200) \times \frac{2}{3} \times 40 \times 5,00,000 = \text{Rs. } 660 \text{ crores}$ (assuming that the number of such premises will be 5 lakh).
- (iv) Plot of 500 sq. mtr. and above : Ground floor and upper floor : $(500 + 500) \times \frac{2}{3} \times 40 \times 3,00,000 = \text{Rs. } 800 \text{ crores}$. (assuming that the number of such premises with be 3 lakh).

The total of these 15,00,000 plots thus yield Property Tax of Rs. 1846 crores.

Wherever any property, whether shop or residence is on rent, one month's rental will be charged towards Property Tax. Assuming that 20% of 15,00,000 premises are on rent, and the average rent for purposes of these calculations is Rs. 5,000 p.m. (it will range from Rs. 1000 of the small promises to Rs. 40,000 for premises in the so-called "posh colonies") average recovery from rent of one month will be Rs. 150 crores.

Total recovery of Property Tax from 15 lakh premises including one month's rent from 1/5 of these premises, will be roughly about Rs. 2000 crores. These figures have to be compared to the existing assessment of only 9 lakh premises and yield of Rs. 900 crores.

These are my rough calculations based on calculating the area of each property comprising average of two floors and adopting a uniform taxation rate of Rs. 40/- per sq. mtr.

Besides the above calculations of Property Tax on residences there is also need of taking account of shops/commercial-offices and industries (Delhi has mainly small and medium industries). My suggestions about these are following:

Shops/Commercial offices & Industries :

Shops can be estimated to be 20,000 each of average area of 50 sq mtr. Calculating on the basis of levy of uniform rate of Rs. 40/- per sq mtr total calculation from these will be $20,000 \times 50 \times 40 = \text{Rs. } 40 \text{ crores}$. Total number of industrial units may be about 10,000 with average of 600 sq mtr. They will yield Property Tax of $10,000 \times 600 \times 40 = \text{about Rs. } 24 \text{ crores}$. This amount of about Rs. 64 crores will get added to the above estimate of Rs. 2000 crores from the levy of Property Tax on 15 lakhs residences.

Another matter of importance is of rebate. I am of the view that rebate of 20% may be given to the owner if he makes payment of the due Property Tax three months prior to the close of financial year.

I would like to reiterate that in the existing circumstances the application of uniform tax rate of Rs. 40/- per sq mtr will become more acceptable to the people than different and higher rates.

In putting forth these observations and suggestions I would like to emphasize that MCD should evolve a proper form for submission of "**Declaration for Property Tax Assessment**". This Declaration should be submitted each year by every owner, preferably before the end of September. It should furnish information about name and address of the owner, and the details of size of plot, outer measurements of the building on ground floor, 1st floor, 2nd Floor etc. (excluding the verandahas and any projections), and also about any portion being on rent and the monthly rent derived therefrom. Declaration should be signed and attested as correct.

These are my suggestions for re-structuring of the Property Tax assessment for Delhi. Broadly, I feel that the introduction of Unit Area Method will (a) eliminate scope of discriminations and leakages; (b) it will give confidence to all residents that everybody is being treated equally, with application of same principles and criteria, (c) scope for doling out privileges and of corruption will be rooted out, and (d) introduction of this method can raise the revenue to double the present quantum of Rs. 900 crores to over Rs. 2000 crores, for enabling MCD to continue striving to provide better services to the citizens.

The Taxi cab came to a sudden stop in the middle of the street.

"What's the matter ?" called the young man from the seat.

"I thought I heard the young lady say "stop", answered the driver.

"Aw, drive on: she wasn't talking to you."

...

Some Girls are like flowers. They grow wild in the woods.

PROBLEMS OF WATER AVAILABILITY

A comprehensive picture on the subject of continuous lowering of the groundwater levels in certain parts of India has recently appeared in the well-known magazine "NATIONAL GEOGRAPHIC". Relevant portions of this write-up are reproduced below. The findings embodied in this article are obviously of importance from viewpoint of future availability of water for human consumption and growing of crops etc.

UNDERGROUND WATER DEPLETING

A fraction of one percent of Earth's water is available for drinking, irrigation, and industrial use.

To see what unbridled water consumption has wrought, both good and bad, you need go no farther than the Indian State of Gujarat. Like neighboring Rajasthan, Gujarat is a dry place that has experienced a surge of irrigated agriculture. In the northern part of the state, on a hot spring day, I came across a brick pump house amid flat green fields of wheat, mustard, cumin, and anise. Inside was the electrical system for a 62-horsepower motor that, ten hours a day, pumped a steady column of water from deep underground into a concrete tank through which the water was channeled to nearby fields. One of the pump's owners—70-years-old Nemchandbhai U. Patel—rested on a rope bed in the cool, dusky interior, lulled by the sound of water rushing up from underground aquifers and gurgling into the tank.

Patel stirred as I approached. He explained that the pump was used to irrigate his fields, as well as those of his partners and 50 other farmers who purchase the water. Without it they would have to rely solely on rain, which in an area that receives about 25 inches of precipitation a year—most of it in short summer cloud-bursts—is a highly risky proposition. "Thanks to this well," said Patel, "we are able to sustain our lives."

The electric pump that sent water streaming onto Patel's land is the machine that has powered India's green revolution. That agricultural achievement, which has enabled the country to grow enough food for its one billion people, was accomplished because of a huge increase in groundwater pumping. In the mid-fifties fewer than 100,000 motorized pumps were extracting groundwater for Indian agriculture. Today about 20 million are in operation, with the number growing by half a million each year.

But the unregulated use of so much groundwater has come at a high price: With farmers extracting water more quickly than nature can replenish it, aquifers have been depleted to the point that roughly half of India now faces overpumping problems, such as groundwater shortages or the influx of salt water into coastal wells. Many farmers have been forced to abandon wells or keep drilling deeper, raising costs and driving some out of business. In parts of Gujarat the water table has been dropping as much as 20 feet a year. Four decades ago the water table under Nemchandbhai Patel's fields was at 100 feet; now he must drill 500 feet before he hits water. He keeps deepening his well, but to drill a new one could be prohibitively expensive.

"We think this water may one day be lost to us forever," said Mohanbhai G. Patel, 67, a nearby well owner whose last name is shared by many in the region. "The water we are now pumping from deep underground has been accumulating for thousands of years. It's like this urn here. If you keep drinking water and never refill it, at some point there will be no more. Unless the government brings in major schemes to recharge these aquifers, we will not survive."

One reason farmers in India, and throughout the world, have been heedlessly pumping water is that they have paid so little for it. In India the water itself is free, and the government heavily subsidizes the electricity that drives the pumps. Rather than pay for the number of hours a pump runs, farmers pay a low, flat annual rate and pump with abandon.

Two decades ago, as an idealistic young man intent on helping India's rural poor, Rajendra Singh travelled to northwestern Rajasthan, which was suffering water shortages from excessive groundwater extraction. Shortly after he arrived in the impoverished Alwar district, two things became clear to Singh. The first was that managing water wisely was the key to helping drought-prone villages in the region. The second was that farmers were pumping far too much groundwater.

"If you replenish water, that is a green revolution," Singh told me. "But if you destroy your water capital, what kind of green revolution is that?"

An old villager showed Singh the numerous earthen dams in the district that had fallen into disrepair, their reservoirs filled with silt. They were remnants of a rainwater collection tradition that dated back 5,000 years in India, a system that used the natural terrain to channel and store the brief monsoon downpours for year-round use. But community rainwater collection schemes fell out of favor during British rule and after independence in 1947; their neglect, coupled with overpumping of groundwater, led to a crisis in villages throughout western India. Singh became consumed with the idea of building johads, gradually helping villagers erect the earthen and stone structures all over Rajasthan.

Toady he is perhaps the best known of a large group of people who have revived India's ancient rainwater harvesting techniques, which use not only dams but also underground storage tanks and large concrete-lined reservoirs. Singh's organization—financed by the Ford Foundation, among others—has 45 full-time employees and 230 part-time workers. He spends eight months a year on the road, rarely seeing his wife and son and often sleeping in the backseat of his chauffeur-driven car at night, no small hardship given India's chaotic, treacherous, and polluted highways.

A HINDU, a Muslim and a Sikh were discussing the marvellous achievements of their brands of surgery. Said the Hindu; "I know of a vaidji who joined a severed arm with the use of Ayurvedic glue. You can't even tell where the arm had been cut". "Not to be outdone, the Muslim spoke : "A hakeem sahib has evolved a new kind of adhesive ointment. He used it on a fellow who had his head cut off. You can't tell where the neck was severed". It was Sardarji's turn to extol the latest developments in Sikh surgery. "We have gone much further, "said the Sardarji thumping his chest proudly. "There was this Chacha of mine who was cut into two round his navel. Our Sikh surgeon immediately slaughtered a goat and joined its rear half to Chacha's upper half. So we have our Chacha as well as two litres of milk every day."

...

OVERHEARD : "A thief just ran off with my wallet", yelled the champion runner.

"Couldn't you catch him?" asked the bystander.

"Sure, I even took the lead, but when I looked back, he was gone."

...

A PATIENT was anxious after a prolonged bedside discussion by hospital doctors. The head doctor even came to see him.

"There must be a lot of doubt about what is wrong with me", the patient told the doctor.

"Where did you get that idea?" the doctor replied.

"All the other doctors disagreed with you, didn't they?"

"To some extent, but don't worry", said the doctor consolingly. "In a similar case, I stood firm on my diagnosis - and the post-mortem proved me right !"

...

"What an idiot!" said a fish about his friend who ended up on an angler's hook. "If only he had kept his mouth shut!"

...

Two modernised terrorist men were driving to the location where they intended to plant a time bomb which one of them had in his lap. "Drive a little slower - the bomb may go off any minute", said the man carrying the explosive. "Don't worry", assured the driver. "We have got a spare one in the boot."

...

To

All Member of Common Cause

NOTICE OF ANNUAL GENERAL MEETING

The Annual General Meeting of COMMON CAUSE Society will be held in the Speaker's Hall, Constitution Club, Rafi Marg, New Delhi, on Sunday the First December, 2002 at 11.00 a.m.

Agenda will be as follows:

- (i) Consideration of Annual Report and adoption of the Annual Accounts alongwith the Auditors Reports for the year 2001-2002.
- (ii) Appointment of Auditors for the year 2002-2003.
- (iii) Activities and Programmes.
- (iv) Elections.

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

H.D. SHOURIE
DIRECTOR
COMMON CAUSE

ANNUAL REPORT for the year 2001-2002

During the year of report COMMON CAUSE has continued its various activities dealing with common and collective problems of the people, by taking them to the Supreme Court and Delhi High Court where necessary, and also referring them to the concerned governmental authorities where required. Quite a few previous Writ Petitions filed by COMMON CAUSE in the Supreme Court and Delhi High Court are yet pending, and a few more have been filed during the year of report. Brief particulars of these are presented below :

CASES IN SUPREME COURT

- (i) **MPs Local Area Development Fund** : In the Writ Petition we have inter alia resisted the proposal of increase of the existing amount of Rs. 2 crores to Rs. 3 or 5 crores as was desired by certain politicians.
- (ii) **Appointment of Lok Pal and Lok Ayuktas** : This Writ Petition relates to defaults in implementation of Legal Authorities and Services Act under which Lok Pal and Lok Ayuktas are to be established for expediting disposal of cases in Courts.
- (iii) **Non-Performing Assets (NPAs)** : The total of Non-Performing Assets of banks now exceeds Rs. 100,000 crores. The Government is taking some steps but any noticeable improvement is not yet evident. The matter continues to be pursued.
- (iv) **Railway Accidents** : The Writ Petition was filed after the serious accident known as Gaisal Accident. It has continued to be pursued. A recent serious accident of Rajdhani Express has

also been brought specifically to the notice of the Court. Our Petition is for ensuring more effective safety measures for adoption by the railways.

- (v) **Fake Universities and Bogus Teaching Institutions** : The unfortunate proliferation of fake universities (18 have been identified) and Bogus teaching institutions is a growing menace. Governmental authorities need to take concrete and effective steps to check this menace.
- (vi) **Growing Depiction of Crime and Violence on TV** : The increase of violence in urban areas can be attributed considerably to the unfortunate proliferation of sex and crime in TV Programmes. We have considered it necessary to take this matter to Court.
- (vii) **Lawyers' Strike** : This case relates to the serious position that arose from Lawyers' strike three years ago; the matter continues to be pursued.
- (viii) **Slaughter Houses – Pollution** : This Petition relates to environmental pollution due to unhygienic and filthy practices adopted in the Slaughter Houses at various places in the country.
- (ix) **Maintenance of Accounts and Submission of Annual Audit Reports by Political Parties** : This was decided by Supreme Court in 1996 and directions were given to Governmental authorities; we have written to all recognised political parties and have again taken the matter to Court, for contempt proceedings and further necessary action because of their continuing failure to comply with requirements of the law in these matters.
- (x) **Ritual of Burying of Children in some villages of Tamil Nadu** : This ugly ritual of burying grown-up children, for about a minute, for propitiating some Gods and Goddesses, has been brought before the Court in a Writ Petition.
- (xi) **Delhi Rent Control Act** : Writ Petition on this important matter was originally filed in Delhi High Court; it passed through three stages of decision there, was subsequently transmitted to the Supreme Court, where a decision has recently been given directing the Government of India and Delhi Government to ensure final decision to be taken regarding notification of the Delhi Rent Control Act within a period of six months.

CASES IN DELHI HIGH COURT

- (i) **Unauthorised Colonies** : Our Writ Petition on the important subject of unauthorised colonies is yet pending. The Government of India and Delhi Government have yet to file final proposals in the Court in regard to development of infrastructural requirements etc. for regularisation of the unauthorised colonies.
- (ii) **Building Bye-laws** : This Petition which was filed due to serious deprecations in relation to urban constructions in Delhi, amounting also to damage to the Master Plan, is yet pending.
- (iii) **Infrastructural facilities in Burns Wards of Safdarjung Hospital** : Delhi Government has yet to explain as to why default has taken place in providing the requisite facilities.
- (iv) **Property Tax** : Matter relating to Property Tax has for long been pending. We have been advocating the adoption of Unit Area Method (UAM), details whereof have been provided and which is expected to greatly improve the system, stop leakages, and increase the collection. The matter is being pursued by the MCD.
- (v) **Menace of Stray Cattle, Dogs and Monkeys** : The High Court of Delhi has issued series of directions on 27-09-2002 to the Delhi Municipal Corporation and New Delhi Municipal Council to take steps to clear parks, roads and streets of stray cattle, dogs and monkeys in coordination with the Wild Life Department.

- (vi) **Appointment of uneducated technicians in the Department of Pathology of Safdarjung Hospital :** Petition was disposed of after the hospital gave an undertaking that properly educated and trained personnel only will henceforth be appointed.
- (vii) **Condition of Mortuaries :** Petition was filed for improvement of conditions in the Mortuaries, and is pending.
- (viii) **Hoardings :** Petition has recently been filed against illegal placement of over-sized Advertisements and Cut-outs on bus-stops, electricity poles and other such places, and is pending.
- (ix) **Homoeopathic, Ayurvedic and Unani Systems of Medicine :** A Petition has been filed for issue of directions to the doctors practising these systems to issue appropriate prescriptions alongwith medicines; petition is pending.
- (x) **Naked Electricity Wires :** Writ Petition has been filed for issue of directions to the concerned authorities to ensure that threat to human life and property posed by naked entangled wires on electricity poles, and through the haphazard manner in which underground cables are laid, is appropriately dealt with in interest of General Public. The Petition is pending.

OTHER IMPORTANT ACTIVITIES

During the year of report we have taken initiatives in relation to various important matters. Write-ups and communications relating to these appear in this issue of periodical. These are briefly indicated below.

(1) **Special Issue of Periodical :**

An important initiative comprised the recent publication of "Special Issue" of the periodical. In it we have presented a comprehensive picture of our country's political, administrative and judicial systems, and have also provided information in regard to various scams and scandals which have tarnished the image of our country. Six thousand copies of this "Special Issue" have been sent, to members, Ministries of Government of India, Chief Ministers of States, Judges of the Supreme Court and High Courts, and other known individuals. We have been receiving a number of telephone calls and letters asking for more copies of this publication; these convey appreciation of what has been presented in it.

(2) **Communal Harmony :**

Problems relating to communal disturbances and cases of disharmony between the communities have been causing deep concern in the country. We had dealt with this matter in a special write-up which was widely circulated in the country. Its copy was published in the previous issue of our periodical under the title "RELIGIOUS FANATICISM IS A CURSE FOR HUMANITY". We have since written letters on this subject to the Minister of Information & Broadcasting, National Film Development Corporation (NFDC) and certain important Film Producers, suggesting that TV programmes and films should be produced which help to generate an atmosphere of peace and harmony between communities. Copies of the letters are reproduced in this issue of the periodical.

Overcoming Weird Rituals and Witchcraft :

There were recent reports on TV about the weird practices followed in a village in the South, of

grown-up children being wrapped in shrouds of cloth, taken out in processions, and buried for a minute before being taken out. There was also report of a child of seven years having been sacrificed for appeasement of some evil spirits. These are unfortunate depiction of ugly instances of witchcrafts, rituals and appeasement of superstitions, which exist among illiterates and backward areas in certain parts of the country. We have written to the Ministry of Human Resource Development urging that there is need for generating concrete efforts "to develop scientific temper, humanism and spirit of enquiry and reforms", which requirements are prescribed among the Directive Principles embodied in Article 51(A)(H) of the Constitution of India. We are further following up this matter by taking it up with the National Human Rights Commission.

(4) **Commissions of Enquiry :**

We have recently taken the initiative of securing copies of latest Annual Reports of the Commissions established by the Government of India under the Commissions of Enquiry Act, 1952. These Commissions include National Human Rights Commission, National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women, and National Commission for Minorities. We have written to the Government of India to ascertain particulars of various other Commissions set up by the Central Government under the Commissions of Enquiry Act, and have also addressed all State Governments to ascertain action taken by them in setting up such Commissions which they are also authorised to do under this Act. We hope to follow up this matter for determining whether useful and positive efforts are being made to derive concrete utility by setting up of the various Commissions.

ANNUAL ACCOUNTS

In the attached audited Statement of Income and Expenditure of COMMON CAUSE it will be noticed that (i) the amount of donations this year has been somewhat less than that of previous year, (ii) Annual membership fee is also lesser than that of previous year, (iii) interest amount on Fixed Deposit with SAIL has decreased. (SAIL has in fact now decided that they will not henceforth renew the deposits), (iv) foreign contribution (grant from FNST for printing of periodical) has been somewhat lesser than that of previous year. On expenditure side the expenditure on staff (staff comprising only of the Consultant, Office Superintendent, two Stenographers and two Peons – one at A-31, West End, and the other at COMMON CAUSE HOUSE, besides Director) is practically the same as last year. The other main items relate to printing, stationery and postage, mainly relating to periodical (this has increased because of increase in postage rates). In the Statement of Assets and Liabilities it will be noticed that there is no particular change in the Life Membership Fund and Corpus Fund. In the Accounts of COMMON CAUSE TRUST there has been increase in yield from rent (two floors of the building are on rent) and interest on fixed deposits has also increased. Expenditure has considerably been less than that of previous year. Overall budget is surplus.

A BALANCED PERSON

We cannot achieve salvation unless we enrich our personality and engage ourselves in action and particularly selfless action. This is the message of scriptures. For this first we have to become a balanced person before we can become a spiritual person. The balanced person is one who has internalised the four principles of life, namely selfless action, avoidance of negative feelings, tranquillity of mind and congruence between thought, word and action. We should remember that spiritual journey is very fascinating as it takes us from the mechanical person to the balanced person and then on to the spiritual person.

AUDITORS REPORT

We have audited the attached Balance Sheet of Common Cause (the Society) as at 31st March, 2002 and also the Income and Expenditure Account for the year ended on that date annexed thereto after incorporating the accounts of the Common Cause Trust (the Trust). These financial statements are the responsibility of the Management of the Society/the Trust. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in India. Those Standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

We report that:

- i. we have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit;
- ii. in our opinion, proper books of account as required by law have been kept by the Society/the Trust so far as appears from our examination of those books;
- iii. the Balance Sheet and the Income and Expenditure Account dealt with by this report are in agreement with the books of account; and
- iv. in our opinion and to the best of our information and according to the explanations given to us, the said accounts give a true and fair view in conformity with the accounting principles generally accepted in India:
 - a. in the case of the Balance Sheet, of the state of affairs of the Society/the Trust as at 31st March, 2002; and
 - b. in the case of the Income and Expenditure Account, of the Deficit in Common Cause, and Surplus in Common Cause Trust for the year ended on that date.

For VKGN & Associates
Chartered Accountants

Vijay Gupta
FCA-81986

Place : New Delhi
Date : July 27, 2002

COMMON CAUSE

(Registered under the Societies Registration Act, 1860)
Balance Sheet As At March 31, 2002

Schedule		31.03.2002	Schedule		31.03.2002
LIABILITIES			ASSETS		
Capital & Corpus Fund Accounts	A		Fixed Assets	D	4,18,681
• Life Membership Subscription Fund		8,59,480	Investments	E	
• Corpus Fund		40,50,689	• Fixed Deposits with SAIL		
Foreign Contribution Fund	B	13,671	(Including interest accrued)		38,43,698
Common Cause Trust	C	4,41,593	• Fixed Deposits with HDFC		
			(Including interest accrued)		5,99,731
			Current Assets, Loans & Advances	F	3,78,445
			Deficit:		
			As per Income &		
			Expenditure Account		1,24,878
		<u>53,65,433</u>			<u>53,65,433</u>

Significant Accounting Policies & Notes to Accounts : Schedule G

Income and Expenditure Account for the year ended March 31, 2002

	Amount (Rs.)		Amount (Rs.)
INCOME		EXPENDITURE	
Donations	66,501	Staff Salary & Bonus	2,18,372
Annual Membership	13,325	Honorarium to Consultant	1,03,500
Associate Membership	2,600	Printing & Stationery	1,80,506
Interest Received		Water & Electricity Expenses (Net)	12,719
• Savings Bank	15,961	Telephone Expenses	16,926
• Fixed Deposit with SAIL	4,67,841	Postage Telegrams	69,188
Interest Accrued on FD with HDFC	44,731	Legal Expenses	32,590
Miscellaneous Income	700	Conveyance Expenses	31,288
Unclaimed balance written off	513	Ground rent	--
Amount transferred from :		Meetings & Seminar	3,360
Foreign Contribution Fund Account	1,40,612	Membership Charges	1,120
Deficit - Excess of Expenditure over Income	86,039	Bank Charges	2,059
		Books & Periodicals	726
		Repairs & Maintenance	11,713
		Miscellaneous Expenses	3,332
		Housekeeping & Staff Welfare	8,570
		Depreciation	67,379
		Audit Fee	10,500
		Office Renovation	65,000
	<u>8,38,823</u>		<u>8,38,823</u>

Significant Accounting Policies & Notes to Accounts : Schedule G

Signed in terms of our report of even date

For VKGN & Associates
Chartered Accountants

For Common Cause

Vijay Gupta
FCA-81986

Govind Narain
President

H.D. Shourie
Director

Place : New Delhi
Date : July 27, 2002

Maj. Gen. U.C. Dubey (Retd.)
Treasurer

Schedule-C

COMMON CAUSE TRUST

(Under Regulation 8 of the Rules & Regulations of the Common Cause)

Balance Sheet As At March 31, 2002

		Schedule 31.03.2002	Schedule 31.03.2002
LIABILITIES			ASSETS
Building Fund Account (being Donations received from Goodearth Foundation)	83,00,000		Fixed Assets C-1 62,75,296
Security Deposit (Rent)	3,57,000		Investments
Advance Rent	3,57,000		• Fixed Deposits with HDFC Bank 16,80,935
Surplus/(Deficit):			• Interest accrued thereon 49,383
As per Income & Expenditure Account	C-2 42,496		Balance with HDFC Bank A/c . No. 0112020000044 92,267
			Deposit with Delhi Vidyut Board 1,44,500
			TDS on Rent recoverable
			F.Y. - 2000-2001 73,304
			F.Y. - 2001-2002 2,96,514
			TDS on Interest recoverable 3,69,818
			Balance Transferred to Common Cause 2,704
			4,41,593
		<u>90,56,496</u>	<u>90,56,496</u>

Schedule - C-2

Income and Expenditure Account for the year ended March 31, 2002

		Schedule 31.03.2002 Amount (Rs.)	Schedule 31.03.2002 Amount (Rs.)
INCOME			EXPENDITURE
Rent	15,47,000	Electricity Expenses	41,402
Interest on Fixed Deposit	1,22,196	Donation (P M Relief Fund)	--
Interest of Income tax refund	13,345	Depreciation	C-1 5,52,964
		Property Tax	4,14,091
		Bank Charge	296
		Ground Rent	58,712
		Surplus (Deficit)	6,15,076
		<u>16,82,541</u>	<u>16,82,541</u>

Signed in terms of our report of even date

For VKGN & Associates
Chartered Accountants

For Common Cause

Vijay Gupta
FCA-81986

Govind Narain
President

H.D. Shourie
Director

Place : New Delhi
Date : July 27, 2002

Maj. Gen. U.C. Dubey (Retd.)
Treasurer

OUR ACTIVITIES AND PROGRAMMES

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

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

OUR GRATEFUL THANKS

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

matter relating to the pending criminal cases of the courts of the country was taken to the Supreme Court. In our writ petition specific suggestions were submitted for adoption of procedures for dealing with backlog. The important decision given by Supreme Court in this case led to the discharge of large number of accused persons and release of prisoners whose cases had dragged on for long periods. These directions have brought about termination of hundreds of thousands of cases all over the country. On the subject of general malfunctioning of Blood Banks a writ petition was formulated and taken to the Supreme Court. Directions given by the court on this important matter has led to the evolution of system for registration of Blood Banks and stoppage of use of professional blood donors. On the general matter of corruption and establishment of the institutions of LOKPAL and LOK AYUKTAS in the country the Supreme Court, on a writ petition of the organisation, gave a verdict of severe punishment in a particular case, and the matter relating to the appointment of Lok Ayuktas has continued to be pursued by issuing direction to all States. On another writ petition the Supreme Court gave very important direction in relation to the conduct of election campaigns by the political parties, in relation to a provision which has been incorporated in the election law. The Court also directed strict compliance with law in relation to the submission of Income-tax Returns by the political parties.

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

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

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