



COMMON CAUSE
SPECIAL MEMORIAL ISSUE

GREAT CRUSADER FOR PEOPLE'S CAUSES
H. D. SHOURIE
(1912-2005)

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H. D. Shourie, civil servant of almost legendary status for 35 years and an agent of civil action for over 25, died on 28 June 2005, having lived a life devoted to truth, beauty and a dogged pursuit of the good. In 1980 he founded COMMON CAUSE, coming face to face with the inequities of governance and fighting battles that would benefit millions across the country.

In this Special Memorial Issue of COMMON CAUSE, we have collected H. D. Shourie's photography and his paintings, essays on his life and work, extracts from his notebooks and a compilation of the cases he fought in an attempt to present the many shades of this exceedingly simple yet uncommonly gifted man.



GREAT CRUSADER FOR PEOPLE'S CAUSES

H. D. SHOURIE

(1912-2005)

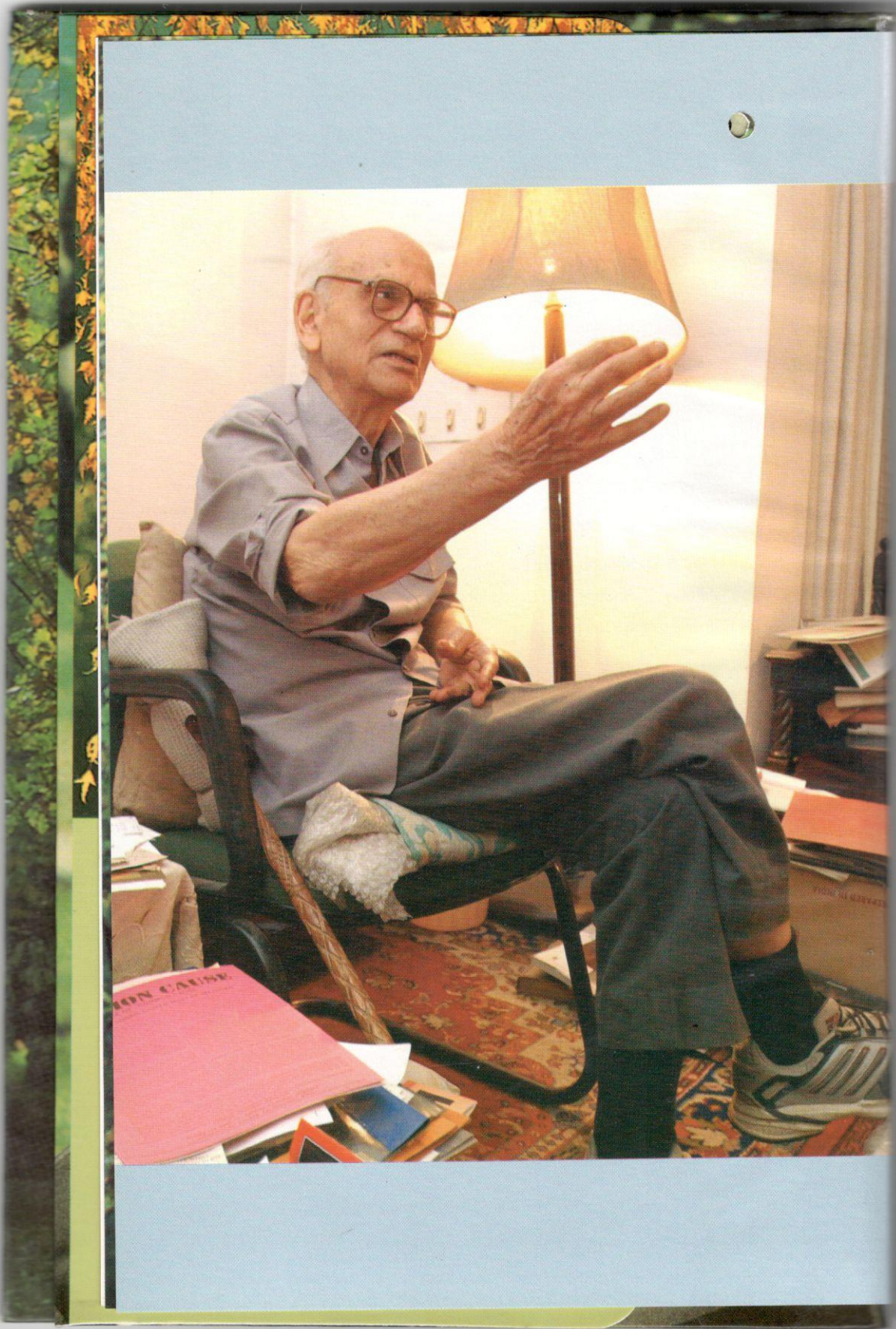
COMMON CAUSE

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CONTENTS

Foreword <i>P. K. Dave</i>	5
Part One : H. D. Shourie : A Life	7
The Life of H. D. Shourie : An Exceptional Man's Common Cause	8
My Father's Empty Chair <i>Nalini Singh</i>	14
H. D. Shourie and Industrial Development of Punjab <i>Dr. P. C. Alexander</i>	22
A Good Man who did Good Things, Passes Away <i>Fali S. Nariman</i>	24
Remembering Shourie Sahib <i>N. N. Vohra</i>	26
A Love They Shared : H. D. Shourie and Poetry	32
Part Two : Letters of Condolence	37
Part Three : COMMON CAUSE : Twenty-five Years of Public Service	45
COMMON CAUSE : An Introduction <i>Maj. Gen. U. C. Dubey</i>	46
Hari Dev Shourie <i>Govind Narain</i>	50
COMMON CAUSE : A Compilation of Cases	53
List of Cases	84
Publications by H. D. Shourie	86



FOREWORD

I first came to know H. D. Shourie in the late 1950s when I used to attend meetings in the Central Ministry of Industries. At that time he was vigorously promoting the small industries movement in Punjab; even then he was hailed as the architect of Punjab's rapid industrialisation. Soon thereafter, he sponsored the productivity concept and went on to create the National Productivity Council. Around this time, he had a brief spell as Consultant in the United Nations, but soon found that there was money but no sense of achievement in the job, came back to lead the productivity movement, and thereafter proceeded to establish the Indian Institute of Foreign Trade in Delhi, now a Deemed University.

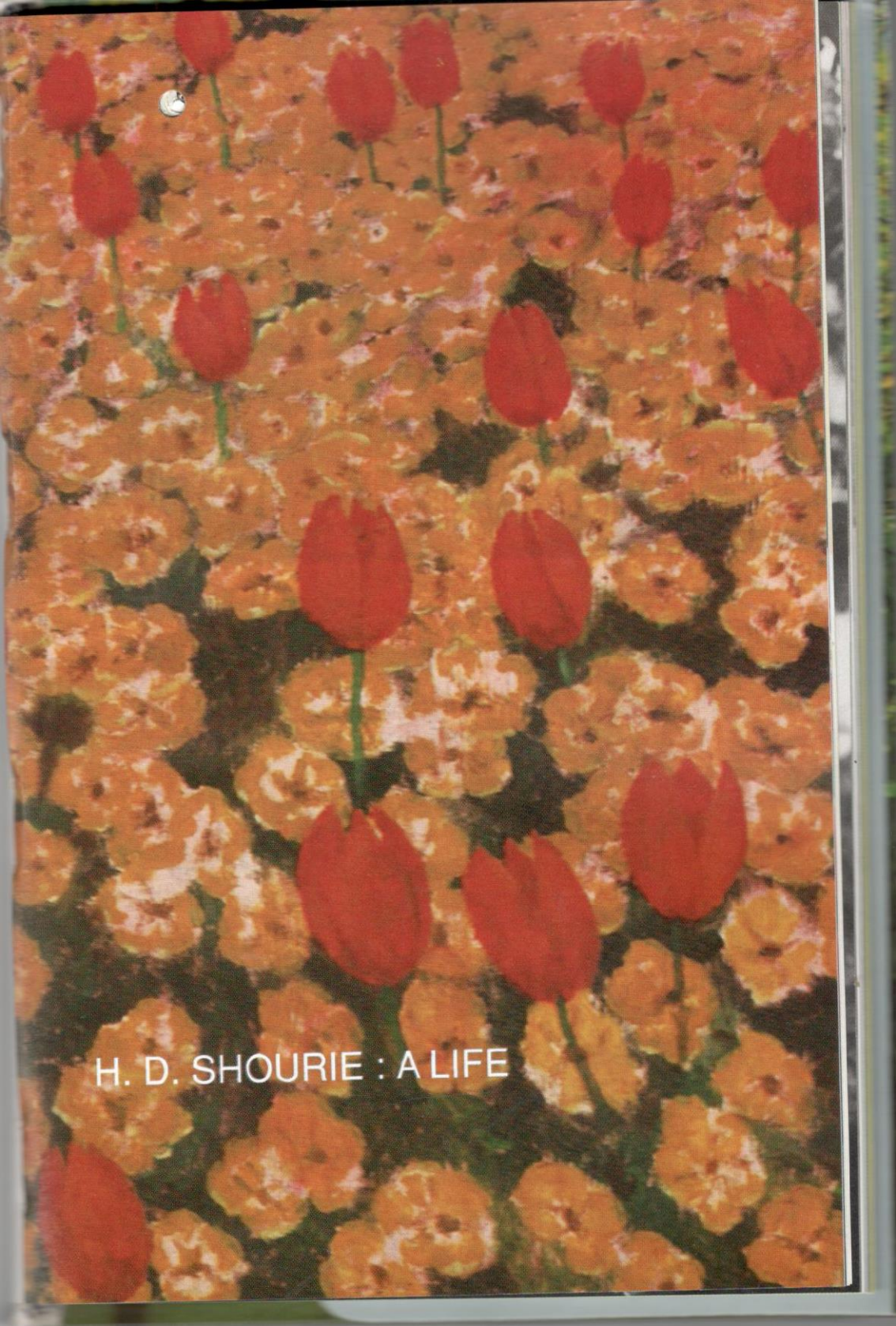
Thereafter our paths did not cross, as I went my way to various postings in and out of Delhi. By the time I returned from Brussels on retirement in 1981, COMMON CAUSE had not only been founded by H. D. Shourie, but it soon became known for its vigorous sponsorship of public causes. He achieved a most notable success in the Supreme Court in the retired civil servants Pension Case in which lakhs of pensioners benefited. The success in the cases of pensioners' widows and the restoration of pension commutation after 15 years followed soon, again benefiting lakhs. His achievements were many and varied, touching several aspects of people's lives as also the institutions of our federal democracy.

HD, as I started calling him, never hesitated in bringing up any of the shortcomings of governance, the justice system and parliament as well as of the political parties. I see that some of his important achievements and initiatives have been summarised in this commemorative publication. He also founded the Consumer Co-ordination Council of India and was its first Chairman. He saw to it that Councils were established in all the states.

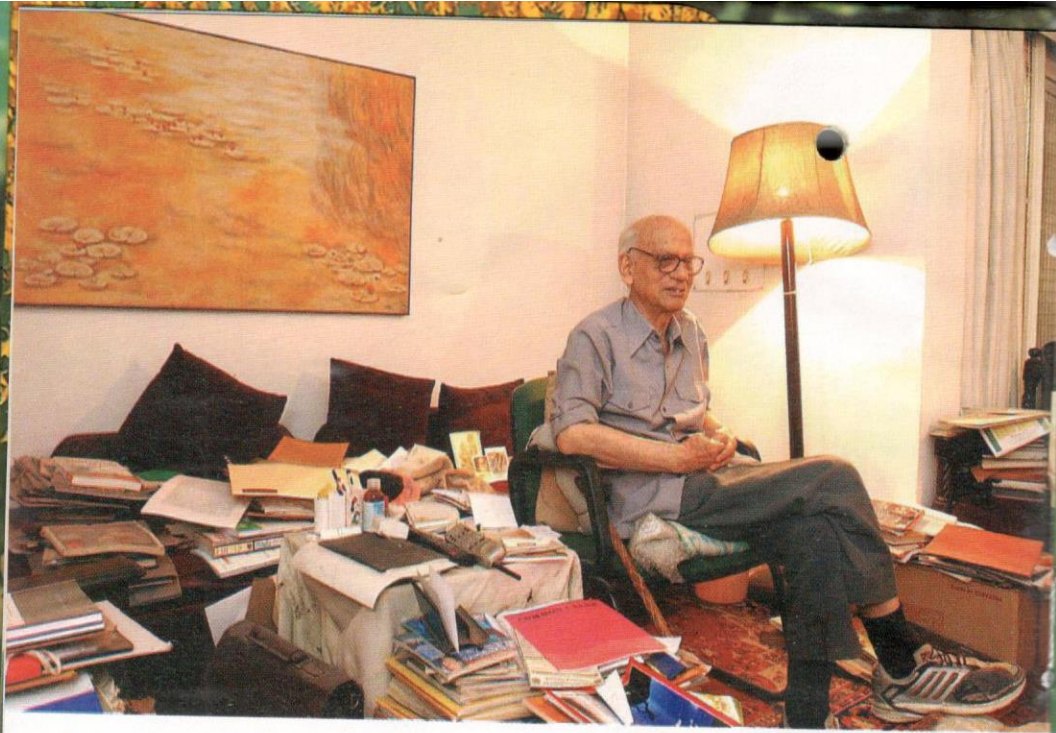
However, HD was even bigger than his successes. I came to know him through close personal contact after my tenure as Lieutenant Governor of Delhi. We met quite often to discuss problems of the country and the people. It was characteristic of his dedication, simplicity and complete disregard of his own comforts that whenever he wanted to see me (I was ten years younger and always respectful) he would call on the telephone and say he wanted to drop in for a few minutes. My protestations that I could more conveniently go over to meet him were brushed aside. He would come even when he had trouble walking, dressed in his usual khaki shorts and sandals and first ask about my health, seldom talking about his own. He would then talk about the subject that was worrying him at the time, always a problem of national importance or a problem affecting the public. And always earnest, fearless, and determined to pursue a public cause. This rare combination of unwavering integrity and deep humility won the respect of all, even those whose policies he was protesting against. The higher courts respected, even welcomed his activism, recognising his deep-seated interest in the welfare of the common man. In many cases he was permitted to present and argue his own petitions even though he was not a qualified lawyer.

In HD, the country, and the people he served with such dedication, determination and humility, have lost a great champion of the problems equally of the common man and of governance.

P. K. Dave
New Delhi
15 September 2005



H. D. SHOURIE : A LIFE



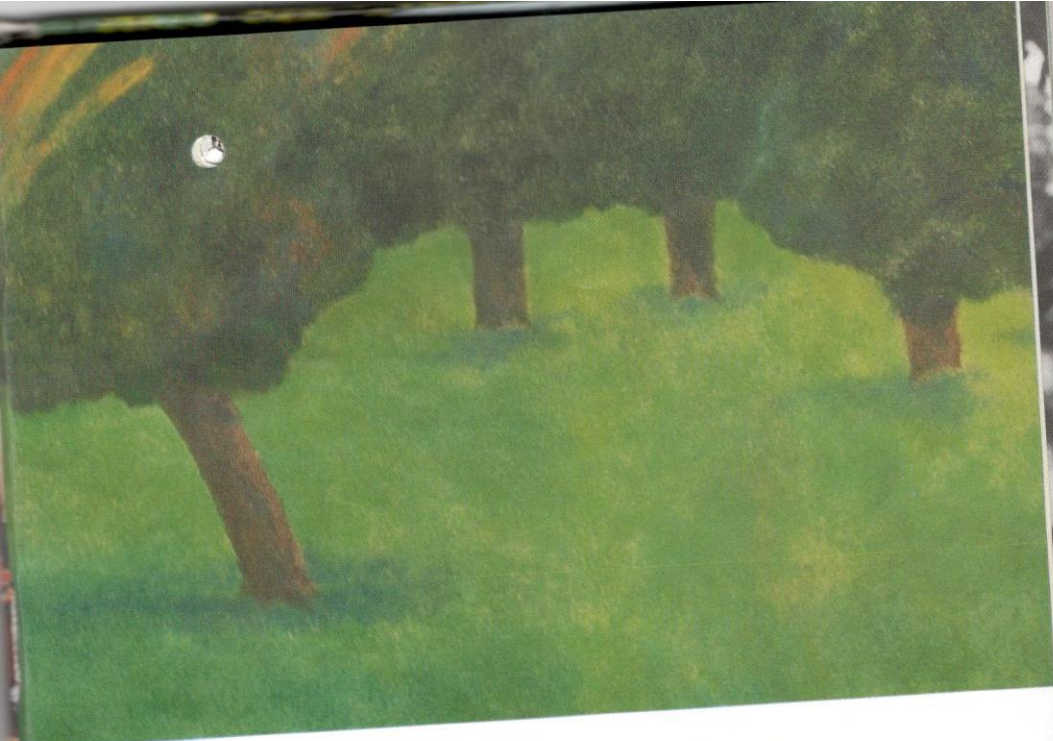
THE LIFE OF H. D. SHOURIE

'The voice of the common man must rise,' said this soft-spoken revolutionary, on his 91st year, after a quarter century of coaxing that voice out with the promise that he would ensure it got heard. H. D. Shourie, civil servant for 35 years and an agent of civil action for over 25, died on 28 June 2005, having lived a life that straddled many borders.

The most obvious boundary perhaps would be the one created across India in 1947. Shourie worked as a City Magistrate in Rawalpindi and then Lahore till the eve of Partition, when he was appointed Deputy Commissioner for Refugee Relief on this side of Punjab. His career, though successful, acquainted him with an uncomfortable paradox. Years later, he would say "Throughout my career, I was faced

with numerous complaints from ordinary citizens. But being in the government, I could not do much to ameliorate their plight.'

Another man might have adapted to the notorious inefficiency of governance. Or sunk, as many do, into what Shourie deplored as 'thinking only about oneself, never about others... the *chalta hai* attitude'. But Shourie, fired by a sense of purpose often missing in much younger men, plunged almost immediately from retirement into civil action. Major General U. C. Dubey recounts with love and admiration how what began with repeated trips to DESU over incorrect billing and gathered steam over conversations between retired neighbours sipping afternoon tea eventually gave rise to



AN EXCEPTIONAL MAN'S COMMON CAUSE

COMMON CAUSE a forum for consumer complaints that, in its greatest victories, benefited millions.

*Why am I sticking my neck out?
Because that is what a neck is for! Is it not?*

Founded in 1980, COMMON CAUSE lists as its first important case the fight over liberalised pensions. Though of great benefit to pensioners, this liberalisation excluded those who had retired before its implementation in 1979. Shourie began by writing to the Government. When this failed, he wrote in newspapers, asking the disqualified pensioners to send him their stories. Letters poured in and, armed with a stupendous 15,000 representations, COMMON CAUSE returned to the Government. Once again, their appeal was turned down.

Undaunted, Shourie approached a lawyer who drafted a Writ Petition. 'I did not even know,' Shourie later reminisced, 'What a Writ Petition was!' Two years later, the Supreme Court gave its decision. COMMON CAUSE had won, and the repercussions would affect 4 million people - 'one hell of a lot of pensioners', as Shourie would later put it, with characteristic humour.

Shourie did not rest to savour his victory. In rapid succession, he took on cases that dealt with property tax, malfunctioning blood banks, the Rent Law, electricity billing and telephone complaints, the inefficiency of airlines, the reduction of pending criminal cases and the financial accountability of political parties during elections. In all, COMMON CAUSE filed 70 Writ

Petitions over 25 years, many drafted by Shourie himself, who began to appear regularly in courts, arguing his cases himself.

I cannot reconcile myself to the fact that there are problems around and I cannot solve them...

These are the things that push me. I have an urge within. If I can do it, why shouldn't I? If there is something that is causing inconvenience why should I not try and eradicate it? I cannot divest myself of the responsibility.

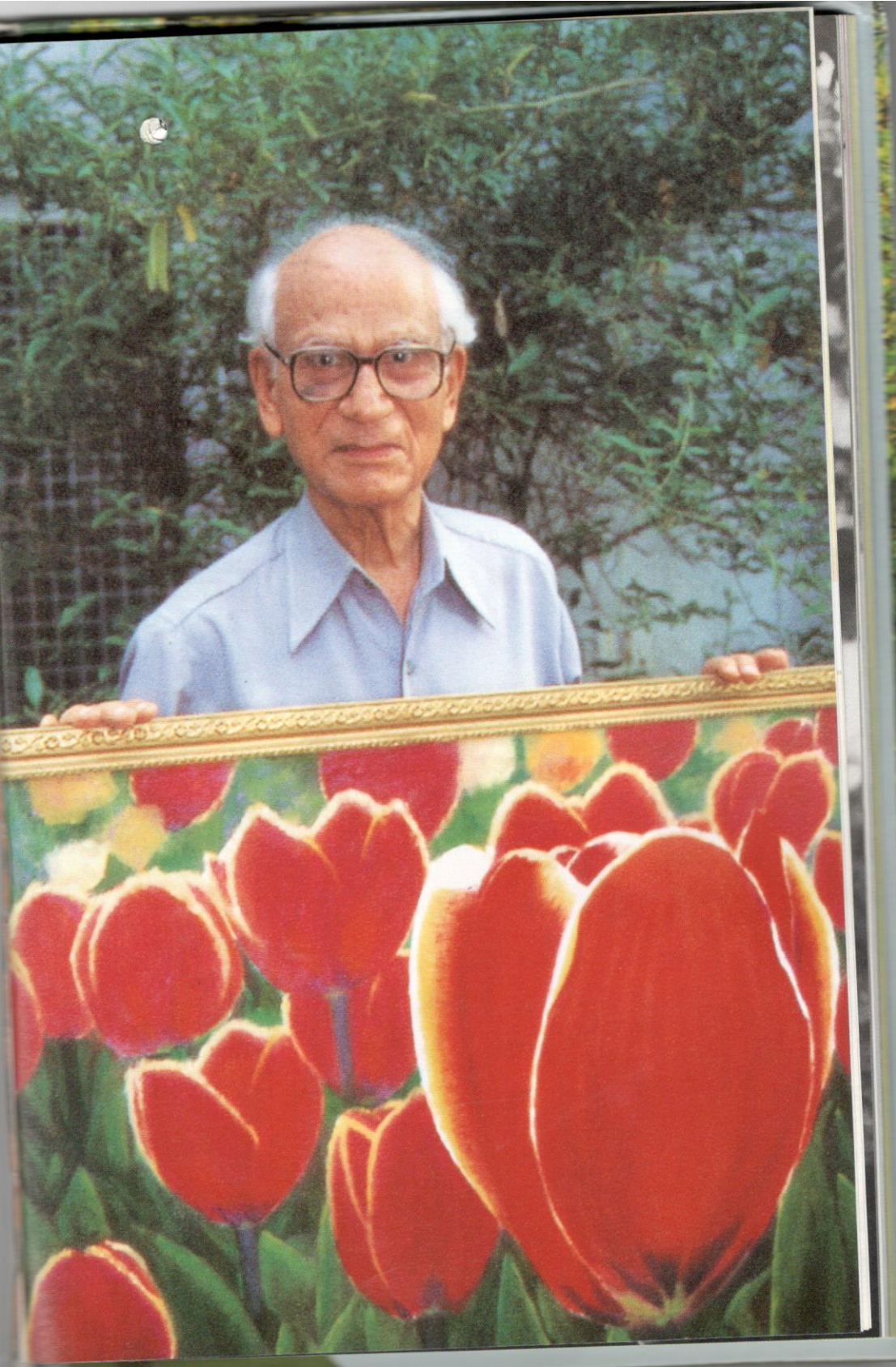
And the more responsibilities he took on, the more vital his existence became, despite his advancing age. He did not suffer from the weakness, frustration and anger that so often accompanies old age. Yet he was aware of the lonely debility that can plague the aged; and such thoughts led to one of his greatest passions, the morality of euthanasia. Shourie wrote extensively on the subject, fought its case in court and eventually produced a book, *Life's Finale: Voluntary Exit*.

Contemplating death, coming face to face every day with the inequities of governance, fighting one lost cause after another, Shourie's greatest achievement was, perhaps, to retain his sense of humour and his sensibility to beauty. At 70, he taught himself to paint. 'People paint what is ugly,' he would say, 'But I choose to paint the beautiful'. An avid photographer of nature for 50 years, he

transferred this love to the canvas, producing exquisite images - fields of flowers stretching into the horizon, vivid poppies flooding the frame, the translucent splendour of a forest reflected in water.

At 90, he published a book of humour, *The Funniest Jokes in the World*, because 'one must never lose one's ability to laugh'. And he wrote, relentlessly. A small black notebook travelled in his pocket at all times, and he would use it to jot down a line of poetry, or read out a particularly appropriate couplet. Friends, relatives and acquaintances, those who met him briefly, like reporters, and those whose interaction was more sustained, all remember Shourie with his notebook, and remember the lines he read out to them. His three children, Arun Shourie the former editor of *Indian Express* and Member of Parliament, Nalini Singh, the television journalist and Deepak Shourie, the Managing Director of Discovery Communications, associate their upbringing with their father's pithy advice. 'You are eagles,' he would tell them, 'And you will soar to great heights. Contrary winds will only raise you higher'.

They recall their family as independent individuals knit close together, the strength of each personality only reinforcing the others. Shourie's wife Dayawanti, his companion for over

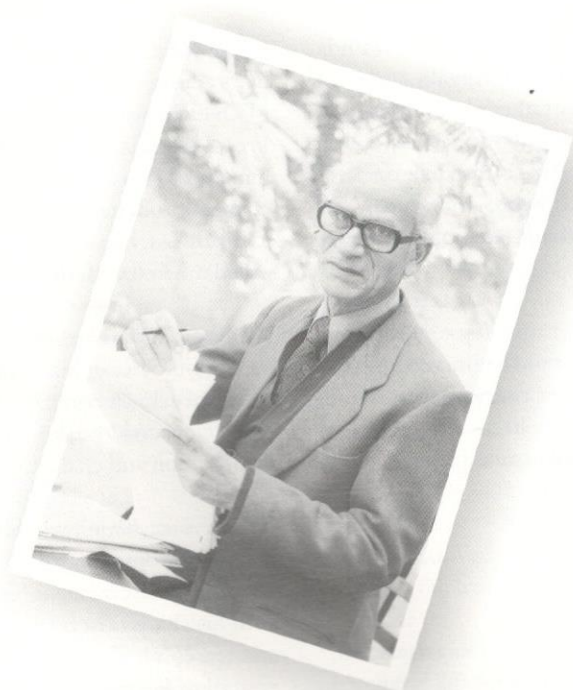




60 years anchored the family together. The ease with which they complemented each other and the love they shared is apparent in any photograph, in which they radiate a good-natured calm.

Such calm coupled with a magnificent simplicity characterised all Shourie's endeavours - the simplicity of flowers and water, the liquid clarity of jokes and *shaayari*, the everyday relevance of the causes he undertook. His death even was almost effortless - he worked as usual the day before and died peacefully

in his sleep. And all the emotion that followed the news- again a simple grief. Condolence letters and obituaries spoke of his wisdom, courage and dedication; and the authors' sense of loss was apparent. This 'man of many gifts' as Khushwant Singh called him, this 'messiah of the masses' as the newspapers referred to him, Hari to his friends and a man of almost divine powers to the millions he helped, H. D. Shourie left behind an uncommonly poignant legacy: 'The voice of the common man must rise'.





MY FATHER'S EMPTY CHAIR

In the lobby of the house in West End that our parents built, frugally and lovingly, sits my father's 'plastic' chair, with a rubber cushion and a pink towel draped over it. This is the chair on which he sat, phoning, writing, 'dictating', laughing, and holding our mother's hand.

'Iss dillagi ke baare mein, ik mashvira tumse karta hoon', he would begin, reciting one of 'their' couplets, precious memorabilia of a wonderful life lived together, and our mother would smile and provide the next line:

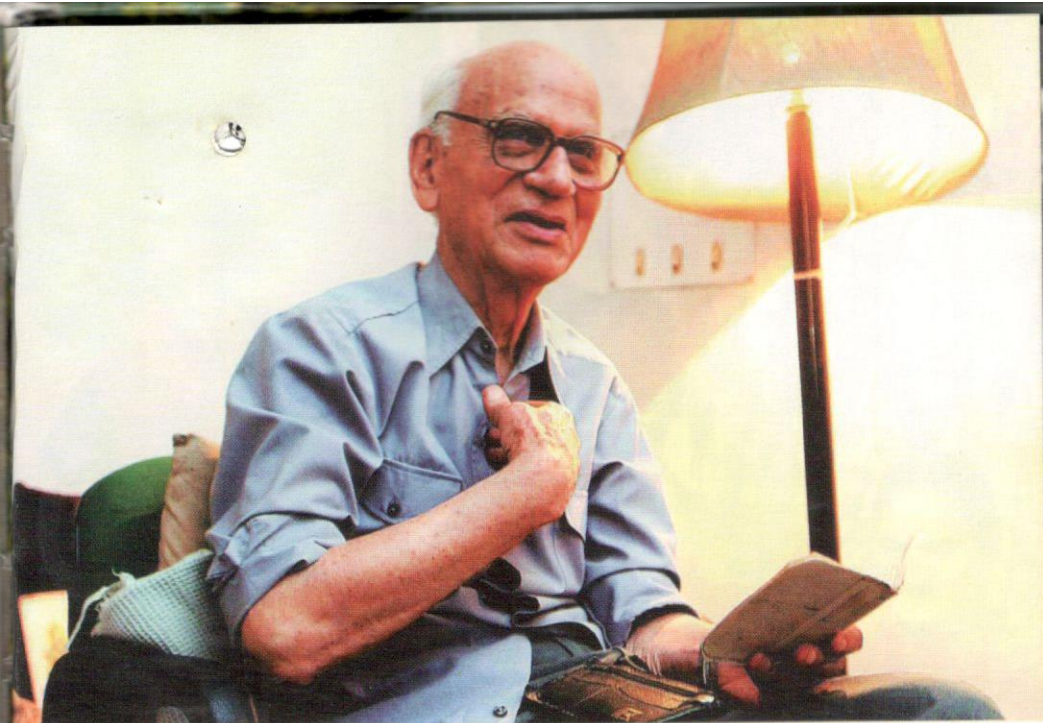
'Uss wakt mujhe kya laazim hai, jab tum pe mera dil aa jaaye...'

So it's not just his chair that sits vacant, but also hers, next to his, still holding the

house together. His cordless phone rests in its cradle, and a few days ago when MTNL changed the West End numbers I reached out spontaneously to phone him to tell him his numbers had changed, and then swallowed the lump in my throat, because he would have called me first with the new number.

We always talked two or three times a day, not for long, but with a rare resonance. Each conversation communicated love, kindness, information and challenge.

'Koi nai cheez, Bitiya?' was his way of prodding. Sometimes I would peddle my last 'achievement' as *'nai cheez'*, but with his sharp observation he'd laugh, and tease, "That's old; you told me this yesterday. *Koi nai cheez?'*



NALINI SINGH

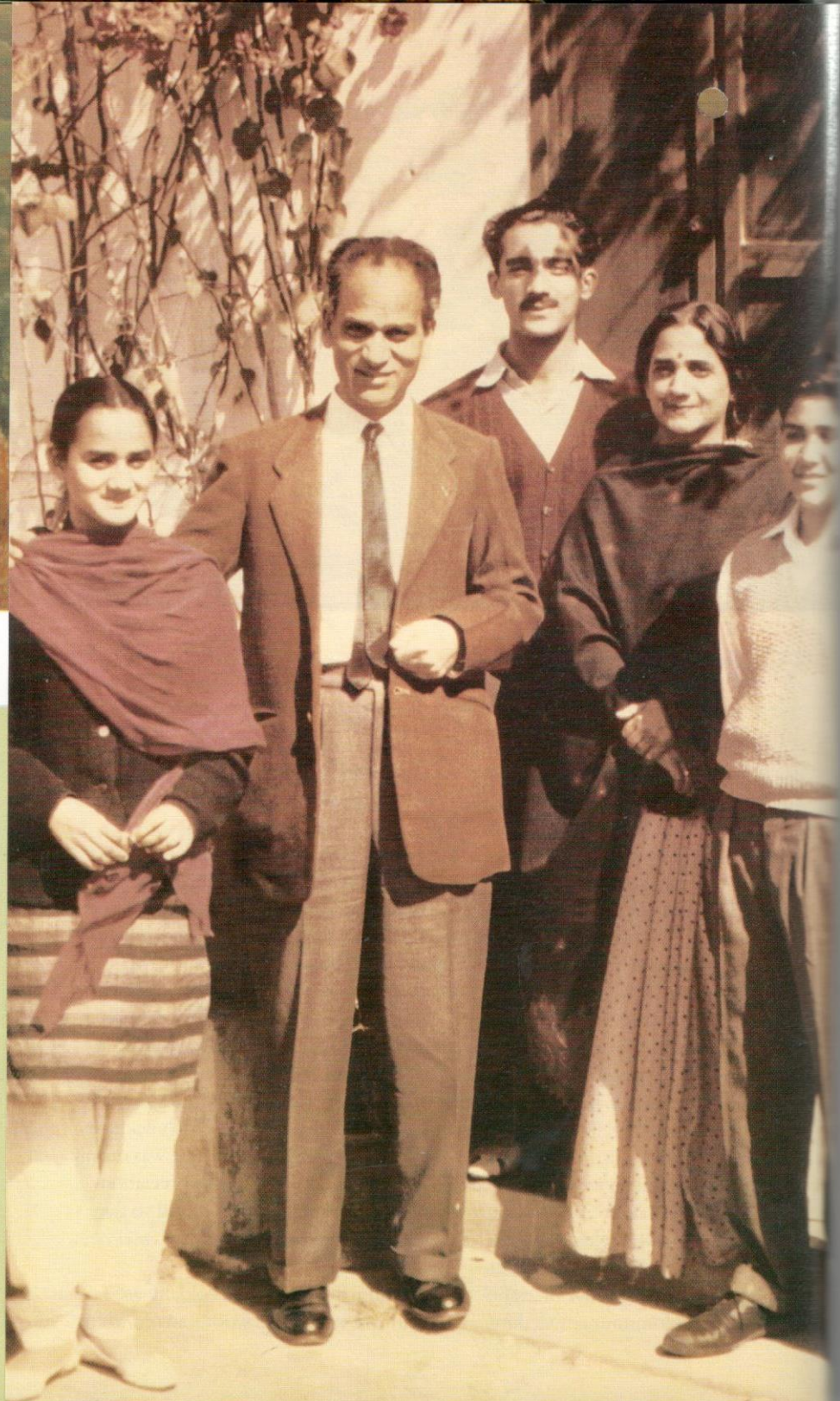
Arun, my brother, says that our father demonstrated what one phone and a ball-point pen can achieve, and that too, a phone without STD or ISD connections. His telephone diary has meticulous entries of law makers, law implementers, lawyers, experts, specialists, persons who work for others. How can anyone be so meticulous, I marvel, as I run through the vast array of names. He used this network of phone contacts to access valuable information for 'causes that burn'.

Running through the list of 100 and more Writ Petitions he wrote and filed in the High Court and Supreme Court, I still wonder how he selected such critical subjects. I don't know, but the list mirrors his strong sense of right and wrong, his commitment to duty

and his belief in working for others, without a thought to the rewards.

Talking about rewards, we found the citation scroll of his Padma Bhushan, rolled and still tied with the Rashtrapati Bhawan string, in a small corner of the drawing room, and don't know what happened to the Padma Shri that he was awarded almost 40 years ago. Awards, scrolls of honour, trophies lie crowded in a gigantic trunk, where our mother must have placed them as a way out of my father's dilemma: he didn't want any display of recognition, yet he was deeply grateful for the love and appreciation that the awards embodied, and so they nestle in the trunk to this day.

Up until he was 89 years old, he used another 'tool' in his work - an old white



Maruti car that he drove himself to the High Court and the Supreme Court, rejecting the family's pleas to engage a driver. As cars with drivers occupied the pavements flanking the gates of the Courts, he would park the old car about a kilometre away, and carry his files to the Courts, often to argue his cases himself. A retired justice of the Supreme Court told me, 'At first we tested him, to assess if he was genuine. When we realised how sincere he was, we wanted to rise to salute him each time he came to Court'.

Of course he was not a lawyer, but he would prepare himself to argue by reading the relevant AIR cases and the case law. Accustomed to the Internet, I often wonder how he mobilised all the information he required, beyond the nuggets supplied by his phone network. And I conclude that he brought four spectacular characteristics to his work: ferocious focus, unflagging perseverance, broad-mindedness and 'rising above' the trivial.

Later of course some selfless lawyers joined him and argued the COMMON CAUSE cases. As his work snow-balled, I asked him to employ an assistant or two. He asked what the salary would be. About Rs. 20,000 for somebody good, I mentioned. 'Rs. 20,000! Rs. 20,000! *Tauba, tauba*, is that what they expect today? There is no question of spending

that kind of money!' He was firm. He was absolutely baffled when I told him that CEOs earn almost a crore a month, 'What is the need for all that money?' he shook his head. By same-stratum standards, he had probably very little money, yet he would announce with a twinkle in the eye, '*Arre, babut paisa hai...* We have enough, that's all'.

Late one afternoon both he and my mother were having fruits peaches and mangoes. 'See, we can have fruits three times a day now!' he marvelled happily, no doubt contrasting this 'indulgence' with the no-frills manner in which we had lived while he was in service. Deepak, my brother, plied them with such 'frills', and equally with all the medical attention they needed. About Arun my father used to say that he would pluck stars from the skies, if he thought that they needed them (*'Jalak se tare bhi tod laaye'*). My last memory of them together is of Arun gently holding about ten soft toothbrushes for my father to choose from, since his gums were hurting.

My father often said that our mother, and the whole family was the source of his strength. But actually, and reciprocally, he was the strength of the whole family. He had one, and only one, formula for dealing with any argument or any words spoken in the heat of the moment by anybody in the family -

to apologise immediately, within seconds; and the 'injured' also had to forgive immediately. He did so himself and often wrote notes to one of us saying, 'I'm ashamed of myself for misbehaving', when his 'offence' was no more than raising his voice a little. That is truly the most precious legacy he has left behind in the family.

Perhaps the iron self-discipline, forged early in his life and coupled with his crystal clear understanding of right and wrong, gifted him a happy and contented life.

Life brought its share of pain, but he coped uniquely: by stepping up 'constructive' and positive work, and by pushing himself to the limits of endurance to complete the work he

took on. He exercised twice a day, in the morning and evening, even the day before he left us. And he washed his own clothes, up to his 93rd birthday.

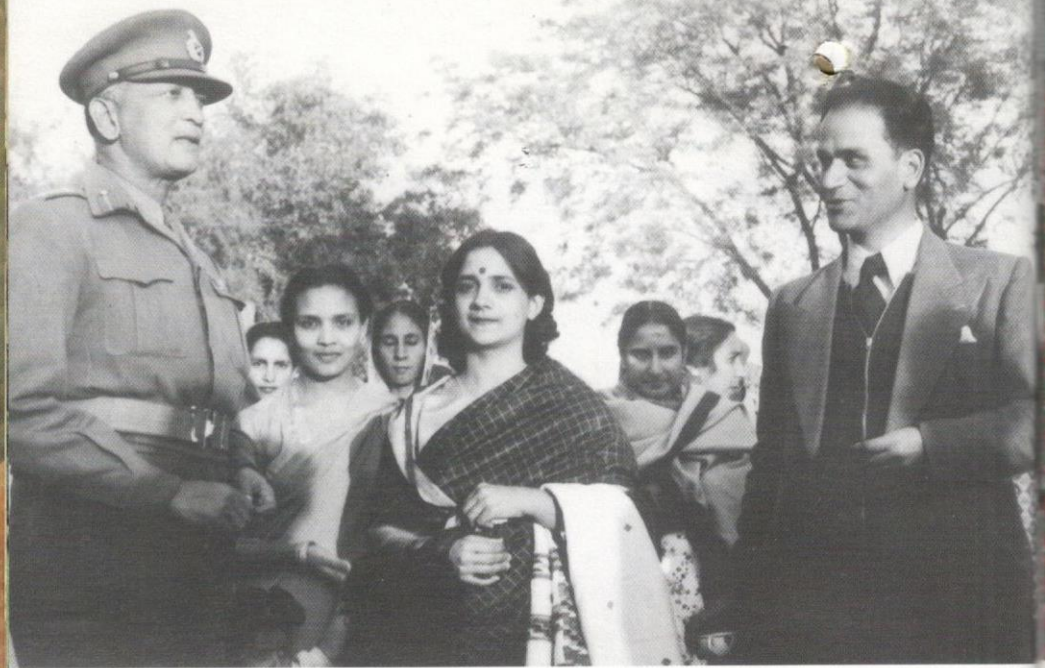
That morning of 28 June 2005, he read the papers, had his tea and biscuits, and then lay down to rest for a while... It's commonly believed that the last moment is the most important moment of a person's life. We'll never know what his last thoughts were, but as a daughter, I know that he was saying goodbye lovingly and without any regrets, and meeting head-on the challenge that death presented.

His photographs and mother's adorn the walls of our homes, yet I'm not reconciled to their absence. Their absence is a keen presence, all the time.









H. D. SHOURIE AND INDUSTRIAL DEVELOPMENT OF PUNJAB

All the obituaries published in Delhi papers on the morning after his sad demise do ample and well deserved justice to H. D. Shourie's contributions to the cause of the common man and protection of the interests of the consumers. However, there is a conspicuous omission in most of these obituaries of the great services he had done in his earlier years in the IAS to the industrial development of Punjab, his home state.

I had the privilege of knowing him and his work very closely when he was Director of Industries in Punjab, from my vantage position in the then Ministry of Commerce & Industry which I joined as a Deputy Secretary in 1955. In those days Punjab included, in addition to the

present state of Punjab, the states of Haryana and Himachal Pradesh as well. Those were days of great shortage of foreign exchange and therefore of tight control over licensing of new industries. Every application for industrial licence had to be justified with full facts and reasons before the Licensing Committee presided over by the Secretary of the Ministry and finally approved by the Cabinet Minister. I recall how ably H. D. Shourie could pilot Punjab's proposals before the Licensing Committee and how easily he could furnish any additional information or clarification asked for by the Presiding Officer. Shourie's masterly performances before the Licensing Committee had created a very good impression on H. V. R. Iyengar the Secretary and later his

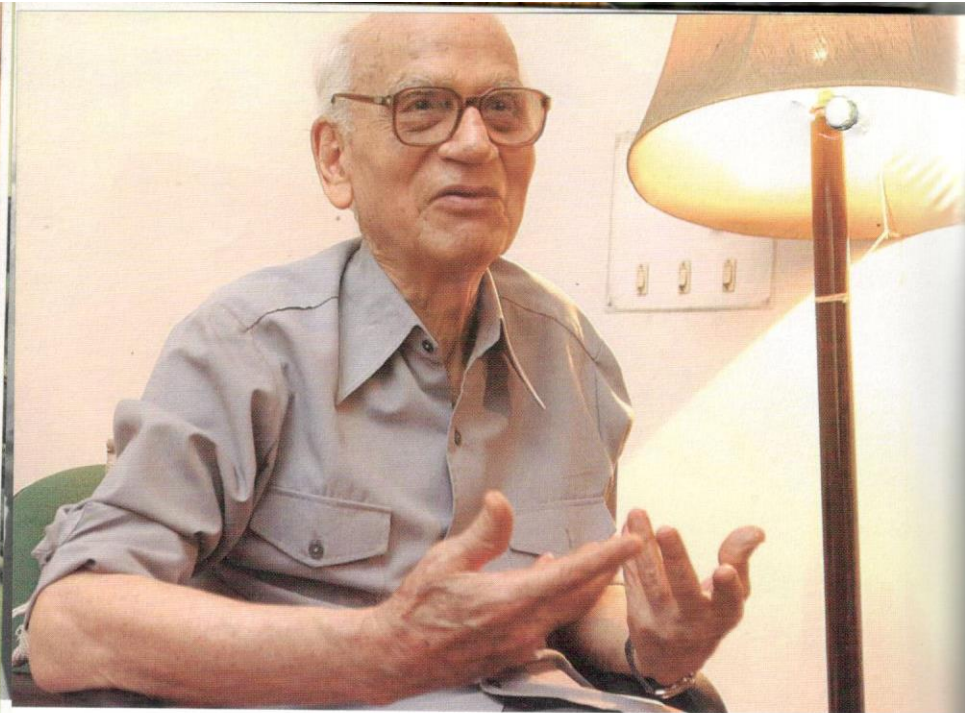


DR. P. C. ALEXANDER

successors in office. It used to be said among the officers in those days that Punjab would never lose a proposal if it was piloted by H. D. Shourie.

Shourie's colossal contributions to making Punjab the premier State in small-scale industrial development deserve special mention. Pratap Singh Kairon who was Chief Minister of Punjab from 1956 to 1964 was a great believer in the potential of small industries for the development of Punjab and he had entrusted this task to the able hands of H. D. Shourie. Towns like Ludhiana, Amritsar, Batala,

Ambala, Jalandhar, etc., had developed in a very short time into bee-hives of small industries under the dynamic leadership of H. D. Shourie. The small industries community in Punjab had great faith in his abilities to promptly solve all their problems, whether it was factory space, import licence, training of workers or access to credit. As one who had the opportunity of watching H. D. Shourie's contributions to the industrial development of Punjab in this period I would say that Punjab can never forget his phenomenal contributions in this field.



A GOOD MAN WHO DID GOOD THINGS, PASSES AWAY

In his autobiography, Robert Moru, a famous surgeon, writes: it is well for every man to stop once in a while and think what sort of collection of mourners he would like to see gathered for his final event.

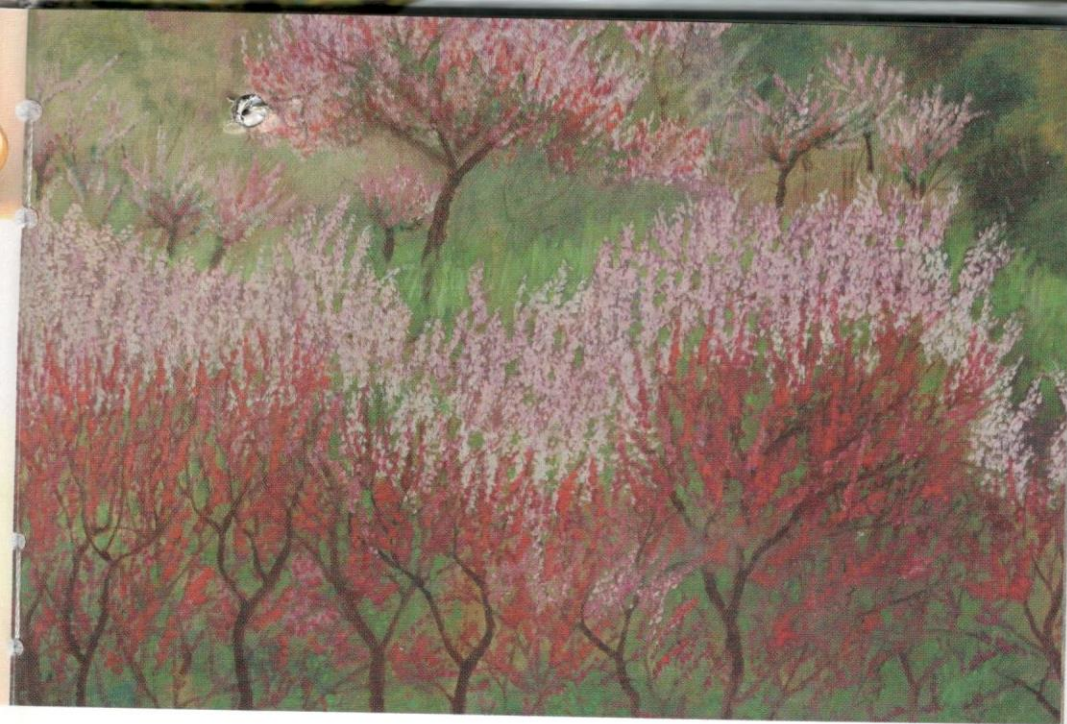
Yesterday, H. D. Shourie, pushing 93, had, as usual, a relatively full day planned. But Fate picked him up at nine this morning, leaving him no time to think of who he would like to see at his funeral: yet, at three in the afternoon, they were all there, from the members of his own loving family right to the President (in the form of a beautiful wreath of condolence from Rashtrapati Bhavan).

His friends and admirers, many of them, were there - those who had heard

of his passing. There would have been countless more who would have liked to pay their last respects, simply because H. D. Shourie was a good man and did good things.

He had made it his mission in life to help people and to fight (yes, that is the word, fight) Noble Causes: up to the very end. Twenty-five years ago he founded COMMON CAUSE 'an organisation for ventilating common problems of the people' (as the blurb on his letterhead always proclaimed).

And he was proud of COMMON CAUSE. In his letter to me of 24 November 2004, he wrote: 'You might not remember but you were one of the Founder Members of COMMON CAUSE when it was



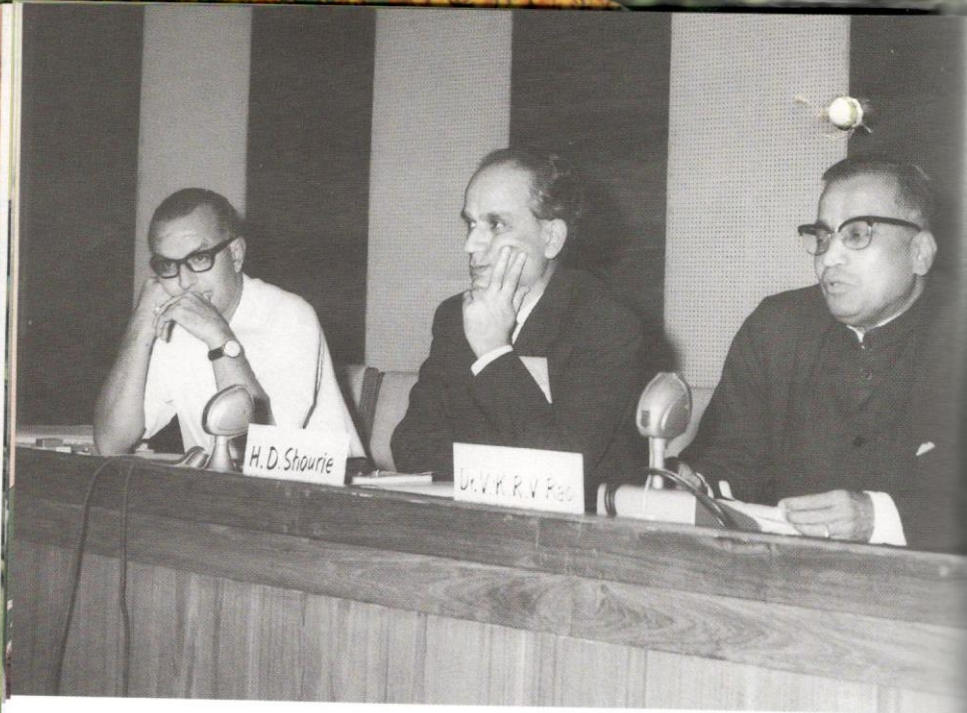
FALI S. NARIMAN

established in 1980. I had to come to your office in Hauz Khas and got your signature for COMMON CAUSE.' He always used capital letters for his favourite brainchild!

In his old age, he did not conserve his seemingly boundless energy by looking after his health, but expended energy in countering injustices - by word of mouth, by letters, by petitions in court,

and, up to the time he was 90, by personal appearance before judges.

He had a fine manner with judges - never rude, never impolite but yet firm and resolute, making his case point by point. Alas, we will not see the likes of him again, and I for one will sorely miss him. A great old oak has fallen and the forest of public causes will never quite be the same.



REMEMBERING SHOURIE SAHIB

The recent passing away of Shri H. D. Shourie, aged 93 years, has saddened thousands of unknown persons across the length and breadth of our country.

As one over two decades younger than Shourie Sahib, as he was affectionately addressed by all his admirers, I got to know him nearly 50 years ago, when I joined the Civil Service in Punjab where, as a first generation IAS officer, he had worked and enjoyed a very high reputation for his outstanding competence and integrity. He later shifted to the Government of India and subsequently moved on to serve the United Nations.

Shourie Sahib was an extremely kind person, willing to patiently listen to whoever knocked his door. Over the

years, whenever faced with troublesome predicaments in my service career, I had sought and benefited immensely from his sage advice.

I could not attend his funeral but was among the hundreds of people who flocked to remember him at the prayer meeting held after his passing. Sitting around me were young, old and very old people from visibly varying backgrounds, none of whom I had ever seen before.

Who were these people and why were they mourning the passing away of Shourie Sahib? An answer to this question would unfold the exciting story of Shourie Sahib's work for over three decades after his retirement from government service.



N. N. VOHRA

During the long period that he had served the country Shourie Sahib had 'faced numerous complaints from ordinary citizens' but could not do much to ameliorate their plight 'as there was no effective mechanism to solve the people's problems'. It was to remedy this situation that he decided to set up COMMON CAUSE, a voluntary organisation, which is now known all over the country and far beyond. From 1980, till he passed away, Shourie Sahib became the champion of the varied serious difficulties and discriminations faced by the ordinary man, taking up Public Interest Litigations before the apex court of the land and winning all the way through.

Shourie Sahib will be remembered as the father of the consumer protection

movement in the country and for his sustained battle to liquidate the nexus between secrecy and corruption in every sphere of governance. A strong believer in 'open government', he had found that discrimination and lack of transparency and accountability in public administration could not be removed unless citizens could exercise their right of being informed of the basis on which day-to-day decisions affecting their interests were taken. This led him to launch a sustained crusade which has, finally, culminated in Parliament enacting a Right of Information statute under which all departments and agencies dealing with public affairs are legally bound to provide information to anyone who seeks it, within a stipulated time frame. This epoch-making legislation has

resulted in removing the impediment of the Official Secrets Act, a colonial law, which provided a legal basis for the continuing lack of transparency and accountability in the functioning of the administrative apparatus. His continuing missionary endeavour also resulted in ensuring that the law to protect the consumer's rights became a reality. Today, Consumer Protection Courts function all over the country and nearly a million cases are presently under trial in such courts; the majority of them are getting decided in favour of the complainants.

Of the dozens of PILs brought up by COMMON CAUSE, the one which made Shourie Sahib a household name among lakhs of retired government employees, related to his arguing before the Supreme Court, securing an order which eliminated a gross discrimination in the scale of pensions admissible to those who had superannuated before 1 April 1979 and those who retired after this date. Through another PIL he succeeded in ensuring that all widows would be entitled to Family Pension and not only those who lost their spouses after an arbitrary cut-off date, 1 April 1964. These two cases alone resulted in benefiting over four million pensioners in the country!

Possibly, the hundreds of anonymous common persons I saw at the prayer

meeting were among those who, and whose families, had benefited from the endless battles waged by Shourie Sahib.

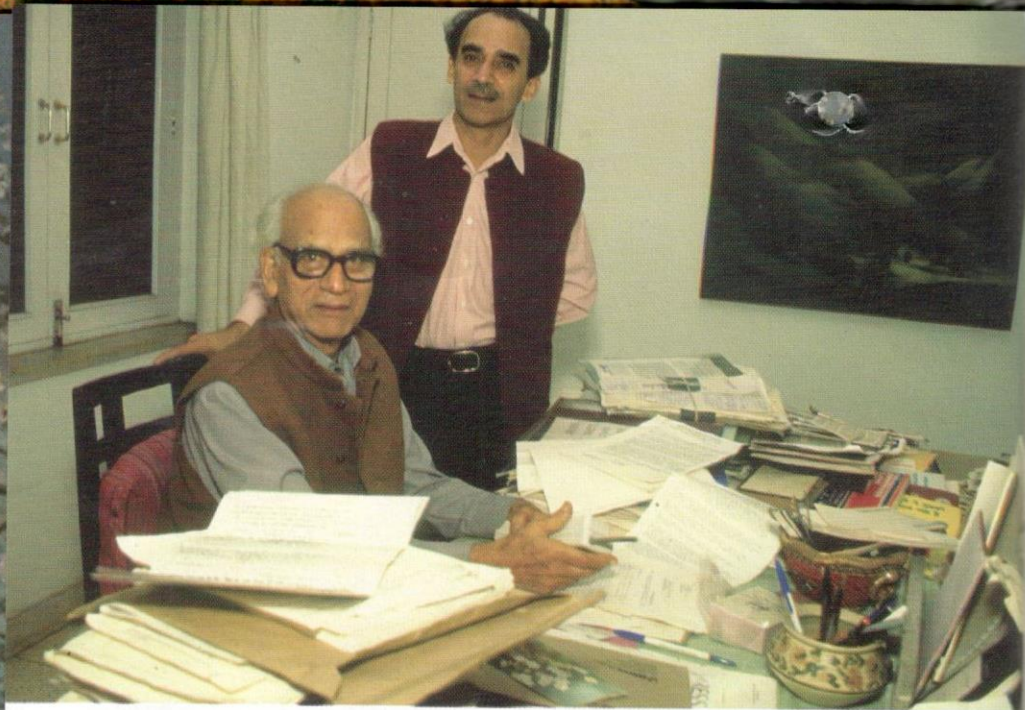
Hundreds of senior civil servants retire every year. The majority of them, when they look back over their service to the state, can perhaps claim no more than having attended thousands of meetings and competently dealt with lakhs of files! Shourie Sahib was indeed a rare human being. He has left behind a historical legacy and a new legal framework which would, hopefully, lead to delivering the country from misgovernance and corruption in the years to come.

We have a rich tradition of happily allowing momentous events and outstanding achievements to fade away from our collective memories. A man like Shourie Sahib deserves to be honoured with the highest award in our country, even though posthumously, for his path-breaking contributions and for enabling the common man to enjoy the right of being informed how every matter relating to his wealth and welfare has been dealt with and, in the process, to extract answerability from those who adorn the mantle of governance.

Shourie Sahib shall be remembered by one and all, particularly by the common man. May his soul rest in eternal peace.







A LOVE THEY SHARED : H. D. SHOURIE AND POETRY

Both Mr. H. D. Shourie and his wife, Mrs. Dayawanti Shourie, were fond of Urdu poetry. Among their favourites were Ghalib, Iqbal, Faiz (who had been a contemporary of Mr. Shourie at College in Lahore), Josh Malihabadi, Hafeez Jalandhari, Firaq, their friend Chaand Narain Raina, and others. Both knew many of the works of these favourites by heart.

This shared love found an unexpected application. In her last years, transient strokes robbed Mrs. Shourie of her voice on three occasions. Each time speech therapists were able to help her get to the point where she regained the rudiments of speech. Thereafter, in each round, Mr. Shourie took up a device of his own devising. Knowing that she knew the poems and couplets

as well as, in fact better than, him, he would sit by her, her hands in his, and recite a line or two of a poem, two or three words of a couplet, and coax her to complete the rest. This way, syllable by syllable, he nursed her back to near-normal speech.

From time to time, he would cut up paper that would have been thrown away, staple the pages into a notebook small enough to be kept in his purse, a purse that, though tattered, he hadn't felt the need to replace for years. He would transcribe, often from memory, some of the poems and couplets that were his current favourites into that small notebook. The notebook that lay in his purse at the time he passed away had 40-odd pages. Among the poems and couplets in it were the following.

کبیب رسم جلی بی دکا نہ جانے کوئی۔

میں نے نا افسیر اقبال ایسے خاشاک سے ڈھکیں
اگر تم ہو تو یہ صفتی بہت ازخیر ہے ساقی۔

غزوں اُسے پیڑی پیڑی سے تازہ دینا
زرا عمر رقصان کو اظہار دینا۔

جو آگ لگاؤ تو تپتے۔ اسکو تو چوہے انگوٹھے
جو آگ لگاؤ اسکو نہ۔ اسکو تو گنہگار کو گنہگار
اگر وہ جب باغی لگے آتش لگے کرے
موت پہ تکیا تو چھی پتے میرا دینے لگے۔
قریب آرزو کو کھل اٹھا کر نہیں جاتی۔
میرا پیچہ وہ کہ دھو لے کر تری آواز یا سبھا۔

موت کو سورج کا بدلہ لگاتا ہے۔ اس جہاں میں تو دنیا سا بیجا ہے
روشنی بڑھ کر ساتھ ساتھ چھینا ہے۔

اے کھینچیں ازل سے مجھے نادر ال ہوی۔

کچھ وہ تو ڈرا کہ گلشن صلی درباری ہوئی۔

وہ صوفیوں کا پیر تا خود آگے اقبال ایسے آپ کو میرے
آپ کے سچے سچے شاگرد آپ کے منزل میں ہیں قریح
سنتی حقیقت ہستی تو درمیان سے سنی
نہ اہتمام کرتے نہ انتہا معلوم۔

میں نے سبھی سبھی کو کھانسی تو درختوں سے حیات
تیرا نام ہے تو علم در سیر کا جھلکا لیا ہے۔
تیرے صوفت سے ہے عالم میں باروں کو صبا
تیری آنکھوں کے سوراخوں میں رکھا ہے
تو جو حل جانے تفسیر ہو گئی ہو جانے۔
یوں نہ تھا جس نے قسمت جانا ہی یوں ہو جائے
اور بھی ڈک تین زلفا کھلی کھلتے کے ہوا۔
راہیں اور بھی تپتے دھل کی رحمت کا ہوا۔

میرے ہیں جہاں جہاں نہ عالمیں اک کا نام نہیں
میرے کی جگہ میرا کاروں کو ہے۔
ہم اکیسے جا رہے تھے جائزہ غزوں میں
دو گنا سقا آتے تھے اور کاروں میں تھکا گیا

جانا کے اس جہاں کو نہ گلزار اٹھا کر سکے۔
کچھ خار کم تو کر کے کہ گزرتے جہاں سے ہم۔

زنگی کے آنگن میں۔ حسن سے نکلاؤتے۔

دھولوں میں ہوتے تھے حسن کا آنگن لگے
زل ایسی تھپتھپاتی تھی

برے بہترین اختیار وہ تھپتے۔

جس میں آتے تھے میں نہ رہی ہیں۔

اگر قیام میں آؤں گے کتنے درازوں پر دھول
کتنے درازوں پہ سیرے اک پیشانی کرے۔

Manzile milen na milen is kaa gham nahin
Manzil ki justaju meraa kaarvaan to hai
That I reach it or not, that is of no concern
At least my caravan is in search of the destination



Sitaron ke aage jahaan aur bhi hain
Zameen aur bhi, aasmaan aur bhi hain
Tu shaheen hai, parvaaz hai kaam teraa
Falak aur bhi hain aasmaan aur bhi
Inhi rezo shab mein ulajh kar na reh jaa...
There are worlds beyond the stars too
Lands beyond, firmaments beyond
You are the hawk, your very nature is to soar
There are horizons beyond these, skies beyond
Do not get entangled in these days and nights alone
There are worlds beyond, missions beyond these



Maanaa ki is chaman ke na gulzaar kar sake hum
Kuch kuch khaar to kum kar diye guzre jidhar se hum
True, I couldn't flood this garden with flowers
But I did pluck away a few thorns wherever I passed

اگر فیض بیوں آدر دستک سے درازوں پر آدوں [سر
 جی درازوں پر بجرے ار پیشانی کرے -

Ho aagaah apni hakeekat se dehkan zaraa
Daanaa tu, kheta tu, daaraan tu, haasil bhi tu
Aah justaju kiski rakhti hai aavaaraah tujhe
Raah tu, raah-rau bhi tu, raahbar bhi tu, manzil bhi tu
Mai tu, meena bhi tu, saagar bhi tu, saaki bhi tu
 Awaken to who you really are, O tiller
 The seed, you are; the land, you are; the effort, you; the harvest, you
 O sigh, the search for what keeps you distraught
 You are the path, you the traveller, you the guide, and the destination
 that too is none but you
 You are the wine, you the goblet, you the pitcher, and the *saaki* that too
 is none but you

❖
Tadaptaa dekhtaan hoon jab koi shai
Uthaa leta hoon apna dil samajh kar
 As I chance upon some tremulous thing
 I lift it up taking it to be my own heart

❖
Tundiye mukhaalif se na ghabraa e akaab
Yeh to chalti hai tujhe unchaa udaane ke liye
 Let not the raging wind unnerve you, O eagle
 It blows just to have you soar higher still

❖
In aatluye paaon se ghabraa gayaa thaa main
Dil khush huaa raah ke pur khaar dekh kar
 These calluses had disheartened me
 Seeing that path strewn with thorns lightened my heart

❖
Na nunaish ki hawas usko, na shohrat ki talab
Bhari mehfil mein khaamoshi se jalaa jaataa hai parvaanaa
 Neither the lust for exhibiting himself, nor the desire for fame
 In the overflowing congregation, the moth burns away silently

❖

سستی حقیقت بستی تو دور حیاں سے سستی
نہ اہتم کہ خبر ہے نہ انتہا معلوم۔

*Sarkash hain jo darakht un par samar nahin
Pur samar hain jo darakht uthaate roh sar nahin*

Trees that are haughty and straight (like the eucalyptus) have no fruit
The ones that are laden with fruit (like the mango tree in summer) lift not their heads



*Mujhe teraa karam nahin, teri kalam chaahiye
Mitaa doongaa jo tume likhaa hai, phir likh loongaa takdeer apni*
Not your kindness, it is your pen I want
I shall erase what you have written, and write my destiny anew



*Main taare taare uthaa kar
Shareef logen mein baant doon
Sirf ek raat aasmaan ka
Gar nizaam de mere haath mein*
I would scatter stars upon stars
Into the hands of the indigent
If you would but hand me
Rulership of the firmament for just a night



*Aataa hai to toofan aane de
Hashti kaa Khudaa khud haafiz hai
Mumkin hai kabhi manjon mein kahin
Behtaa hua sahil aa jaaye*
Let the storm blow as it will
He Himself is the guardian of our boat
It is possible after all
The shore may itself come flowing
Somewhere in the tumultuous waves



*Kis ki zaroorat thi parraane ko di kotaahi
Hum paron se nahin haunston se udte hain*
Who needed them, that you gave so little to the moth
We fly, not on wings but on enthusiasms





Rukhe pardaa e saaki hataa de zaraa
 Bas abhi range mehfil badal jaaegaa
 Jo behosh hai roh hosh mein aayegaa
 Girne vaalaa jo hai roh sambhal jaaegaa
 Tum tassalli na de sirf baithe raho
 Vakt kuch marnе kaa tal jaaegaa
 Kya yeh kam hai masihaa ke rahne hi se
 Maut ka bhi iraadaa badal jaaegaa
 Mere aansoo naa poncho Khuda ke liye
 Varna daaman tumhaaraa bhi jal jaaegaa
 Phool kuch is tareh tod ai baaghtaan
 Shaakh hitne na paaye, na aawaaz ho
 Varna gulshan pe raunak na phir aaeги
 Dil har kali kaa dahal jaaegaa
 Mere naalon se barham na saiyaaad ho
 Dhire dhire yeh aansoo bhi thum jaayenge
 Raftaa raftaa yeh dil bhi bahal jaaegaa
 Just draw the veil away a bit, O *saaki*
 The very air of the tavern will change
 That one lying senseless will sit up
 The one about to stumble will be steadied...
 Waste no effort on me, just stay awhile
 The moment of my passing will get pushed away a bit
 Is that any less of a boon by the mere staying of the prophet
 Death itself will relent in its decision...
 Do not wipe my tears, for God's sake
 Lest your hem too catch the fire...
 If you must, pluck the flower with such a touch, O gardener
 That the branch does not stir nor the silence break
 Else never shall joy return to the garden
 For fear shall have entered the heart of every bud...
 Do not get angered by my wail, O hunter
 Bit by bit these tears too shall dry up
 Bit by bit this heart too shall get consoled...





LETTERS OF CONDOLENCE



राष्ट्रपति
भारत गणतंत्र
PRESIDENT
REPUBLIC OF INDIA

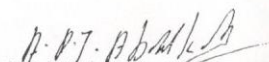
June 28, 2005

Dear Shri Shourie,

I am saddened to learn about the passing away of your father Shri H.D. Shourie.

I knew your father as a person who had a strong will to see that anything he took-up was taken to its logical conclusion. He was also a person who had the interest of the common man in mind in all the initiatives he took. Due to his tireless efforts and those of many others like him over a period of time, transparency has today become one of the major themes in the country.

I pray to the Almighty to give you and the other members of your family the strength to bear this irreparable loss. Please accept my condolences and convey them to the other members of the family also.


(A.P.J. Abdul Kalam)

Shri Arun Shourie,
11, Janpath
New Delhi -110001.



भारत के उप-राष्ट्रपति के सचिव
SECRETARY
TO THE VICE-PRESIDENT OF INDIA
नई दिल्ली NEW DELHI-110 011
TEL.: 23017210, FAX: 23018124

June 29, 2005

Dear Sir,

All of us are deeply shocked to learn of the sad demise of your respected father. In his passing away the Society has lost a veteran crusader for **common cause**, justice and fair play in public governance. Only very rarely one comes across a person with such high standards of integrity, determination and dedication to serve matters of larger public interest. One only wishes that his spirit to fight injustice, promote and serve the **common cause** were emulated by every one of us.

Though mere words are never enough, my wife and I convey our sincere condolences. We pray to God to give you and other members of the family strength, courage and fortitude to bear the irreparable loss.

May the noble soul of your respected father rest in peace in the heavenly abode.

Yours in grief,


(ANIL KUMAR)

Shri Arun Shourie,
Member of Parliament (RS),
A-31, West End Colony,
New Delhi - 110 021.



प्रधान मंत्री
Prime Minister

New Delhi
June 28, 2005

Dear Arun,

I am deeply grieved to know that your father, Shri H.D. Shourie, has passed away in New Delhi.

Shri Shourie was a public-spirited person, who took up several causes which have a bearing on our national life and founded 'Common Cause' to provide a platform for addressing some of the pressing issues affecting our polity, society and economy. He was one of the prominent crusaders for a progressive social order. In spite of his old age and ailments, he continued his struggle to clean our public life and sensitize people about their roles and responsibilities as vigilant citizens for safeguarding freedom and democracy. In his sad demise, the country has lost an admirable social activist and conscientious citizen wedded to the ideals of public service.

On this sad occasion, I extend my heart-felt condolences to all the members of his bereaved family and to the wider circle of his friends, associates, admirers and followers.

With regards,

Yours sincerely,

Manmohan Singh
[Manmohan Singh]

Shri Arun Shourie, MP
A-31, West End Colony
New Delhi - 110 021



अध्यक्ष, लोक सभा
SPEAKER, LOK SABHA

Kolkata
28 June, 2005

Dear Shri Shourie,

I am deeply saddened to hear about the passing away of Shri H.D. Shourie. He was a highly public spirited citizen, a crusader against corruption and an ardent champion of consumer rights in the country. He kept up his activism in the service of the society till the fag end of his life. His demise will create a void, which will be difficult to fill. Please accept my heart-felt condolences.

With regards,

Yours sincerely,


(Somnath Chatterjee)

Shri Arun Shourie, M.P.
A-31, West End Colony,
New Delhi - 110 021.



RAJ BHAVAN
BANGALORE

June 28, 2005

Dear Shri Arun Shourie,

I am extremely grieved to learn of the sad demise of your revered father. He was an outstanding administrator of his times, known for his sagacity, selflessness, fearlessness, versatility and dedication to public interest. Many of us looked to him as a senior colleague and a wise counsellor.

My heartfelt condolences to you and other members of the family. I pray for the departed soul and pay my humble tributes.

Yours sincerely,

T.N. Chaturvedi
(T.N. CHATURVEDI)

Shri Arun Shourie,
31, West End Colony,
NEW DELHI. - 110021

A. M. Ahmadi
Former Chief Justice of India

C - 3, Karri Enclave,
P.O. Anarggar - 121191
Dist. Ferozshah
Haryana - India

June 29, 2005

Dear Shri Arun and Ms. Nalini Singh,

Only a couple of days back I wrote to Mr. H.D.Shourie thanking him for forwarding a copy of his book "A ROMANCE WITH PUBLIC CAUSES". I was therefore shocked to read in today's newspapers about his sudden death. Oh what a fine gentleman he was! I came to know him after I came to the Supreme Court in 1988. He appeared in a few matters before me and though not a lawyer, I was struck by his professionalism. Cases he filed in public interest were well researched and unbiased and even those who in the process got hurt did not bear a grudge against him. He presented his case objectively and took the decision, if it went against him, sportingly. In his passing away, though at the ripe age of 93, the country has lost a champion who espoused public interest causes with determination with the sole object of serving society. I am glad that his crusade for Right to Information fructified before he left for his heavenly abode.

Please accept my heartfelt condolences and convey the same to all the other members of the bereaved family. He will continue to serve as a role-model to many and I have no doubt he will live in our memories for years to come. I will always cherish my association with him.

May the Almighty give you the strength and fortitude to bear the loss. May God rest his soul in eternal peace-Amen.

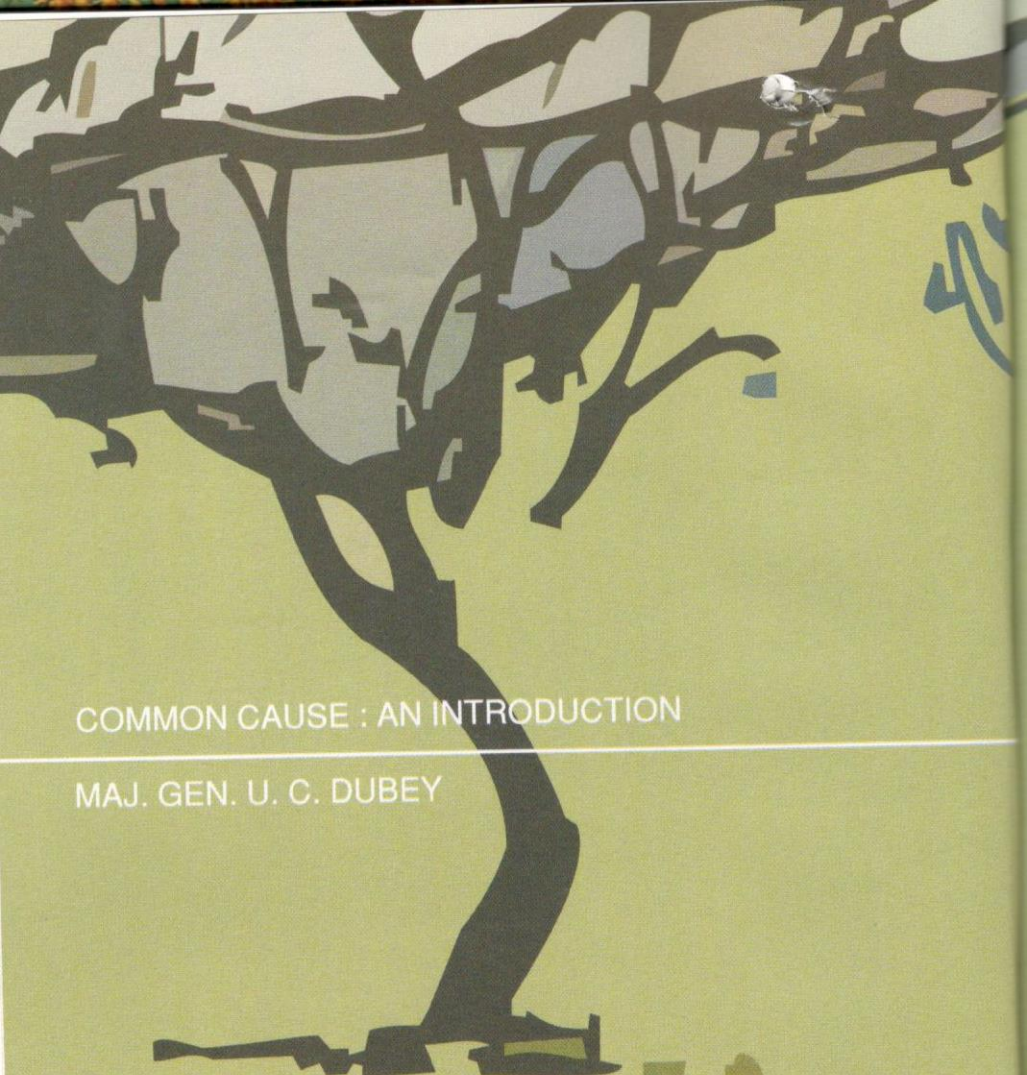
With regards,

Yours sincerely,

(A.M. Ahmadi)

Mr. Arun Shourie and Ms. Nalini Singh,
A-31, West End,
New Delhi-110021.

Changed Telephone Nos. are: (95129) / 2511291 / 93 and Telefax No. is 2511755
E-mail is amahmadi@bol.net.in



COMMON CAUSE : AN INTRODUCTION

MAJ. GEN. U. C. DUBEY

I had built a house (A-11) in West End colony and was President of the Managing Committee of the colony for some years. Mr. Shourie built a house near mine in A-31. I had another friend, a retired IAS Officer, Mr. R. N. Vasudeva who had retired as Chief Secretary, Government of Karnataka. He too had a house very near ours at Shanti Niketan. I had known him when I was posted in Bangalore and he was a junior officer in the IAS.

When Mr. Shourie retired from government service he was offered a UN assignment to look after all the African countries, with his headquarters in Turkey. So he proceeded there for his assignment along with his family. He rented out his West End colony house to a Japanese businessman. He was supposed to be in Turkey for five years. I believe he did not like the excessive travel the job entailed, so he returned after a two-year stint. However it took

him some time to get possession of his house from the Japanese tenant. When the tenant left for Japan he did not hand over the electricity bills paid by him, not even the last one. When Mr. Shourie moved in, he received a huge bill, and somehow the Delhi Electric Supply Undertaking (DESU) realised that he did not have the receipt of previous bills that had been paid by the tenant.

Mr. Shourie was very distressed by the astronomical sum quoted in the bill. I used to go with him to the DESU office at R. K. Puram to meet the concerned officials who prepared the bills. There we found a large number of disgruntled retired gentlemen, both army personnel and civilians. They were all dissatisfied and frustrated. We paid about two or three visits to meet the accountant of DESU office, but with no effect. This was because every time we went there we were told that the gentleman concerned was absent. We were asked to make an appointment and were told that it would not be possible to meet him otherwise. We went time and again, as the DESU office was close to where we lived but we did not manage to meet the person and this caused a lot of frustration to Mr. Shourie. Eventually he was advised to contact the Japanese Embassy giving details of the tenant and asking him to send the bills that he must already

have paid. This helped Mr. Shourie receive the bills duly receipted by the erstwhile tenant.

A large number of people had similar frustrating experiences. There were a lot of complaints and nobody to pay any attention to them.

Mr. Shourie, I and Mr. Vasudeva used to go for long walks every day, and discuss how we could help people who were frustrated and in great distress. We decided to go to various places, meet people, find out their problems and how they were confronting them. All three of us went to various places like the Income Tax offices, Municipal Corporation of Delhi (MCD) offices, NDMC, Tis Hazari Court, Patiala House; we met a large number of people and found out their problems. There was discontent everywhere, especially among retired people. It was really surprising to find such a large number of people suffering in these offices especially the Property Tax, Income Tax Department and DESU. We also went to the Treasury to meet pensioners.

Mr. Shourie previously had a very good boss, Mr. Ranganathan who was Secretary to the Government of India. He too had retired, and now lived in Panchsheel Enclave. All of us went to see him and discussed the affairs and

feelings of people, especially retired people and some ladies. He was a very experienced ICS officer and advised us to form a Committee and then discuss things with him again. Hence we went to Mr. Khushwant Singh, Mr. Fali Nariman, Mr. Ram Jethmalani and various other people.

Mr. Shourie also had some friends, who had worked with him when he was Deputy Commissioner in Rohtak, such as Mr. Tayal and Mr. Rathee. We formed a committee which included Mr. Malkani and Mr. Rajaraman. There was no place where the office could be located. Mr. Ranganathan suggested that we could go once a week to his house, have a cup of tea and discuss matters. We studied the pulse of the people by going to various offices, not once but twice or thrice and fully followed the common and collective problems that the people of Delhi were facing. We realised that corruption was rampant in offices.

Anyhow the committee was formed and we used to sit at Mr. Ranganathan's residence, D-73 Panchsheel Enclave, to discuss the problems of people. They used to offer many suggestions. It was decided to prepare details of the organisation, and we worked out the functioning of the Committee. We decided to call this society COMMON CAUSE.

It was pointed out that there was a similar organisation in the USA. Therefore, we wrote to them and got their clearance so as to avoid any misunderstanding with them. Then we got COMMON CAUSE registered. There were many obstacles in the way as we had no staff, no money and no stationery, but we decided to work on it. I was given the job to make members of the society. I had taken down names and telephone numbers of people whom we should meet in various colonies. We decided to have a nominal membership fee of Rs. 100. I went from house to house in practically every society and was able to mobilise a large number of members.

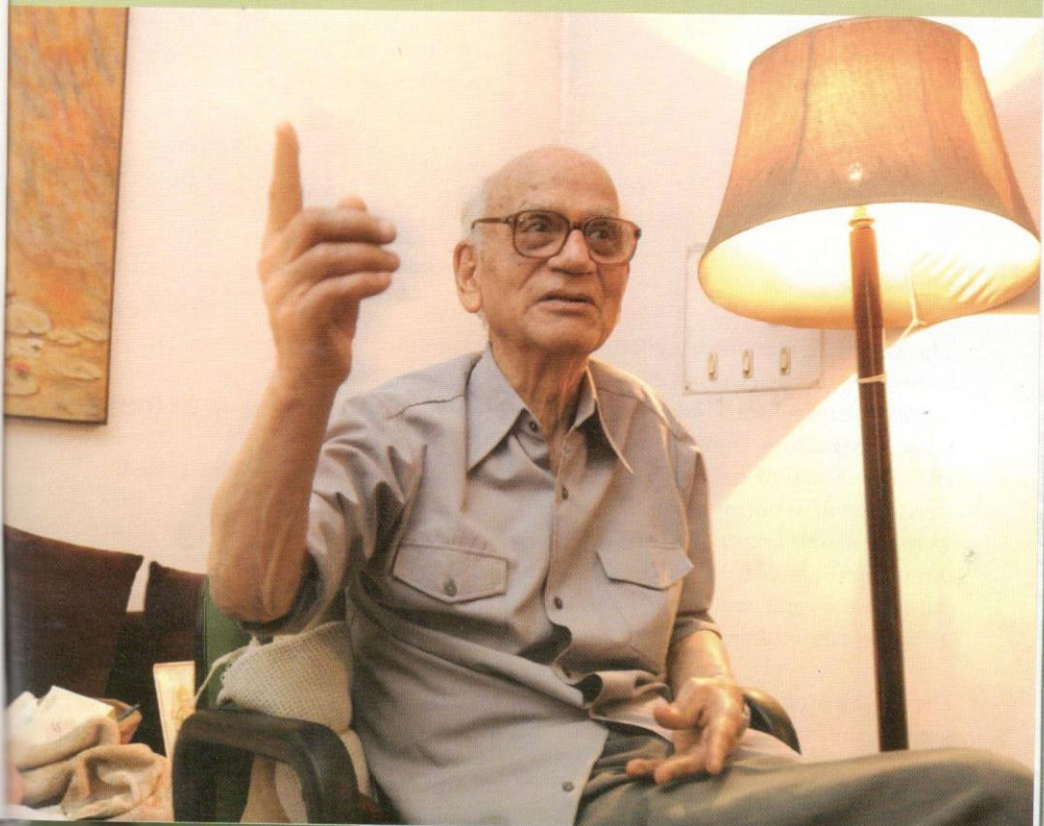
We appointed Mr. Vasudeva as the Treasurer, though we did not know how to procure the money for our expenses. I went to R. K. Puram, met the manager of a typing school and asked him if he could help by giving us a typist. We used to get assistance from this school and we used to pay for it. We had also collected a number of members.

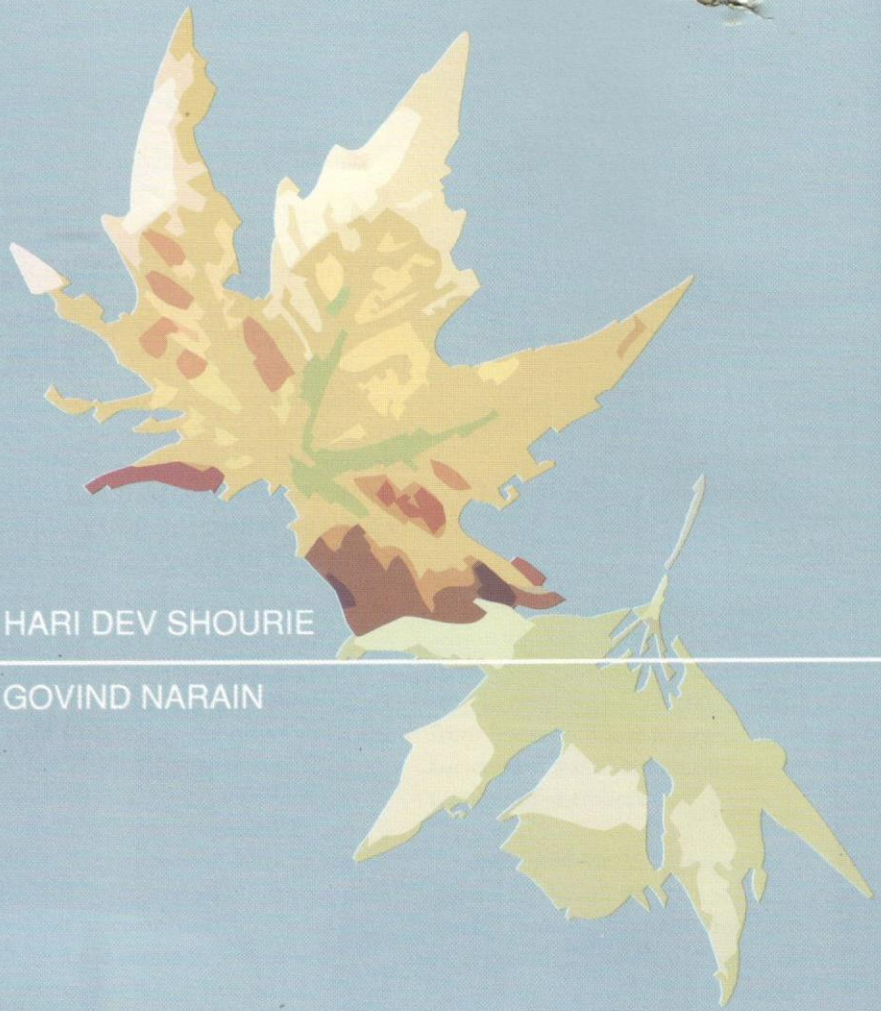
We also met various people from the press and asked if they could give us space for our advertisements. The first ones were *India Today*, *The Indian Express*, *The Hindustan Times* and *The Hindu*. As the news spread, more and more people, especially pensioners and

Income Tax payees from all over India, contacted us. Numerous letters started coming along with cheques of Rs. 100.

The first meeting of the Managing Committee was held on 8 June 1980 at Mr. Ranganathan's residence. The second meeting was held on 10 August 1980 at Mr. Tayal's house. Mr. Tayal was made the Secretary.

This is the history of how COMMON CAUSE came into existence. We had some teething trouble with the staff. Eventually, we found Mr. A. S. Dhami who joined the organisation on a part-time basis and was selected by the Director, Mr. Shourie. It was decided that Mr. Shourie would work and organise the office in his residence. I accompanied Mr. Shourie to all courts.





HARI DEV SHOURIE

GOVIND NARAIN

The loss of Hari Shourie, a good friend for over two decades, is not easy to express adequately in words. Love of jokes, fondness for Urdu ghazals, and artistic paintings of nature's beauty were some of his many qualities that were not widely known. His heart went out to people in distress and his care patience and genuine helpfulness were great and rare qualities.

Even in his long career as a civil servant, the impact of these qualities

distinguished him as a result-oriented, efficient officer, with real concern for peoples' problems. He set up the Indian Institute of Foreign Trade to promote the country's foreign trade interests, for the Government of India.

After retirement he set up COMMON CAUSE as a registered Society after the example of a similar organisation in the USA, with a suitable constitution, rules and regulations. The beginning was modest, with a small membership and



limited financial resources, but with Hari Shourie's selfless involvement and sincere dedication, progress was rapid and spectacular. What it is today is in front of peoples' eyes and all this has been the result of this single person's ceaseless initiative, dynamism and stupendous efforts.

Often he worked as a crusader, undaunted by obstacles and hurdles; and because he always kept Truth as his guiding star, he was not afraid of any pressures. He sought justice for the common causes of the people through letters to concerned authorities with complete researched facts and figures, and failing in getting any response he chose the mighty weapon of Writ Petitions in the High Court and the Supreme Court. He was not a lawyer but learnt the system of drawing up Writ Petitions in technical legal phraseology, and until a few years ago he would seek the permission of these dignified Courts to present arguments

himself. He was so thorough in his collection of all relevant facts and connected material that the Courts came to recognise his merit and showed due consideration to his presentations. His success in several such cases with important and widespread implications won him the faith and respect of judges, lawyers and people alike. Such was the man who became the very synonym for COMMON CAUSE.

My heart is so full of the memories of this simple, sincere, genuine, large hearted and selfless person that time and space face me as irritants, yet that discipline is unavoidable. So I say Good Bye to my very dear friend and colleague, H. D. Shourie, who will continue to be missed and remembered by millions along with me.

Mr Govind Narain was President of COMMON CAUSE for 20 years.





COMMON CAUSE :
A COMPILATION OF CASES

COMMON CAUSE, established over 25 years ago at the initiative of H. D. Shourie, has been a leading NGO whose activities have not only brought relief to millions of people but which has also pursued the cause of the common man for the resolution of a large number of collective problems of the people from practically every field of activity. We give below a few edited excerpts from the recent book *COMMON CAUSE: A Romance With Public Causes*, which was brought out on completion of 25 years of service to the people by COMMON CAUSE. In most cases the initiative was taken personally by H. D. Shourie, and his services have been acknowledged by the common people of the country, and he has been decorated by the President of India with the Padma Bhushan and Padma Shri awards.



PENSIONS

The first matter of primary importance taken to the Supreme Court was one relating to pensions, which attracted attention from all over the country and benefited 2.5 million pensioners. In 1979 the Government of India had introduced a measure of liberalisation for its pensioners, altering the formula of calculation of pension and thereby according a substantial increase, for further relief to the pensioners of civil as well as defence establishments, against developing inflationary pressures. In issuing the orders of liberalisation, however, the government restricted the benefit of this measure only to those who retired after 1.4.1979. COMMON CAUSE made a collective presentation to the Prime Minister. About 15,000 representations were sent to the Prime Minister, Smt. Indira Gandhi. In due course a three-line reply was received from the government, turning down the representations, and saying that government decisions could not have retrospective effect.

COMMON CAUSE filed a Writ Petition with the help of legal luminaries like Fali Nariman, P. H. Parikh and Anil Diwan, which was heard by a Constitution Bench of five judges. The Writ Petition filed in 1980 was eventually decided in 1982, the court holding that pensioners form one class and that no discrimination in the matter of pensionary benefits can be caused among them merely on the basis of date of retirement. The government was directed to apply the revised formula of calculation of pension to all pensioners, irrespective of the date of retirement. The government filed a review against the decision of Constitution Bench; the review was rejected.

This decision of the Supreme Court became applicable to all central government pensioners, civil and defence – 1983-(2)-SCR-165. This historic decision was taken note of by the *Guinness Book of Records* and they wrote to say that according to their information no other single case in the world had directly benefited such a larger number of persons through one decision. Later COMMON CAUSE ensured that it became effective for state as well as local bodies, extending the benefits of this landmark judgement of the Apex Court.

PENSION COMMUTATION

Two other important decisions relating to pensions were secured by COMMON CAUSE from the Supreme Court. One was related to pension commutation, and the other to family pensions. These too benefited hundreds of thousands of persons all over the country. When a person retired from government service he was entitled to seek the benefit of commutation of a portion of his pension, thereby taking payment of a lump-sum amount, equivalent generally to about ten years' calculation of the commuted portion of the pension. The commutation rules, in operation for many decades, had decreed that pension will remain cut by the same commuted portion throughout the life of the pensioner. This was felt to be grossly unfair for the pensioners who lived long.

The court decided in favour of the pensioners, laying down that full pension in each case should be restored after 15 years from the date of retirement. This was subsequently altered to 15 years from the date of commutation, because in some cases commutation takes place a considerable time after retirement. This decision forthwith restored full pension to hundreds of thousands of central government civil and defence pensioners who had already completed 15 years; and it also applied to pensioners of State Governments and institutions etc. COMMON CAUSE vs Union of India – AIR 1987 SC 210.

FAMILY PENSION FOR WIDOWS OF PENSIONERS

The family pension scheme was introduced in 1964, with orders that it would apply only to those persons who retired after 1.1.1964. COMMON CAUSE felt that this decision of the government, taken many years ago, was patently discriminatory, depriving the widows of pre-1964 pensioners of its benefits. A Writ Petition was filed in the Supreme Court from the platform of COMMON CAUSE, highlighting the deprivation caused to the widows of pre-1964 pensioners. This case was decided by the Supreme Court directing the government to give pensions to widows of pre-1964 pensioners on the same basis as decided for pensioners retiring after 1.1.1964, and also to pay them arrears from 1977 when rules relating to family pension had been revised. This decision, likewise, was later followed up by all State Governments.

The result of this decision was that hundreds of thousands of old widows, who had never dreamt that they would be made entitled to any pension, started getting pensions, and were paid arrears from 1977 – AIR 1985 SC 1196.



PROPERTY TAX

Since property tax is the most important revenue source for the country's municipal administrations, it is of the utmost importance that the statutory provisions and procedures of assessment, levy and collection of property tax, on land and buildings should receive special attention.

The system of assessment and levy of property tax had been hitherto based on the determination of 'rateable value', but with the massive growth of urban agglomeration, it is now riddled with shortcomings and inadequacies which lead inevitably to enormous anomalies, and distortions in the assessments, and give rise to grievances, foul play and scope for corruption.

The matter of primary concern is that there was a vast difference in the property tax levied on contiguous houses and flats receiving the same quantum of services from the municipality: same road, same street lighting, same drainage, same sewage and sanitary services.

These disparities between assessments of similar properties were very strongly commented upon by a three-judge Bench of the Supreme Court which observed:

The annual rent which the owner of the premises may reasonably expect to get if the premises are let out would depend on the size, situation, locality and condition of the premises and the amenities provided therein and all these and other relevant factors would have to be evaluated in determining the rateable value, keeping in mind the upper limit fixed by the standard rent. If this basic principle is borne in mind, it would avoid wide disparity between the rateable value of similar premises situated in the same locality, where some premises are old premises constructed many years ago when the land prices were not high and the cost of construction had not escalated and others are recently constructed premises when the prices of land have gone up almost 40 to 50 times and the cost of construction has gone up almost 3 to 5 times in the last 20 years. The standard rent of the former category of premises on the principles set out in sub-section (1)(A) (2)(b) and (1)(B) (2)(b) of Section 6 would be comparatively low, while in case of latter category of premises the standard rent determinable on the principles would be unduly high. If the standard rent were to be the measure of rateable value there would be huge disparity between the rateable value of old premises and recently constructed premises, though they may be similar and situated in the same or adjacent locality. That would be wholly illogical and irrational. (AIR 1985-SC-339, 351)





The confusion and harassment of citizens continued despite the Supreme Court's observations. This entire matter was dealt with at length by COMMON CAUSE, advocating the introduction of Unit Area Method (UAM) to eliminate all difficulties and also raise revenue. The factors for UAM Calculation are: location, road-width, age of construction, type of construction, use of premises, and unbuilt area. The UAM in its basic essentials, is obviously the only appropriate method for giving scientific and logical orientation to the levy of the property tax, which is undoubtedly the most important source of revenue of the municipality.

The logic and practicality of the scheme proposed by COMMON CAUSE was finally approved and implemented in the Union Territory of Delhi. It has given relief to thousands of citizens.

LAWYERS' STRIKES

Courts in this country are already reeling under the enormous accumulation of backlog of cases. Civil as well as criminal courts and tribunals established under specific enactments, and procedures of the courts, have made it impossible to secure early justice, with the result that the entire judicial system of the country is under severe strain and is almost collapsing. To this scenario has been added, over the past few years, the further dimension of strikes resorted to by lawyers, bringing the functioning of the courts to a grinding halt.

Considering the agony caused to the litigants by long adjournments of their cases, which are rendered inevitable because of the strikes by lawyers, and the fact that the entire judicial system of the country is thereby brought into disrepute, COMMON CAUSE filed a Writ Petition in the Supreme Court against the strikes by lawyers. The contention was that the disruption of the cases in courts, by resort to strikes by lawyers, causes serious damage to the interests of their clients and affects their right of securing speedy justice held by the Supreme Court to be a fundamental right enforceable under Article 21 of the Constitution. Under the Indian Advocates Act, the Bar Council of India lays down a code of professional conduct for observance by the lawyers, and the suggestion in the petition was that in this code it should *inter alia* be laid down that lawyers cannot resort to strikes and thereby disregard the interests of their clients.

The Writ Petition was filed in September 1989 impleading the Ministry of Law of the Government of India, the Attorney General, and the Bar Council of India. On the suggestion made by the court, Bar Councils of all the states as well as the Advocates General of all states, were impleaded. A relevant portion of the Judgement of the Supreme Court delivered in 1995 by then Chief Justice of India, Justice A. M. Ahmadi, and two other judges is reproduced below:

Pursuant to the discussion that took place at the last hearing following suggestions have emerged as an Interim measure consistent with the Bar Council of India's thinking that except in the rarest of rare cases strike should not be resorted to and instead peaceful demonstration may be resorted to for avoiding hardship to the public. The learned counsel suggested that to begin with the following Interim measures may be sufficient for the present.

In the rare instance where any association of lawyers including statutory Bar Councils considers it imperative to call upon and/or advise members of the legal profession to abstain from appearing in courts on any occasion, it must be left open to any individual member/ members of that association to be free to appear without fear or hindrance or any other coercive steps.

No such member who appears in court or otherwise practices his legal profession, shall be visited with any adverse or penal consequences whatever, by any association of lawyers, and shall not suffer any expulsion or threat of expulsion therefrom.

The above will not preclude other forms of protest by practicing lawyers in courts such as, for instance, wearing of armbands and other forms of protest which in no way interrupt or disrupt the court proceedings or adversely affect the interest of the litigant. Any such form of protest shall not however be derogatory to the court or to the profession.

Office-bearers of a Bar Association (including Bar Council) responsible for taking decisions mentioned in clause (1) above shall ensure that such decisions are implemented in the spirit of what is stated in clause (1) and (3) above.

The matter will stand adjourned by six months to oversee the working of this interim order. It is hoped that it will work out satisfactorily with liberty to mention in the event of any difficulty.

This matter recently assumed a new dimension, arising from strikes launched by lawyers in various parts of the country, to resist the notification of Civil Procedure Code (Amendment) Act which had been passed by the Parliament and assented to by the President of India towards the end of 1999. On the general subject of Lawyers' Strike, a verdict has now been pronounced by the Delhi High Court that lawyers do not have the right to go on strike because it affects the fundamental

rights of litigants who look for expeditious justice. On this subject and on the connected issue of expediting the notification of the CPC (Amendment) Act, COMMON CAUSE filed two Writ Petitions in the Supreme Court. The Apex Court held that legal professionals had no right to strike as this affect the litigants' fundamental rights. The court also observed that the weapon of strike does more harm than good, and the petition was thus disposed of.

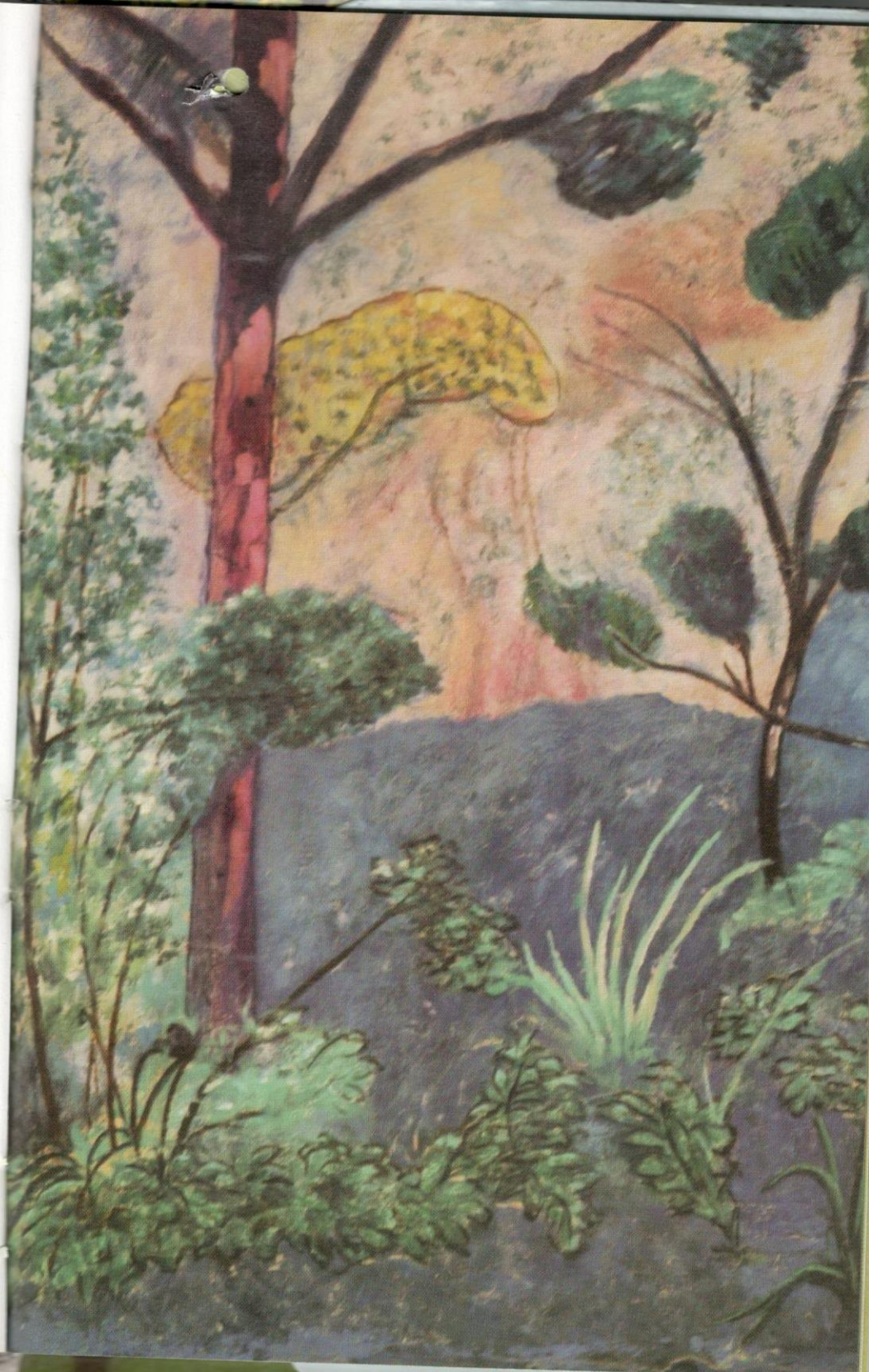
PENDING CRIMINAL CASES

In the 1980s there were about three crore cases pending in the courts of the country. Out of these about one crore were criminal cases. A comprehensive Writ Petition on the subject of pending criminal cases was filed by COMMON CAUSE in the Supreme Court (1128 of 1986). The Writ Petition unfortunately got tacked on to four other pending criminal cases which had already been referred to the Constitution Bench even though it had no relationship to these cases. Eventually, the Writ Petition was delinked on request by COMMON CAUSE when the other connected cases came up before the Constitution Bench in November 1991. Specific suggestions for dealing with the old pending cases were made in the Writ Petition seeking the following directions:

A. Quashing all proceedings against persons accused of offences under Motor Vehicles Act where the proceedings were initiated more than one year ago and are still pending in any court in the country

B. Directing the unconditional release of the accused and dismissal of all proceedings pending in the Criminal Courts with respect to offences under the Indian Penal Code (IPC) or other penal statutes which have been pending for more than three years from the date of their institution and for which offences the maximum sentence provided under law is not more than six months – with or without fine. This direction was sought in respect of all prosecutions whether lodged by police, other governmental agency or a private complainant

C. Directing the unconditional release of all the accused and dismissal of criminal proceedings against persons who have been in police or judicial custody for a period of more than three years from the date of their arrest or remand to such custody, where the offences alleged are not punishable with more than seven years – with or without fine



D. Directing the unconditional release of all the accused and dismissal of proceedings against persons accused of offences under Section 309 of the IPC where the proceedings have been pending in any court for more than one year from the date of their institution.

A Division Bench of Justice B. P. Jeevan Reddy and Justice S. B. Majmudar while delivering the judgement (A.I.R 1996 SC 1619 OR 1996 SEC - 4 - 33) dated 1 May 1990 observed:

We are of the opinion that the suggestions made are well-meaning and consistent with the spirit underlying Part III of the Constitution of India and the criminal justice system. They deserve serious consideration by this Court and the High Courts in the country.

The judgement gave relief to the following types of cases:

- I. All traffic challans which had been pending for two years
- II. All compoundable cases where proceedings have not commenced for two years
- III. All non-cognizable and bailable cases where trial has not started for two years
- IV. All cases in which only fine can be imposed and trial has not commenced within one year
- V. Cases where offence is punishable with imprisonment for one year and trial has not commenced for one year
- VI. Cases where offence is punishable with three years imprisonment and trial has not commenced for two years
- VII. Cases in which offence is punishable up to seven years and trial has not commenced for two years, the accused were to be forthwith released on bail or even on personal bond (AIR 1996 SC 1619)

These directions did not apply to cases of offences involving moral turpitude, corruption, drugs, economic offences, cases under the Army, Navy and Air Force Acts, etc. These directions brought about the termination of hundreds of thousands of cases all over the country and a large number of persons who were for long languishing in prisons were released.







IMPLEMENTATION OF CONSUMER PROTECTION ACT

The Consumer Protection Act was enacted in December 1986. For the first time there was in it the provision of seeking redressal with respect to deficient 'services' and faulty 'goods'. Under this Act it was made mandatory that each district of the country shall have a district forum, in the shape of a court, to hear the complaints of consumers and give them redressal. There were then 455 districts in the country. Even after nearly three years of the enactment of this statute, State Governments had not taken adequate steps to set up the forums in districts; only about 30 forums had yet started functioning regularly.

COMMON CAUSE filed a Writ Petition in the Supreme Court in late 1988 seeking direction from the Court to the Government of India and State Governments to fulfil this basic and essential requirement of the statute, contending that its non-fulfilment affects the fundamental rights, particularly enshrined in Articles 19 and 21 of the Constitution of the country. All the State Governments and the Union Territories were impleaded in the petition as respondents. After a number of hearings, in August 1991 the Court issued definite orders for setting up of the District Forums within two months, outlining the procedure to be adopted depending on the quantum of complaints in the individual district. Even then the progress unfortunately remained tardy, and eventually on our presentation of the overall unsatisfactory position in the states, the Court issued orders in October 1991 to Secretaries of Civil Supplies Departments of eight State Governments, to show cause why they should not be sent to prison for default in compliance with the orders of the Court. Frantic activity was then noticed in the states and gradually all states were covered.

Thereafter, COMMON CAUSE brought to the notice of the Court the difficulties still being experienced in many districts in the matter of providing appropriate accommodation and staff for the Forums. The substance of the directions embodied in the final judgement given by the Supreme Court was that where the number of complaints in any district remains less than 150 over a period of six months, powers for deciding cases under the Consumer Protection Act can be exercised by the District Judge, but they must hold court for disposal of these cases at least on three alternate days in a week so that complaints of consumers do not languish. Recognising that the District Judges were already heavily burdened with their normal load of civil cases, the court ordered that the arrangement for delegating these powers to District Judges should be limited to the maximum

period of one year. By then, independently operating District Forums, as contemplated in the Act, must be established.

This initiative of COMMON CAUSE paid off handsomely, generating activity almost throughout the country for the redressal of consumers' grievances.

CORRUPTION : BANE OF OUR COUNTRY PROPOSAL OF SETTING UP LOKPAL INSTITUTIONS

The Santhanam Committee on Prevention of Corruption (1964) had recommended the formulation of a code of conduct and establishment of an independent investigative agency. A code of conduct for Ministers was published on 24 October 1964. However, even after three decades, the country is still without an independent executive body that can function without approval of the persons whose conduct it would be its duty to investigate, including the Prime Minister and other Ministers of the Government. An important Writ Petition was filed by COMMON CAUSE in the Supreme Court on the general subject of corruption prevailing in the country, emphasising the importance of establishing the LOKPAL. The Writ Petition sought directions from the Court to the respondents to specifically declare when they will bring before the Parliament an appropriately drafted Bill for enactment of legislation for setting up the recommended system of LOKPAL in the country to check corruption and malfunctioning in governance. This would take into account the fact that over the past three decades, the respondents have repeatedly thwarted or neglected to meet this requirement.

The Writ Petition came up for hearing on 11.8.1995. The following order was passed by the Hon'ble Court:

Mr. Shourie, the petitioner appearing in-person, states that it is of utmost importance to have a LOKPAL to curb corruption in the country. Mr. Gupta, learned Solicitor General, states that efforts have been made more than once to have consensus regarding the terms and conditions of the proposed bill. According to him efforts are still being made. It is a matter which concerns the Parliament and this Court cannot do anything substantial in this matter. Short of that, learned Solicitor General states that he would apply his mind to the various aspects raised in this petition and make some useful suggestions. Mr. Muralidhar, appearing as *amicus curiae* to assist us, also states that he would examine the various reports submitted by Comptroller and Auditor General from time to time and in consultation with the Solicitor General and Mr. Shourie, make some suggestions for the consideration of this Court.



Mr. Shourie has invited our attention to a news item in the front page of *Indian Express* of Friday August 11, 1995 under the caption 'In Satish Sharma's reign, petrol and patronage flow together'. It is not possible for us to take any action on the press report. On our suggestion the Solicitor General takes notice of this news item and states that he would have the matter examined in the Ministry concerned and shall file an affidavit of the Secretary concerned in the Ministry reacting to this news item. He may file the affidavit within the period of eight weeks.

The Writ Petition was adjourned to 13.10.95. The Petition was listed 29 times. When it was listed on 12.9.2003, the Court made the following order - 'None is ready with the matter to make submissions. Therefore, the matter stands adjourned *sine die*'.

The Petition remains pending. COMMON CAUSE has, therefore, considered it appropriate to file a Supplementary Application to its Writ Petition No. 26/95 before the Hon'ble Court in which certain other important matters which have relevance to the requirement of submitting request to the Parliament for early enactment of LOKPAL Act and to persuade all other states where Lokayuktas/Up-Lokayuktas have not yet been appointed, to make these appointments.

A SERIOUS CASE OF CANCELLATION OF ALLOTMENT OF PETROL PUMPS

An off-shoot of the LOKPAL case, relating to allotment of petrol pumps by the Petroleum Minister, was decided by the Supreme Court *vide* judgement delivered on 25 May 1996, and a subsequent order dated 4.11.96 (Writ Petition (C) No. 26/95). The Hon'ble court *inter alia* observed:

All these allotments are wholly arbitrary, nepotistic and are motivated by extraneous consideration....

We have no hesitation in holding that Capt. Satish Sharma in his capacity as a Minister for Petroleum and Natural Gas deliberately acted in a wholly arbitrary and unjust manner. We have no doubt in our mind that Capt. Satish Sharma knew that the allottees were either relations of his personal staff, sons of Ministers, sons/relations of Chairmen and members of the Oil Selection Boards and the members of the Oil Selection Boards themselves. The allotments made by him were wholly malafide and as such cannot be sustained. The relevant circumstances available from record and discussed by us leave no doubt in our mind that Capt. Satish Sharma deliberately acted in a biased manner to favour these allottees and as such the allotment orders are wholly vitiated and are liable to be set aside.

Mr. Satish Sharma has acted in utter violation of the laws laid down by this Court and has also infringed Article 14 of the Constitution of India. As already stated a Minister in the

Central Government is in a position of a trustee in respect of the public property under his charge and discretion. The petrol pumps/gas agencies are a kind of wealth which the Government must distribute in a bonafide manner and in conformity with law. Capt. Satish Sharma has betrayed the trust reposed in him by the people under the Constitution.

The Hon'ble Court directed Capt. Satish Sharma to pay a sum of Rs. 50 lakhs as exemplary damages to the Government Exchequer. The Court also directed CBI to register a case against the Minister. Capt. Satish Sharma filed a Review Petition (C) No. 98 of 1997 against these two judgements. The Court while sustaining the earlier order setting aside 15 allotments of petroleum outlets and agreeing that there should be public accountability and transparency in administrative matters, held that:

There was error apparent on the face of the record resulting in serious miscarriage of justice in regard to the decision about commission of misfeasance in public office by the Minister and directions for payment of exemplary damages of Rs. 50 lakhs and for investigation by CBI against him. That part of the judgement is therefore not sustainable. (Reported in (1999) 6 Sec 667)

In pursuance to earlier Orders of the Apex Court, an FIR bearing No. RCI(A)/96/CBI/STF/DLI u/s 120(b), 409 of 1 PC and Section 13(2) r/w 13 (1)(C) and 13 (1) (d) of Prevention of Corruption Act 1988 was registered against Capt. Satish Sharma and several others on 16.11.1996. Irrespective of this FIR, the Government has filed an application to close the CBI investigation on the basis of the judgement in the Review Petition. At that time the CBI had already completed its investigations, and filed an FIR. COMMON CAUSE filed an application in the Supreme Court bringing out the various facts, and pleaded against closure of CBI cases. (C.W.P. 26/95 - SC). The Supreme Court has entrusted the case to the Chief Vigilance Commission.

OPERATION OF BLOOD BANKS

There were for long serious complaints that the operation of blood banks was very unsatisfactory. Most of them continue to operate without any prescribed licence. They operated in very unhygienic conditions; and depended primarily on donation of blood by professional donors who are generally poor unemployed persons with low levels of haemoglobin and prone to diseases, who were exploited for the purpose by middlemen. They were not equipped with testing facilities and laboratory equipment.



Due to these facts the blood collected and supplied by these blood banks was of poor quality and on occasions could prove very unsafe for transfusion. The entire matter was surveyed by a professional agency on an assignment of the Ministry of Health of the Government of India. The report of this survey highlighted these deficiencies and dangers of the operations of such blood banks. COMMON CAUSE was not able to secure positive assurance from the Government of India that any effective action had been initiated to eradicate the deficiencies pointed out in the operations of blood banks.

On the basis of this entire material COMMON CAUSE prepared a Writ Petition contending that inadequacy of action for improvement of blood banks is violative of the fundamental rights of life guaranteed under Article 21 of the Constitution for those who will be the recipients of infected or poor quality blood.

The Supreme Court, in a very important judgement on 4.1.1996, gave six months to the Government of India to implement the directions embodied in it. The Government of India then submitted a comprehensive note to the Supreme Court indicating the steps that had been taken to revamp the operation of blood banks and remove the deficiencies that existed in their functioning.

Blood banking operations all over the country got improved by the directions contained in this judgement, and professional donors of blood got practically eliminated, encouraging the spread of the concept of voluntary donation of blood. (C.W.P.NO. 91/92 -SC).

DISCRETIONARY QUOTAS

There has been for many years a general tendency in various Ministries of the Government of India as well as of the State Governments to use the inherent powers of ministers and legislators to accord benefits and privileges on an out-of-turn basis, ostensibly to please their constituents and also to pacify the claimants.

There have, for instance, been general complaints that out-of-turn allotments have been made extensively of telephone connections, ignoring the fact that a couple of million applicants were reported to be in the queue awaiting telephone connections. Likewise, there have been instances of allotments out of some discretionary quotas of important privileges of the nature of petrol pumps, gas agencies and kerosene oil depots. Likewise, out-of-turn allotments of government built accommodation,

which were prescribed only for special categories of persons, have ostensibly been made regardless of the criteria prescribed relating to them.

Certain strict guidelines were prescribed by the concerned Ministry of the Government of India long ago for meeting the essential requirements of special categories of applicants; these included physically challenged persons including those from the armed forces, and their widows. Special high-level Boards were set up for making selections for such allotments. Unfortunately, the guidelines appear to have been disregarded and the Special Boards have not been reconstituted for long; meanwhile, allotments of such nature have continued to be made.

COMMON CAUSE filed a Writ Petition in the Supreme Court wherein were cited the category of authorisations given to Members of Parliament for out-of-turn allotments of telephone connections in their constituencies as well as outside the constituencies. Further progress of the Writ Petition is presently not on record.

ELECTIONS AND POLITICAL PARTIES

A very important Writ Petition was filed by COMMON CAUSE in the Supreme Court, on the failure of political parties to comply with the statutory requirement of maintaining accounts, record of all contributions received by them above a prescribed limit, and getting the accounts audited. The main contention in the Writ Petition was that political parties were not maintaining accounts on the lines made mandatory under Section 13A of the Income Tax Act and Explanation I under Section 77 of the Representation of People Act. Consequently, the provisions relating to observance of limits of election expenditure by the individual candidates had been rendered meaningless.

It was also contended that the cumulative effect of the three statutory provisions, namely, Section 293A of the Companies Act, 1956, Section 13 A of the Income Tax Act, 1961 and Section 77 of the Representation of Peoples Act, 1950, is to bring transparency in election-funding. The people of India must know the source of expenditure incurred by political parties and by candidates.

The mandatory provisions of law are violated by political parties with impunity. The Supreme Court gave a widely acclaimed judgement (extracts below), which has been responsible for maintenance of some decorum in the conduct of elections.

We, therefore, hold and direct as under:

1. That the political parties are under a statutory obligation to file return of income in respect of each assessment year in accordance with the provisions of the Income Tax Act. The political parties – referred to by us in the judgement – who have not been filing returns of income for several years have *prima facie* violated the statutory provisions of the Income Tax Act as indicated by us in the judgement.

2. That the income-tax authorities have been wholly remiss in the performance of their statutory duties under law. The said authorities have for a long period failed to take appropriate action against the defaulter political parties.

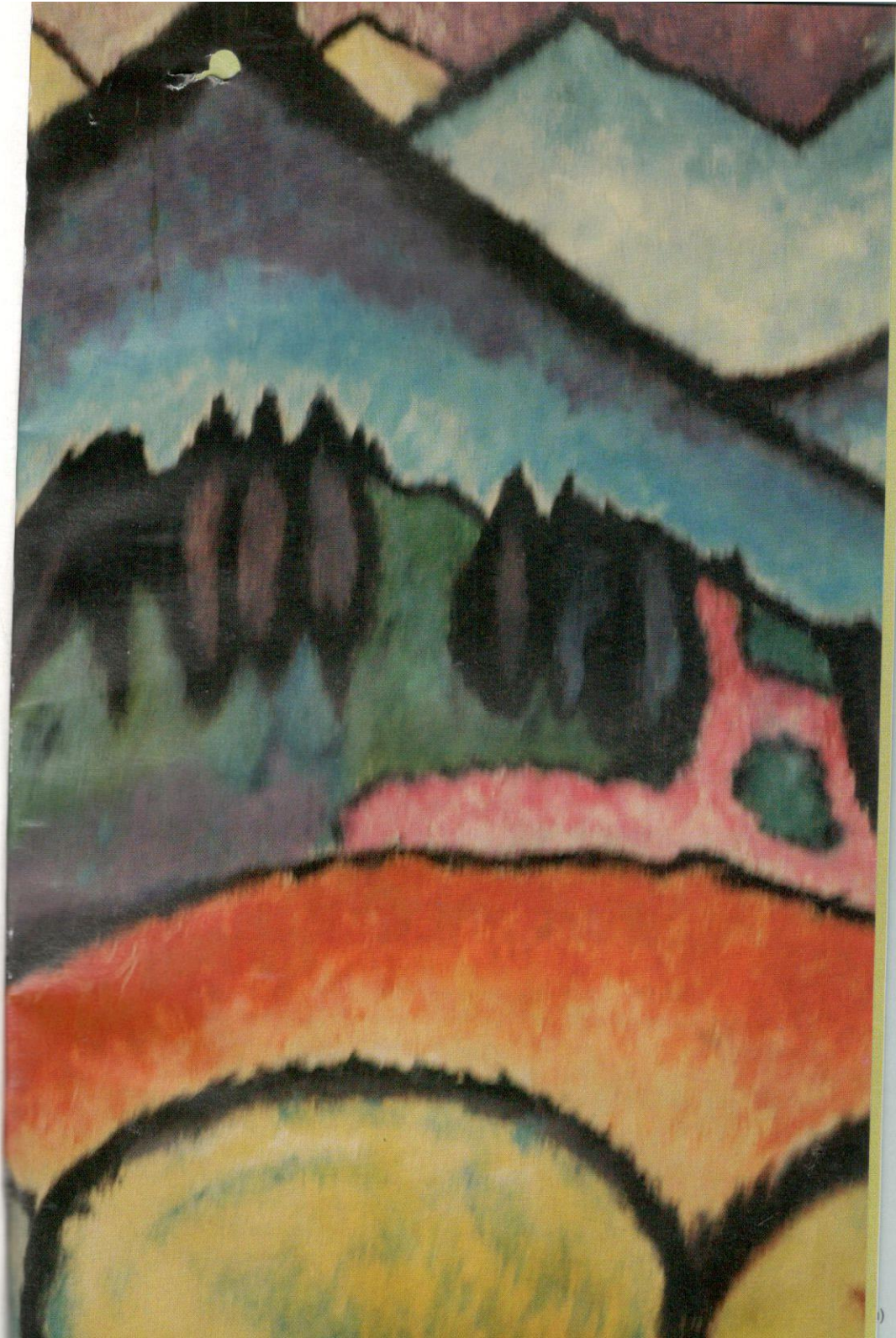
3. The Secretary, Ministry of Finance, Department of Revenue, the Government of India shall have an investigation/inquiry conducted against each of the defaulter political parties and initiate necessary action in accordance with law including penal action under Section 276CC of the Income Tax Act.

4. The Secretary, Ministry of Finance, Department of Revenue, Government of India shall appoint an inquiring body to find out why and in what circumstances the mandatory provisions of the Income Tax Act regarding filing of return of income by the political parties were not enforced.

5. A political party which is not maintaining audited and authenticated accounts, and has not filed the return of income for the relevant period, cannot, ordinarily, be permitted to say that it has incurred or authorised expenditure in connection with the election of its candidates in terms of Explanation I to Section 77 of the RP Act.

6. That the expenditure, (including that for which the candidate is seeking protection under Explanation I to Section 77 of the RP Act) in connection with the election of a candidate – to the knowledge of the candidate or his election agent – shall be presumed to have been authorised by the candidate or his election agent. It shall, however, be open to the candidate to rebut the presumption in accordance with law and to show that part of the expenditure or whole of it was in fact incurred by the political party to which he belongs or by any other association or body of persons or by an individual (other than the candidate or his election agent). Only when the candidate discharges the burden and rebuts the presumption he would be entitled to the benefit of Explanation I to Section 77 of the RP Act.

7. The expression 'conduct of election' in Article 324 of the Constitution of India is wide enough to include in its sweep, the power of the Election Commission to issue – in the process of the conduct of elections – directions to the effect that the political parties shall submit to the Commission for its scrutiny, the details of the expenditure incurred or authorised by the political parties in connection with the election of their respective candidates.



APPOINTMENT OF THE COMPTROLLER AND AUDITOR GENERAL

COMMON CAUSE submitted to Hon'ble Supreme Court under Article 32 of the Constitution of India, by way of Public Interest Litigation, raising a public grievance with respect to the arbitrary and unfair manner and procedure being adopted by the Government of India in making appointment to the office of the Comptroller and Auditor General of India (hereinafter referred to as CAG) which has been aptly described as the Sentinel of Democracy by the founders of our Constitution.

The petitioner submitted that the Constitution laid emphasis on the ability, knowledge and judgement of the CAG, making the capacity/qualifications of the incumbent vital. On tracing the history of this important office it becomes evident that it has always been considered a highly technical post right since 1912 and the appointments were generally restricted to those members of the Indian Civil Service who were employed in the Accounts Department.

The first three incumbents of this post in free India were from the Indian Audit & Accounts Service.

It is, however, unfortunate that the Union of India, over the last 17 years, has disregarded the Constitutional mandate and the incumbents to the very vital post have been chosen without any guideline and ostensibly in an arbitrary manner. The Union of India has not laid down a policy as to the minimum qualifications/requirements that have to be borne in mind while selecting incumbents to this post.

Since 1978 the Union of India has resorted to the practice of selecting an officer for this post from among officers of Indian Administrative Service nearing superannuation.

However, this has disregarded the very essential and basic requirement of selecting a person of special background and experience in accounts and audit.

COMMON CAUSE approached the Hon'ble Court by way of a Writ Petition to direct the Union of India to follow set policies/guidelines, as would be laid down by the Hon'ble Court, in the matter of appointment to the office of CAG, including the minimum technical qualifications in audit and accounts (CWP 115 of 1996).

ARBITRARY TRANSFERS OF OFFICERS AFFECTING EFFICIENCY

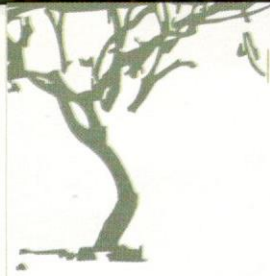
There is an impression of severe deterioration in the standards of administration in the country, for which an important cause is the absence of any specific guidelines or provisions in the Government Servants Conduct Rules of the Centre and the States in regard to the matter of transfers of officials. There have been a large number of instances wherein the power of effecting transfers has been exercised arbitrarily by the transferring authorities, including interference by politicians in power.

Transfers have been ordered on the whims and fancies of individuals, for the purpose of or thereby causing humiliation to officers, adversely affecting the morale of the services, making services pliant to the personal prejudices of the bureaucratic authorities and politicians, thereby affecting the interests of administration. The experience of the past many years has been that the weapon of transfers is being used indiscriminately, often under the directions of politicians in power.

In the context specifically of the problems relating to transfers, it is pertinent to quote the following paragraph from the circular letter of the then Prime Minister Shri Morarji Desai who had, as long ago as 1977, expressed concern about the problems which had begun to arise at that time and have assumed alarming proportions now:

If officers are to be responsible for producing results, particularly in the developmental sector, they must have a measure of continuity in their jobs. Over the years, a tendency to transfer officers on comparatively minor issues has developed and this has led to short tenures for incumbents of important jobs. Frequent transfers, particularly of secretaries, heads of departments, district magistrates and other district level officers only create a feeling of demoralisation and diffidence amongst them, and inhibit initiative and creative effort. What is needed is greater planning and care in making selections, when key appointments are initially made. The tendency for Ministers, and indeed Cabinets, to spend valuable time in postings and transfers, often of petty officials, requires to be strictly curbed.

Keeping in view the undermining of morale of the services which are the pillars on which the entire structure of administration rests, and any weakening of which can be catastrophic, a Writ Petition was filed by COMMON CAUSE in the Supreme Court in 1995. When this Writ Petition came up before the Hon'ble judges of the



Supreme Court, the view expressed by the Court was that it was disinclined to entertain the Writ Petition. The following order was passed by the Hon'ble Judges:

We do not consider it necessary to entertain this Writ Petition for making the order prayed for herein since the guidelines for taking such administrative decision are well settled and it is obvious that all administrative decisions should satisfy the rule of non-arbitrariness and be honest and fair. Individual cases in which the decision making process is vitiated for any such reason can always be challenged in a suitable manner. For this reason it is unnecessary to examine the matter any further.

Despite the reluctance of the Court to interfere in an administrative matter, the State Governments have continued to indulge in large-scale arbitrary transfers of key administrative personnel. H. D. Shourie continued to pursue the subject with the Prime Minister and Chief Ministers. It is of interest to note that this subject was on the agenda of the recent meeting of the Chief Ministers who were exhorted not to transfer officers until the expiry of their normal tenure.

PROLIFERATION OF FAKE UNIVERSITIES

There has been a tendency during the last few years of the multiplication and proliferation of universities, institutions and organisations in the country which advertise their claims of eligibility and capability of giving educational courses and training programmes in all sorts of subjects. Through these advertisements they have been luring and duping young students. A number of such institutions do not have capability and accreditation claimed by them in advertisements, charging high fees, often involving an expenditure of lakhs of rupees.

It has been confirmed by the University Grants Commission (UGC) that as many as 18 universities that have put across their advertisements in newspapers are fake; there are indications that 10 other advertised universities are also reported to be fake.

COMMON CAUSE had taken up the matter with the Government of India and other concerned organisations. The Government of India had constituted a Task Force which recommended issuance of an ordinance instead of waiting for the Parliament to pass a Bill amending the provisions of the UGC Act to give it more teeth for effectiveness. The Task Force submitted its recommendations some time in September 1998. The Government has not taken any action so far despite the

urgency expressed by the Task Force. COMMON CAUSE has filed a comprehensive Writ Petition in the Supreme Court impleading the Ministry of HRD, the UGC, Medical Council of India and All India Council for Technical Education (AICTE). COMMON CAUSE has sought directions to the respondents to indicate what steps are proposed to be taken on the recommendation of the Task Force and also effectively check the menace of mushrooming and proliferating incompetent and non-accredited 'teaching shops'. The Supreme Court has issued notices to the respondents and the case is being further pursued. It is satisfying to note that the UGC and AICTE have started taking remedial measures by issuing suitable press notices warning the public about fake institutions, and advising the institutions/universities to upgrade their infrastructural facilities. The UGC is reportedly working on the enactment of a new Act having more teeth (C.W.P.NO.7/2000/99 - SC).

FREQUENT PROJECTION OF CRIME AND VIOLENCE ON TELEVISION

This Writ Petition aimed at presenting to the Supreme Court a situation that has arisen in the country by the continuously mounting tendency of presentation and adoption of scenes of violence and sexual abuse in the programmes and serials telecast on TV in India. COMMON CAUSE sought directions of the Court to the respondents, Ministry of Information & Broadcasting and Ministry of Home Affairs, to examine in their respective spheres the need to undertake measures for enforcing appropriate guidelines and norms for adoption by TV channels. TV channels in the country have multiplied at a fast pace during the past few years. Whereas there was only one TV channel (Doordarshan) in 1992, now there are more than 60 TV channels operating, and a further increase in this number in different Indian languages is expected. The number of TV sets presently being used in the country is stated to be about 70 million, and the viewers are estimated to number between 300-350 million, comprising the viewership of family members including children. These numbers are expected to further expand in the coming years. Presentation and glorification of violence and sex on the TV screen and their viewing by members of the family, particularly children, can have a deleterious effect. The matter has now attained serious dimensions.

The petitioner considered it necessary to submit this matter before the Supreme Court praying for issue of directions to the respondents, the Ministries of Information & Broadcasting and Home Affairs of the Government of India, directly concerned with all matters relating to the operation of TV channels about



presentation of scenes of violence and sexual abuse. Specific suggestions have been submitted by the petitioner with regard to norms and guidelines, as well as self-regulatory measures, which should be prescribed for observance by all TV channels in the country. The suggestions are:

1. All TV channels should be directed to adopt self-regulatory measures that should ensure that scenes and presentation of all forms of violence and sexual abuse should be minimised in their programmes and serials. They should be directed to communicate within two months, the self-regulatory measures they would be adopting towards this objective.
2. TV channels should fix times, not earlier than 10:00 pm, for the screening those serials and programmes which have inescapable scenes of sex or violence to be telecast.
3. The practice should be adopted of putting across a written or verbal warning before the start of any serial or programme, which has a likelihood of depiction of sex and violence.
4. As a measure of self-regulation, the TV channels should adopt a written code of practices concerning sex and violence.
5. The respondent Ministry of Information & Broadcasting, should enforce the adoption of self-regulatory measures by each of the TV channels, and it should also make appropriate arrangements for monitoring the levels of violence and sex in the programmes and serials telecast.
6. The modern developments of installation of V-chip on TV sets, decoders or cable transmitters for blocking out violence should be examined for enforcement.
7. Child specific programmes should be encouraged for being telecast by all channels. This should include mandatory telecast of children programmes in the afternoon and on weekends.
8. Programmes and serials should aim at showing that violence is punished and not rewarded, that violence has a negative impact. Alternatives to violence should be always explored for solving problems. There should be a strong anti-violence messages in the story, and violent and abusive language in the presentation of programmes should be avoided.

This case is being pursued in the Supreme Court.

SLAUGHTER HOUSES : POLLUTION

In this petition, COMMON CAUSE had pointed out the extent of environmental pollution and the danger of epidemics occasioned by disposal of animal wastes and slurry on the land or in sewer systems. A substantial part of this slurry is generated from roadside vends that slaughter goats, sheep and poultry with impunity, regardless of all rules and regulations framed by the state.

As a first step, if the roadside slaughter of cattle and poultry is banned and the ban is mandatorily enforced, the said dangers would abate to a great extent. Hence, it was prayed that the Hon'ble Court may be pleased to issue an *ex-parte ad-interim* direction prohibiting slaughter of all animals and poultry outside the registered slaughter houses/abattoirs.

COMMON CAUSE also pointed out the employment of children in slaughter houses as also in roadside vends. This is not only in violation of the Child Labour (Prohibition and Regulation) Act, 1986 but also morally reprehensible and causes deep psychological reactions in young minds. Hence, it was requested that the Court may be pleased to *ex-parte* direct the respondents to ensure that no child is employed in or in connection with or related to the act of slaughter of any animal or poultry whether in a registered slaughter house or outside.

The petition came up for hearing on 17.8.2001 and is presently pending W.P. (C) No. 330 of 2001.

LARGE-SCALE ADVERTISEMENTS IN NEWSPAPERS PROJECTING IMAGE OF POLITICIANS AND POLITICAL PARTIES

In recent years there has been a spate of large, full and half page advertisements placed in newspapers by different ministries of the Central Government as well by the State Governments, ostensibly for projecting the image of politicians, using occasions like the commemoration of a departed leader, encouraging rural handicrafts, inaugurating a new bridge or road or railway connection, or laying foundation-stone of buildings etc.

COMMON CAUSE feels that projecting the image of politicians, whose photographs are also prominently displayed in these advertisements, and of their political parties, is obviously the sole purpose of these large advertisements. If, for

instance, people have to be invited to a foundation-laying ceremony or a bridge opening ceremony, this purpose can well be served by sending invitations or even through the beating of drums in the area where the ceremony has to be performed, instead of placing advertisements related to the event displayed in newspapers in other parts of the country. Governmental functioning and achievements can, where necessary, be projected through medium of radio and TV.

COMMON CAUSE has secured information that each full-page advertisement (black and white) in a widely circulated newspaper costs about Rs. 6 lakh to Rs. 8 lakh (advertisements printed in colour cost up to Rs. 15 lakh), and a half-page advertisement costs between Rs. 4 lakh to Rs. 5 lakh. On certain days two to three such full/half page advertisements appear in newspapers. The total number of such advertisements of various sizes which appeared in three newspapers of Delhi in one week were 18. Taking the total of 12 full-page advertisements appearing in one week, in three newspapers, the average comes to four full-page advertisements in one newspaper in a week. Assuming that there are 500 newspapers and magazines in the country, printed in various languages, on a very conservative estimate the total expenditure on such advertisements will be about Rs. 2,000 crores. This cost is incurred by the Centre and states with the primary purpose of projecting the image of politicians and their parties. COMMON CAUSE feels that such action on the part of Central and State Governments amounts to misutilisation of public funds that can be more gainfully used for betterment of the people.

COMMON CAUSE has therefore filed a petition in the Supreme Court of India under Article 32 of the Constitution of India to direct the Union of India in the Ministry of Information & Broadcasting to determine the steps that can be taken to check profligacy in the placement of large-sized advertisements in newspapers for projecting the image of politicians and of political parties.

The petition came up for preliminary hearing on 3.2.2003 before Justice S. Rajendra Babu and Justice G. P. Mathur. Notices were issued to the respondents.

COMMON CAUSE filed another application praying that the Hon'ble Court may give direction to advance hearing in the case, in view of the fact that huge amounts continue to be spent by the Government on political advertisements due to approaching general elections. The case is still being pursued (CWP NO. 13 of 2003).



PROBLEMS RELATING TO THE FUNCTIONING OF THE JUDICIARY

A Writ Petition was submitted before the Supreme Court wherein COMMON CAUSE had expressed the concern of the people about the functioning of the judiciary in India and had sought a direction from the Court to lay down specific guidelines and norms in relation to certain aspects of functioning of the judges in the High Courts as well as judiciary in the districts.

COMMON CAUSE submitted that in recent years the judiciary had come in for various types of insinuations, complaints and attacks that inevitably undermined the faith of the people in the judicial administration. It is a matter of fundamental importance that the administration of justice should continue to inspire confidence about its irreproachability, integrity and rectitude. Administration of justice is one of the basic pillars on which the entire fabric of our society depends. Through the ages people have depended upon even-handed justice for redressal of their woes and grievances. Essentials of administration of justice, including access to justice, procurement of speedy justice, and faith in the judiciary are part of the fundamental right to life and liberty enshrined in Article 21 of the Constitution.

In this Writ Petition, COMMON CAUSE had made specific suggestions for laying down norms and guidelines. These were:

1. Where any immediate relative of a judge was operating in the Bar of the place, the judge should be transferred, and considerations of age, remaining period of service, condition of health etc., should not be a factor in taking the decision to effect transfer
2. A code of conduct should be laid down in relation to the dealings of the judges with people so that the dignity of the judiciary is maintained
3. Where a case has been finished and arguments heard, the judgement must be announced in a period of not more than one month
4. The counsel of the parties should be encouraged to file brief written arguments
5. Cases in courts should be taken up strictly in accordance with the cause-list and no case should be taken out of turn
6. When a case is completed it should be fixed for arguments latest on the next working day
7. When parties have appeared and written submissions have been made, procedure of day-to-day hearing should be adopted
8. It is necessary to lay down specific guidelines for administrative control and

supervision by the Supreme Court over the High Courts, by the Chief Justice of High Courts, over judges of their courts, by the High Courts over the district courts, and of the district judges over the subordinate judiciary.

When this Writ Petition came up before the Court, the judges on the Bench felt that as there were already certain guidelines and norms laid down for the judges, it would not be necessary to go into this matter and accordingly they declined to admit the Writ Petition. COMMON CAUSE maintains, and events of the past years have reinforced the belief, that it is necessary for the Supreme Court to take cognisance of this requirement and to determine ways and means for strengthening the image of judicial administration which has been coming under severe strain.

USE OF INCINERATORS FOR DISPOSAL OF HOSPITAL WASTE

In April 2005, COMMON CAUSE had to take the initiative of filing an important Writ Petition in the Supreme Court. It related to the use of incinerators for the disposal of bio-medical waste. It has often been complained by environmentalists that the disposal of bio-medical waste through incinerators is very detrimental to the environment and that it must not be allowed. Representations by them to the concerned authorities have not been fruitful. Therefore, a representative of environmentalists persuaded COMMON CAUSE to file a Writ Petition in the Supreme Court citing the Department of Environment (Ministry of Environment & Forests) and Attorney General as respondents. Notice to respondents is reported to have been issued by the Court. Efforts will continue to be made to pursue this Petition effectively.



LIST OF CASES

WRIT PETITIONS FILED BY COMMON CAUSE BEFORE THE SUPREME COURT

1. Pensions: Problem of the retired elderly
2. Pension commutation
3. Family pension for widows of pensioners
4. Property tax
5. Enhancement of rateable value
6. Lawyers' strikes
7. Pending criminal cases
8. Implementation of Consumer Protection Act
9. Corruption: Bane of our country, proposal of setting up Lokpal Institutions
10. A serious case of cancellation of allotment of petrol pumps
11. Operation of blood banks
12. Tax deduction at source (TDS)
13. Post and Telegraph
14. Discretionary quotas
15. Pensions of MPs
16. Exemption of PSUs from MRTTP (Monopolies and Restrictive Trade Practices Act)
17. Out-of-turn allotments by Maruti Udyog Ltd.
18. Primary education
19. Elections and political parties
20. Too many holidays
21. Two time zones
22. Post and Telecom workers' strike
23. Appointments on Board for Industrial and Financial Reconstruction (BIFR)
24. Appointment of the Comptroller and Auditor General (CAG)
25. Reservations in educational institutions and services in Tamil Nadu
26. Arbitrary transfer of officers affecting efficiency
27. MPs' local area development fund
28. Non-Performing Assets (NPAs)
29. Railway accidents
30. Proliferation of fake universities
31. Non-Banking Finance Companies (NBFCs)
32. Communal harmony
33. Frequent projection of crime and violence on television
34. Telephone freebies
35. Ritual of burying of children in some villages in Tamil Nadu
36. Accidents on roads and highways
37. Slaughter houses: pollution
38. Large-scale advertisements in newspapers projecting image of politicians and political parties
39. Frequent elections
40. Maintenance and audit of accounts by political parties
41. Conditional Access System (CAS)
42. Prevalence of AIDS in the country
43. Education of poor children
44. Two-child norm
45. Jumbo cabinet in Uttar Pradesh
46. Infructuous investment on non-functioning airports
47. Problems relating to the functioning of the judiciary
48. Euthanasia

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| 49. Lottery scam | 52. Lifting of ban on sale of non-iodised salt |
| 50. Use of incinerators for disposal of hospital waste | 53. Pendency of cases in courts of the country |
| 51. Female foeticide | 54. Introduction of astrology and purohitya in universities |

WRIT PETITIONS FILED IN THE DELHI HIGH COURT

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| 1. Apartments Ownership Act | 16. Condition of mortuaries |
| 2. Electricity billing: Defective meters | 17. Sale of spurious drugs |
| 3. Conversion of leasehold into freehold | 18. Sale of illicit liquor |
| 4. Electricity load | 19. Infrastructural facilities in burns ward of Safdarjang Hospital |
| 5. Load shedding: Theft of electricity | 20. Recruitment of ineligible lab technicians in Safdarjang Hospital |
| 6. Phasing out of BlueLine buses | 21. Introduction of Unit Area Method for property tax |
| 7. Unauthorised colonies | 22. Fast meters inflated electricity bills |
| 8. Post retirement medical facilities under ESIC Act | 23. Operation of beauty parlours/massage parlours |
| 9. Strike threat by NTPC executives | 24. Installation, maintenance and replacement of water meters |
| 10. Rent control | 25. Proper prescriptions by homeopathic/ayurvedic/unani doctors. |
| 11. Misuse of farmhouses | |
| 12. Relaxations for allowing constructions in DDA colonies | |
| 13. Illegal hoardings | |
| 14. Animal hazards on roads | |
| 15. Change in billing system of MTNL | |

COMPLAINTS FILED BEFORE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

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| 1. Airlines and airports: Compensation for air crash victims | 6. Strike by Air India flight engineers |
| 2. Intravenous fluids | 7. Printing of maximum sale price on packages |
| 3. Iodised salt | 8. Printing of sale price on film packages |
| 4. Electricity supply | 9. Refund of deposits by scooter suppliers |
| 5. Telephones | 10. Medical negligence |

PUBLICATIONS BY H. D. SHOURIE

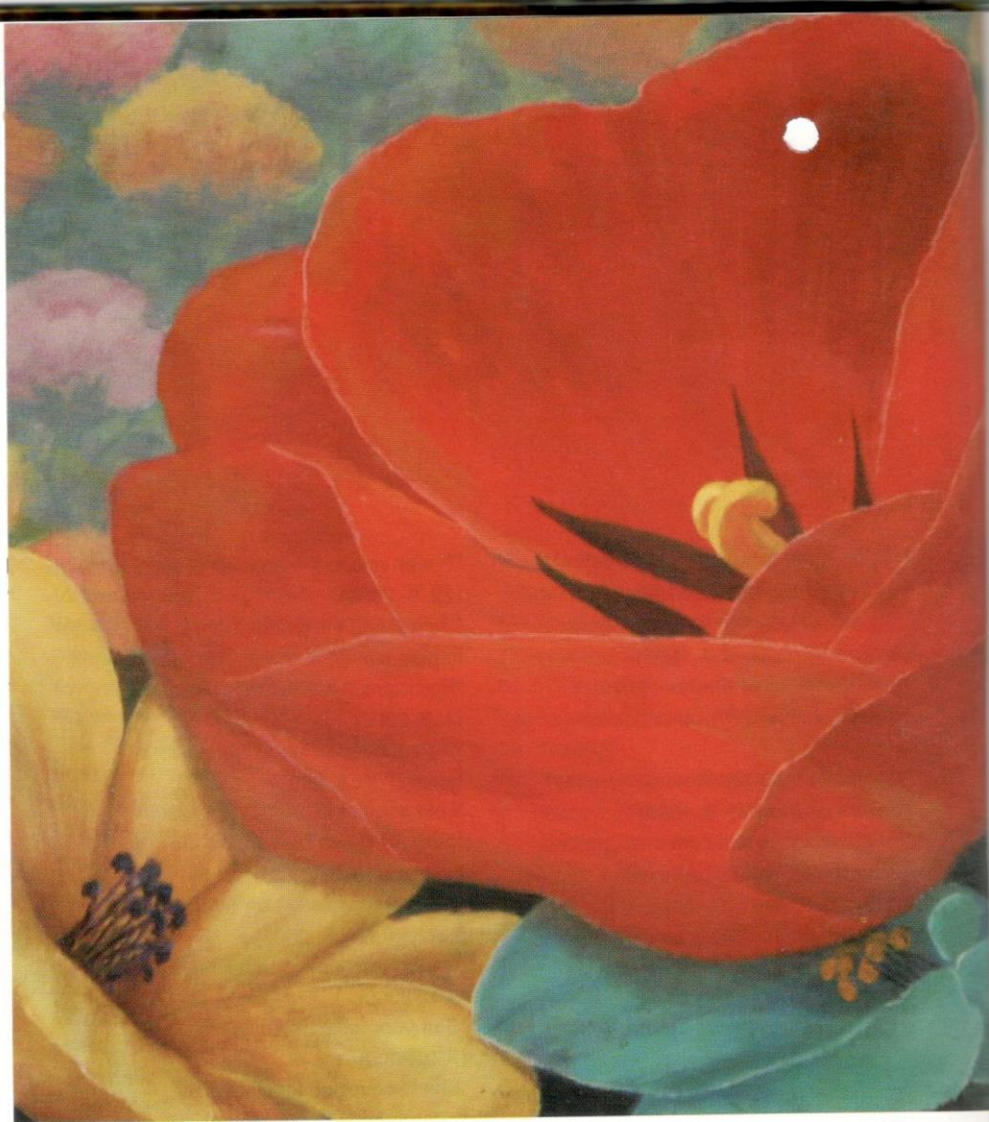
BOOKS

- *Voluntary Exit, Life's Finale: Gently Into The Night* (Sterling, Delhi, 1997)
- *Universe & Life: Visions of Science* (Rupa, Delhi, 2001)
- *The Funniest Jokes in the World* (Penguin, Delhi, 2001)
- *Common Cause: A Romance With Public Causes* (Rupa, Delhi, 2005)

LIST OF ARTICLES

- "It can be done" (2. 3. 1998)
- "Property tax cries out for reform" (*Times of India*, 20. 3. 1998)
- "Vested interests frustrate reform of rent control" (*Times of India*, 31. 3. 1998)
- "Citizen's Charters to promote accountability" (*Times of India*, 10. 4. 1998)
- "Check the abuse of discretionary quotas" (*Times of India*, 1. 5. 1998)
- "Big bank frauds and scams" (*Times of India*, 19. 5. 1998)
- "Antiquated laws need to be scrapped, overhauled" (*Times of India*, 1. 6. 1998)
- "Finance Co's: The Scam is in Govt, RBI inaction" (*Times of India*, 15. 6. 1998)
- "People can remedy malfunctioning of courts" (*Times of India*, 24. 6. 1998)
- "Antics of politicians are ruining Delhi" (*Times of India*, 7. 7. 1998)
- "Business can do a lot to raise social awareness" (*Times of India*, 24. 7. 1998)
- "Clogged courts: Cases backlog can be cleared" (*Times of India*, 12. 8. 1998)
- "Need for a new property tax assessment formula" (*Times of India*, 26. 8. 1998)
- "Our food laws are good but enforcement is poor" (*Times of India*, 8. 10. 1998)
- "More than half of all laws ought to go" (*Times of India*, 26. 10. 1998)
- "Consumer movement is losing momentum" (12. 11. 1998)
- "Blaming bureaucracy for all ills is wrong" (*Times of India*, 25. 11. 1998)
- "Our Government offices lack work ethos" (*Times of India*, 31. 12. 1998)
- "Population Control: It must be done; it can be done" (*Times of India*, 18. 1. 1999)
- "Falling behind in 'race between education and catastrophe'" (*Times of India*, 8. 2. 1999)
- "Clean up the election system" (*Times of India*, 1. 3. 1999)

- "Rising crime is our crying shame" (*Times of India*, 16. 3. 1999)
- "Our rulers: Do we not deserve better?" (*Times of India*, 6. 4. 1999)
- "Atrocities against women are our national shame" (*Times of India*, 3. 5. 1999)
- "Our fractured polity: A simple remedy" (*Times of India*, 6. 5. 1999)
- "Public vigilance can curb black money in elections" (*Times of India*, 18. 5. 1999)
- "Anti-corruption: CVC is on right track" (*Times of India*, 14. 6. 1999)
- "Monumental scam in UP: All in Ambedkar's name" (*Times of India*, 2. 8. 1999)
- "Atrocious: Facts regarding Satish Sharma's case" (*Times of India*, 13. 8. 1999)
- "Indian Railways: Most disasters are avoidable" (*Times of India*, 5. 10. 1999)
- "'Zero tolerance' of corruption most welcome" (*Times of India*, 26. 10. 1999)
- "Protect students from education racketeers" (24. 11. 1999)
- "'Soft state' and 'zero tolerance' don't mix" (11. 2. 2000)
- "Lawyers: Help, don't hinder legal reform" (23. 2. 2000)
- "Put an end to the anguish of litigants" (22. 3. 2000)
- "Rightsizing the government is imperative" (7. 4. 2000)
- "Politicians have defiled politics" (2. 5. 2000)
- "Urgent need to introduce electoral reforms" (5. 6. 2000)
- "Let's forget the past" (13. 6. 2000)
- "*Sab ko garib banao*, we are Indians" (18. 6. 2000)
- "Crime and violence on TV a serious problem" (29. 6. 2000)
- "Is there no hope for benighted Bihar?" (8. 8. 2000)
- "Can poor India afford its legislators?" (7. 9. 2000)
- "End tax evasion for cleaner government" (17. 10. 2000)
- "Privatisation gaining healthy momentum" (7. 11. 2000)
- "It's time to strike at strikes and *bandhs*" (7. 12. 2000)
- "For purity in public life legislators only on merit" (20. 12. 2000)
- "Will Parliament now solve rent control riddle?" (18. 1. 2001)
- "Our minus score outweighs the plus points" (12. 2. 2001)



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The photograph on p. 22 is of Shri and Smt. H. D. Shourie with General K. M. Cariappa in Rohtak in the early 1950s.


Design : Baishakhee Sengupta; Photographs of paintings : Agnimirh Basu

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COMMON CAUSE, established over 25 years ago at the initiative of H. D. Shourie, has been a leading NGO whose activities have not only brought relief to millions of people but which has also pursued the cause of the common man for resolution of a large number of collective problems of the people from practically every field of activity. In this volume, we give a few edited excerpts from the book *COMMON CAUSE: A Romance With Public Causes*, which was brought out on the completion of 25 years of service to the people by COMMON CAUSE. In most cases the initiative was taken personally by H. D. Shourie, and his services have been acknowledged by the common people of the country, and he has been decorated by the President of India with the Padma Bhushan and Padma Shri awards.



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