

“One Citizen is worth 1000 Individuals”
— Nani Palkhiwala, noted Jurist and Commentator.



TEN PERCENT CITIZENSHIP?

— A Provocation for Affirmative Action

Suggested Contribution Rs. 20

CUTS
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#9302

PROLOGUE

I am often invited by Rotary Clubs and the like to speak on consumers' rights, and I always wondered why they never ask me to speak on consumers' responsibilities. Especially Rotary, with its 4-way Test:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendship?
4. Will it be beneficial to all concerned?

All these questions cast a very heavy burden on the enlightened members of society. And I use these questions conveniently to address congregations of intellectuals, hoping that they would rise beyond their own small worlds of malfunctioning telephones, bad cars and defective microwave ovens, and question the morass flooding us, the despair around us and the treachery surrounding us.

Hoping that one day they would become concerned citizens from indifferent individuals.

In defining a consumer, I also include the tax payer who is a citizen-consumer of the 'goods' of the welfare state and the administration which administers it. After all each one of us pays taxes- even the poorest of the poor. But do we assert our rights? Do we discharge our sovereign responsibilities in questioning wrongs? Majority of us don't.

One day I sat down and listed the taxes which I could be paying: Income tax, Wealth tax, Professional tax, Insurance tax, Sales tax, Octroi, Excise Duty, Import Duty, Electricity Duty, Entertainment Duty, Toll tax, Water tax, Howrah Bridge tax, Property tax, House tax, Revenue Stamp, Non-judicial Stamp, Court fee, Surcharge on this, that and the other, and so on.

I found that more than half of my honest and hidden earnings go towards paying these '*hazaar*' taxes and duties. Even when I am sleeping, the fan runs, the electricity meter runs and duty is levied on the electric power that I consume.

Therefore, if I am working for 10 hours a day, I spend nearly seven hours to earn money to pay these myriad taxes. The rest of my waking hours, I exert to earn bread, butter and jam for me and my family.

This means that I work for the government most of the time without being employed by it. But do I bother to find out how my money is being utilised by

the government – the Central, State and Local. Being a public citizen, I am doing it all the time, but is every other citizen doing it! No, tragically not, even when they have every right to do it.

When we send our servant to buy vegetables etc., we ask for an account of every paise and return of the leftover change. We grill him on the prices, we admonish him for the 'high' prices that he bills us to surreptitiously buy a few '*biris*'. Though we tolerate this, but most of us never stop questioning him, even at the cost of being ludicrous. Because, the money he spent, we earned the hard way.

But we rarely question the public servant or harangue him for misuse of our hard-earned money. As regard return of the leftover, our public servant surprises us by saying that he has spent more than what we paid him. The inevitable deficit.

In January 1993, the Rotary Club of Belur, Calcutta invited me to speak at one of their Friday meetings. I agreed on the condition that I will speak on "Citizenship?" The club graciously agreed. On 12th March, 1993, I delivered the lecture, from which this presentation has been developed.

In dedicating this presentation to the poorest citizen of our great nation, I urge you to go through this carefully, criticise it, improve upon it, translate and circulate it. And provoke yourself and others to take affirmative action, so that the nation constantly rises to higher levels of achievement and endeavour – this being one of our fundamental duties.

Many believe that the nation is facing a crisis of leadership. I believe the nation is facing a crisis of citizenship. Don't sacrifice your individuality, but turn it into citizenship. Find only ten percent time from your busy schedule to question how more than half of your money is being utilised. Change will take place.

In conclusion, I must acknowledge the contribution of my colleague and friend Udayan Namboodiri for part of the research and also my gratitude for the dignitaries, whose blessings and comments are reproduced on the back cover.

Calcutta
21st April, 1993

Pradeep S. Mehta
Secretary General, CUTS

Friends and fellow countrymen, this presentation is not a lecture on morals, but on accountability of the system. A system for which you work diligently and pay for – from your hard earned money, by way of myriad taxes, cesses and duties – and from your cradle to your grave.

Even the poorest pay taxes when they buy a match box or salt or whatever. Even when you are sleeping you pay taxes by way of electricity duty for the power which your fan or airconditioner consumes. That is why they say that taxes and death are the most certain things every milli-second of your life.

In this context let me share with you a discovery I made some time ago. In the course of the past ten years of my life as a public citizen, I have often wondered about the roots of this general indifference to the oppressive system prevailing in our political, social and economic milieu. Is it fear?

Hardly possible, considering that the blood flowing in our veins has never tolerated oppression in

the past. Is it manifestation of the divided nature of our society along caste and communal lines?

Yes, a faction ridden society is more prone to accepting evil out of no choice than choice. But it is far fetched to imagine that the suppressed consciousness does not want to break out at the time of gross excesses.

CITIZENSHIP

Well, it is a question of dialectics. We can go on debating for days without touching the real issue. The issue, I think, is citizenship.

It is our general shortcoming to assert our citizenship which is leading to the ubiquitous insensibility towards the evil system that pervades almost every institution that was hallowed till the other day.

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Take banks for example. In 1970 Indira Gandhi nationalised 20 odd banks as a populist measure and they have now become a drain on our scarce resources. On April 6th 1993, *The Economic Times* put out a report that only 6 of the big 20 banks earned a profit during 1992-93.

And some of them are becoming 'bankrupt' unless the government pumps in more money. Whose money? Yours and mine.

Employees' accountability being very poor now-a-days, has led to this mess. No wonder banks are paying heavy compensation to consumers under the Consumer Protection Act, for errors as silly as no signature on the bank draft.

In a case involving a bank draft of only Rs.200, the State Bank of India ended up paying Rs.25,000 as damages.

In the golden days, employees were punished for negligence and not the bank, Septuagenarian S. R. Prabhu, retired General Manager of Canara Bank, shares an interesting experience:

"Over 50 years age, I made a mistake in coding a message for telegraphic transfer money. The paying branch waited for a confirmation. The customer was very much annoyed with the delay and claimed interest.

Myself and the officer who checked had to pay four rupees each. It was

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then my four days salary. I did not grudge it as I thought that the customer should not suffer for my negligence".

It is therefore hardly surprising that many of us sincerely believe that we were 'better off' under colonial rule. I don't accuse them of being unpatriotic. What they

are really trying to say is that the fear of the stick works.

What happened when the Tricolour replaced the Union Jack. The New Age that came made allowances for complacency whereas none was justified. A fetish was made out of independence – it came to stand for irresponsibility merrymaking and freedom to give vent to long suppressed fantasies. But unaccompanied by a national desire to build every noble ideal that institutions stood for, and every sacrifice made by their proponents, went waste.

SWARAJ

Eighty years ago when Lokmanya Bal Gangadhar Tilak rose up to say: "Swaraj is my birthright and I shall have it", he meant something more than just political independence.

He nursed an ardent desire for Indians to be free to choose their own destiny through their own models of democracy and development. Tilak died for his dreams. Those who inherited it ensured its transformation to a nightmare.

Or is all hope lost yet? March 2, 1993 was not a day of any significance in Indian history. But at Bombay airport, to be precise, inside the cabin of an Indian Airlines aircraft that morning saw the brief rise of that phoenix long thought dead.

The passengers were made to sit it out for three hours and each time they asked the reason for the delay in take-off they were told that three passengers, undoubtedly VVIPs, were late and the flight could not take off without them. They seethed with resentment. Nobody expected them to do otherwise as is wont.

But when the author of the latest example in authoritarianism turned up in the person of Lok Sabha Speaker, Shivraj Patil, one, just one, passenger went up to him and demanded an explanation. Patil irritated by what he automatically thought was insolence, told the

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gentleman to 'behave himself'. That did it.

The Times of India reported that the other passengers walked out of the aircraft and did a 'dharna' (sit down) on the tarmac in protest. Their hurt sensibility was soothed only when the Speaker tendered an apology after three hours.

The plane flew, but the Speaker landed in New Delhi no doubt a changed man. Next time a VVIP thinks flight schedules are only for apes, somebody should remind him of this episode. Subsequently, the Lok Sabha secretariat and the Indian Airlines put out a statement, denying the Hon'ble Speaker's fault in the drama that took place.

THE PRINCIPLE

'It is not the money but the principle', is a line I often hear when dealing with aggrieved consumers, But friends, it is also a question of money.

Do you realise even once that you contribute more than half of your honest earnings to fill the very coffers from which the likes of Shivraj Patil and our own local bank clerk draw their luxuries. Yes,

more than half our earnings are demanded by the Government in the form of 'hazaar' taxes, which is more often misutilised than utilised.

An interesting report, which appeared in *The Statesman* of Calcutta on Sunday, March 1, 1993, a day after the 1993-94 Budget was placed in the Parliament, illuminates this rather well:

No Way to Spend Our Money

When Finance Minister Dr. Manmohan Singh unveiled a Union Budget many described it as a hopeful departure... but it had nothing to say about the countless instances of wastage of public money.....

>In the 80's, 290 doubledecker buses were bought at Rs.8 lakhs apiece under the Calcutta Urban Transport Project with World Bank funds. Despite the average life span of each bus being eight years, they are now lying condemned at the Calcutta State Transport Corporation's depots in Belghoria and elsewhere.

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Equally shocking is the way Rs. 46 crores out of the Rs. 102 crore project meant for adding pollution free trams to Calcutta have gone unutilised.

pollution free trams to Calcutta have gone unutilised. Less than 6 years after the project was completed, CTC suddenly decided to phase out trams and put buses on the road instead. The upshot: more than 50 trams lie idle round the clock while a three storied staff training centre, built totally with World Bank finance, near the Tollygunge tram depot lies perpetually under lock and key - a mute witness to unabashed government waste of World Bank funds.

The newspaper went on to give many other examples. They spoke the same story of hopelessness bestowed on the nation by an inefficient and a corrupt bureaucracy.

RESPONSIBILITIES

Countless such examples can be given off the cuff but I prefer not to in this presentation. 'Troublemaker' is what somebody in a high office once wrote me off as. This kind of exercise becomes meaningless unless somebody takes the initiative in stirring alive the sleeping sense of citizenship which is the bane of our society at the moment.

Why are we silent? The makers of our constitution, aware as they were of the need to ensure that never again does this country come under domination, in addition to our Rights, spelt out a number of Fundamental Duties that every Indian has to perform. Two of them are relevant in this context:

Art. 51. A(b) It shall be duty of every citizen of India to develop the scientific temper, humanism and the spirit of inquiry and reform;

and (j)...to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

Others, (g), call upon us "to protect and improve the natural environment... and have compassion for living creatures and (i) to safeguard public property and abjure violence."

In a recent milestone judgement, a Delhi district court, headed by Judge C.K. Chaturvedi, banned the setting up of an abattoir (slaughterhouse for animals) in Narela, a colony in

North Delhi. The colony residents had moved a petition in the court.

In this judgement, Chaturvedi noted the citizen's fundamental duty of protecting both the environment and fellow animal beings. Citing two Supreme Court Judgements, Chaturvedi ruled, "animals have a right to live in harmony with humans."

FACT STRANGER THAN FICTION

The Bombay Airport episode: was it an indication of things to come? I hope it is not, but the proportions to which the habit of wasting public money has been taken today is unbelievable. Fact is stranger than fiction, as it were. Consider:

1. The Union Government's expenditure on account of pay, allowances and travel expenses on its own staff will go up to over Rs. 14,575 crores during 1993-94. This will mean an increase of nearly Rs. 1,113 crores over 1992-93. An eight percent increase may not be alarming, but is a clear indication that the Government is yet to control expenditure on its huge and growing bureaucracy, despite

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making promises to that effect.

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2. The West Bengal government, like many other states, spends almost all its earnings to pay the salaries, wages and overtime of its staff. So all development work is dependent on Central grants. And what measure did it take to curb spending? Declared all Saturdays holidays. Resultant saving per Saturday – Rs. 2 crores. Note: Inference – declare every day of the week a holiday and the Left Front Government will end up saving Rs. 14 crores a week.
3. Some Union Ministers have a strange way of observing petroleum conservation weeks. Three of them – Arjun Singh, Madhavrao Scindia and Kamal

Union Ministers – Arjun Singh, Madhavrao Scindia and Kamal Nath flew from New Delhi to Bhopal in three separate special aircrafts on January 5, 1993 to attend a meeting of the MPCC.

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Nath flew from New Delhi to Bhopal in three separate special aircrafts on January 5, 1993 to attend a meeting of the Madhya Pradesh Congress Committee. The Bhopal airport was overworked. The three planes landed within 45 minutes of each other.

Note: Outraged by *The Times of India* report which revealed

this, a conscientious citizen from Indore, Satyapal Anand, filed a writ petition in the MP High Court, Indore Bench challenging the use of Government planes for party purposes.

4. The former Mayor of Calcutta, Kamal Kumar Basu, once said “there is no cure for corruption in the civic body”. Giving an example, Basu said one of his relatives was asked for a bribe by an inspector of the assessment department. He felt that the recently set up special squad to demolish unauthorised constructions might check malpractices in the building department. He alleged that either the department’s employees or

local police stations passed on secrets of the CMC’s drives to violators.

Note: This is the state of affairs in the oldest and most scientifically organised civic body in the country.

5. Newspapers nowadays are full of condemnation on how Parliament has been held to ransom by politicians who use it as a forum for ranting and raving on their party lines. Instead of thought provoking debates and criticisms from either side of the motion we have walkouts and screaming on purely political issues. The MPs are also used as hired crowds during rallies by their top leaders.

Note: What does it cost to have the Parliament? The last estimate carried out in 1981, Stated that it cost at that time, Rs. 9.7 crores a year or Rs.3.4 lakhs a day or Rs.48,000 an hour. Considering the inflation and falling value of the Rupee, the cost today would be double or treble this amount.

In Bharatpur once, citizens got together and gheraoed (blockading) a jeep of Rajasthan State Elec. Board (RSEB) in a bazaar, for it was carrying an engineer’s family out on a shopping spree.

On the issue raised at point one above, *The Pioneer* of New Delhi reported on 15th April 1993, that the cabinet secretary, S. Rajagopal has sent out a strongly-worded note to secretaries of all departments of the central governments that several ‘regrettable instances’ of officials misusing the facilities of public sector enterprises etc., have come to the notice of Prime Minister P. V. Narasimha Rao.

An unnamed secretary is reported to have told the reporter, Jyotsana Sharma, “ unfortunately there is no accountability for such blatant misuse of government machinery.”

GOOD APPLES TOO

Bureaucrats misusing our money? So it is not surprising for any one of us. In Bharatpur once, citizens got together and gheraoed (blockading) a jeep of Rajasthan State Elec. Board (RSEB) in a bazaar, for it was carrying an engineer’s family out on a shopping spree. The corrupt engineer was summoned in a peoples’ court, asked to apologise and make proper entries in the vehicle log book for his

private use. Another engineer was caught stealing power while living in the RSEB's staff colony. He was suspended.

However, there are many honest and upright people – and some border on idiosyncrasy. It is well known fact that engineers in our public works department are corrupt to the core, save and except a few. One Chief Engineer of the Rajasthan Irrigation department in the 1960's never used his official car for personal use. Even when he had to travel out on a tour to the districts, he used to take a rickshaw to the office and then get into the government vehicle.

The current union minister for consumer affairs, A. K. Anthony, is another such citizen. It is reported that he cannot be bribed, purchased or influenced. And he doesn't own any property or even a car. Having ruled for many years as Chief Minister of Kerala, he can put any other politician to shame. Look around us for more. There may be many rotten apples, but there are good ones too. Just honest determination can change the system.

> The accumulated losses of our State Electricity Boards (SEBs)

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exceeded Rs.10,000 crores or roughly Rs. 118 per citizen. The losses in 1992-93 alone are going to be Rs.2230 crores, Rs.547 crore more than 1991-92. That is 32 p.c. increase in losses! It is also mentioned that five

SEBs i.e. Andhra Pradesh, Karnataka, Kerala, Maharashtra and Tamil Nadu had generated surpluses in 1991-92.

> In 1991-92 the aggregate losses of all state road transport undertakings (SRTUs) were Rs. 401 crores, while our investment is about Rs.4000 crores. The Rajasthan State Road Transport Corporation (RSRTC), Anna and Pandiyan Transport Corporations of Tamil Nadu were the only 3 out of 30 odd SRTUs that reported a profit. RSRTC was reported to have earned Rs.12.72 crores, because of a unique profit-sharing scheme with its employees who got an additional one crore rupees bonus during the year.

There are several such instances of good vs. bad, which you can hear, read or see.

SEEING IS BELIEVING

I have seen humble villagers coming up with answers to their own problems

where bright bureaucrats have bungled. People in the cyclone prone areas of Andhra Pradesh came up with an unique solution when time and again the cyclone relief shelters built by the government failed to provide protection and collapsed in the face of gales.

They noticed that the architectural patterns in which bureaucrats built the huts – rectangular – could not meet the gale head on. So they came up with a simple solution. They built them in a round shape. The next time the strong winds came, they literally went round and round in circles.

In the good old days of the Maharajahs, good sense prevailed over obligations to the printed truth. The Maharana of Udaipur had the road-bridges in his kingdom made on humps. So when the flood waters came they could not climb that extra height to wreck the bridges. One can see the same bridges erect today.

But today, what else do we see. On 31st March 1993, the Union Minister of State for Water Resources, P.K. Thungon, informed the

Lok Sabha that four major and one medium irrigation project have been under construction since the first 5 year plan i.e. 40 years ago.

Huge time and cost overruns, and fattened bureaucrats and politicians to the building of any public utility project. And once completed, there is no guarantee that they will stand the vicissitudes of nature. Corruption has a lot to do with this. It is quite simple. The good people are driven out and in their place the corrupt ones, may I call them traitors, arbitrate on what is best for this country.

This touches a humiliating chord. It is not as if we can't do anything about it. But it is just that we choose to be content with the humdrum of our narrow lives. People who are important

enough, competent enough to provoke healthy debates, to make authority sit up and take notice, are busy or perennially at 'meetings' or plain 'politicking'.

CITIZENS'POWER

It is said a people deserve the government they get. When this old gaffe is matched with the state of affairs

I have seen humble villagers coming up with better solutions where our bright bureaucrats bungled. In the cyclone prone areas of Andhra Pradesh, the rectangular relief shelters failed in face of gales. The villagers then built it themselves in a round shape, which beat the winds.

prevailing today, should we not be roused feeling insulted? Can we not demand of our governments better management of our resources? After all, **the state derives its rights from our powers.**

But everything is not a gloomy as portrayed above. Large number of our citizens, though a miniscule percentage, are diligent, honest, sincere and patriotic. The country is running, because of them.

They are discharging their fundamental duties of inquiry and reform, and striving towards excellence in all spheres of activities so that the nation, if not rising to higher levels of endeavour and achievement, does not slide down. One comes across these cases on several occasions. Let us be inspired and guided by them.

Friends, it is time change is brought about. Ant you are the agents of change. After all you spend half your time in working for the government, but not even one percent time in questioning what they do with **your money.**

It is said a people deserve the government they get. When this old gaffe is matched with the state of affairs prevailing today, should we not be roused with a feeling of insult?

When I am asked about how much time I spend in working for the government, I say eight days a week. This is no error, as I spend over 100 percent of my time as a public citizen, constantly questioning and challenging misdemeanours and negligence, injustices and wastage.

In this context many questions inspire me. For instance, the late US President John F. Kennedy: **“Ask not what your country can do for you, but what you can do for your country”**. And on the helplessness which is often expressed by right-thinking people, one should hear what the philosopher Margaret Mead had said: **“Don’t think that a handful of people cannot change the world. In fact it is always a small group of people who do bring about the change”**.

ONE AND ONE IS ELEVEN

What Margaret Mead had said is a fact. Many examples can be seen. It is always two or three people who get together agitated over an issue, moving forward to question it, and taking action to correct the injustice. CUTS was started like this.

One day in 1984, in Jaipur, I and a friend Dr. K. B. Singh sent out my servant to get a matchbox. When the sealed box arrived, we noticed that the box which should contain 50 sticks contained only 35. Besides, some of the sticks were of poor quality – either the timber was thin or the striking head was too small to perform as a match box.

To ascertain the shortage and quality, we then sent back the servant to the market to buy a carton of 12 matchboxes. Instead of 600 matchsticks we counted only 426 sticks i.e. a shortage of 29 percent. Considering the cost of the carton at Rs. 2.75 our loss was only 80 paise. Per matchbox the loss was only 6.6 paise, hardly an amount to feel agitated about! But when we looked at the figures of the industry we discovered an annual cheating of Rs. 159.5 crores i.e. 29 p.c. of Rs. 550 crores. Nearly half the price of matchbox consists of excise duty. Besides, the government is required to keep a check on such abuses under the Weights & Measures Act, 1977. Therefore, the government was a major accomplice in this act.

After all, the state derives its rights from out powers.

Friends, the country is not facing a crisis of leadership as many of us would like to believe. It is facing a crisis of citizenship.

We decided to do something about this rip off. After all a matchbox is purchased by every citizen – from the richest to the poorest. Roping in two other friends – Tripuresh Sharma and Ajit Singh, we marched to the Ramganj Police Station to file a complaint under Sec. 420 of the Indian Penal Code against manufacturer, wholeseller and retailer, for cheating.

The courteous officer-in-charge for once was taken aback, both on the facts and our enthusiasm. He advised us to approach a civil court – which we did. We appealed to the MRTP Commission and some change was brought about as a result of the concern and synergy of two and then four citizens. Millions benefited.

When we started off we were one and one i.e. eleven. That is what I call synergy. Later we became one thousand one hundred and eleven and not four (The dictionary defines synergy as co-ordination of muscles and organs of the body.)

WHAT TO DO?

Friends, the country is not facing a crisis of leadership as many of us would like to believe. It is facing a crisis of

citizenship. "We the people of India" have only one choice – demand accountability or suffer.

Since you spend half your time working for the government, I say, give only 10 percent of your time to question and challenge one wastage and one injustice which you see or hear or bear and you may end up correcting much more in terms of money value, than that of your own contribution to the nation's coffers.

It is your hard earned money which is being misused, not anyone else's. And then only nation will constantly rise, development will take place,

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poverty will reduce and the weak protected.

REMEMBER that one passenger who protested for the unnecessary delay of a flight.

RECALL the act of Satyapal Anand who questioned the waste of our money by three powerful ministers.

HARK the words of Judge C. K. Chaturvedi who said that is our fundamental duty to protect the environment and animals.

LOOK AROUND for several such instances which you see or hear or read every other day, and contribute your mite.