**ANNUAL REPORT FOR THE YEAR 2010-2011**

During the year under review, the Society strove to further the mission and objectives of its Founder-Director, Mr. H.D. Shourie, articulate the concerns of the people and secure the resolution of their common problems. In its various initiatives, the Society received unstinting cooperation from like-minded civil society organizations and activists.

Common Cause played a crucial role in conceptualizing an unprecedented mass movement for probity in public life. An affidavit filed by the Director in WP (C) 26/1995 in July 2008 had delineated the essential features of the institution of Lokpal and sought mandatory directions from the apex court for the establishment/empowerment of integrity institutions at the central and state levels. This affidavit became the starting point of a civil society consultation, which set in motion the process of formulation of the Jan Lokpal Bill. As a prominent founder of the forum, ‘India Against Corruption’, the Director made a significant contribution in the formulation of the movement’s charter and memorandum and its initial interactions with the central government and the political parties. The Society also took an active part in the mass rally at Ram Lila Maidan on January 30, 2011 as well as in the follow up events. Later on, when divisions within civil society threatened to jeopardize the gains of the movement, the Society endeavoured, with considerable success, to bring about an end to mutual recriminations among the key players and enlarge the area of convergence.

At the instance of the Society, the National Institute of Design (NID) agreed to design a logo for a broad-based anti-corruption campaign. The logo being developed by NID, which is remarkable for its simplicity, pithiness, recall value and ease of reproduction, is proposed to be disseminated widely in order to raise public awareness and mobilize support for the campaign.

Common Cause continued to pursue its police reforms agenda during the period under report. The civil society coalition of Commonwealth Human Rights Initiative (CHRI), Foundation for Restoration of National Values and Common Cause actively engaged with the Ministry of Home Affairs and persuaded it to undertake a revision of the Delhi Police Act with a view to incorporating the Supreme Court directions on Police Reforms and the key provisions of the Model Police Act drafted by the Soli Sorabjee Committee. This move was eventually blocked by the Delhi Police establishment, which came up with a counterproposal for amendments to the Delhi Police Act aimed at putting the clock back. The coalition is persisting with its advocacy initiative in Delhi and other states.

The Society in collaboration with CHRI and the NASSCOM Foundation explored the feasibility of establishing a collective entity to set up and operate an RTI portal for enhancing the efficacy of the instrument of the right to information. It was envisaged that the portal would act as a repository of significant information pertaining to critical areas of governance extracted by information seekers under the Right to Information Act and place it in the public domain after adding value to it. A preliminary project proposal-cum-business plan prepared by Tata Consultancy Services has thrown up resource requirements beyond the current capacities of the project sponsors.

The campaign for securing the basic rights of construction workers in Delhi recorded significant gains as the Delhi High Court issued a series of specific orders in the PIL filed jointly by People’s Union for Democratic Rights, Nirman Mazdoor Panchayat Sangam and Common Cause to ensure compliance of the safety norms and the mandatory provisions of various labour welfare legislations.

The Society’s collaboration with Public Interest Foundation in the area of political process reforms resulted in a joint PIL in the Supreme Court seeking the disqualification of persons charged with serious criminal offences from contesting elections to Parliament and state legislatures and expeditious disposal of criminal cases against MPs and members of state legislatures and appeals and revisions arising therefrom.

Common Cause is the lead petitioner in a comprehensive PIL before the Supreme Court **challenging the constitutional validity of the Civil Liability for Nuclear Damage Act, 2010. The petition, which has received extensive coverage in the national media, also prays** for a reassessment of the safety parameters and long-term cost-benefits of nuclear energy plants in India and the establishment of an independent atomic energy regulatory board.

The Society extended financial support for the production of a revealing documentary film by Mr. Paranjoy Guha Thakurta on iron ore mining in Bellary (Karnataka) and Ananthpur (Andhra Pradesh). The film, titled “Blood & Iron: A Story of the Convergence of Crime, Business and Politics in South India”, documents how iron ore mining in these districts has influenced the politics and devastated the ecology of the region.

Common Cause continued to support the efforts of Vanangana to promote communal harmony through its sporting and cultural activities and programmes for imparting vocational skills. These initiatives bring young women and men of diverse backgrounds to a common platform and promote understanding and co-operation among them.

Mr. Vikram Lal was re-elected as President of the Society for a fresh term of three years with effect from May 10, 2010. Maj. Gen. (Retd.) J. P. Gupta was likewise re-elected as Vice President of the Society. Dr. B.P. Mathur was re-appointed Hon. Treasurer for three years with effect from October 25, 2010.

The Governing Council of the Society met four times during the year. Mr. Paranjoy Guha Thakurta, noted educator and journalist, was inducted as a member of the Council. The Council re-nominated Maj. Gen. (Retd.) J. P. Gupta and Mr. Prakash Singh to the Board of Trustees of Common Cause Trust for a further period of three years.

The Annual General Meeting of the Society was held on March 26, 2011. The members took stock of the developments since the last meeting of the general body and endorsed the direction being imparted to the activities and programmes of the Society.

The office of the Society was shifted from the ground floor of Common Cause House to the second and third floors of the building. The move, while strengthening the financial viability of the Society, doubled the space available for its activities and programmes.

The Society made good use of the instrument of public interest litigation to seek appropriate relief from the Supreme Court of India/High Court of Delhi in public causes that require intervention by the courts. A number of important public issues was also taken up with the Government agencies/ ministries concerned.

The status of the writ petitions filed in the Supreme Court of India and the Delhi High Court is as follows.

**Supreme Court Cases**

**1. Appointment of Lokpal and Lokayuktas:**The Writ Petition (civil) No. 26 of 1995 relates to enactment of the Lok Pal Act and appointment of Lok Ayuktas and Up Lok Ayuktas under the Legal Services Authorities Act. The case was listed for final disposal on August 28, 2009, but was adjourned due to paucity of time. The matter was last listed on July 12, 2011. In the mean time, a mass movement led by Anna Hazare has forced the government to introduce a highly contested Lokpal & Lokayuktas Bill, 2011 in Parliament. The Bill has been passed by the Lok Sabha and is pending in the Rajya Sabha.

**2. Large Scale Advertisements:** Self-congratulatory advertisements are routinely inserted in newspapers and magazines to bolster the image of political parties/ politicians at a huge cost to the exchequer. Common Cause urged the Supreme Court through Writ Petition (civil) No.13 of 2003 to put a stop to this practice. An early hearing was sought since huge amounts were being spent by the government on political advertisements in view of the general elections. Meanwhile, the Election Commission took adverse note of this practice and issued a caution to the parties concerned. The matter has been pending for final disposal. There is no further order of listing.

**3. Crime and Violence on T.V.:** The Writ Petition (Civil) No. 387 of 2000 draws attention to the preponderance of crime, violence and sex in many of the programmes being broadcast on T.V. The Court directed the Union of India on April 18, 2006 to file a status report on the Broadcasting Regulatory Authority Bill within two weeks. The Union of India is yet to comply with this direction. There is no further order of listing.

**4. Slaughter House Pollution:** The absence of a modern system for waste disposal in slaughter houses poses a serious threat to the environment, while the slaughter of diseased animals endangers public health. The guidelines issued on the subject by the Central Pollution Control Board and the Bureau of Indian Standards are ignored by municipal authorities. The employment of children in slaughter houses and roadside vends violates the Child Labour (Prohibition and Regulation) Act, 1986. In this context, Common Cause had filed Writ Petition (Civil) 330 of 2001 praying that the authorities concerned be directed to take appropriate remedial measures. The petition has been clubbed with WP (C) 309/2003 filed by L.N. Modi. The Court has directed the Central and State Pollution Control Boards and the Animal Welfare Board to file their affidavits. The matter has been listed several times. The next date of hearing is March 26, 2012.

**5. HIV-AIDS:** Writ Petition (Civil) 61 of 2003 has been filed to highlight the havoc caused by the prevalence and spread of HIV-AIDS and ensure that the Central and State governments take effective steps to monitor the performance of NGOs participating in the HIV-AIDS Control Programme and weed out suspect NGOs, set up counseling and specialized treatment centers, enact an appropriate legislation for ensuring that no HIV positive patient is denied due care. In view of the directions of the Court, the government has formulated a scheme for Universal Access to Second Line Treatment of HIV, which has been taken on record. The next date of hearing is February 6, 2012.

**6. Living Will:** Common Cause filed a writ petition (civil) 215 of 2005 praying for enactment of a law on the lines of the Patient Autonomy and Self-determination Act of the USA, which sanctions the practice of executing a ‘living will’ in the nature of an advance directive for refusal of lifeprolonging medical procedures in the event of the testator’s incapacitation. While our petition awaits disposal, the Court has in Aruna Shanbaug (criminal writ no. 115 of 2009) legalized passive euthanasia and laid down the guidelines for withdrawal of life support from a patient in a permanent vegetative state. This order of the Apex Court goes well beyond the limited relief sought in our petition.

**7. Speedy justice:** Janhit Manch, Common Cause and a couple of other like-minded entities jointly filed a comprehensive Writ Petition (civil) 122 of 2008 offering a multi-pronged strategy to expedite the dispensation of justice and liquidate the backlog of court cases. The petition relied heavily on the recommendations made in various reports of the Law Commission of India. The need to promote alternate modes of dispute resolution, pre-litigation measures and plea bargaining was also stressed in this petition. After issuance of notice, the petitioners were allowed to implead all the states. The Government of India was directed to file its affidavit in reply and also to apprise the court of the progress of the Gram Nyayalayas Bill. The Union of India has filed its affidavit. The case has been tagged with a matter relating to judicial service being agitated in SLP (Civil) No.27019/2011 The attention of the Court is currently focused on the adequacy of the efforts being made to fill the existing vacancies in the subordinate judiciary under different High Courts. The matter was last listed for January 25, 2012, but could not be heard.

**8. Appointment of CVC:** In Writ Petition (civil) 348 of 2010, Centre for Public Interest Litigation (CPIL), Common Cause and a number of eminent citizens challenged the appointment of Mr. P. J. Thomas as Central Vigilance Commissioner on the ground that he could not be considered as a person of impeccable integrity while there was a charge sheet against him in a case of corruption. In a landmark judgment delivered on March 3, 2011, the Supreme Court quashed the impugned appointment holding that the recommendation of the High Powered Committee for the appointment of Mr. Thomas was non est in law and that the joint recommendation of the Prime Minister and the Home Minister without considering the relevant material on Mr. Thomas and disregarding the dissent of the Leader of Opposition in Lok Sabha amounted to official arbitrariness. Enunciating the concept of institutional integrity, the Court declared that institutional integrity rather than personal integrity of the candidate should be the primary consideration for the appointment of the CVC and proceeded to lay down elaborate guidelines to be adopted in this regard.

**9. Cancellation of Spectrum Allocation:** Common Cause joined hands with CPIL, eminent citizens and like-minded organizations to file writ petition (civil) 423 of 2010 seeking cancellation of the entire spectrum allocation and the telecom licenses issued in January 2008. It was urged that in the interest of the telecom sector and the national exchequer, the allocation of 2G spectrum and telecom licences granted by Department of Telecommunication pursuant to its press releases of January 10, 2008 be declared as illegal and the spectrum auctioned as in the case of 3G spectrum in 2010. The Court has ordered that any action taken by the DoT in respect of licences granted in pursuance of the said press releases shall remain subject to the decision in the writ petition. The judgment in the case has been reserved.

1**0. Safety concerns in nuclear energy programme:**Through WP (C) 464/2011, Common Cause, CPIL and some eminent citizens have challenged the constitutional validity of the Civil Liability for Nuclear Damage Act, 2010 and sought a safety reassessment as well as a comprehensive analysis of the long-term cost-benefits of the nuclear plants in India. The petition also seeks the establishment of an independent and effective atomic energy regulatory authority in the interest of people’s rights to life and clean environment. The petitioners had to satisfy the Court that before filing the PIL they had exhausted the other remedies available to them. They have now been asked to file details of the functioning of independent nuclear regulators in other countries. The case is fixed for on March 16, 2012.

**11. Combating the Criminalization of Politics:** Public Interest Foundation, Common cause, and a few other like-minded organizations filed WP(C) 536/2011 with the prayer that the Court may issue appropriate guidelines to ensure that individuals charged with serious criminal offences are unable to enter the political arena by contesting elections and lay down a time-frame for disposal of pending criminal cases, appeals and revisions concerning members of Parliament and state legislatures. The petition also challenges the constitutional validity of Sec. 8(4) of the Representation of the People Act, 1951, which provides that in the event of conviction of a sitting member, the ensuing disqualification shall be stayed on filing an appeal or revision. The petition is to be heard on March 12, 2012.

**High Court Cases**

**1. Plight of Construction Workers in CWG 2010 projects:** In WP (C) 524 of 2010, Common Cause joined hands with People’s Union for Democratic Rights and Nirman Mazdoor Panchayat Sangam to highlight the abysmal condition of the constructions workers employed in Commonwealth Games related projects and secure their rights under various labour laws and welfare schemes. The averments made by the petioners were corroborated by the Monitoring Committee constituted by the Court as well as the Delhi Legal Services Authority. Goaded by a succession of detailed operational orders from the Court, the authorities concerned have been galvanized into providing some relief to the hapless workers. The matter is listed for arguments on March 20, 2012.

**2. Judicial Accountability beyond Retirement:** Through WP (C) 866/2010, Common Cause has questioned the practice of retired Supreme Court judges tendering legal advice, which is produced in a forum of adjudication to influence its judgment. The lucrative chamber practice of retired Supreme Court judges violates the letter and spirit of Article 124(7) of the Constitution, which forbids them to “plead or act in any court or before any authority within the territory of India”. Through a narrow and self-serving interpretation, they have construed the prohibition to “plead or act” to operate as a bar only on their appearance in courts. Our contention is that giving a written advice to be tendered in a court of law comes within the mischief of Article 124(7). The petition also seeks a ban on acceptance of arbitration work by retired members of the higher judiciary while serving as chairpersons or members of official commissions and tribunals. The respondent has finally filed its counter-affidavit. The matter has been listed for February 29, 2012.

**3. Misuse of BSP Reserved Symbol:** Common Cause filed a writ petition (Civil) 8363 of 2010 challenging the order of the Election Commission of India (ECI) dated October 11, 2010 rejecting its complaint, which had sought the freezing of the ‘elephant’ symbol allotted to the Bahujan Samaj Party (BSP) on the ground of its misuse by the Party’s government in Uttar Pradesh in installing at government expense statues of elephant at various public places. The Court has directed the ECI and BSP to file their replies. The next date of hearing is February 10, 2012.

**Finance and Accounts**

The Audit Report on the Annual Accounts of Common Cause Society and COMMON CAUSE TRUST for the year ending March 31, 2011 has been received. The Governing Council has accorded its approval to the Annual Accounts and the Audit Report on September 26, 2011. Briefly, the overall expenditure during the year was Rs.47.17 lakh against Rs.40.30 lakh last year. The increase in expenditure was primarily due to major repairs in the building and the shifting of office. The income was Rs.42.61 lakh against Rs.43.56 lakh during the previous year.

The dip in income was on account of a brief hiatus in the two tenancy agreements. Thus, there was an overall deficit of Rs.4.56 lakh during the year against a surplus of Rs.3.26 lakh recorded last year. The financial position of the Society will be much better during the year 2011-12. Overall, the financial results are quite satisfactory.