**MINUTES OF MEETING OF THE GOVERNING COUNCIL OF COMMON CAUSE**

**Date:**  March 27, 2015

**Venue:** VSF, Core IV, India Habitat Centre New Delhi

**Participants:**

Mr Vikram Lal      President

Maj. Gen. (Retd.) J. P. Gupta

Dr Ashok Khosla

Mr Prakash Singh

Dr. Divya Jalan

Dr. B. P. Mathur

Mr Lalit Nirula

Ms Madhu Kishwar

Mr Kamal Kant Jaswal Director

Dr. Vipul Mudgal Special Invitee

Shri Pankaj Gupta Special Invitee

Leave of Absence was granted to Mr Jyoti Sagar, Mr Prashant Bhushan and Mr Paranjoy Guha Thakurta

1. **Confirmation of minutes**

Minutes of the Governing Council meeting held on February 28, 2015 were confirmed.

1. **Election of the president**

Following resignations of President Mr Vikram Lal and Vice President Maj Gen (Retd) J P Gupta the Council was informed that an important part of the agenda was the election for their successors and reconstitution of the Executive Committee. Ms Madhu Kishwar wished to register her protest against the resignation of the President and the sentiment was endorsed by Mr Prakash Singh. Thanking the members for reposing their trust in him, Mr Lal emphasised on the need to build institutions. He said he will continue to be only a phone call away.

Subsequent to a communication to this effect from the Trust, the Director informed the council that the board of trustees has drawn up the following panel of names for election of President of Common Cause Society:

Dr Ashok Khosla

Mr Jyoti Sagar

Mr Kamal Kant Jaswal

At this point, Director Mr Kamal Kant Jaswal left the meeting.

Dr Ashok Khosla expressed his unwillingness to be a candidate for the post of President and also informed the council of Mr Jyoti Sagar’s wish, as conveyed to him earlier, that he too did not wish to be considered for the post. As only one name out of three shortlisted by the Board of Trustees was left to be considered, Mr Kamal Kant Jaswal was unanimously elected as the President of Common Cause Society for a fresh term of three years with immediate effect.

At this point Mr Kamal Kant Jaswal rejoined the meeting and was felicitated by the governing Council members. Mr Jaswal said he would go by the Council’s decision and accept his new post with some trepidation, but, for him, the redeeming feature will be that Mr Vikram Lal’s counsel will be available to him.

The outgoing President then requested the new President to preside over the meeting from here.

The new President said that he would like to exercise his prerogative to propose that Mr Vikram Lal be designated as President Emeritus and Maj. Gen (Retd.) J P Gupta be designated as Vice-President Emeritus. His motion was unanimously accepted by the Governing Council.

1. **Election of the Vice President**

Maj Gen (Retd) J P Gupta proposed the name of Dr B P Mathur for the post of Vice President. Dr Mathur suggested that since both and the President and he had a Government sector background, it would be better to elect Dr Ashok Khosla as Vice President in view of his international standing and expertise in the environment sector. Dr Khosla, however, declined to be considered for the post. Dr B P Mathur was then unanimously elected as the new Vice President of the common Cause Society for a fresh term of three years.

1. **Reconstitution of the Executive Committee**

It was resolved that the Executive Committee will comprise the President Mr Kamal Kant Jaswal, the Vice President Mr B P Mathur, the Director Dr Vipul Mudgal, the President Emeritus Mr Vikram Lal, the Vice President Emeritus Maj Gen (Retd) J P Gupta, Dr Ashok Khosla and Dr Divya Jalan.

1. **Expansion of the Governing Council**

It was resolved that Dr. Vipul Mudgal be inducted as Director and ex officio member of the Governing Council. The Council was informed that after his induction there would be two vacancies in the Governing Council. The President felt that the decision on filling these vacancies should be taken after due deliberation and, if need be, through a circular resolution.

1. **Revision of the list of authorized signatories for operating the accounts of the society**

The Governing Council approved the change in the names of the signatories for operating the accounts of the Society and the Trust as under:

* President (of the Society or the Trust, as the case may be.)
* Director
* Head, Administration and Accounts

Following is the full text of the resolutions passed by the governing Council:

**Governing Council Resolution 1**

“Resolved that any two of the following may function as authorised signatories **of the Common Cause Society for operating the bank accounts with the Punjab National Bank, Vasant Kunj, The Indian Bank, Shantiniketan, and other financial institutions, with effect from the date this Resolution is communicated to them.** The banks/financial institutions concerned may continue to honour the cheques signed by any of the deleted signatories and issued prior to this date for a period of one month from the date of communication of this Resolution.

**1.  Mr Kamal Kant Jaswal President**

**2. Dr. Vipul Mudgal Director**

**3.   Mr. Pankaj Gupta                       Head, Administration &  Accounts”**

**Governing Council Resolution 2**

“Resolved that any two of the following may function as authorised signatories **of the Common Cause Trust for operating the bank accounts with Punjab National Bank, Vasant Kunj with effect from the date this Resolution is communicated to them.** The bank may continue to honour the cheques signed by any of the deleted signatories and issued prior to this date for a period of one month from the date of communication of this Resolution.

**1.  Mr Vikram Lal President**

**2. Dr. Vipul Mudgal Director**

**3.   Mr. Pankaj Gupta                        Head, Administration & Accounts”**

1. **Review of Developments Since Last Meeting**

The Director recapitulated the significant developments in the Society’s public interest litigation since the last meeting. The President added his inputs on new interventions and future directions. The following are the review highlights.

**New interventions:**

**PIL on Audit of NOIDA & other industrial development authorities:**

The CAG has been requesting the Government of U.P. to entrust the audit of NOIDA and Greater Noida Industrial Development Authority to it as the extant audit by Examiner, Local Fund Accounts, has proved to be totally inadequate. These requests have been turned down by the Government of U.P., taking shelter behind the provisions of the Uttar Pradesh Industrial Area Development Act.

Against the backdrop of recurrent reports of massive land scams in these authorities and scathing comments by the higher courts, a PIL was filed in the Supreme Court to seek the extension of the CAG’s audit jurisdiction to NOIDA, Greater Noida Industrial Development Authority and Yamuna Expressway Industrial Development Authority on March 10, 2015. The PIL is under scrutiny of the Supreme Court Registry.

**Developments in earlier interventions:**

**WP (C) 122/2008: Speedy Justice:** The Recall Application filed by Common Cause on February 16, 2015 was rejected by the Registrar *vide* order dated March 4, 2015, holding that our petition had not dismissed been for non prosecution, but had been disposed of as another matter involving the same issues was pending adjudication before the Court.

**WP(C) 21/2013: Challenging the *vires* of provisions of the IT Act:** Affirming the value of free speech and expression, the Bench of Justice Rohinton Nariman and Justice Chelameshwar, on March 24, 2015, struck down in its entirety Section 66A of the IT Act as unconstitutional. Referring to the government’s argument that the possibility of abuse does not render a law invalid, the Court held that section 66A, which was otherwise invalid, could not be saved by the ASG’s assurance that the law would be administered flawlessly. “Governments may come, and governments may go, but the law will remain”, observed the judges.

The Court, however, upheld Section 69A related to blocking of websites and the connected Rules. The Court also upheld section 79 of the IT Act and the Intermediary Rules but read down both provisions. As per the Court’s restricted interpretation, a court order will be needed for asking an intermediary to take down any information deemed offensive, provided it comes within the ambit of Article 19(2) of the Constitution.

**WP(C) 463/2012: Illegal allocation of captive coal blocks:** At the hearing on March 16, 2015, the former CBI director, Ranjit Sinha, admitted for the first time that he had met some of those accused in the Coal Block Allocation and 2G scams as indicated by the visitors’ logbook at his official residence. However, he argued that those meetings could not be viewed as improper or illegal since they did not influence his decision-making in any case. The Court has posted the hearing on our IA as well as the Cr. Misc. Petition for April 6, 2015.

The President also updated the Council on the Perjury application filed against him and the counsel of Common Cause by Ranjeet Sinha. Mr Prakash Singh observed that the Director CBI had no legs to stand on. If he had to meet the accused at all, he should have asked the I.O. concerned to be present; there was no need to meet the accused in secret, as has been reported.

**WP(C) 245/2014: Mismanagement of Defence lands:** The Union of India has filed its additional affidavitin the matter and we will shortly be filing our rejoinder to it. This matter is likely to be listed on April 7, 2015.

**Advocacy Initiative:**

Mr Jaswal attended a convention jointly hosted by Society for Fast Justice, Bhubaneshwar/ Odisha at Bhubaneswar on March 14-15. The programme was focussed on judicial reforms based on the theme of SAVE JUDICIARY-SAVE NATION. On its part, Common Cause, which has been an active combatant in the crusade for judicial reforms, has undertaken to mount an advocacy initiative for a time- bound implementation of the Gram Nyayalaya Act and, if need be, seek the intervention of the Apex Court, as it had done way back in 1988 in order to secure the operationalisation of the Consumer Protection Act through the establishment of District Consumer Forums.

Ms Madhu Kishwar observed with regard to Gram Nyayalayas that very often the basic purpose is lost when such courts are hijacked by the (unscrupulous) lawyers. The President said while the risk flagged by Ms Kishwar is real, it would be instructive to study the experience of Gram Nyayalayas in Madhya Pradesh, which has taken a head start in setting up these courts.

1. **Thrust areas for Future Initiatives**

The Annexure of the minutes of the last GC meeting on February 28, 2015 contains a comprehensive list of tasks identified, approved or initiated by Common Cause. These will continue to be pursued. In the process, the scope of work and the work force may need expansion; new collaborations/ partnerships may also be required. Re-launch of the Society’s website, enhancing its social media presence, and updating of the members’ database would also figure among the priorities.

Sharing his plans the Director said his motto is continuity with change – to carry forward the good work, to diversify and to move with the times. For instance, many feel that PIL, as an instrument, is losing its edge. However, the idea is not to discontinue PILs at this point in time, but to look for fresh ways to influence policy and to make a difference. He said that he would also like to expand the advocacy work to undertake alternative policy documents and status reports/ indices on areas of our strength such as the police reforms.

The low hanging fruit is pursuing public policies which touch daily lives of citizens all over India. The possible areas of work and intervention could be issues of pedestrians, affordable medicines/ medical devices, dignity of domestic work, human trafficking, environment and quality of air and water. He underscored the following three areas of thrust for future initiatives:

* Interventions,
* Advocacy, and
* Events to improve visibility, presence, youth connect.

During the discussion many new issues were flagged, albeit fleetingly, and some members said that they would like to continue the conversation.

The meeting ended with a vote of thanks to the Chair.

(Vikram Lal) (Kamal Kant Jaswal)

President (for Items 1 & 2) President (for Items 3 to 8)