

MINUTES OF COMMON CAUSE EXECUTIVE COMMITTEE MEETING

The Executive Committee of Common Cause met at Common Cause House, second floor, 5-Institutional Area, Nelson Mandela Marg, Vasant Kunj, on July 02, 2016 at 11:30 a.m. The following members participated in the meeting: Mr. Vikram Lal, Mr. Kamal Kant Jaswal, Maj Gen (Retd.) J. P. Gupta, Dr. B. P. Mathur, Dr. Divya Jalan, and Dr. Vipul Mudgal. Dr. Ashok Khosla was granted leave of absence.

The Committee confirmed the minutes of the last EC meeting held on March 12, 2016. The Director recapitulated the developments during the intervening period and shared updates on pending cases (see annexures 1 & 2) before taking up the agenda items.

New Issues

The Director gave a brief account of the following issues being researched for eventual legal action:

- gaps in the implementation of the Right to Education,
- recourse to surrogate advertising to circumvent statutory prohibitions,
- neglect of safety concerns of pedestrians,
- salvaging domestic workers' rights,
- promotion of generic medicines, and
- hazards of furnace oil use by the industry.

The members expressed satisfaction at the work undertaken by the Common Cause team. It was felt that the magnitude of furnace oil use in the industry should be ascertained before considering a PIL.

The members discussed the draft writ petition on Sedition (Section 124A of the IPC) which had been proposed by Mr. Prashant Bhushan's team. It was agreed that it was imperative to curb the tendency to abuse this colonial law by mandating that before an FIR is filed in a sedition case, the highest police authority of the state should through a reasoned order record its satisfaction that the "seditious" act in question would incite violence and lead to public disorder, in keeping with the law laid down by the Constitution Bench judgment in *Kedar Nath Singh* (1962). It was also felt that the law of sedition, which was designed to be an instrument of coercion in the hands of an imperial power, required a thorough rethink in our democratic polity.

The members were of the view that the issue of overpricing of power by the utilities and rampant over-invoicing of imported coal, which had been proposed by Mr. Paranjay Guha Thakurta, deserved to be taken up by Common Cause. It was felt that there was an inherent contradiction in power sector reforms seeking to demolish state monopoly in distribution of power by allocation of exclusive territories to private players. The President suggested that it would be worthwhile to investigate whether this issue should preferably be agitated before the Competition Commission of India.

The Committee also considered the feasibility of inserting public interest advertisements in leading publications to mobilize popular support for policy reform. It was felt that it would effectively complement the Society's initiatives in advocacy and public interest litigation.

The Director updated the members about the progress on the ongoing initiatives on judicial and police reforms. The Committee noted that the collaborative work for the state of policing report was on course after fresh infusion of funds from the Lal Family Foundation. The Lokniti team of the CSDS has already started working on the methodology to conduct an eight to ten-state survey. The Director also apprised the members of the dip-stick survey of the efficacy of the E-Courts Project by going through websites of individual courts in Delhi and Uttar Pradesh. The survey report is ready and will be shared with stakeholders in due course. The members endorsed the view that as part of its initiative on judicial reforms and following up on a series of consultations, Common Cause should go ahead and organize a multi-stakeholder dialogue on the e-courts project.

It was decided that the next meeting of Common Cause Governing Council will be held on August 3, 2016 at 3.30 pm at Vikram Sarabhai Foundation, India Habitat Centre, New Delhi.

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

(Kamal Kant Jaswal)
President