**ANNUAL REPORT & AUDIT REPORT FOR THE YEAR 2004 - 2005**

During the year under report COMMON CAUSE continued to pursue its activities and programmes for solving the common and collective grievances of the people and their amelioration by taking them up with the concerned authorities. For seeking redressal of collective problems, COMMON CAUSE has been making use of the instrument of Public Interest Litigation (PIL) by filing writ petitions in the Supreme Court, Delhi High Court and before National Consumer Disputes Redressal Commission. The status of the pending writ petitions is presented below for information of the members:­

**CASES IN SUPREME COURT OF INDIA:**
**MPs LOCAL AREA DEVELOPMENT FUND:**In this writ petition we have sought direction for scrapping the scheme due to the alleged misuse of funds as brought out by the Comptroller and Auditor General of India (CAG) in his reports. We have also resisted the demand of MPs to enhance the fund from the present Rs. 2 crores to Rs. 3-4 crores.
 **APPOINTMENT OF LOK PAL AND LOK AYUKTAS:**Writ Petition relates to enactment of Lok Pal Bill, and ensuring appointment of all Lok Ayuktas and Up-Lok Ayuktas under the Legal Services Authorities Act. The petition has been listed 29 times. When it was listed last on 12th Sept. 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 continues to pend. We have therefore considered it appropriate to file a Supplementary Application to our writ petition (26/95). We have submitted before Hon'ble Court certain other important matters which have a relevance to the requirement of submitting a request to the Parliament for an early enactment of Lokpal Act and to persuade all other States where Lok Ayuktas / Up-Lok Ayuktas have not yet been appointed, to make these appointments. Our advocate has also filed an application challenging the non-sanction of prosecution of Capt. Satish Sharma, and proposal to close the CBI proceedings against him.  **FAKE UNIVERSITIES AND BOGUS TEACHING INSTITUTIONS:** Proliferation of fake universities and bogus teaching institutions has become a menace, affecting the careers of a large number of aspiring young students. It is satisfying to note that the University Grants Commission (UGC) and All India Council for Technical Education have started taking some remedial measures by issuing suitable press notices warning the public about fake institutions, and advising the institutions / universities to upgrade their infrastructural facilities. UGC is reportedly working on the enactment ofa new Act having more teeth.  **CRIME AND VIOLENCE ON T.V.:** There is large dose of crime, violence and sex in some of the programmes being broadcast by certain TV channels. Our writ petition is still pending. The Ministry is claiming that steps are being taken to control depiction of too much crime, violence and sex in TV programmes. The Ministry of Information & Broadcasting is also espousing self­regulation and introspection by various channels in regard to the content of their programmes.
 **SLAUGHTER HOUSES - POLLUTION:** The Petition related to environmental pollution due to unhygienic and filthy practices adopted in the slaughter houses at various places in the country. The Petition is pending.

**MAINTENANCE OF ACCOUNTS & SUBMISSION OF ANNUAL REPORTS BY POLITICAL PARTlES:** Considering the importance of various provisions of law which govern the requirements of maintenance of accounts by political parties, getting their accounts annually audited, submission of audit reports to the concerned governmental authorities, as well as ensuring transparency in the processes relating to donations and contributions to political parties by companies, COMMON CAUSE has filed a petition in the Supreme Court for directing the respondents to place before the Hon'ble Court the status of compliance by political parties and enforcement by governmental authorities of provisions of sections 13(A), 139(4 )(B) and 142(1) of the Income Tax Act and Section 293 (A) of the Companies Act as enunciated by the Supreme Court in our earlier Writ Petition No. 24/1995.
 **LARGE SCALE ADVERTISEMENTS:** It is a common practice that advertisements of various sizes are inserted in newspapers and magazines projecting the image of political parties/politicians at huge cost to the exchequer. We have sought directions of the Supreme Court to stop this practice. The Hon'ble Court has since issued notices to the respondents. We filed another application praying for preponing the hearing in view of the fact that huge amounts continued to be spent by the Government on political advertisements due to the then approaching general elections. The case is yet to be listed. Meanwhile, the Election Commission has taken note of this practice and has advocated caution in the matter.
 **FUNCTIONING OF SOME AIRPORTS:** Huge investments have been made in setting up some airports as populist measures though these are economically unviable. Some of these airports are not functioning. However, nothing substantial is being done to upgrade infrastructural facilities and passenger amenities of world standards at Delhi, Mumbai airports etc. The Government is now planning to privatise some airports.
 **EDUCATION OF POOR CHILDREN:**Though the education of children between the age of 3 to 14 has been made a fundamental right, steps to achieve the same have not been put in place. We have taken this matter to the Supreme Court.
ROAD ACCIDENTS: Fatalities in accidents on Indian roads are reported to be about 80,000 annually. Lives are lost daily in road accidents, both on highways and in cities. Some of the fatal accidents are due to delay in provision of prompt medical aid, etc. We have sought co-ordinated approach from all concerned agencies, improvement of licensing procedures and proper training of drivers.

The respondents have filed their counter affidavit in response to the notice issued to them. COMMON CAUSE has also filed a rejoinder affidavit wherein it has inter alia been mentioned, in response to the stand taken by the Union of India, that the Respondent has repeatedly tried to abdicate its responsibility by stating that there are sufficient motor vehicle laws and regulations and that to enforce them is the responsibility of the respective States.

**TWO-CHILD NORM:**The Supreme Court of India had recently upheld the provision of the two-child norm for Sarpanches in the Haryana Panchayati Raj Act. We have suggested in a writ petition to the Supreme Court that a similar provision be incorporated in the Panchayati Raj Acts of other States. We have also written to the Secretary General, Rajya Sabha, requesting for placement before the Rajya Sabha the Bill to encourage two-child norm which has been pending for the last six years.

**HOSPITAL WASTE DISPOSAL:**A new writ petition has been filed in the Supreme Court. It relates to the usage of incinerators for the disposal of bio-medical waste which is very detrimental to the environment. Notices have since been issued to the respondents, and the petition (160/2005) is likely to come up for hearing shortly.

**PENDENCY OF CASES IN COURTS :** The Law Commission of India had recommended as long ago as in 1988 that the ratio of judges per million people needs to be increased from 10.5 to at least 50. The Supreme Court has also made similar recommendations in its judgement in the All India Judges Association Case (2002). Chief Justice of India reportedly observed during Chief Ministers and Chief Justices Conference in September 2004 that the ratio of 12 judges per million population is the lowest in the world.

We have filed a writ petition seeking directions for immediate steps to increase the Judges to population ratio to 50 per million so that subsequently it could be raised to 107 per million, and for making adequate financial provisions.

**EUTHANASIA:** The matter of withdrawal of life support system, in cases of imminent death, has been the subject of some cases filed in High Courts of certain States in India. This entire matter was also taken to the Supreme Court which gave a comprehensive judgement covering all aspects of Section 306, Section 309 and relevant Articles of the Constitution. We have filed a writ petition with the proposal for enactment of a law on the lines of" PATIENT AUTONOMY & SELF-DETERMINATION ACT" passed in the USA for facilitating adoption of procedures for executing a LIVING WILL. The petition has been admitted and notices issued to the respondents.
 **VIOLATION OF LOTTERIES REGULATIONS:** It is evident from various reports in the media that a big lottery scam is operating in the country. The State Governments do not appear to be exercising any audit checks on the printing and sale of tickets, and verification of prize-winning ticket numbers. Agents are exploiting the prevailing situation with impunity. We requested the Union of India during Nov. 2004 to check this malaise. Since no reply was received, we have filed this Writ Petition in the Supreme Court seeking suitable directions to the respondents.

**HIGH COURT OF DELHI:**

**MENACE OF STRAY CATTLE, DOGS AND MONKEYS:**On our petition, the High Court has issued a set of directions to the respondents, and the progress is being monitored by the High Court of Delhi on a regular basis.

**INFLATED ELECTRICITY BILLS - FAST RUNNING ELECTRONIC METERS:** We had field this petition in the High Court of Delhi bringing out the exasperation of consumers for redressal of their grievances, and also suggesting that testing of meters should be entrusted to an outside agency. We had also requested for investigation by CBl in the matter of import and installation of electronic meters. Unfortunately, our petition was disposed off at the admission stage by the High Court of Delhi. Our advocate informed us that in the opinion of the High Court of Delhi this matter does not fall under the category of a PIL. Our Director had then written to the Chief Justice of Delhi High Court, but without any result. The issues raised in our Writ petition are now receiving the attention of the authorities, including investigations by the Chief Vigilance Commission (CVC). We feel that had suitable directions been issued on our Writ Petition, the situation might not have worsened to the present position.

**INSTALLATION, MAINTENANCE & REPLACEMENT OF WATER METERS :** We had taken up the issue of replacement of defective meters with the Delhi Jal Board (DJB) against their published decision that if working water meters are not installed by consumers in 3 months, they would have to pay 25% penalty on their bills, and that a six month's delay would invite a 50% penalty on each bill on account of defective water meter. They stated in their letter dated 23.9.2004 that the DJB in its discretion had allowed its consumers to instal private ISI marked water meters which are easily available with the hardware dealers. The DJB also informed that news of charging penalty on account of defective water meter was incorrect.

We challenged their contention and invited their attention to the provisions of the DJ B Act whereunder it is their responsibility to install and maintain water meters, and they cannot impose their discretion on the consumers.. Since we did not receive any reply by the due date, we filed a Writ Petition in the High Court of Delhi. However, before the Writ Petition was listed, the DJB informed us that they are not forcing the consumers to install/replace water meters, and that only an option has been given to the consumers. We also received reports that they have started replacing meters in certain colonies by associating the local RWA.

In view of these developments the petition was not pursued further. However, divergent, and sometimes confusing, news-reports keep appearing in the press in regard to installation and replacement of water meters. As such we have recently again written to them to clarify the position for the benefit of consumers at large, and to obviate chances of harassment of consumers by their staff.

**MIS-USE OF BEAUTY PARLOURS / MASSAGE PARLOURS :** There have been a number of reports of' Beauty Parlours/Massage Parlours' being used as a front to run prostitution. Advertisements giving only telephone numbers appear in the leading news­ papers offering exclusive services in hotel-rooms / private houses of young girls for men and boys for women.

We filed a writ petition in the High Court of Delhi suggesting inter alia that there should be some regulation governing insertion of such ads in the news-papers, e.g. production of a certificate from Police about the antecedents / credentials of the advertisers. We also informed the court that Bombay High Court has already restrained the news-papers from publishing any advertisements which amount to invitation to prostitution or which would violate Section 3 of the Indecent Representation of Woman (Prohibition) Act' 1985. Unfortunately, the High Court of Delhi disposed of our Petition with the observation that the Police is already engaged in checking this menace.
 **DELHI RENT ACT:**Non-enactment of Delhi Rent Act continues to cause heart-burn to the property owners of Delhi, leading to litigation with tenants. The High Court of Delhi and the Supreme Court refused to issue directions to the Union of India for enactment of the Delhi Rent Act 1995 which was passed by Parliament and assented to by the President of India. The Court was of the opinion that Delhi Rent (Amendment) Bill' 1997 was pending before the Parliament, and as such there is no need to interfere in the matter.

COMMON CAUSE came to know that the President of India had initiated an important move of asking the Ministry of Parliamentary Affairs to collect information about long pending bills. We had then written to the President of India informing him about the fate of the Delhi Rent Act. We had inter alia mentioned that the question inevitably arises whether the Executive can over-ride and disregard the will of Parliament. Both the Houses of Parliament had unanimously passed the Delhi Rent Act 1995, and it had been signed by the President of India after which it became an Act. The Act still languishes and has not been notified for enforcement. Earlier, we had also filed a petition before the Committee on Petitions of the Rajya Sabha vide our letter dated 16th June, 2004, stressing upon the need for early enactment of the pending Bill. Unfortunately, nothing has come out of all our efforts.
 **OTHER ISSUES :** It is well known that approximately 2.7 crore cases are pending in various courts of the country. It has been reported in the annual report (2003-04) of the Ministry of Law & Justice that 2.28 crore cases are pending in the District and Subordinate Courts of States, 36 lacs in the High Courts and about 25,000 in the Supreme Court. Out of these the number of 10 year old pending cases are 53.5 lacs. COMMON CAUSE brought out these disturbing details to the notice of the Prime Minister of India, Ministers of Govt. of India and Members of Parliament (Lok Sabha/Rajya Sabha) vide letter dated 20th Feb. 2005 giving specific suggestions for expeditious disposal of cases.
The cases of pendency in courts of Delhi was taken up separately with the Chief Minister of Delhi vide our letter dated 12th Feb. 2005. The department of Law, Justice and Legislative Affairs, Govt. of NCT of Delhi has replied vide their letter dated 28th Feb,. 2005 detailing various steps being taken up by them for improving the position. The steps inter alia included computerisation and filling up of judicial vacancies.

There have been a number of murders coupled with robberies of elderly people in the national capital region. In many cases, these murders, and dacoities, have been allegedly committed by domestic servants whose antecedents were not verified. We took up the matter with Commissioner of Police, with copies to Chief Minister and Chief Secretary, Govt. of NCT of Delhi suggesting that the Police may undertake a concerted drive to ensure that an appropriate Identity Card is issued to all domestic servants, drivers, car-cleaners etc. Requisite particulars of these domestic helps viz. permanent address, local address, passport size photograph, identification mark etc. should be available with the police.

During the days preceding examinations or immediately after the examinations/declaration of results there have been a spate of suicides by young children. We requested Union Minister of HRD to constitute a Commission or Body of experts, including some psychologists etc. to examine the entire matter and to determine the causes that lead to these tragic incidents. We have suggested that drastic steps must be taken to obviate the chances of such unfortunate events recurring. There are reports that the curriculam is being revised and the examination system is being rationalized.

We came across a number of news reports indicating that the Govt. of NCT of Delhi was considering / being persuaded by an interested lobby to reduce the age for purchasing / consuming liquor from 25 years to 21 years on the plea that when a person can vote at the age of 21 years, why he/she has to wait till the age of 25 years to purchase /consume liquor. We felt that the comparison is ridiculous. All liquor bottles carry a statutory warning that" consumption of liquor is injurious to health ", which evidently means that it is something which should preferably be avoided. There is no such cause in the case of voting.

We wrote to the Chief Minister of NCT of Delhi against accepting this proposal vide our letter dated 6.11.2004. We also argued that most of the boys/girls at this age are not settled, are studying and are financially dependent on their parents. Diversion of funds on liquor would certainly create a lot of problems in the families with modest means. We also refuted the contention that there is a prevalent trend in this age-group to consume liquor. In our opinion there may be exceptions but it is not the general practice of consuming liquor by youngsters. They need to be educated against consumption of liquor. We suggested that age limit should rather be increased to 25 in other States where it is 21 years. For this purpose. we sent a copy of our letter to the Union Ministry of Social Justice and Welfare.

**FINANCE & ACCOUNTS:** Audit Report on COMMON CAUSE SOCIETY and COMMON CAUSE TRUST for the year ending 31st March, 2005, has been received; its main portions i.e. balance sheet and income & expenditure statements are attached. Consolidated balance sheet and income & expenditure statements of the Society and the Trust are also attached.

The income of COMMON CAUSE SOCIETY has fallen from Rs. 6.80 lakhs to Rs. 4.62 lakhs primarily due to a drop in interest income from SAIL who did not renew our investments, and returned the same along with accrued interest; the interest from SAIL dropped from Rs. 3.12 lakhs to Rs. 1.06 lakhs. Contribution received from FNST was also lower at Rs. 1 lakhs as compared to Rs. 1.42 lakhs last year. Other donations received were only Rs. 47 thousand as compared to Rs. 1.06 lakhs last year.

We were able to exercise economy in expenditure which was lower at Rs. 8.52 lakhs as compared to Rs. 9.06 lakhs last year. Still, there was a deficit of Rs. 3.89 lakhs in the operation of the Society. However, after incorporating the accounts of COMMON CAUSE TRUST, there was an over-all surplus of Rs. 9.39 lakhs as compared to Rs. 5.38 lakhs last year. The financial results are quite satisfactory.