**ANNUAL REPORT & AUDIT REPORT FOR THE YEAR 2006-2007**

The year under report was another consecutive year of misfortune for the society after the severe jolt of losing its Founder Director, Mr. H. D. Shourie, in June, 2005. COMMON CAUSE received another shock in the untimely demise of its Chief Executive, Mr. P. K. Dave, in September 2006. During his short stewardship, Mr. Dave guided the Society with dedication and professionalism to further the objectives set forth by its founding fathers.

After Mr. Dave’s death, our President, Mr. Vikram Lal, conducted the affairs of the Society with the help of the members of the Executive Committee. The Committee also looked around for a suitable person to take over as Director / Chief Executive. After considerable efforts, the Executive Committee identified Mr. Kamal Kant Jaswal, IAS (Retd.), former Secretary to the Government of India, Department of Information Technology, and found him eminently suited to the requirements of the position of Director, COMMON CAUSE. He assumed his duties on March 2, 2007.

The Governing Council, in its meeting held on March 8, 2007, revised the Rules & Regulations of the Society with a view to streamlining its functioning and removing certain ambiguities in the phraseology used. It was also decided to reconstitute the Governing Council. Three eminent social activists viz., Mr. Prashant Bhushan, Advocate, Supreme Court, Mr. Prakash Singh, IPS (Retd.), and Ms. Madhu Kishwar, Professor, Centre for the Study of Development Society, were nominated on the Governing Council against the existing vacancies. The Governing Council also adopted a set of the statements that define the vision, missions and goals of the Society and spell out the strategy and means to achieve them and the processes to be employed.

The Annual General Meeting of the Society was held on March 24, 2007. The members took note of the decisions of the Governing Council and endorsed the directions being imparted to the activities and programmes of the Society.

During the year, the Society continued to make 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 warranting intervention by the courts. A number of important public issues was also taken up with the Government agencies / Ministries concerned.

The present status of various writ petitions filed in the Supreme Court of India / High Court of Delhi is given below :

**SUPREME COURT OF INDIA:-**

1. Appointment of Lokpal and Lokayuktas : The petition relates to enactment of the Lok Pal Act and ensuring appointment of Lok Ayuktas and UP-Lok Ayuktas under the Legal Services Authorities Act. Though listed many times, the petition is still pending.
2. MPs Local Area Development Scheme (MPLADS): In this Writ Petition, we have sought directions for scrapping the Scheme on the ground that it is discriminatory and leads to a rampant misuse of funds, as brought out by the Comptroller & Auditor General of India. The petition is pending for listing before the Constitutional Bench.
3. Constitutional validity of reservations beyond 50 percent- Legal scrutiny of Ninth Schedule Laws: The Government of Tamil Nadu enacted the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State ) Act,1993 (Tamil Nadu Act 45 of 1994), which, inter alia, provided for 69 percent reservation in admissions to educational institutions in the State for persons belonging to the Scheduled Castes and Scheduled Tribes and the Backward Classes. COMMON CAUSE challenged the Act as the Supreme Court of India had capped reservations of all kinds at 50 percent. We also challenged the constitutional validity of the Ninth Schedule laws on the touchstone of the Basic Structure doctrine. The Hon’ble Supreme Court of India, has in its judgment dated January 11,2007, held that the Ninth Schedule laws are subject to legal scrutiny. Our petition in the specific matter of the Tamil Nadu Act will be disposed of separately.
4. Police Reforms : COMMON CAUSE was a co-petitioner in Writ Petition ( 310 of 1996 ) along with Mr. Prakash Singh, IPS (Retd.) and Mr. N. K. Singh, IPS (Retd.). The petition listed various types of violations of fundamental rights and human rights of the citizens by the police and sought the directions of the court for bringing about the required reforms in the functioning of the police. The Hon’ble Court delivered a judgment on September 22, 2006, giving detailed directions for establishment of State Security Commissions, ensuring objectivity in the selection of key police functionaries and security of tenure for them and separation of the Investigation Wing. The directive also enjoined the setting up of Police Establishment Boards, Police Complaints Authorities and a National Security Commission. The directions of the Court were to be implemented by December 31, 2006. Some of the States approached the Court for modification of its directions, pleading certain constraints. The Court declined to modify its directions. The order passed by the Court on January 11, 2007 left no other option before the States than to reform the Police by March 31, 2007. Some of the States, however, are still resorting to dilatory tactics and circumvention, while certain others are going ahead with their legislations to nullify the directives of the Court. The progress of implementation of the Court directives is being monitored closely to decide upon the future course of action.
5. Non – performing Assets: COMMON CAUSE filed Writ Petition No. 291 of 1998 in the Supreme Court of India, highlighting the need for the Ministry of Finance and the Reserve Bank of India to undertake a thorough and comprehensive review of the existing regulations and procedures to curb the generation of non-performing assets (NPAs) and protect the custodians of public resources, viz., the banks and financial institutions, from the manipulations of unscrupulous borrowers and their accomplices. Detailed remedial measures were also suggested in our petition. A number of hearings was held. The Government of India enacted the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It was claimed that NPAs had come down after effective enforcement of its provisions, and that since January 2005, a sum of Rs.6,376 crore was recovered by public sector banks. As the progress was far from satisfactory, the matter was brought to the notice of the Court during the hearing held on August 9, 2005. On the directions of Court, written suggestions were made by our advocate to the Additional Solicitor General of India on August 25, 2005. Subsequently, a meeting was held between the parties on August 10, 2006, when our advocate gave some additional suggestions to the Solicitor General of India. The matter is being pursued.
6. Slaughter Houses – Pollution: The Petition raises the issue of environmental pollution due to unhygienic and filthy practices adopted in the slaughter houses at various places in the country. The petition is pending.
7. Maintenance of Accounts & submission of Annual Reports by Political Parties: The legal provisions governing the requirements of maintenance of accounts by political parties and submission of audited accounts to the governmental authorities concerned and of ensuring transparency in the record of donations and contributions by companies are essential for the health of democracy and curbing the menace of political patronage and corruption. As a follow up of the order of the Supreme Court in our earlier Writ Petition No. 24 / 1995, COMMON CAUSE filed a petition in the Supreme Court for directing the respondents to place before it the status of compliance by political parties and enforcement by governmental authorities of the provisions of Sections 13 ( A ), 139 ( 4 ) and 142 ( 1 ) of the Income Tax Act and Section 293 ( A) of the Companies Act. The petition is pending.
8. Fake Universities and bogus Teaching Institutions: The 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 gratifying to note that the University Grants Commission (UGC) and the All India Council for Technical Education have taken some remedial measures by issuing press notices warning the public about fake institutions, and goading the institutions / universities to upgrade their infrastructural facilities. The UGC is reportedly drafting a new Act with more teeth. The petition is pending for final disposal.
9. Road Accidents: Fatalities in accident on Indian roads are reported to average about 80,000 annually. Lives are unnecessarily lost daily in road accidents, both on the highways and in the cities. Many of the fatalities can be avoided by education of road users, screening of drivers, proper upkeep of motorized vehicles and roads and provision of prompt medical aid to victims of accidents. We have sought a coordinated response from all concerned agencies. The respondents have filed their counter affidavits in response to the notice issued to them. COMMON CAUSE has filed a rejoinder to the counter-affidavit by the Union of India, pointing out that the Respondent has tried to abdicate its responsibility by claiming that the laws on motor vehicles are quite adequate and that their enforcement is the responsibility of the State governments. The latter are still filing their counter-affidavits.
10. Crime and Violence on T.V : Our petition draws attention to the heavy dose of crime, violence and sex in many of the programmes being broadcast on the T.V. The Ministry of Information and Broadcasting has claimed that steps are being taken to control excessive depiction of crime, violence and sex in TV programmes. While favouring self-regulation by TV channels in regard to the content of their programmes, the Ministry has, in the recent past, taken punitive action against some channels
11. 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. We sought the intervention of the Supreme Court to stop this practice. The Court issued notices to the respondents. We prayed for an early hearing in view of the fact that huge amounts were being spent by the Government on political advertisements as the general elections were approaching. The case is yet to be listed. Meanwhile, the Election Commission has deprecated this practice and issued a caution to the parties concerned.
12. Functioning of Airports : Our petition has drawn attention to the infructuous investments made in setting up airports at inappropriate locations, while no concrete steps were taken to upgrade the infrastructural facilities and passenger amenities at major air transport hubs like at Delhi and Mumbai. The Government has, in the meantime, taken the .initiative to privatize the airports at Delhi and Mumbai.
13. Hospital waste disposal : A writ petition ( 160 / 2005 ) has been filed in the Supreme Court assailing the usage of incinerators for the disposal of bio-medical waste to the detriment of the environment. Notices have been issued to the respondents, and the petition is likely to come up for hearing shortly.
14. Pendency of cases in Courts : The Law Commission of India had recommended in 1988 that the ratio of judges should be increased from 10.5 to at least 50 per million people. The Supreme Court also made similar recommendations in its judgment in the All India Judges’ Association Case ( 2002 ). The Chief Justice of India reportedly observed during a Conference of Chief Ministers and Chief Justices in September, 2004 that the prevailing ratio of 12 judges per million population was among the lowest in the world. We have filed a writ petition seeking direction from the Court for immediate steps to increase the judges to population ratio to 50 per million, and eventually to raise it to 107 per million.
15. Euthanasia : The issue of withdrawal of life support systems in the face of imminent death has been agitated in several High Courts. This matter was also taken to the Supreme Court, which gave a comprehensive judgment covering all aspects of Section 306, Section 309 and the relevant Articles of the Constitution. We have filed a writ petition 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’. The petition has been admitted and notices issued to the respondents.
16. Commercialization of Residential Properties : COMMON CAUSE filed an Intervention Application ( No.1 of 2006 ) in W.P (Civil) No. 266 of 2006 challenging the validity of the Delhi Laws (Special Provisions) Act, 2006, which allowed the commercial use of residential properties. The Hon’ble Court issued interim orders, specifically advising the amicus curiae to discuss the matter with the members of the Monitoring Committee constituted by the Court to implement its judgment dated February 16, 2006 and the Writ Petitioners, as well as our Chief Executive, Mr. P. K. Dave, who had filed the Intervention Application.

COMMON CAUSE eventually filed an additional affidavit giving specific suggestions regarding the removal of encroachments on government / public land, as well as unauthorized and illegal constructions. It was also stressed that the steps initiated on the order of the superior courts to bring the law-breakers, including builders and politicians, to book should not be allowed to slow down. The matter is being monitored by the Hon’ble Court with the help of the Monitoring Committee and the amicus curiae. The Master Plan of Delhi 2021 issued by the DDA has also been challenged in the ongoing matter of commercialization of properties.

**HIGH COURT OF DELHI :-**

1. Menace of stray cattle: On our petition, the High Court has issued a set of directions to the respondents. The progress of their compliance is being monitored by the High Court of Delhi on a regular basis.
2. Installation of Closed Circuit TVs in Intensive Care Units of hospitals : COMMON CAUSE filed a Writ Petition ( No. 10412 of 2006 ) for issue of directions for installation of CCTVs in ICUs in Government hospitals to enable the doctors to know whether the patient requires urgent attention and assuage the anxiety of the relatives of the patient. The Hon’ble Court issued orders in January, 2007 that in the first phase, CCTVs should be installed in three Central Government hospitals viz., Safdarjung Hospital, Dr. Ram Manohar Lohia Hospital and Lady Hardinge Medical College. The same facilities are subsequently to be extended to hospitals run by the Government of Delhi. The matter was listed for September 5, 2007 for filing of the Status Report by the Government of the National Capital Territory of Delhi.
3. Demolition of illegal constructions/ encroachments : The High Court of Delhi had issued directions to the Municipal Corporation of Delhi for removing illegal constructions, encroachments on public lands and commercial establishments from residential areas. It was pointed out in the media that the demolitions carried out by the MCD were often cosmetic and that it was harassing the ordinary property owners, while sparing the unauthorized properties of highly connected persons, including politicians. The details of some such properties of highly connected people/ politicians were published in the newspapers. It was also reported that the MCD officials, who had in the first place, allowed illegal constructions after taking heavy bribes, were taking money for the favour of refraining from reporting and demolishing illegal constructions. We filed an intervention application to ensure that the demolitions carried out by the MCD were neither selective nor cosmetic. Our Application ( 587 / 2006 ) was heard along with the pending petitions on January 18, 2006. The Hon’ble Court issued strict orders for implementing its directions issued in the matter. The Court is monitoring the developments through the Court Commissioners appointed by it.
4. Working conditions of Teachers in Private Schools : COMMON CAUSE had been receiving oral complaints from various sources that teachers engaged by private schools on contract basis are being maltreated. Obviously, the victims cannot raise their voices for fear of being thrown out. A study conducted by our organization confirmed the rampant malpractices in private schools. We took up the matter with the Department of Education, Government of NCT of Delhi and requested them to introduce a monitoring system for watching over the teachers engaged by private schools and make their working conditions more conducive for imparting quality education to children. As we did not receive any reply, we filed a Writ Petition ( No. 6779 of 2006 ) in the High Court of Delhi. The Hon’ble Court has since issued orders that the Director of Education, Government of NCT of Delhi should investigate within six weeks the cases referred to it by COMMON CAUSE and take appropriate action under the Delhi School Education Act, 1973, taking due care to conceal the identity of the complainants.
5. Supply of under-weight LPG cylinders : The media has intermittently been reporting cases of underweight LPG cylinders being supplied to the consumers by government companies through the distributors appointed by them. It was reported in November, 2005 that a major public sector company was let off lightly by the enforcement agency after a raid on the supplier’s godowns in which a large number of gas cylinders were found to have shortages beyond the permissible limit. Since it was a chronic problem, COMMON CAUSE took up the matter with the Government of NCT of Delhi on December 9, 2005. The reply received from the Controller (Legal Metrology), Government of NCT of Delhi was found to be unsatisfactory. COMMON CAUSE , therefore, filed a Writ Petition ( No. 4048 of 2006 ) in the High Court of Delhi. The Writ Petition has been admitted. The Respondents have filed their counter-affidavits. COMMON CAUSE has also filed a rejoinder to the Counter-affidavit filed by the Indian Oil Corporation. The matter is now listed for November, 2007.

**FINANCE & ACCOUNTS :**

Audit Report on COMMON CAUSE SOCIETY and COMMON CAUSE TRUST for the year ending 31st March 2007 has been received, its main portions i.e., balance sheet and income and expenditure statements are attached. Consolidated balance sheet and income and expenditure statements of the Society and the Trust are also attached.

During the year an amount of Rs. 7,17,181/- was spent on installation of fire fighting equipments in Common Cause House. The overall expenditure during the year was Rs. 20.94 lakh against Rs. 19.42 lakh last year; the income was Rs. 35.19 lakh against Rs. 28.69 lakh during the previous year. Thus, there was an overall surplus of Rs. 14.26 lakh during the year against Rs. 9.26 lakh last year. Overall, the financial results are quite satisfactory.

(A copy of the detailed accounts will be provided at the time of the AGM)