**ANNUAL REPORT AND AUDIT REPORT FOR THE YEAR 2008-2009**

During the year under review, the Society continued to further the objectives enunciated by the Founder Director, Mr. H.D. Shourie, articulate the common problems of the people and secure their resolution. The Society was supported in its pursuits by a network of like-minded civil society organizations.

It was being felt that concerned members of civil society should join hands to formulate a common strategy to reinforce and synergize their individual initiatives to stem the rot in the structure of governance in our country and restore probity in public life. With this end in view, a brainstorming session was organized on August 9, 2008. The participants in the session included eminent social entrepreneurs and activists from leading civil society organizations, such as Development Alternatives, Transparency International, Association for Democratic Reforms, Commonwealth Human Rights Initiatives, Manushi, Centre for Media Studies, Lok Satta, Campaign for Judicial Accountability and Centre for Environment and Food Security. There was a general agreement that civil society organizations campaigning for probity in public life need to combine forces to make an impact. A number of suggestions were made for a way forward for the emerging civil society coalition. These included constitution of a people’s commission against corruption, establishment of a common website for pooling of information and resources from across the country, partnering with potential allies within the government, a renewed focus on the implementation of the Supreme Court directions on Police Reforms, commencing with the Union Territories and awareness and advocacy campaigns to educate the citizens on their role in the war on corruption. The ideas thrown up at the brainstorming session are being pursued by the participating organizations to the extent possible.

The Society continued to support the efforts of Vanangana to promote communal harmony through its sporting and cultural activities and programmes for imparting vocational skills. The common feature of these initiatives is that they bring young women and men of diverse backgrounds to a common platform and promote understanding and co-operation among them. The Society also played an active role in the coalition “Common Wealth Games – Citizens for Workers Women and Children” to highlight the problems of construction workers in Delhi, ameliorate their situation and ensure compliance of the relevant welfare legislation.

The research capabilities of the Society were further strengthened by building a core team comprising an Advisor and a full time Research Executive. Efforts were also made to develop the documentation centre cum library of the Society. The long pending issue of Completion / Occupancy Certificate for Common Cause house was resolved during the year under report and the requisite certificate was granted by the Municipal Corporation of Delhi. .

The Governing Council of the Society met on February 28, 2009 and reviewed its activities and programme of action. The Annual General Meeting of the Society was held on March 14, 2009. The members took note of the deliberations of the Governing Council and endorsed the direction being imparted to the activities and programmes of the Society.

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 warranting intervention by the courts. A number of important public issues was also pursued 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 Writ Petition (civil) No. 26 of 1995 relates to enactment of the Lok Pal Act and ensuring 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 listed on January 25, 2010.

2. MP Local Area Development Scheme (MPLADS): In this Writ Petition (civil) No. 404 of 1999, we have sought directions for scrapping the Scheme on the ground that it is unconstitutional and discriminatory and leads to a rampant misuse of funds, as brought out in the reports of the Comptroller & Auditor General of India. The final arguments in the matter were concluded on January 20, 2009 and judgment has been reserved.

3. 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. The respondent was directed to file an additional affidavit enumerating the steps taken to improve the performance of the banking sector. In the additional affidavit filed almost after a year, the Union of India reiterated their earlier contentions and gave a misleading picture of the reduction in NPAs. We have filed our rejoinder contesting the claim of the Government and stating that the approach adopted by the respondent and that suggested by the petitioner were quite different. We have suggested that the emphasis should be on a greater accountability of bank officials and also on the personal liability of the promoters enforced through a mandatory personal guarantee. COMMON CAUSE has also suggested the setting up of an independent expert committee to advise the Court on the merits of the assertions and suggestions made in the affidavits of the parties. The matter was last listed on November 4, 2009 but could not be taken up for want of time, due to a large number of matters being listed for the day. It is now likely to be listed any day.

4. 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 by filing Writ Petition (civil) No.13 of 2003 to stop this practice. The Court issued notices to the respondents. We have 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. Meanwhile, the Election Commission deprecated this practice and issued a caution to the parties concerned. In this matter, rule has been issued and it is pending in the Supreme Court for final disposal.

5. Fake Universities and Bogus Teaching Institutions: Our Writ Petition (Civil) No. 7 of 2000 on the subject has been disposed of in view of the fact that a similar matter was being examined by the Supreme Court of India in a suo motu case, in which the Solicitor General is assisting the Court.

6. Hospital Waste Disposal: Writ Petition No. 160/2005 was filed in the Supreme Court, assailing the usage of incinerators for the disposal of bio-medical waste to the detriment of the environment. When the matter was taken up for hearing, it was observed that the incinerators were installed for disposal of biochemical waste under the rules framed by the Central Government by virtue of the powers conferred under Section 6, 8 and 25 of the Environment (Protection) Act, 1986. The Bio-Medical Waste (Management and Handling) Rules, 1998 lay down a detailed procedure for incineration and enumerate different categories of bio-medical Waste in Schedule-I. The options given in Schedule-I are based on available technologies. An occupier/operator, wishing to use other state-of-the-art technologies may approach the Central Pollution Control Board to get the standards laid down so that the prescribed authority may consider grant of authorization. The Court in its order on October 22, 2008 did not provide any relief as no scientific material or research result was produced to show that existing incinerators are causing serious environmental pollution as alleged in the Petition. It would be open to the petitioner to approach the authorities concerned, if it is felt that the present technology was not suitable.

7. Crime and Violence on T.V.: Our Writ Petition (Civil) No. 387 of 2000 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 adequate steps are being taken to control excessive depiction of crime, violence and sex in T.V. programmes. While favouring self-regulation by T.V. channels in regard to the content of their programmes, the Ministry has, in the recent past, taken punitive action against some channels. On April 18, 2006, the Hon’ble Supreme Court directed the respondent Union of India to file a copy of the Broadcasting Regulatory Authority Bill a status report on consultations on the Bill within two weeks. The UOI has failed to comply with the directions. Thereafter, the matter came up for hearing on a few occasions, but the respondents have not yet complied with the said order. When the matter again came up for hearing on January 20, 2009, the Hon’ble Court granted two weeks further time as the last opportunity to the UOI to file the affidavit before the matter is listed for final hearing. The matter was last listed on October 6, 2009.

8. Tamil Nadu Reservation Act, 1994: The vires of this Act, which was incorporated in the 9th Schedule of the Constitution through the Constitution 76th Amendment Act, have been challenged in the Writ Petition (Civil) No.238 of 1995. It is pending disposal before a three judge bench in terms of the order passed in the matter of I. R. Coelho (Dead) - By legal representatives vs State of Tamil Nadu in Civil Appeal No. 1344–45/1976.

9. HIV-AIDS: Writ Petition (Civil) No. 61 of 2003 has been filed in the Supreme Court to bring to its notice the havoc that is being caused by the wide prevalence and continuing spread of the dreaded disease, HIV-AIDS. In this petition, it has been prayed that the Central and the State governments need to take urgent steps to weed out suspect and bogus NGOs, put in place a proper mechanism for monitoring the work of NGOs before disbursing funds to them, set up counselling and specialized treatment centres, enact an appropriate legislation for ensuring that no doctor or hospital refuses to treat an HIV positive patient, provide a subsidized treatment procedure and take other effective steps required for combatting the dreaded virus. The matter is listed for hearing on July 30, 2010.

10. Living Will: 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 has passed a comprehensive order covering all aspects of Section 306, Section 309 and the relevant articles of the Constitution. We have filed a Writ Petition (Civil) No. 215 of 2005 praying for enactment of a law on the lines of the Patient Autonomy and Selfdetermination Act of the USA, which sanctions the practice of executing a ‘living will’. The petition has been admitted and notices issued to the respondents. Meanwhile, the Indian Society of Critical Care Medicine, Mumbai filed an intervention application as the issues in the petition were of deep concern to critical care specialists and doctors. The intervention application has been allowed.

11. 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 directed 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, the petitioners, as well as the Chief Executive of the interventionist. 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 urged 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. This matter was listed for hearing on October 5, 2009 and has been adjourned for ensuring compliance.

12. Speedy justice: COMMON CAUSE, Janhit Manch and a couple of other like minded entities jointly filed a comprehensive writ petition (civil) No.122/2008 in the Supreme Court in March 2008, offering a multi-pronged strategy to expedite the dispensation of justice and reverse the trend of a mounting backlog of Court cases. The writ petition has relied heavily on the Law Commission of India reports. The need to use alternate modes of disputes redressal, pre-litigation measures and plea bargaining has also been stressed in the petition. After issuance of notice, the petitioners had moved an application for impleading all the states which has been allowed. The Government of India has been directed to file its affidavit in reply and also to apprise the Hon’ble Court of the progress of the Gram Nyayalayas Bill on the next date of hearing. The matter was last heard on January 7, 2010 when the CJI directed that this matter be tagged with the matter relating to judicial service which is pending disposal. Both these matters will come up for hearing again on January 12, 2010.

**HIGH COURT OF DELHI:**

**1.** Commercialization of Residential Properties: We had filed an intervention application No. 587/2006 in Writ Petition No. 1397/2001, praying for the appointment of an independent committee to assess whether the demolition of properties converted to unauthorized commercial use are complete, selective, or motivated. The writ petition and all connected applications have been disposed of in terms of the court order dated August 29, 2002. The Court is, however, continuing to monitor the compliance of its orders.

**2.**Working Condition of Teachers in Private Schools in Delhi: Although our Writ Petition (No. 16779 of 2006) has been disposed of by order dated May 9, 2007, a case of victimization of a school teacher, Mrs. Sangeeta Srivastava, by the management of Arun Modern Public Senior Secondary School, Brijpuri, Delhi, is being actively pursued in the High Court under its Contempt jurisdiction in CCP No. 630 of 2008 filed by Common Cause. Concerned over the undue delay on the part of the Directorate of Education in completing the inquiry, the Court ordered the Directorate on October 13, 2009 to complete the inquiry within two weeks. On completion of the inquiry, the Directorate ordered the reinstatement of the complainant. As the school did not comply with the order of the Directorate, the Court directed that the school be made a party to the proceedings and served a notice. In the hearing on December 3, 2009, the school management put in an appearance and filed a reply alleging that the complainant teacher has abandoned her services. This allegation was refuted by Common Cause. Thereupon, the Court ordered the Directorate of Education to call the teacher, record her statement and submit a report to the Court. The matter will again be heard in April, 2010.

**AUDITORS REPORT**

We have audited the attached Balance Sheet of Common Cause (‘the Society’) as at March 31, 2009 and the Income and Expenditure Account for the year ended on that date annexed thereto. These financial statements are the responsibility of the Management of the Society. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in India. Those Standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

**We report that:**

**i.** We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purposes of our audit;

**ii.** In our opinion, proper books of account as required by law have been kept by the Society so far as appears from our examination of those books;

**iii.**The Balance Sheet and the Income and Expenditure Account dealt with by this report are in agreement with the books of account; and

**iv.**In our opinion and to the best of our information and according to the explanations given to us, the said accounts give a true and fair view in conformity with the accounting principles generally accepted in India:

**a.** In the case of the Balance Sheet, of the state of affairs of the Society as at March 31, 2009; and

**b.**In the case of the Income and Expenditure Account, of the Surplus in the Society for the year ended on that date. For VKGN & Associates Chartered Accountants Vijay Gupta Membership No: 081986 Place: New Delhi Date: September 02, 2009