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

**Date:**  December 10, 2013

**Venue:** AIHDA, India Habitat Centre, New Delhi

**Participants:**

Mr. Vikram Lal      President

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

Mr. Jyoti Sagar

Dr. Ashok Khosla

Mr. Prakash Singh

Dr. B.P. Mathur

Mr. Prashant Bhushan

Mr. Lalit Nirula

Mr. Paranjoy Guha Thakurta

Mr. Kamal Kant Jaswal Director

Mr. Surjit Kishore Das Special Invitee

At the outset, Members of the Governing Council congratulated Mr. Prashant Bhushan on the Aam Aadmi Party’s stellar debut in the Delhi Legislative Assembly elections and expressed the hope that its advent on the political firmament would set in motion an inexorable process of transformation of the nation’s political system.

The Council then proceeded to consider the agenda of the meeting.

Leave of absence was granted to Dr. Divya Jalan and Prof. Madhu Kishwar.

1. **Confirmation of the minutes**

Minutes of the Governing Council meeting held on August 27, 2013 were confirmed.

1. **Confirmation of Circular Resolutions**

Resolution dated September 26, 2013 for the approval of the Audit Report and Annual Accounts of Common Cause Society and Trust for the year 2012-2013 was confirmed.

Resolution dated October 22, 2013 for the approval of a PIL against discretionary allotment of plots to influential persons in Odisha and Gujarat was confirmed.

Resolution dated December 1, 2013 for the approval and adoption of the Annual Report of Common Cause Society for the year 2012-2013 was confirmed after substituting the second sentence on page 6 of the Annual Report by the following:

“In the hearing on November 26, 2013, the Court, taking cognizance of an IA filed by Common Cause regarding a lack of diligence on the part of the Enforcement Directorate, ordered for notice returnable on January 15, 2014 to be issued to the agency.”

1. **Presentation of the Society’s activities**

Reviewing the Society’s activities since the last meeting, the Director apprised the Council of the status of its various public interest initiatives.

**New interventions**

*News broadcast by private radio stations*

Pursuant to the decision in the last meeting of the Council, a PIL was filed in the Supreme Court on September 6, 2013 praying that the unreasonable provisions in the relevant policy guidelines of the Ministry of Information & Broadcasting and grant of permission agreements be quashed. The Court has ordered for notice returnable in four weeks to be issued to the UOI.

*Actionable evidence of corruption against Shri Virbhadra Singh*

The Council was informed in the last meeting that the Society had urged the CVC and the Director, CBI, to discharge their statutory responsibilities as apex anti-corruption bodies and act on the unrebutted documentary evidence of corruption against Shri Virbhadra Singh presented by our counsel. This elicited a formal response from the CVC that the matter had been referred to the Ministry of Steel. Hence, we filed a PIL in the Delhi High Court on November 16, 2013, seeking a court supervised probe by the CBI/Director General, Income Tax (Investigations) into the allegations. When the matter came up for hearing on November 27, 2013, the Court was informed that the CBI was investigating the case. The Court sought a status report from the CBI and posted the matter for February 12, 2014. Meanwhile, we have submitted fresh documentary evidence to show that the staggering increase in agricultural income claimed in Shri Singh’s revised Income Tax returns was limited to a three year period corresponding to his tenure in the Ministry of Steel.

*IA on Muzaffarnagar riots*

In the context of a sting operation on the Muzaffarnagar riots conducted by Headlines Today, a press conference was held by Common Cause, FRNV and CHRI on September 18, 2013 to highlight the political interference in the handling of communal violence in the region and the need to revive the stalled process of police reforms. By way of follow up, Common Cause filed an IA in a pending PIL by the Supreme Court Bar Association, seeking an investigation into the veracity of the sting operation and a full probe into the events referred to in the tapes by an independent agency. The Court directed the state government to file a comprehensive response on all pending matters, detailing the steps being taken to maintain peace and communal harmony.

**Developments in earlier PILs**

Supreme Court Cases

*Mala fide* *favours to RIL in KG Basin contract*

A bench headed by the Chief Justice of India heard the matter after the recusal of Justice Dattu and directed for notice to be issued to the respondents to file their replies within four weeks. The matter, which has been tagged with a similar PIL filed by Shri Gurudas Dasgupta, has been listed for January 6, 2014 for fixing a date for final disposal. In the mean time, the parties are to complete their pleadings.

*Coal Block Allocations*

The Attorney General informed the Court that all coal mines after the nationalization of coal vested in the states and the recommendation for their allocation emanated from them. Further, an allocation letter *per se* did not confer any right to operate a mine. In terms of the Mines and Minerals Act, such a letter was only a letter of intent and its issuance did not impinge on the rights of the state government. Thereupon the Court issued notice to the governments of Jharkhand, Chattisgarh, Odisha, Maharashtra, A.P., M.P. and West Bengal to explain their position on the allocations. Later, taking cognizance of an IA filed by Common Cause regarding a lack of diligence on the part of the Enforcement Directorate, the Court ordered for notice returnable on January 15, 2014 to be issued to the agency. The move of the Court for appointment of *amicus curiae* to provide an independent perspective on the CBI’s “pace and fairness” in carrying out the Court-monitored investigations was vehemently opposed by the CBI. Oral submissions are now being made on behalf of the state governments. The matter is listed for January 8, 2014.

*Decriminalization of politics*

The UOI belatedly filed its response to our petition on October 7, 2013. Taking shelter behind the Parliamentary Standing Committee’s rejection of the ECI’s recommendation for disqualification of persons charged with serious criminal offences, the government sought to take credit for having held seven regional consultations to gather feedback from the stakeholders with a view to forging a consensus on electoral reforms. In an effort to buy time, it claimed that the issue of electoral reforms had been referred in its entirety to the Law Commission for consideration and examination. In the hearing on November 25, 2013, the Court directed the UOI to file the reference made to the Law Commission and listed the matter for December 16, 2013.

*Reference to the Supreme Court for inquiry against Chairman, NHRC*

In its counter affidavit, the UOI refused to seek an inquiry under the Protection of Human Rights Act, claiming that it had found no evidence of corruption by Justice Balakrishnan, either as a judge, or as Chairman, NHRC. In the hearing on October 17, 2013, the Court wondered whether it could ask the government to seek a reference to itself and posted the matter for final hearing on January 3, 2014, as it was a serious issue to be decided after due deliberation.

High Court Cases

[*Post-retirement activities of*](http://commoncause.in/Recent_PILs/hc4.php) *judges*

The UOI informed the Court with reference to our prayer for forbidding retired Supreme Court/High Court judges from taking up arbitration work while serving as chairperson/member of any constitutional/statutory body, commission, or tribunal, that a draft bill would be introduced in Parliament during the Winter Session. The matter is now listed for February 26, 2014.

*Animal hazard on roads*

We have filed a factual report to bring the discrepancies between the ground realities and the latest status report submitted by the Chief Secretary of Delhi to the Court’s notice. We have also prayed for the appointment of Court Commissioners to undertake a comprehensive inquiry into the status of the stray cattle menace in the Capital and the fate of the displaced dairies, as well as an objective assessment of the functioning of the infrastructural facilities established at Ghogha Colony. The matter is now listed for February 12, 2014.

1. **Annual state of policing survey**

The Council endorsed the proposal to conduct an annual state of policing survey to generate credible time series data on the levels of satisfaction at the citizens’ interface with the police in different geographies. It was felt that the survey would provide invaluable support to the advocacy effort for police reforms and help in the formulation and monitoring of reform measures. The executing agency should be selected with utmost care having regard to its credentials, the methodological rigour of its proposal and the overall value proposition. The Council welcomed the expression of interest by CHRI and requested the Director to work out the collaboration modalities.

1. **Dates for meetings of the general body and the Council**

It was decided to hold the two meetings on the same day early in March 2014. The Director would ascertain the convenience of the members before the date is finalized.

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

(Vikram Lal)

President