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TIMELINE OF GM CROPS IN INDIA

First GM seeds were commercially introduced in the US for major field crops

1996

Application for GM crop was rejected in India

2001

Monsanto obtained the Govt of India's permission for commercial cultivation of non-food Bt cotton crop to control attacks by bollworm pests

2002

- Although more applications for Bt cotton were cleared, no other GM crop was approved
- Andhra Pradesh reversed the decision to allow Bt cotton seeds marketed by Monsanto Mahyco Biotech (MMB)

2005

Public Interest Litigation (Writ Petition no. 260/2005) was filed by activists against GM crops in the Supreme Court of India

2006

A transgenic brinjal hybrid 'created' by Mahyco was sought to be introduced in 2009

2009

- Jairam Ramesh, the then Environment Minister, stopped the release of Bt brinjal until further notice owing to a lack of consensus among different stakeholders alongside opposition from brinjal-growing states
- No objection certificates from states were made mandatory to conduct field trials

2010

In its 37th Report, the Parliamentary Standing Committee on Agriculture had exposed the gaps in India's GM policy and highlighted the issues of bio-safety, biodiversity, sustainability, food and seed sovereignty and livelihoods while asking for an end to all GM field trials in the country

2012

- Jayanthi Natarajan's successor, Veerappa Moily cleared the way for further trials
- The Genetic Engineering Appraisal Committee (GEAC) approved field trials for 11 crops, including maize, rice, sorghum, wheat, groundnut, and cotton in March 2014
- 21 new varieties of GM crops such as rice, wheat, maize, and cotton were approved for field trials by the NDA government in July 2014

2013

Since late 2012, new crop trials were adjourned till further notice after the recommendation of the Supreme Court-appointed Technical Expert Committee to suspend GM crops for 10 years, until regulatory and monitoring systems could be strengthened. Jayanthi Natarajan, the then Environment Minister, put on hold all trials following the TEC's suggestions

2014

The GEAC gave signal to GM mustard for field trials, but the Supreme Court stayed the order and sought public opinion on the same

2016

Due to stiff resistance from farmers in Punjab and civil society groups, the GEAC withdrew its approval to the transgenic mustard seed variety – Dhara Mustard Hybrid-11 i.e. DMH-11

2017

On October 18, DMH-11 received permission from the central regulator GEAC for seed production and field testing, i.e. "environmental release"

2022

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Yadlapalli, Satish, Chapara, Rani and Prasad, NVVS Durga. *History, status and impact of genetically modified crops in India*. (2020, November). *International Journal of Chemical Studies*. page 2737-2738. Retrieved November 11, 2022 from <https://bit.ly/3TsTh0k>

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WHY REGULATE GM CROPS?

A Real Challenge for Policymakers

GMOs are back in the news as India approved GM Mustard for seed production and field testing in October last. The decision has long-term implications for Indian farmers and consumers. Earlier, in 2002, GM Cotton was given the green light. In 2009, Bt Brinjal got a conditional clearance which was later withdrawn due to public outcry and food safety concerns.

The policy has given rise to serious concerns and apprehensions that must be debated and discussed in right earnest because the changes involved are irreversible. And if emerging technology is as life-changing as GMOs, it creates fears and anxieties about the future of our coming generations. It is therefore a matter of human ethics rather than of just the implications of a new technology.

Genetic modifications are carried out in organisms by splicing genes through cutting and adding chunks of DNA – the minutest encryption of life – in order to alter their fundamental structures. This is done in the hope that the process will yield plants or organisms carrying desired traits. These changes could be aimed at creating pest-resistant and high-yielding crops, though not without consequences.

Three sets of fundamental issues stare us in the face: First and foremost are regarding human health triggered by the safety of the GM foods consumed by people and animals. Next are the issues of damage to the environment and biodiversity caused by the manipulations of living organisms. Some studies have shown that the pest-resistant traits of GMOs can be harmful to honey bees and other friendly insects. And lastly, the issues regarding rural livelihoods which get affected by new cropping patterns, of both food and non-food crops.

GM tech also reconfigures power, politics, and economic equations by shifting the control over seeds from farmers to the private sector. Then there are issues of resource piracy and theft of traditional knowledge. A good example is the patenting of a lab-grown variety of Indian basmati rice by a US company in 1997. In the past, unsuccessful attempts have been made to patent Indian medicinal herbs like turmeric or neem. The conflict is between farmers who treat their seeds as common heritage and those who view them as a source of mega profits, argues Vandana Shiva in *"Protect or Plunder: Understanding Intellectual Property Rights"* (2001).

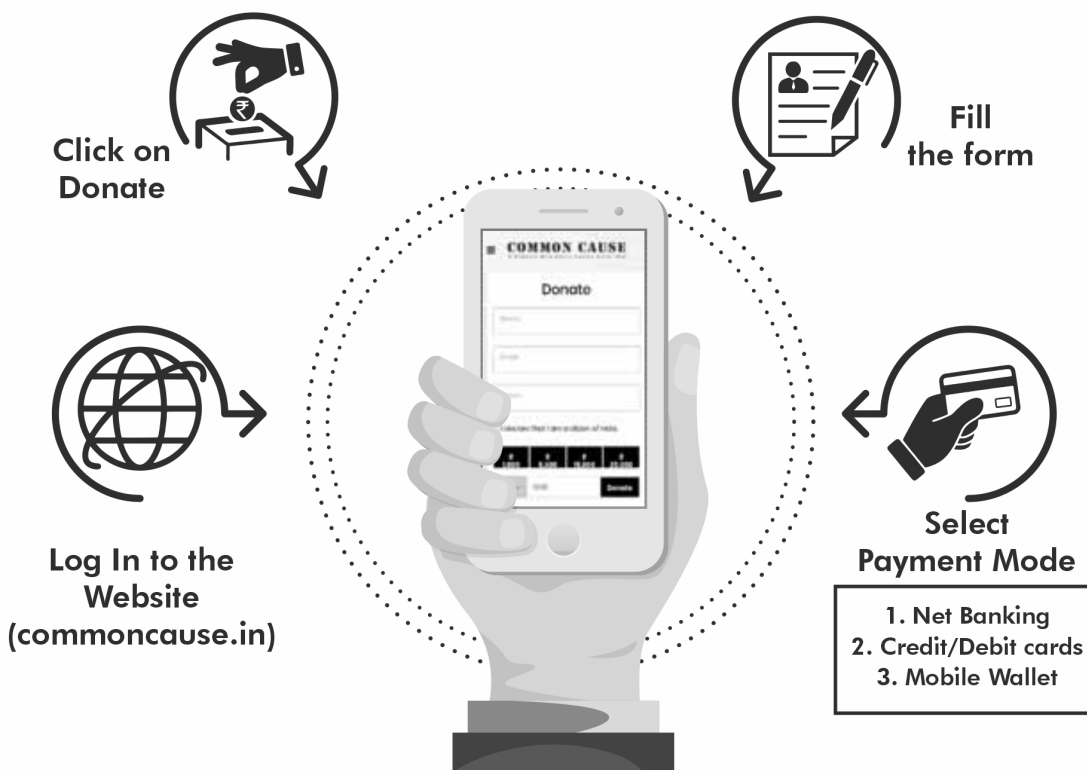
The debate over GMOs has been polarising. The supporters see it as a revolutionary technology that will end human deprivation while the opponents view it as an onslaught on the laws of nature. As we discuss this, millions of acres of GM crops are being cultivated in over 25 countries which is set to increase every year. Obviously, taking hard, one-sided positions will not be useful for any country.

It is vital, therefore, that we must take our time and not buckle under pressure. We must remember that technology that makes us comfortable and prosperous can be harmful. Public participation does not always help in the midst of misconceptions, hype, and lack of awareness. And that is why technology and democracy have a fractious relationship.

The biggest task for the policymakers now is to set up credible, conversant, and pro-people regulation. We also need independent scientific studies to evaluate the full impact of GM technology on our health, environment, and biodiversity. It is also important to ensure pre-legislative transparency before enacting any life-changing laws. We hope this issue of your journal will be helpful in making sense of the issues involved. As always, your comments or suggestions are welcome at commoncauseindia@gmail.com.

Vipul Mudgal
Editor

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IS IT A VICTORY OR A LOSS?

A Cost-Benefit Analysis of GM Mustard

Shambhu Ghatak*

Image Courtesy: Ashok, Inclusive Media for Change



On October 18 last year, Dhara Mustard Hybrid-11 (DMH-11), a genetically modified (GM) mustard variant, received government clearance for commercial production. The Genetic Engineering Appraisal Committee (GEAC) which works as a Central Regulator under the Ministry of Environment and Forests, has given its approval for the 'environmental release' of transgenic mustard for seed production and field testing.¹

Experts think that it will take another 2-3 years before GM mustard seeds are released for commercial cultivation. The approval by GEAC is given initially for a span of four years.

However, the approval may be revoked if any harmful effects were to be noticed later. The State Governments have the right to deny the "environmental release" of the latest GM mustard variant. Prior to commercial cultivation, gene developers are required to undergo multiple processes while adhering to the stipulated conditions under the supervision of the Indian Council of Agricultural Research (ICAR).

The sanction for GM mustard makes it the second such approval in the country after Bt cotton. There has been a mixed reaction from farmers' groups, industry lobbies, media, and society at large. While the

supporters of the GM crop have welcomed it as a historical decision, its critics have called it a shocking and unscientific step. In the following paragraphs, we have tried to simplify some of the complex issues and concepts involved in GM crops and their commercial cultivation.

Difference between a Hybrid and GM crop

The use of the term hybrid in naming the latest variant of GM mustard may suggest that it is a benign version of plant breeding. However, a hybrid GM crop is quite different from a simple hybrid variant which does not involve artificial methods of

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genetic modifications.

Simple cross-breeding in plants and crops has been happening in the wild between naturally compatible varieties within the same species since plant life began on earth.² Human beings started using the technique of controlled cross-breeding or hybridisation during agricultural development after human settlement. Prior to hybridisation, the creation of an open-pollinated (OP) variety using classic plant-breeding methods took around six to 10 generations.

A plant breeder exchanges genes between two plants to produce offspring that have desired traits, by transferring the male (pollen) of one plant to the female organ of another. However, cross-breeding is confined to exchanges between the same or very closely related species.³ On the contrary, GM technology or genetic engineering enables plant breeders to bring together in one plant useful genes from a diverse range of living sources, not just from within that crop species or from closely related species.

Under modern hybridisation, plant breeders produce seeds that combine the desired traits of two pure parent lines within a single generation. The new variety that is created is known as an “F1 hybrid.” Producing F1 seed is preferred over breeding new open-pollinated varieties by plant breeders because the former method is faster and

easier. The bad traits present in the parents can be culled whereas the parent crops’ good traits can be stored in the F1 offspring. Farmers and gardeners also prefer hybrid seeds over seeds from open-pollinated varieties because the former has better disease resistance.

Modern hybridisation by corporate seed manufacturers gives them proprietary ownership of each new variety. On top of that, since “F1” plants do not produce uniform offspring, farmers and gardeners can be compelled to purchase new seeds every year from seed manufacturers.

By employing complex technologies such as gene splicing, GM varieties are created in a laboratory. It is often the case that under

genetic modification, genes are transferred from one species to another. No one can guess how the new organism created through GM technology is going to behave over time. Since seed companies enjoy intellectual property rights (IPR) over GMOs, even scientists and experts are not allowed to study them independently. We will come back to this later.

A Brief History of GM Mustard

To understand the history of the GM mustard, we need to go back almost two decades. The first variant of GM mustard whose nomenclature was DMH-1 was developed indigenously under the auspices of Prof Deepak Pental, at the Centre for Genetic Manipulation of Crop

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Plants, located at the University of Delhi.⁴ Prof Pental also worked as the university's Vice-Chancellor at one point.

Developed without using transgenic technology, the hybrid variant DMH-1 was approved for commercial release in Northwest India in 2005-2006. However, this technology was not considered reliable enough. In the case of mustard, hybridisation cannot take place because it is a self-pollinating plant i.e., the both male and female components are present in the flowers of the plant. In this type of situation, since the stamen of the same flower fertilises the pistil, it becomes difficult to create hybrids. It is because the stamen of another plant cannot be used for hybridisation.⁵

In order to turn off self-pollination and consistently produce hybrid mustard, which can be used by plant breeders to cross better mustard varieties, there was a need to manipulate the mustard plant's genes. DMH-11 originated by crossing two varieties: Varuna and Early Heera-2. A cross was made possible after introducing genes from two soil bacterium called barnase and barstar. While a temporary sterility induced by barnase in Varuna helped in stopping self-pollination, the presence of barstar in Heera blocks the effect of barnase that allows seeds to be produced. Hence, DMH-11 is a transgenic crop i.e., genetically engineered

crop because it is produced using foreign genes from a different species i.e., soil bacteria.

Advantages of GM Mustard

India currently imports the bulk of edible oils from countries like Argentina, Brazil, Indonesia, Malaysia, Russia, and Ukraine. In value terms, the country's import of edible oils grew from Rs. 299 billion to Rs. 682 billion between 2010-11 and 2019-20. In terms of quantity, our import of edible oils increased from 69.0 lakh tonnes in 2010-11 to 146.4 lakh tonnes in 2019-20.⁶ With the current war between Russia and Ukraine, the import of edible oils is putting an additional burden on the country's forex reserves. It is believed by the supporters of GM mustard that it is expected to make us self-sufficient in edible oils production because its yield is higher than the non-GM mustard varieties.⁷

The approval given to GM mustard is anticipated to open the doors for the approval of other varieties of GM crops.⁸ Once other GM crops are allowed to be grown commercially, it will not only benefit the farmers in terms of better profitability and productivity, it can also ensure India's food security and sovereignty.

GM mustard is expected to raise productivity with a lesser cost of cultivation. Hence, mustard farmers growing it are expected

to experience an increase in their profitability. At least this is the argument of those who support GM crops.

A Critique of GM Crops

Many activists, some of them scientists and agriculturists, have contended that the data submitted by crop developers to the regulator does not prove that GM mustard will raise yields.

In order to control weeds, weedicide or herbicide is used by farmers.⁹ The activists argue that the pretext for creating hybrid technology in a plant like mustard is that it is an herbicide tolerant crop, according to the civil society network -- Coalition for a GM-Free India.¹⁰ For weed control, weedicides or herbicides are preferred over tillage and hand weeding because the latter leave valuable topsoil exposed to wind and water erosion. On top of that, tillage and hand weeding increases labour cost.

Broad-spectrum or non-selective herbicide is used before the crop germinates. Otherwise, herbicides can kill crops along with weeds. Weeds grow even after initial measures to control them. Although farmers apply narrow-spectrum herbicides to control specific types of weeds, weed control methods can increase the financial burden of farmers and adversely affect the environment.

When herbicide-tolerant (HT) crops are grown in the fields, they do not die when the

herbicide is sprayed. In other words, HT crops give farmers the flexibility to apply herbicides only when required. However, HT crops can lead to the “growth of new weeds through outcrossing with wild relatives or simply by persisting in the wild themselves.”

Some experts think that traces of herbicides like glyphosate and glufosinate in food can be harmful to human health and the environment.

According to Coalition for a GM-Free India, if GM mustard is allowed to be commercially cultivated, then there is a risk of contamination of organic mustard varieties as well as the wild varieties.¹¹ There is a risk of the persistence of transgene in the wild populations of the same crop. Thus, GM crops may cause the emergence of herbicide-resistant superweeds. It is also argued that nothing conclusive can be said about yield and other parameters without comparing GM mustard against ecologically-sustainable alternatives.

The process of review of GM mustard is not rigorous enough in order to assess its safety and efficacy. Given the evidence of the adverse effects of Bt cotton on honeybees, more studies are required to check the impact of GM mustard on insect life, especially because bee-keeping in India is largely dependent on the mustard crop. In addition, the impact of GM mustard on other pollinators and soil

microbial diversity needs to be checked.

The opponents also argue that instead of the regulator conducting studies related to GM crops, many were found to be conducted by applicants. Also, the guidelines related to environmental risk assessment were not in place when the GM mustard application was processed. It has been alleged by Coalition for a GM-Free India that several tests that should have been taken up during the biosafety assessment phase, were pushed by a sub-committee of GEAC into post-release monitoring studies. That sub-committee included people from outside, including GM crop proponents.

It is worth noting that in order to pursue the goal of safe usage of GM crops through the “Precautionary Approach”, India ratified several International conventions.¹² Yet a press release by the Ministry says that Bt cotton, named over the strains of the bacterium *Bacillus*

“**Guidelines related to environmental risk assessment were not in place when the GM mustard application was processed**

”

thuringiensis, is the only GM crop, which has been approved for commercial cultivation in our country.¹³ But the official website shows that around 809 varieties of Bt cotton hybrids have been approved by GEAC since 2002.¹⁴ During 2012-2015, the Indian Council of Agricultural Research (ICAR) conducted a study to assess the impact of Bt cotton on 2,700 cotton growing farmers in 18 districts of Maharashtra which revealed that the average cotton yield increased after the adoption of Bt cotton. Studies by ICAR on the use of Bt Cotton as animal feed found it was safe. The studies were done on lambs, cows, hens and goats.

One gets a different picture after going through the report of a department-related Parliamentary Standing Committee on Science and Technology, Environment and Forests, which was chaired by Ms. Renuka Chowdhury.¹⁵ The report entitled ‘Genetically Modified Crops and its impact on environment’ was submitted in 2017. Among other things, it was found that the existing regulatory mechanism for approval and testing of GM crops looks stringent on paper only.¹⁶ However, as per the civil society organisations (CSOs) who were consulted by that Committee, the whole process of regulation depends upon the data being made available to the regulators by the technology developers rather than conducting their own trials which gives rise to the possibility of fudging of data.

The same Parliamentary Standing Committee report had mentioned that although most members of the GEAC are bureaucrats from the government and government aided institutions, there is almost no representation from states or CSOs. It recommended the government that the GEAC should have at least one expert from the field of biotechnology who understands scientific data and its implication.

The Standing Committee found that cotton yields jumped by 69% between 2000 and 2005 in India, when Bt cotton accounted for less than 6% of the total cotton area, but rose by only 10% between 2005 and 2015, when Bt cotton grew to 94% of total cotton area. So, a proper assessment is required to see the increase in Bt cotton's yield since its commercial introduction in 2005.

The Parliamentary Standing Committee found that the GEAC gave its approval for the commercialisation of GM mustard even though the matter was pending in the Hon'ble Supreme Court of India. Being herbicide tolerant, there are serious questions related to GM mustard's impact on health and environment, said the report.

Around twenty years after their introduction in 1996, just 6 countries account for more than 90% of GM crop area globally i.e., the United States - 40%, Brazil - 23%, Argentina - 14%,

India - 6%, Canada - 6% and China - 2%. Thanks to the rising number of evidence about the lack of safety of GM crops and little or no benefits to justify the risks associated with growing such crops, 17 of the 20 most developed countries, including Europe, Japan, Russia, Israel, etc., do not grow them.

The Parliamentary Standing Committee was not convinced with the duration and the way ICAR conducted its feeding trials to study the impact of GM crops on animal health.¹⁷ They were surprised to note that feeding trials were conducted on very few animals whereas ideally, they should have been conducted on a large number of animals and for at least 2-3 generations. The Committee was dissatisfied with the methodology opted by the ICAR for conducting the feeding trials.

The Standing Committee had found that the Department of Health Research (under the

Ministry of Health and Family Welfare) gave approval for the commercialisation of GM crops in India even without studying on its own the impact of GM crops on human health. It also found a detrimental and unintended impact on environment and living organisms like bees, butterflies, etc.

Conclusion

The Supreme Court of India on November 3, 2022, granted time till November 10, 2022, to the Union government to respond to a petition by Aruna Rodrigues that challenged its decision giving the go-ahead to environmental clearance for DMH-11.¹⁸ The court has asked the government to put its response on record, along with an affidavit and supporting documents. On November 10, the government defended its decision to release GM crops for seed production and field testing. The Supreme Court has not decided the matter yet.¹⁹

Some experts think that even if farmers stand in favour of GM crops, they may not be able to assess their long-term consequence on health and ecology, which requires more rigorous studies than the ones conducted so far.²⁰

Another important point to ponder before making commercial cultivation of GM crops rampant should have been to take into consideration the recommendations and findings of multiple high-power

“ ***The Department of Health Research gave approval for the commercialisation of GM crops in India even without studying on its own the impact of GM crops on human health*** ”

committees and reports such as the Technical Expert Committee on GM crops constituted by the Supreme Court in 2012, the Standing Committee on Agriculture (chaired by Basudeb Acharya) that submitted its 37th report on GM crops cultivation in the Parliament in August 2012, and the Standing Committee on Science and Technology, Environment and Forests, chaired by Ms. Renuka Chowdhury that submitted its report to Parliament on GM crops in 2017.²¹

A case in point is also to make India's trade policies more farmer-friendly.²² At present, the pricing of oilseeds and edibles oil is more in favour of the consumers instead of the farmers. The production of oilseeds needs to be incentivised by the government. The System of Mustard Intensification (SMI) needs to be promoted among the oilseed farmers for improving the yield and lowering the cost of cultivation.

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THE ECOSYSTEM OF GM FOODS

Laws, Conventions and Controversies

Swapna Jha*

The term Genetically Modified (GM) crop refers to a process by which genes are added or removed from plants using genetic engineering techniques. A GM plant is created by introducing new DNA¹ into the cells of the said plant. These cells are artificially nurtured in tissue culture where they transform into plants. The seeds of these plants will have the new DNA. At its simplest, GM foods are those whose genetic material has been modified through the introduction of a gene from a different organism, via processes that do not occur naturally².

The 'Gene Guns' method is the most common way of inserting DNA into plant cells. Other techniques include electroporation (using high voltage electric shocks), microinjection (using a thin needle) and agrobacterium gene transfer. There are three types of genetic modification: transgenic (plants with genes from other species), cis-genic, (plants with genes of the same species) and sub generic (altering the genetic makeup without incorporating foreign genes). These have been used to produce a wide variety of GM foods, from corn resistant to larval pests to soybeans resistant to weed-killers, in addition to GM maize for



“ **Currently more than 70 countries import or grow GMOs on 2.53 billion hectares** ”

animal feed, high-fructose corn syrup, high yielding cotton and canola oil.

GM crops were grown in only six countries in 1996, which increased to 25 countries by 2009. Currently more than 70 countries import or grow Genetically Modified Organisms (GMOs) on 2.53 billion hectares, according to the International Service for the Acquisition of Agri-biotech Applications. About

90 percent of GMO cultivation is in five countries, viz the United States, Brazil, Argentina, Canada, and India. Most GM crops have been developed for insect resistance, herbicide tolerance, food fortification such as introducing Vitamin A in 'golden rice' and 'golden banana', or an increased starch content in potato.³

International Convention

The Convention on Biological Diversity (CBD) is a multilateral treaty under the mandate of the United Nations that came into effect in December 1993. The treaty focused on biodiversity conservation and the fair and equitable sharing of benefits from genetic resources, and requires member countries to enact

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domestic legislation. India is a party to the convention and we enacted the Biological Diversity Act in 2002. The CBD, which opened for signature at the Rio Earth Summit in 1992, has two supplementary agreements: the Cartagena Protocol and the Nagoya Protocol.

The Cartagena Protocol on Biosafety is a regulatory framework for the safe handling, transfer, and use of Living Modified Organisms (LMOs). The protocol was adopted in the year 2000 and the requisite 50 sovereign instruments of ratification were reached in 2003. Currently, 173 countries are parties to the Protocol. It has established rules and procedures to protect biodiversity from LMOs, especially those that may have adverse effects on human health.⁴

The Nagoya protocol was adopted at Nagoya, Japan in 2010 and came into force four years later. This protocol provides

a legal framework that addresses the second concern of the CBD, namely an equitable sharing of the benefits arising from genetic resources. The protocol obliges members to adopt measures to access and share the benefits of genetic resources. It lays particular emphasis on protecting from exploitation the traditional knowledge practices of indigenous communities. Genetic resources from animals, plants, and microorganisms can be used as base material for specialty enzymes, small molecules and enhanced genes. These have applications in drug development, crop protection, chemical production and industrial processing. India signed the Nagoya Protocol in 2011 and ratified it the next year.⁵

The parties to the protocol are obliged to introduce the following measures:⁶

Access to Genetic Resources

- Access should have legal

certainty and transparency. The rules and procedures should be fair and non-arbitrary.

- There should be clear rules for informed consent and mutually-agreed to terms.
- The rules should have provisions for the issuance of a permit.
- Research that conserves biodiversity should be encouraged.
- Emergencies that threaten plant, animal, or human health should be considered.
- Genetic resources for food and agriculture that provide food security should be considered important.

Benefit-sharing

- Measures for the fair and equitable sharing of benefits with the contracting party that provides genetic resources.
- Sharing should be on mutually-agreed terms.
- Benefits could be non-monetary or monetary. Benefits could be in the form of royalties and/or sharing of the results of the research.

Compliance

- Legal provisions for the implementation of the protocol.
- Dispute resolution mechanisms.

Legal Framework in India

India has laws to control threats to human safety and biodiversity

from the development, cultivation of GM crops and their trans-border movement. These include:

- The Environment (Protection) Act, 1986
- Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms/Genetically Engineered Organisms or Cells, 1989
- Drugs and Cosmetics Rules - 1988 (eighth amendment)
- Schedule Y of the Drugs and Cosmetics Act
- Protection of Plant Varieties and Farmers' Rights Act, 2001
- Biological Diversity Act, 2002
- Food Safety and Standards Act 2006
- Plant Quarantine Order, 2003
- GM policy under Foreign Trade Policy

Regulatory Mechanisms in India

The Biotechnology Regulatory Authority of India Bill was introduced in the Lok Sabha in April, 2013 by the Ministry of Science and Technology. It was referred to a standing committee, which was supposed to submit its report in June, 2014. However, the bill has lapsed due to the dissolution of 15th Lok Sabha.

There are five government authorities responsible for all the aspects of GM products: Institutional Bio-safety Committees (IBSC), Review Committee of Genetic

Manipulation (RCGM), Genetic Engineering Approvals Committee (GEAC), State Biotechnology Coordination Committee (SBCC) and District Level Committee (DLC). The GEAC – part of the Ministry of Environment and Forests - is the apex body that grants permits for open field trials of GM crops and approves them for commercial release.

Controversies associated with GM Crops in India

Many people believe that GM crops are not riskier to human health than non-GM food even though it cannot be said with certainty without adequate tests and long-term field trials. However, opponents have objected to GM crops on the grounds of their harmful impact on the environment, lack of safety of GM foods, unethical business interests behind GM crops, and inadequacy of intellectual property rights.

Proponents argue that the

GM technologies have been around for about 15 years in countries such as Brazil and China. Norman Borlaug – the father of the Green Revolution – in 2005 said that GM food could help eradicate world hunger. “It is better to die eating GM food instead of dying of hunger,” said the Nobel laureate.

The first GM crop in India was Bt cotton, introduced in 2002. Four years later a petition was filed by some activists in the Supreme Court. In 2012, a Parliamentary Committee on Agriculture asked for an end to all GM field trials in the country. Crop trials were kept on hold since 2012 after a Supreme Court appointed panel recommended a moratorium on GM crop trials for ten years, until regulatory and monitoring systems were strengthened. The then environment minister Jayanthi Natarajan followed the advice.

In 2014 her successor, Veerappa Moily, cleared the way for trials. Although his two predecessors



had stalled it, Moily approved one-acre field trials. Field trials for 11 crops were green lit in the last few months of the UPA-2 government. These included maize, rice, sorghum, wheat, groundnut and cotton. In July, the NDA government approved trials for 21 engineered crops such as rice, wheat, maize and cotton. The GEAC, consisting mostly of bio-technology supporters, rejected only one of these proposals while six others were rejected for want of necessary information.

In 2016, the GEAC gave the green signal to GM Mustard for field trials, but the Supreme Court stayed that order. A year later the committee was asked to conduct more studies. In October 2022, the GEAC once again cleared the proposal for the commercial cultivation of GM mustard. The GEAC's recommendation will go to the Environment Ministry for approval. Presently, as many as 20 GM crops are undergoing trials at various stages.

What's wrong with GM crops?

"Those who advocate for the use of GMOs like to point out that there's no evidence of harm", said Michael Hansen, a scientist at Consumer Reports. "But that's not the same as having evidence that shows that GMOs are safe. The studies needed to determine long-term safety haven't been done. There's a lot we don't know."⁷ Obviously, the opinion is

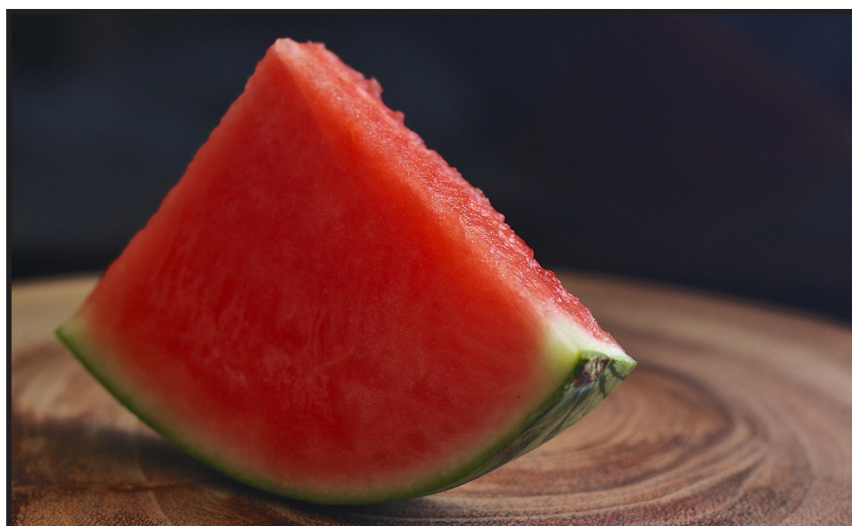
at best divided on the subject.

Civil society organisations working with farmers – particularly organic farmers – oppose GM crops. A cause of concern is that without mandatory labelling GM foods may be mistaken for organic produce. Various groups have expressed personal, ethical and cultural objections. For instance, animal genes in plants may cause vegetarians/vegans discomfort. Even among those who eat meat, several items are religiously proscribed. This indicates a necessity to distinguish GM foods from their non-GM counterparts, which can only be done via labelling.⁸

There is also a possibility that a GM crop may not have the same nutritional value as the natural product. It may have increased or decreased certain nutrients, but it could also be counter-productive. While in-depth research is needed on the

long-term effects of GM foods, many experts agree that genetic modification has the potential to introduce new allergens and toxins.

One such instance was observed in the United States. Genes from Brazil nuts were inserted into soybeans to improve protein content in the latter. It was later found that the GM soybeans likely caused acute reactions in people allergic to Brazil nuts. This product was later discontinued, but not before demonstrating that the absence of safety approvals and labelling as well as a lack of research into long-term health effects could put lives at stake.⁹ The British Medical Association also claimed that antibiotic resistant marker genes compacted into certain GM crops could be transferred to disease-causing microbes in the gut of humans or animals, creating antibiotic resistant microbes.¹⁰



Seedless Watermelon

The patenting of GM foods has raised concerns that bio-engineering commodifies life and violates its sanctity. For example, seed rights are supposed to vest with farmers, but terminator seeds force farmers to purchase afresh every year from monopolistic multinationals. Farmers in developing countries obviously end up paying a heavy cost.

GM foods can also pose a threat to traditional farming practices and regional bio-diversity. The National Rice Research Institute notes that 946 varieties of rice are cultivated in India.¹¹ Each variety has a different cultural and religious significance. However, commercialised transgenic crops may disrupt their cultivation and even lead to the wiping out of some varieties.

Over and above this, environmental concerns have arisen on superbugs and super weeds which can resist pesticides. Such transgenic plants could facilitate the generation of new viruses in the environment. Further investigation is required to determine if residues from herbicides and pest resistant plants could harm organisms found in the surrounding soil, such as bacteria, fungi, and nematodes.¹² It is also feared that GM crops may introduce toxins into the food chain. Ironically, chemical companies that sell weed killers are a driving force behind GM foods.¹³

A joint commission of the

World Health Organization and the Food and Agriculture Organization has established a protocol for evaluating the safety of GMOs. European countries and other developed nations have incorporated those guidelines into their mandatory premarket safety assessments for GMOs. Nevertheless, there's still no legal barrier to prevent foods containing ingredients that come from potentially risky genetically modified crops from ending up on our plates.¹⁴

Conclusion

Some of the most important points about GM crops and their effects in India were raised by the 59th report of the Parliamentary Standing Committee on Agriculture. These were debated extensively among the scientific and farming communities even though the issue still remains undecided and contentious. Some of the main observations of the Report¹⁵ are summarised below:

- Research and development on transgenics in agricultural crops should be done only in strict containment and field trials should not be undertaken till the Government puts in place all regulatory, monitoring, oversight, surveillance and other structures.
- Regulatory mechanism had missed the 30 percent increase in toxic alkaloid in Bt brinjal and approved it for environmental release but

these could have devastating effects on environment and human as well as livestock health.

- A thorough and independent probe must be conducted into the Bt brinjal matter from the beginning up to the imposing of moratorium on its commercialisation by a team of eminent and independent scientists.
- There should be no compromise, even remotely on the human health and environment by the use of antibiotic-resistance marker in GM crops, as there could be a possibility of transfer of antibiotic resistance marker genes from GM crops to other organisms. Hence, the Government should formulate appropriate policy in this regard.
- Same set of people should not be involved in development of technologies/products and also in assessment, evaluation and approval. Accordingly, the Government should make changes in the composition of regulatory bodies.
- It was recommended to evolve a process of examining domestic laws to determine whether domestic rules and procedures already exist that address potential damage, as defined in Article 2 of the Nagoya-Kuala Lumpur Supplementary Protocol. The Committee desired that purposeful and definitive action be initiated towards adopting and implementing

sustainable and environment-friendly practices and technologies in agriculture and allied sectors, which will conserve biodiversity and also ensure safety of human health and livestock health. The Committee also suggested a monitoring mechanism regarding safety of food items imported into the country.

- The Committee also recommended a liability clause or mechanism in the system which could compensate the poor farmers and the consumers in the eventuality of crop loss and harm to biodiversity health, environment, etc. and urged the Government to take appropriate action in this regard.

A well-known global report initiated by the World Bank and the Food and Agriculture Organization (FAO) that assessed the impacts of past, present and future agricultural knowledge, science and technology on hunger, livelihoods, human health, and sustainable development nails the issue quite succinctly:

“Biotechnology has always been on the cutting edge of change. Change is rapid, the domains involved are numerous, and there is a significant lack of transparent communication among actors. Hence assessment of modern biotechnology is lagging behind

development; information can be anecdotal and contradictory, and uncertainty on benefits and harms is unavoidable. There is a wide range of perspectives on the environmental, human health and economic risks and benefits of modern biotechnology; many of these risks are as yet unknown.”¹⁶

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COMMON CAUSE EVENTS

India Public Policy Network Meet --- December 13-14, 2022

Radhika Jha*

The India Public Policy Network (IPPN) along with the Indian Institute of Management (IIM), Ahmedabad organised a two-day 'IPPN Annual Conference 2022' on December 13 and 14, 2022. The event was supported by the JSW School for Public Policy, IIM Ahmedabad. Dr Vipul Mudgal and Radhika Jha of Common Cause participated in the event as presenters for an interactive session on 'Policy Analysis in India'.

The conference was organised on the larger theme of State Capacity. The focus of the conference was to build a deeper understanding of the role of the government in the contemporary era in both managing risks and uncertainties on the one hand and meeting citizens' increasing expectations of the state capacity on the other. The event was an endeavour to reflect on both the conceptual and practical issues emerging from a systemic understanding of the state capacities. Some of the sub-themes around which the discussions were held are as follows:

- What are the types and attributes of state capacity?
- What factors determine existence and level of state capacity?

Image Courtesy: Indian Institute of Management Ahmedabad



- How can state capacity be enhanced?
- What are the changing expectations from and challenges to state capacity?
- How does state capacity affect policy design and outcomes?

Dr Vipul Mudgal and Radhika Jha of Common Cause presented findings from a working paper on 'Public Policy Concerns in Indian Policing: Evidence from the SPIR Series'. The presentation, followed by a question-answer session, included findings from the SPIR series which focused on three larger areas of public policy concerns in the functioning of the Indian police: discrimination against the marginalised, use of violence by the police and the infrastructural and systemic inadequacies of the institution. The session, titled 'Policy Analysis in India', was chaired by Professor Azad Singh Bali, Senior Lecturer in Public Policy at Australian National University. The Common Cause team was

invited to contribute a paper for an edited volume on State Capacities.

The conference included 44 panels on various issues pertaining to state capacity; ranging from issues such as collaborative governance, administrative backsliding, bureaucracy and good governance, to more niche subjects such as disaster management, digital transition and data regulation, public health, crime and conflict, water policy and urban policy, to name a few. The participants included renowned academics, scholars, practitioners and domain experts from across the world. The sessions included presentations of academic research papers and policy case studies on various issues within the larger thematic issue of 'State Capacity'. The conference also included a keynote address by Karthik Muralidharan, renowned economist and academic.

* Radhika Jha is Research Executive at Common Cause

Overcoming Hate: The German Experience --- December 10, 2022

Purnajyoti Guha Thakurta*

Common Cause along with the Constitutional Conduct Group (CCG) hosted an interaction with Mr Harsh Mander titled Overcoming Hate: The German Experience. Mr Kamal Kant Jaswal, Common Cause President and an active CCG member welcomed Mr Mander, a former IAS officer, writer, activist and a recipient of multiple awards, presently working as the Director of the Centre for Equity Studies, New Delhi.

As the Richard von Weizsacker Fellow of the Robert Bosch Academy in Berlin, Germany, (from September 2021 to August 2022) Mr Mander tried to address the question, "What can we Indians learn from Germany's transformation from hate and genocidal atrocities following the World War II?" He drew parallels between Nazi Germany and the present-day India and critically assessed Germany's attempt to atone for the Nazi-age atrocities and the subsequent learnings to build a kind and just society.

Mr Mander started the discussion with 'Mazhab Nahee Sikhataa Aapas Mein Bair Rakhana', a music video by Poojan Sahil, on the YouTube channel 'Karwan-e-Mohabbat'. The song by Allama Iqbal conveys the message that religion does not teach hatred, and that the basis of violence in India is not religious differences but the propagation of hatred. Expressing his fear for India's future, he spoke about Mahatma

Gandhi's 'radical love' embedded in his immense courage to fight for equal citizenship, irrespective of religions. Unfortunately, more and more people are being lured to the politics of hate, leading to tragic consequences for minorities, he said. The Hindu supremacist mind-set which fuelled Gandhi's killing is now governing the country, he added:

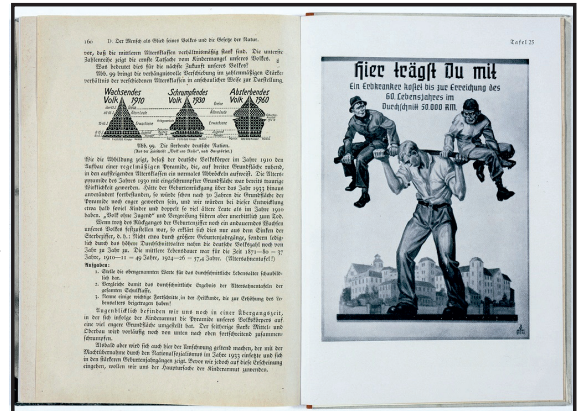
"They seek that India belongs to its caste Hindus and in India, they may allow Muslims, Christians, and Dalits to live, but only as second-class citizens, in fear and always subordinate to the Hindu majority without rights."

With growing sections of the electorate subscribing to the politics of hate, fear, and resentment, he felt that Indian leadership is legitimising bigotry and eroding the ideas of equal citizenship and fraternity. Mr Mander warned:

"The Holocaust did not begin with gas chambers; it began with hate speech."

During the discussion, he noted that despite significant historical differences, similarities are

Image Courtesy: United States Holocaust Memorial Museum



A poster entitled 'Hier trägst Du mit' [Here you Contribute] used as an illustration in the publication "Biologie für höhere Schulen" [Biology for Secondary Schools] by Jakob Graf

evident between the persecution of minorities in Germany in the 1930s and that of the minorities in India since 2014. He felt it vital to examine the parallels between the triumphant rise of fascism in Germany and the resistible rise of fascist Hindu radicals in modern India. This, he felt, has led to a series of unfortunate events such as building a negative narrative against the minorities, alteration of citizenship laws, use of law and violent vigilante actions against religious practices and shrines of the minorities, renaming cities/areas and roads to erase the participation of minorities, creation of legal and social barriers of inter-faith and inter-race relations as well as ghettoisation and economic marginalisation.

The most important lesson he learnt from his readings during the fellowship is that the evil

* Purnajyoti Guha Thakurta is an intern at Common Cause

perpetrators are not only the political elite governing the country, but also everyday individuals like us. Doctors, Scientists, Social Workers participated and supported the Nazi ideology, he said and reminded the audience that people's support for such bigotry played a significant role in the Holocaust:

"The tragedy that unfolded wasn't simply the evil leadership of Hitler, the Holocaust happened due to the broad support of the Germans."

While it was a lot simpler for Germans to pinpoint the locus of evil in Hitler over the years, it was much more difficult to examine the same within their society. He found unawareness of the genocide as a weak justification because the concentration camps were located right on the outskirts of large towns. Historians believe that the resistance to Hitler's government was less than 1% which is why it's crucial to highlight that:

"Hitler was not defeated by the German people, but he was beaten by foreign allied armies."

He said that even though the remaining 99% were not all Nazi supporters, they were guilty of silence. Examining the reason for their silence, he said that many used fear as an excuse, but the sad fact was that most of the Germans were indifferent because they were not directly affected by the Holocaust. If anything, Germans massively profited from acquiring land, getting better business and

employment opportunities, cheaper resources, etc.

The present day Germany, Mander said, has moved away from this. Not only have they built monuments and initiated projects that reflect acceptance of duty, atonement and remorse as a nation, they have also included modules in schools which teach children about diversity and pluralism to combat anti-Semitism. He also shared a quote by the philosopher Susan Neiman,

"A nation that erects a monument of shame for the evils of its history in its most prominent space is a nation not afraid to confront its failures".

Despite Germany's attempts to rebuild itself by opening its doors to millions of migrants, several issues persist, Mr Mander pointed out. Although, on the one hand, they are fighting against anti-Semitism, they still remain ignorant of the other minorities. The Germans established a hierarchy of lives to be grieved in which Jews were prioritised but they have forgotten the atrocities committed against the disabled and the people of the nomadic tribes who were oppressed. He said that the members of the LGBTQ+ community continue to be criminalised. The acceptance of diversity of colour, race and religion is still a significant concern in today's Germany, Mr Mander added.

There are lessons that Germany may take from India as well, Mr Mander observed. Firstly, India's idea of equal belonging ensures

that we accept, respect, and learn from each other. Secondly, India's secularism without conditionality doesn't require the denial of one's faith but gives equal respect to every faith. Thirdly, the Gandhian values and principles that hate cannot be fought with hate. And lastly, as per the Indian Constitution the presence of a social contract based on fraternity or 'Bandhuta', which promotes empathy and care, irrespective of the various classification of identity like religion, gender, etc. He said:

"People at all times remain vulnerable to the dangers of being drawn into the politics of resentment, suspicion, and frenzied hate". He quoted a German pastor, who said: "No country, no culture, no religion is immune to falling into the abyss that we fell in Nazi Germany, and once it begins there will always be people who shut down their conscience and side with the strong man."

The event ended with an interactive session with the offline and online audience on issues around the widespread growth of hate worldwide, the use of fear psychosis, the role of religious leaders, as well as the role of social media today in the spread of hatred. Mr Mander said that the social media platforms were merely offering tools for spreading hatred and were not themselves causing hate. He reiterated the need for kindness, solidarity and fraternity to fight the civilisational battle against hate:

"The opposite of love is not hate but is indifference".

Turmoil In Punjab --- December 11, 2022

Mohd Aasif*

The sixth Delhi Poetry Festival 2022, which took place at the India Habitat Centre in the second week of December, organised a book discussion on the recently released book, *Turmoil in Punjab: Before and After Blue Star: An Insider's Account*. The well-attended event was conducted as a conversation between the author, Mr Ramesh Inder Singh, IAS (Retd), who worked as the Collector of Amritsar during the Army action at the Golden Temple in 1984, and the Common Cause director Dr Vipul Mudgal who was a journalist in Punjab in the eighties. The lively conversation dealt with the questions surrounding the mistakes made by the military, government and politicians and if the operation could have been avoided or handled better.

Being part of the poetry festival, the dialogue aptly started with Dr Mudgal reciting a few couplets of Urdu and Punjabi poets, Faiz Ahmed Faiz and Surjit Paatar, depicting their viewpoints about hope and despair in the face of changing realities. Coming straight to the point, the author started with the planning aspect of the operation Blue Star with a claim that it was ill-planned from the word go. He felt it neither presented the correct feelings of the masses, nor cared

for the sentiments of the Sikh community.

Mr Singh talked about the role played by Pakistan, power plays back home, and the murky politics of the then leaders in New Delhi and Chandigarh. Talking about the role of our hostile neighbour, Mr Singh said that a foreign country could not have succeeded in its conspiracies unless the conditions were ripe for that. Pakistan, in his opinion, managed to sow the seeds of communal divide and that the demand for the creation of Khalistan was not a popular demand of the Sikh masses.

Talking about the role of the media, Dr Mudgal said that the media censorship during the operation was a grave mistake, since it choked the conventional channels of communication

and created parallel, word of mouth network of rumours. Mr Singh, pointed out that even after it was confirmed that the controversial hardliner Jarnail Singh Bhindranwale was indeed killed in the operation, Pakistani TV showed him alive through old videos to create confusion and unrest.

Answering a question about Operation Black Thunder, the second operation of the security forces at the Golden Temple in the late eighties, the author gave a graphic description of the temple's desecration and sacrilege by the militants. Answering questions from the audience, Mr Singh said while the police and the security forces indulged in excesses and human rights violations, the militants too cannot be given a clean chit because they killed innocent civilians in the name of their cause.

Image Courtesy: Mohd Aasif



Dr Vipul Mudgal (left) with Mr Ramesh Inder Singh at Delhi Poetry Festival 2022

*Mohd Aasif is an intern at Common Cause

NOTICE FOR ANNUAL GENERAL MEETING

To,

All members of COMMON CAUSE SOCIETY

The Annual General Meeting of COMMON CAUSE Society will be held on Saturday, March 04, 2023 at 11.00 am at Common Cause House, 5- Institutional Area, Nelson Mandela Road, Vasant Kunj, New Delhi 110070 with an option of attending virtually, with meeting id and password to be shared closer to the meeting.

The agenda will be as follows:

1. Consideration of Annual Report and adoption of the Annual Accounts along with the Auditor's Report for the year 2021-22
2. Appointment of Auditors for the year 2022-23
3. Consideration of changing the Memorandum of Association of the Society
4. Presentation of the activities and programmes of the Society
5. Elections
6. Any other item with the permission of the chair

It may kindly be noted that in accordance with Rule 15 of the Rules & Regulations of the society, if within 15 minutes of the beginning of the meeting, the quorum is not present, the meeting would stand adjourned and be held after half an hour of the original scheduled time, and the members present in the adjourned meeting shall form the quorum of that meeting.

Copies of the Balance Sheet and Income & Expenditure statement will be circulated (or screen shared) during the AGM.

We look forward to your participation in the meeting.

A line in confirmation will be highly appreciated.

Vipul Mudgal
Director
COMMON CAUSE

INDEPENDENT AUDITOR'S REPORT



S. Sahoo & Co.

Chartered Accountants

Independent Auditor's Report

To

**The Members of Board of Common Cause
Common Cause House, 5 Institutional Area,
Nelson Mandela Road, Vasant Kunj,
New Delhi-110070**

Report on the Financial Statements

Opinion

1. We have audited the accompanying financial statements of Common Cause (the "Society"), which comprise the Balance Sheet as at 31 March 2022, the Income and Expenditure Account, Receipt and Payment Account for the year then ended, and significant accounting policies and notes to the financial statements.
2. In our opinion and to the best of our information and according to the explanations given to us the aforesaid financial statements give the information required by the Act in the manner so required and comply, in all material respects, with the conditions laid down in the Scheme for the management and administration of the Society and the rules made thereunder, to the extent relevant and applicable, and give a true and fair view in conformity with the accounting principles generally accepted in India, of the state of affairs of the Society as at 31 March 2022, and its surplus for the year ended on that date.

Responsibilities of the management for the Financial Statements

3. The Management is responsible for the preparation of these financial statements that give a true and fair view of the financial position and financial performance of the Society in accordance with the accounting principles generally accepted in India. This responsibility also includes maintenance of adequate accounting records in accordance with the provisions of the Act for safeguarding of the assets of the Society and for preventing and detecting frauds and other irregularities; selection and application of appropriate accounting policies; making judgments and estimates that are reasonable and prudent; and design, implementation and maintenance of adequate internal financial controls, that were operating effectively for ensuring the accuracy and completeness of the accounting records, relevant to the preparation and presentation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.
4. In preparing the financial statements, management is responsible for assessing the Society's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Society or to cease operations, or has no realistic alternative but to do so.



Auditor's Responsibilities for the Audit of the Financial Statements

5. Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Standards on Auditing will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
6. As part of an audit in accordance with Standards on Auditing, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:
 - Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence including the utilization certificates submitted by the sub-recipients, that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
 - Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances.
 - Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
 - Conclude on the appropriateness of Society's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Society's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Society to cease to continue as a going concern.
 - Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation
7. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion on the Financials Statements and Annexure.

Other Matter

8. We have also issued our audit report as per Form No. 10B pursuant to the requirements of section 12A(1)(b) of the Income-tax Act, 1961.



Opinion

9. In our opinion Annexure for the year ended 31st March, 2022 are prepared, in all material respects, in accordance with the basis of accounting described in notes to accounts annexed to these Financials Statements.

Basis of Accounting and restriction on distribution use.

10. Our Work was performed solely to assist you in meeting your responsibilities in relation to submission of accompanying Financial Statements and Annexure with the Ministry of Home Affairs.

For: S. Sahoo & Co
Chartered Accountants
Firm Registration No.: 322952E



CA. (Dr.) Subhajit Sahoo, FCA, LLB
Partner
Membership No.: 057426

Place: New Delhi
Date:
UDIN:

COMMON CAUSE

ANNUAL REPORT 2022

Advocacy and Research Initiatives

a. Status of Policing in India Report (SPIR 2022)

Work on the upcoming Status of Policing in India Report on 'Surveillance and Policing' is currently underway and the report is slated to be released in early 2023. The data collection using surveys, focus group discussions and in-depth interviews has been completed and the chapters have been drafted. The editing, proofing and designing of the report is in progress.

A Focus Group Discussion was conducted with several former police officers, academics and experts to discuss various aspects of policing, privacy and surveillance on September 27, 2022. Following this, some in-depth interviews were conducted with serving police officers on the issue of surveillance and cybercrimes.

b. India Justice Report

On July 7, 2022 the India Justice Report (IJR) team published an analysis of the latest data on policing from the Bureau of Police Research and Development's (BPRD) report, Data on Police Organisations

2021. The analysis looked at various aspects of policing such as vacancies in police departments, diversity in police forces and the installation of CCTV cameras within police station premises. The publication received wide coverage in the media.

The India Justice Report team i.e. Common Cause along with the Tata Trusts, Commonwealth Human Rights Initiative (CHRI), Centre for Social Justice, DAKSH, Tata Institute of Social Sciences-Prayas, and Vidhi Centre for Legal Policy, have also been organising and participating in several events for advocacy and information dissemination.

Besides these, several brainstorming discussions on the police as well as on the overall report have been held in this quarter, in which Common Cause has been an active participant and organiser. The initial drafts of the chapters have been prepared and are in the process of being reviewed by the teams. The final report is likely to be released in March 2023.

c. Representations, Comments and Suggestions

Feedback on the Draft India Data Accessibility and Use

Policy 2022: The Draft India Data Accessibility and Use Policy 2022 aimed to enhance access, quality, and use of data and radically transform India's ability to harness public sector data and claimed to ensure greater citizen awareness, participation and engagement with open data. Common Cause provided feedback on issues of non-transparency, privacy, data security and emphasised on the need for a data protection law.

Inputs to the Technical Committee concerning the Pegasus India Investigation:

The Technical Committee constituted to examine the allegations of alleged unauthorised surveillance using the Pegasus software appointed by the Supreme Court in W.P. (Crl.) No. 314 of 2021 released a questionnaire with 11 questions, seeking responses and comments from the general public. We responded to the questions revolving around safeguards and grievance redressal associated with state surveillance and surveillance technology and suggested substantive and procedural safeguards for a surveillance framework and the steps to improve cyber security.

Representation seeking compliance of the Hon'ble

Supreme Court's judgement in Common Cause v. Union of India [(2017) 9 SCC 499] with regard to violation of Rule 37 of the Mineral Concession Rules, 1960:

Common Cause filed a representation with the Director of Mines & Additional Director of Mines (Government of Odisha), Principal Secretary, Under Secretary and Joint Secretary (Department of Steel & Mines) and with the Special Secretary to the Government of Odisha, Department of Steel & Mines. The representation focussed on the violation of rule 37 of the Mineral Concession Rules, 1960 and illustrated a specific case as an example to urge the authorities to investigate the violators and take necessary action in this regard.

Comments/suggestions on the Drugs, Medical Devices and Cosmetics Bill, 2022: On August 22, 2022, Common Cause submitted detailed and incisive comments/suggestions on the Drugs, Medical Devices and Cosmetics Bill, 2022 to the Ministry of Health and Family Welfare. While it is understandable that in order to meet India's evolving healthcare requirements, there is a need to build an innovative and globally competitive industry supported by world-class infrastructure, enabling ecosystem, regulatory framework and quality manpower, the public health aspects must still be the primary focus of the Bill. The pharmaceutical and medical sector must focus on providing accessible, affordable,

safe, and high-quality drugs and medical equipment to patients along with promoting an innovative and self-sustainable industry. It was submitted that public health must be viewed from the citizen-centric lens, instead of making it a profit-making industry for Pharma. Transparency, accountability and access to information should be made mandatory under this bill. A due process of transparency builds confidence among the citizens and leads to good and responsible governance.

Comments/suggestions on the Indian Telecommunications Bill, 2022:

Common Cause submitted comments/suggestions on the Indian Telecommunications Bill, 2022 in November 2022. While the draft bill had consolidated the previous three works of legislation regarding telecommunication services, it has yet to truly meet its goal of accommodating the increasingly modern and rapidly growing technology in the sector. Despite its several positive aspects, it has ended up amplifying our anxieties. Especially the provisions legitimising surveillance, internet suspensions and infringement of privacy. The Bill also proposes to curtail the role of TRAI from a regulatory to a titular body. To make this law more relevant and functional, it must be revisited to remove the shortcomings. There is a pressing need to update the telecom regulatory regime to meet the challenges the industry faces today, without compromising

the people's right to private correspondence, among other freedom and liberties.

Comments/suggestions on the Digital Personal Data Protection Bill, 2022:

Common Cause submitted comments/suggestions on the Digital Personal Data Protection Bill, 2022 in December 2022. The Bill was awaited but it left a lot to be desired. The explanatory note presented a glowing preface but it was not fulfilled by the Bill. A few of the provisions are in line with the tests laid down by the Supreme Court in the Puttaswamy case relating to the scope of limitation of the constitutional right to privacy, however, the vague language allows space for wider interpretations and more specifically, missing the definition of terms such as 'sensitive personal data' (biometric data, genetic data, etc.). Inclusion of 'deemed consent' is problematic, considering the heightened need for data protection and privacy. It is concerning that the law is curated in a way that provides more power to executive bodies, without stringent punishments for wrong-doers.

d. Events, Meetings and Consultations

Book Release: The Struggle for Police Reforms in India

on May 8, 2022: IPF, Common Cause and Rupa Publications collaborated for the book launch of 'The Struggle for Police Reforms' by Mr Prakash Singh, Indian Police Foundation (IPF) Chairman and former DGP, UP,

Assam and BSF. Chief Guest, the then Vice President of India Mr M Venkaiah Naidu addressed the audience and spoke on police reforms, politics and bureaucracy. Other speakers included Mr N Ramachandran (IPF), Dr Vipul Mudgal (Common Cause), former DGP Mr NK Singh, Mr Kaushik Deka (India Today) and Mr Kapish Mehra (Rupa & Co.).

MIRA Coalition Meeting on May 13, 2022: As partners of Mineral Inheritors Rights Association (MIRA), a coalition of diverse civil society groups and networks in India that works in extractive sector governance, Common Cause participated in a full-day MIRA Coalition Meeting. The event featured roundtable discussions on themes of transparency, accountability, use of funds, environmental costs and human exploitation in the extractive sector and debated whether mining at such gigantic scales was needed at all as well as talked about the efficient use of District Mineral Fund for the benefit of the stakeholders. Mr Sreedhar Ramamurthi (Envionics Trust), Mr Rahul Basu (Goa Foundation) and Mr Nikhil Dey (Mazdoor Kisan Shakti Sangathan), among others, highlighted various issues concerning the extractive sector governance.

Meeting on the India Justice Report on May 17, 2022: Common Cause, Commonwealth Human Rights Initiative (CHRI) and Vidhi Centre for Legal Policy had a discussion with the

Director-cum-Chief Forensic Scientist of the Directorate of Forensic Science Services, Mr SK Jain. The agenda of the meeting was to explore the availability of information on forensic science laboratories and infrastructure at the national as well as the state level.

Digital Conduct during Elections on May 20, 2022: We had a meeting with Maj Gen Anil Verma (Retd), Head, Association for Democratic Reforms, Internet Freedom Foundation's Mr Apar Gupta & Mr Prateek Waghre and Mr Srinivas Kodali of Free Software Movement of India, among others, around the impact of digital platforms in influencing electoral processes and the safeguards that need to be put in for its regulation and monitoring. In light of the recently concluded 2022 state elections, and the upcoming 2024 general elections, Common Cause and Internet Freedom Foundation have decided to take this initiative ahead. In continuation of the joint efforts, a questionnaire on the campaign for monitoring digital conduct during elections was floated to involve other stakeholders and engage with them systematically in order to create a comprehensive report by 2023 and send it to the Election Commission of India.

Two-week Online Interdisciplinary UGC Refresher Course on Human Rights and Social Inclusion by Jamia Millia Islamia, New Delhi on June 9-22, 2022: Jamia

Millia Islamia, New Delhi invited the Common Cause Director to talk about Human Rights and the Police in a two-week online interdisciplinary UGC Refresher Course in Human Rights and Social Inclusion for training and skill building of young faculty members from various universities and colleges across India.

National Consultation on Vision India@2047 for Judicial System on June 13, 2022: Anshi Beohar from Common Cause participated in the National Consultation - 'Justice for All: Developing a Speedy, Affordable & Technology-Enabled Citizen-Centric Doorstep Justice Delivery System' organised by the Department of Justice, Ministry of Law and Justice. The consultation chaired by Mr SKG Rahate, Secretary, Department of Justice, was geared towards the aspirational vision of the Indian judicial system and preparing it for 100 years of independence through incorporating the Vision@2047. It envisions our judicial system to adhere to international standards and best practices of this sector that may enable India to emerge as the touchstone of justice delivery systems across the world soon.

Meeting with Rajasthan CM and Rajasthan Police Academy: Common Cause Director and CEO, Dr Vipul Mudgal presented the state-level findings of the Status of Policing in India Report (SPIR) Series at the Rajasthan Police Academy to all the Superintendents and Additional

Superintendents of Police in the state. The presentation was followed by a discussion on police reforms with the DGP and the Hon'ble Chief Minister, Mr Ashok Gehlot. During the discussion, it was proposed by the CM that a larger conference on police reforms could be organised by the Rajasthan Police Academy, in collaboration with Common Cause.

International Colloquium on Criminal Justice in Numbers on August 27-28, 2022: An International Colloquium on 'Criminal Justice in Numbers' was organised by the Centre for Criminology, Criminal Justice and Victimology of the Rajiv Gandhi National University of Law (RGNUL), Punjab in collaboration with the India Justice Report team. Radhika Jha from Common Cause presented the key findings of the Status of Policing in India Report (SPIR) series. The colloquium brought together some of the most significant efforts in data-based research on criminal justice, both in India as well as internationally. The event was attended by the District Collector of Patiala, Mrs Sakshi Sawhney and Hon'ble Justice A G Masih, Judge, Punjab and Haryana High Court. Officials from the National Crime Records Bureau (NCRB), the National Legal Services Authority (NALSA), the National Judicial Data Grid (NJDG), and serving judicial and police officers also participated in the two-day event.

Dialogue on Social Accountability and Commons on September 2, 2022:

Anshi Beohar represented Common Cause in the first in a series of dialogues on Accountability and Commons at National Law School of India University, Bangalore. Spearheaded by Foundation for Ecological Security (FES), Social Accountability Forum for Action and Research (SAFAR) and the Institute of Public Policy, National Law School of India University (NLSIU), dialogue series aims to develop a working framework for social accountability related to the commons, based on lived realities, experiences and struggles of a wide network of practitioners, activists and concerned citizens. The meeting was co-organised by Mazdoor Kisan Shakti Sangathan (MKSS) and School for Democracy, with academics, field experts, activists, researchers, etc. in attendance, to conduct a discourse around understanding the challenges and possibilities in the governance of commons, identifying key stakeholders and discussing ways to ensure transparency and accountability in this arena.

Meeting with Artha Global and Daksh team on November 24, 2022:

A meeting was organised by Artha Global with representatives from Common Cause and Daksh to discuss the future scope for collaborative events and projects. The meeting was attended by Radhika Jha from Common Cause, Ms Neha Sinha, Deputy Director, Artha

Global, Ms Avanti Durani, Assistant Director, Artha Global, Ms Smita Mutt, Research Associate, Daksh and Ms Sandhya PR, Senior Research Fellow, Daksh.

128th National RTI Webinar on Proposed Amendment in Section 8 (1)(j) of the RTI Act in DPDP (Data Protection) Bill, 2022 on December 4, 2022:

Common Cause Director joined Mr Shailesh Gandhi (Former CIC), Mr Aatmdeep (Former SIC, Madhya Pradesh), Mr Rahul Singh (SIC, Madhya Pradesh), Tanmay Singh (Internet Freedom Foundation) and Mr Pravin Patel, General Secretary NFSFFJ in the panel discussion jointly organised by the RTI Revolutionary Group India, National Federation of Societies for Fast Justice (NFSFFJ) and Mission Free Legal Education.

Mr Harsh Mander on 'Overcoming Hate: The German Experience' on December 10, 2022:

The Constitutional Conduct Group with Common Cause organised an interaction with Mr Harsh Mander, Director, Centre for Equity Studies at the Common Cause office. During the hybrid meeting, Mander drew out close parallels between what is unfolding in India today and Nazi Germany from his experiences. He also reflected critically on the remarkable attempts by Germany to atone for the horrific crimes of Nazi Germany, and what possibly India can learn from this about

ways to build a humane and just society.

IPPN Annual Conference 2022 on December 13-14, 2022: Director Vipul Mudgal accompanied by SPIR Lead Researcher Radhika Jha represented Common Cause as panellists on Policy Analysis in India in the IPPN Annual Conference 2022 organised by Indian Institute of Management Ahmedabad (IIMA) & India Public Policy Network (IPPN) and supported by JSW School of Public Policy, IIMA, to discuss comparative research on Policy Analysis in India.

Meetings with various academics, experts and faculties: The Common Cause team reached out to various reputed national and international academics in the field of criminology and policing for discussions around the Status of Policing in India Reports and other research projects. Meetings were held with Prof Beatrice Jauregui from the University of Toronto, Prof Andrew Ferguson from Washington University, Prof Arvind Verma, from Pennsylvania University and Prof Shishir Jha, Dr Kalindi Kokal and Prof Parthasarthy from the Ashok Desai Centre for Policy Studies, IIT Mumbai.

e. Conferences, Workshops and Other Miscellaneous Activities

The Budget Dialogue: A Webinar on Union Budget 2022-23 on February 4, 2022



Mr Harsh Mander addressing Common Cause and Constitutional Conduct group

by Centre for Budget and Governance Accountability (CBGA) has been organised every year, since 2005, a Post-Union Budget Panel Discussion with eminent economists, social activists and policy experts. The Union Budget for 2022-23 was released during the third wave of Covid-19 and would significantly impact the future socio-economic development of the country. The discussion highlighted the way the government planned to address inequality and exclusion in the wake of the pandemic. Shambhu Chatak represented Common Cause in the event.

Podcast episode on the India Justice Report Conversations: Budgeting in the India Justice System on March 2, 2022: As part of a podcast series on the India Justice Report organised by the 'Elephant in the Room' podcast, Radhika Jha from Common Cause and Surya BS from Daksh were invited as guest speakers for a discussion around budgeting in the justice system. The podcast episode was hosted by Sudha Singh.

Times of India Podcast Episode on 'Policing Communal Violence' on April 25, 2022:

Radhika Jha from Common Cause was one of the guest speakers on a podcast episode on the role of police during communal violence, along with former police officers Mr LN Rao and Mr VN Rai.

Women in Econ/Policy x Artha Global Chai Mixer on September 30, 2022:

Artha Global, in collaboration with Women in Economics and Policy organised a mixer event in Mumbai for women working at the intersection of the development sector and economics in India. Radhika Jha from Common Cause participated in the event.

Delhi Poetry Festival on December 11, 2022: Director Vipul Mudgal was invited for a discussion with the Mr Ramesh Inder Singh, author of the book Turmoil in Punjab – Before & After Blue Star and erstwhile DM of Amritsar during Operation Blue Star in the India Habitat Centre, New Delhi at the Delhi

Poetry Festival.

f. RTI Applications

SPIR 2022: We have filed RTI Applications with all the States and Union Territories to check the status of the implementation of the Supreme Court in *Paramvir Singh Saini v Baljit Singh & Others*, SLP (Cr) No. 3543 of 2020 dated December 2, 2020, mandating the installation of functioning CCTV Cameras in all the police stations. The application sought the states to provide the status district-wise. The SPIR team is analysing the data received from the states.

Previously, we have also filed an application before the National Crime Records Bureau (NCRB) in December 2021 to procure information on the syllabus/course structure of the 'CCTV Footage Analysis' training of police personnel and other details. An RTI application was filed before the Public Information Officer, Public Works Department, Govt. of NCT of Delhi to seek information about the CCTV cameras installed in public places across the Capital. In addition, Common Cause filed an application with the CPIO, Ministry of Home Affairs and another with the CPIO, Centre for Development of Telematics (C-DOT), seeking details of protocols on data collection through lawful interception and monitoring.

Labour: We have filed RTI Applications with the Ministry of Labour and Employment

regarding the information under the Extra Reach for Unorganised Workers (DGLW) and the Transparent Central Labour Inspection Scheme for random inspection of units. The information sought under the Extra Reach for Unorganised Workers (DGLW) was regarding the state governments' initiatives to enable better access for the unorganised workers to the social security schemes. The application also asked for the details of the monitoring authority & officials responsible for this as well as the frequency of such monitoring on the access provided by the states. The application on the Transparent Central Labour Inspection Scheme for random inspection of units requested for the list of the states that have joined Shram Suvidha Portal along with the access links. The application also asked for a detailed list of inspections for the period between January 2021 till March 2022.

g. Publications

A Question of Earnings, State of India's Environment 2022: February 2022 by Shambhu Ghatak in Centre for Science and Environment's The State of India's Environment 2022 (9th Edition). Available at:

<https://www.downtoearth.org.in/reviews/state-of-india-s-environment-2022-80446>

Book review: Jinee Lokaneeta, The Truth Machines: Policing, Violence, and Scientific

Interrogation in India: April 4, 2022 by Vipul Mudgal in Studies in Indian Politics (SIP), 10(1), 150–151. Available at:

<https://journals.sagepub.com/doi/abs/10.1177/23210230221082826>

Eight Hurdles the ONORC Has to Cross Before It Can Be Called 'Successful': May 2, 2022 by Shambhu Ghatak in TheWire.in. Available at:

<https://thewire.in/rights/eight-hurdles-the-onorc-has-to-cross-before-it-can-be-called-successful>

Sedition law colonial-era baggage the State just doesn't want to dump: May 11, 2022 by Anshi Beohar in News Nine. Available at:

<https://www.news9live.com/india/sedition-law-colonial-era-baggage-the-state-just-doesnt-want-to-dump-169588>

Sedition law has to go, but the fear is it may survive in some other form: May 11, 2022 by Anshi Beohar in News Nine. Available at:

<https://www.news9live.com/india/sedition-law-has-to-go-but-the-fear-is-it-may-survive-in-some-other-form-169581>

Abuse of spouse bigger threat to institution of marriage than law against marital rape: May 12, 2022 by Anshi Beohar in News Nine. Available at:

<https://www.news9live.com/india/abuse-of-partner-bigger->

threat-to-institution-of-marriage-than-a-law-against-marital-rape-169758

Review: The Struggle for Police Reforms in India by Prakash Singh: July 16, 2022 by Vipul Mudgal in Hindustan Times. Available at:

<https://www.hindustantimes.com/books/reviewthe-struggle-for-police-reforms-in-india-by-prakash-singh-101657916227526.html>

Release of book on 'Crime Victimisation in India', October 2022: Springer Publications released the first edition of an edited collection of articles on 'Crime Victimisation in India', edited by Sudhir Krishnaswamy, Renuka Sane, Ajay Shah and Varsha Aithala. Radhika Jha and Dr Vipul Mudgal from Common Cause authored one of the articles in the book based on the findings of the Status of Policing in India.

Review: India's Undeclared Emergency by Arvind Narrain: October 28, 2022 by Vipul Mudgal in Hindustan Times. Available at:

<https://www.hindustantimes.com/books/review-india-s-undeclared-emergency-by-arvind-narrain-101666962375303.html>

The shifting local language mediascape: December 5, 2022 by Vipul Mudgal in Business Standard. Available at:

https://www.business-standard.com/article/beyond-business/the-shifting-local-language-mediascape-122120501275_1.html

[com/article/beyond-business/the-shifting-local-language-mediascape-122120501275_1.html](https://www.business-standard.com/article/beyond-business/the-shifting-local-language-mediascape-122120501275_1.html)

Public Interest Litigation

Miscellaneous Application by the Union of India seeking modification of the Supreme Court order in the Common Cause petition challenging re-appointment of the Director, ED:

The Union of India (Respondent No.1) filed a miscellaneous application in the Common Cause petition, WP(C) 1374 of 2020, challenging the re-appointment of the ED Director, for modifying the judgment of the Supreme Court, dated September 8, 2021. By the way of the instant modification application, they have sought the deletion of the following from the judgment:

"We make it clear that no further extension shall be granted to the second respondent"

The Union of India has claimed that on the basis of the 5th proviso to Fundamental Rule 56(d) and Section 25(d) of the Central Vigilance Act, 2003 as well as various pending petitions challenging the extension of the incumbent ED Director's tenure, the above statement must be deleted from the judgment of the petition challenging the re-appointment of the ED Director.

This application has been filed as a Miscellaneous Application, disguising the review petition. Several precedents have

established that the Supreme Court disapproves the practice of filing such miscellaneous applications seeking "modification" or "recall" or "clarification" in an attempt to bypass Order XL of the Supreme Court Rules, 1966. In addition to this, the Supreme Court has also upheld that change in law or subsequent decisions by itself could not be grounds for review and such petitions shall be accordingly dismissed.

Petition to restrain the use of public funds for political campaigning through government advertisements:

State governments across the country have started to roll out extensive advertising campaigns outside the territory of their respective states for projecting personalities and promoting particular parties without the interest of the target audience or prime beneficiaries of that government's achievements, policies and welfare measures. Common Cause filed a petition to restrain the unnecessary use of public funds on government advertisements in ways that are completely malafide and arbitrary and amount to breach of trust, abuse of office, violation of the directions/guidelines issued by this court and violation of fundamental rights of citizens. In this regard, six specific issues were pointed out:

- Publication of advertisements by state governments outside the territorial limits of their respective states

- Publication of government advertisements in the form of 'advertorials'
- Publication of government advertisements during/prior to the elections
- Issues concerning the 'Committee on Content Regulation of Government Advertisements' (CCRGA)
- Publication of Photographs of functionaries on Government Advertisements
- Advertisements in the name of Awareness Campaigns

The Supreme Court in its judgment dated 13-05-2015 in *Common Cause vs. Union of India* (2015) 7 SCC 1, had issued several guidelines aimed at regulating government advertisements in order to check the misuse of public funds by central and state governments. The five principles of those guidelines were as follows:

1. Advertising campaigns are to be related to government responsibilities,
2. Materials should be presented in an objective, fair and accessible manner and designed to meet objectives of the campaign,
3. Not directed at promoting political interests of a Party,
4. Campaigns must be justified and undertaken in an efficient and cost-effective manner and
5. Advertisements must comply with legal requirements and financial regulations and

procedures

On September 26, 2022, Justice DY Chandrachud and Justice Hima Kohli heard the petition to restrain the use of public funds for political campaigning through advertisements. After hearing Mr Bhushan, notice has been issued to the respondents. The case is likely to be listed next on January 23, 2023.

Petition seeking timely and transparent appointments to the Central Vigilance Commission:

Though vacancies for the post of Vigilance Commissioner and Central Vigilance Commissioner were advertised for more than 15 months and 5 months respectively, no appointments had been made pursuant thereto. This resulted in crippling the Commission with the effect that against a sanctioned strength of a three-member Commission (One Chairperson and two members), it was functioning with only one Vigilance Commissioner who had been authorised "to act as the Central Vigilance Commissioner...until the appointment of the Central Vigilance Commissioner." In *Vineet Narain v Union of India* (1998) 1 SCC 226, to ensure the effective functioning and that the Commission could act as a robust 'integrity institute' it was made a multi-member body and given a statutory status. The scheme and object of the act of 2003, specifically envisioned that the commission should function as a multi-member

body and should take decisions unanimously to the extent possible. Non-appointment of the Vigilance Commissioner and Central Vigilance Commissioner for extended periods therefore stultified the statutorily sanctioned working of the commission.

Common Cause approached the Supreme Court with a prayer for issuance of direction to the executive to take urgent steps to appoint Vigilance Commissioner and Central Vigilance Commissioner in pursuance of the advertisements that had been issued on 20.07.2020 and 04.05.2021 respectively. The petition also prayed that all details and documents regarding the selection process/appointments to be made to Central Vigilance Commission be placed in public domain. The matter was taken up on September 5, 2022 and notice was issued.

Petition Challenging Constitutional Validity of Sedition:

Sedition, a colonial law, used to suppress dissent by the British in India, continues to be heavily abused by the law enforcement authorities against citizens for exercising their freedom of speech and expression.

Common Cause filed a petition in 2021, challenging the constitutional validity of sedition under Section 124A of the Indian Penal Code, 1860, as being violative of Articles 14, 19(1)(a),

& 21 of the Constitution of India.

In *Kedar Nath Singh v State of Bihar*, the constitutionality of this section was tested and upheld. The offence of sedition was presumed to be complete if the activities tended to create public disorder or disturbance of law and order or public peace.

In its welcome order on May 11, 2022, the Supreme Court granted interim stay on the use of the provision by governments. It suspended pending criminal trials and court proceedings under Section 124A (sedition) and allowed the Union of India to reconsider the law of the colonial times.

The order stated that the Union of India had agreed with the *prima facie* opinion expressed by Supreme Court, that the rigors of Section 124A of IPC is not in tune with the current social milieu. Rather, the section was from a time when India was colonised. The Union of India, in its May 9, 2022 affidavit, had agreed to re-examine and re-consider the provision of section 124A of the Indian Penal Code before the Competent Forum. The Court adjudicated that it would be appropriate not to continue the usage of the aforesaid provision of law by the government. In addition, it said that the persons accused in fresh cases were free to approach courts for relief, which were asked to examine these cases, taking into account the present order passed as well as the clear

stand taken by the Union of India.

The matter was supposed to be listed in the third week of July but it was not taken up. Several other petitions were filed on the similar issue and were listed alongside.

On October 31, 2022, a bench consisting the Chief Justice and Justices S Ravindra Bhat and Bela M Trivedi has adjourned the matter until January 9, 2023 on Attorney General R Venkataramani's assurance that every interest will be protected and no prejudice against anyone will occur while considering the matter. The AG submitted that they are in the process of engaging relevant authorities to abide by the directions issued on 11.05.2022 and requested additional time as well as additional directives.

The Court also issued appropriate notices (returnable) on 09.01.2023 in those matters where notice was yet to be issued. Union of India's legal representative, Arvind Kumar Sharma, accepted the notice on behalf of the Union of India. Appropriate affidavits, response and rejoinders shall be filed accordingly.

Petition to Completely Ban Export of Iron Ore: Common Cause filed a writ petition in April 2021, to completely ban the export of iron ore (whether in the form of pellets or otherwise). Alternatively, it sought the levy of export duty

of 30%, on the export of iron ore in all forms, including pellets (except pellets manufactured and exported by KIOCL, formerly known as Kudremukh Iron Ore Company Limited). The petition also prayed to initiate proceedings under Section 11 of the Foreign Trade (Development & Regulation) Act, 1992 and Section 135(1) of the Customs Act, 1962. In addition, it sought the levy of appropriate penalty as per law against mining companies exporting iron ore pellets in contravention of the provisions of India's export policy. By exporting iron ore pellets, they have been evading the duty chargeable on the commodity. In addition, the petition prayed for a thorough and independent investigation into the role of public officials in allowing the same. Notice was issued on September 24, 2021, directing the respondents to file their response within four weeks from the date of the order. The UOI filed its response on November 11, 2021, which was taken on record by the Court. The Union of India was directed to provide a copy of the counter affidavit to the counsel for the petitioner. Rejoinder affidavit, if any, was directed to be filed, in the meantime. The matter was taken up on February 18, 2022 when upon hearing the counsel, the Court ordered the matter to be listed on March 9, 2022 for final disposal. Further date was granted in the matter on March 22, 2022.

However, on May 21, 2022

the government increased the export duty from 0% to 45% on iron ore pellets. Recently, the export duties on certain steel products and iron ore imposed in late-May were removed and the duty on iron ore pellets has been reduced to nil again. The matter is likely to be listed next on January 17, 2023.

Miscellaneous Application in Right to Living Will: On November 23, 2022, Justices KM Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy and CT Ravikumar heard Solicitor General Tushar Mehta, Mr Bhushan, Mr Datar and Dr RR Kishore. It was brought to the court's notice that efforts have been undertaken to engage the attention of the Ministry of Health, Union of India and the efforts may have to be made to arrive at suitable draft guidelines which can be placed before the Court for consideration. The matter has been listed next on January 17, 2023.

Contempt Petition against Lawyers Strike: The contempt petition filed by Common Cause against the strike of lawyers in Delhi High Court and all district courts of Delhi on the issue of conflict over pecuniary jurisdiction was eventually taken up on November 2, 2022, where the Court asked for short notes on the proposed submissions and the propositions by the parties within 4 weeks. The matter was listed next on December 6, 2022, when on behalf of the petitioner, advocate Prashant

Bhushan told the Bench that the Bar Council of India (BCI) had not suspended those who went on strike. "We expect a serious response from you," the Bench told advocate Ardhendumauli Kumar Prasad, who represented the BCI. Noting that suspension was not sufficient, the Supreme Court said major steps were needed against striking lawyers. "BCI is the apex body and should act like one. What are the preventive measures being taken? This can never acquire the proportions of adversarial litigation," a Bench led by Dinesh Maheshwari said while hearing the contempt petition. It posted the matter for further hearing on January 24, 2023.

Introduction of Electoral Bonds Challenged: Common Cause and the Association for Democratic Reforms (ADR) challenged the introduction of Electoral Bonds, which was introduced by amending Finance Act 2017. These bonds have not only made electoral funding of political parties more opaque, but also legitimised high-level corruption at an unprecedented scale by removing funding limits for big corporates and opening the route of electoral funding for foreign lobbyists. The PIL sought direction from the Supreme Court to strike down the amendments brought in illegally as a "Money Bill" in order to bypass the Rajya Sabha. On October 3, 2017, notice was issued to the Union of India and other respondents and on February 2, 2018 our

petition was tagged with one filed by Communist Party of India (Marxist), also challenging the electoral bond scheme. On March 14, 2019, the Centre in its affidavit filed in the SC claimed that electoral bonds would "promote transparency in funding and donation received by political parties".

During the hearing on October 14, 2022, the Court had asked the government whether the electoral bonds' system revealed the source of money pumped in to fund political parties even as the Centre had repeatedly maintained that the scheme was "absolutely transparent". "The methodology of receiving money is absolutely transparent... It is impossible to get any black or unaccounted money in... To say that this (electoral bonds scheme) affects democracy may not hold water. We will take Your Lordships through this step-by-step," Solicitor General Tushar Mehta had replied for the government on that day. The petitioners had argued that the scheme affected the very idea of free and fair elections and an opaque way of funding political parties, where the identity of who is funding whom destroyed the very concept of Article 324.

On November 22, 2022 a new petition challenging the government notification allowing the sale of electoral bonds for an additional 15 days in Assembly election years was tagged with our case. This petition filed by Dr Jaya Thakur sought the

quashing of the November 7, 2022 notification issued by the Finance Ministry amending the electoral bonds scheme. "An additional period of 15 days shall be specified by the central government in the year of general elections to the legislative assembly of states and Union territories with the legislature," the gazette notification had said. Earlier, a 30-day extra period for sale was allowed only in Lok Sabha election year.

On December 15, 2022 the matter was taken up by the SC, which agreed to examine the plea to refer the matter to a Constitution Bench. The petitioner's advocate, Mr Prashant Bhushan, requested the Court for an urgent hearing, saying the question of reference to a Constitution Bench could be heard and decided quickly at an early date. Justice Gavai heading the bench said that the case had been pending since 2015, to which Mr Bhushan responded that the petitioners had made several requests for early hearing. The bench listed the case for January 31, 2023.

Writ for Police Reforms: The battle for police reforms has been going on for the last 26 years. The Supreme Court took 10 years to give a historic judgment in 2006, in the petition filed by Prakash Singh, Common Cause and NK Singh. Since then it has been a struggle to get the Court's directions implemented. On July 3, 2018, responding to an interlocutory application filed by the Ministry of Home Affairs regarding the appointment of acting Director General of Police (DGP) in the states, the Supreme Court gave a slew of directions to ensure that there were no distortions in such appointments. It laid down that the states shall send their proposals to the UPSC three months prior to the retirement of the incumbent DGP. The UPSC shall then prepare a panel of three officers so that the state can appoint one of them as DGP. In October 2022 and December 2022, the Court entertained applications filed by the State of Nagaland and the UPSC to finalise the names of DGP for the state. The matter is directed to be listed for January 9, 2023.

Illegal Mining in Odisha: This matter was listed several times in 2022, where interlocutory applications filed by interested parties were disposed of and directions issued on penalties to be paid. On January 2, 2023 Court issued notice on the IA filed in the matter and directed the matter to be listed for January 16, 2023.

Finance and Accounts (2021-22)

The Audited Annual Accounts of Common Cause for the year ending March 31, 2022 has been received. The Governing Council has accorded its approval on 27.09.2022. Briefly, the non-project expenditure during the year was Rs 116.39 lakh against Rs 114.83 lakh recorded in the previous year. The non-project income during the year was Rs 114.98 lakh compared to Rs 100.21 lakh during 2020-21. Thus there was a shortfall of Rs 1.41 lakh during the year as against a shortfall of Rs 14.62 lakh in the previous year.

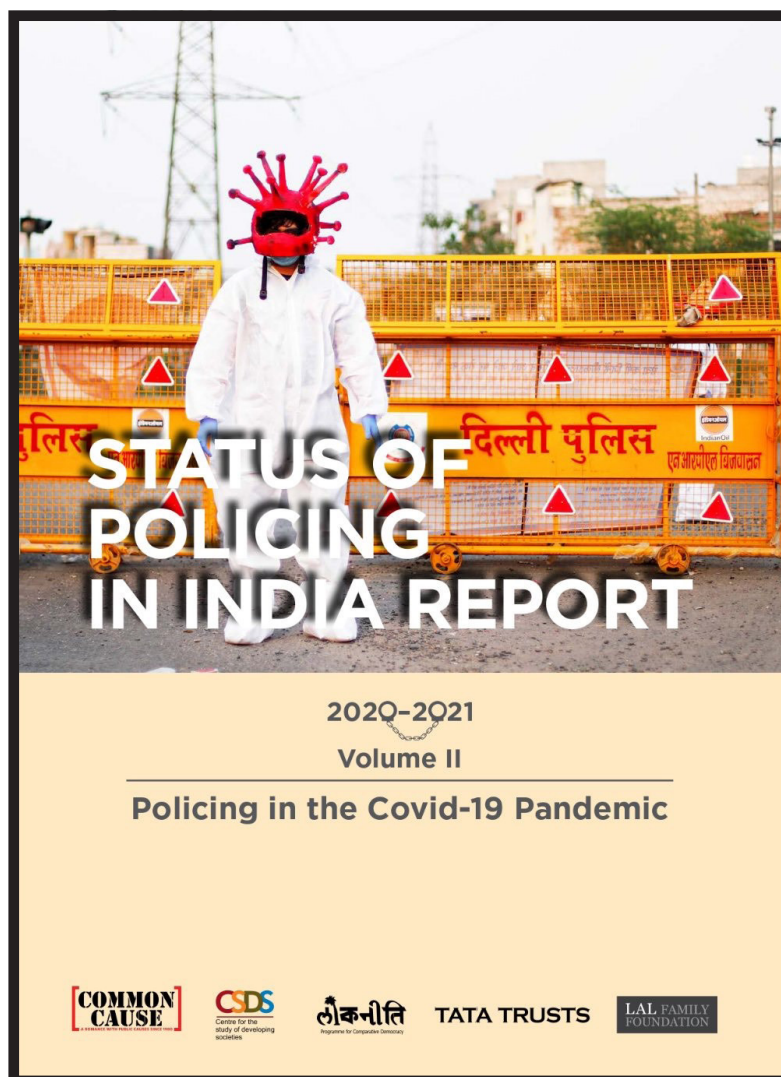


Overcoming poverty is not a task of charity, it is an act of justice. Like Slavery and Apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.

Nelson Mandela



Please email us at commoncauseindia@gmail.com if you want a soft copy of the report.



Jointly prepared by Common Cause and its academic partner, CSDS, The Status of Policing in India Report (SPIR) 2020-2021, Volume II: Policing in the Covid-19 Pandemic, covers a range of citizen-police interactions during the lockdown, the handling of the crisis, and the emergence of new challenges for the law enforcement apparatus.

The report analyses data from a survey of common people and police personnel from Tier 1 and Tier II/ III cities of 10 states and Union Territories. It also looks at the media coverage of the nature of policing during the initial phases of the national lockdown.

Please email us at commoncauseindia@gmail.com if you want a soft copy of the report. A PDF can also be downloaded from commoncause.in

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