COMMON CAUSE ANNUAL REPORT FOR THE YEAR 2018-19

The year has been eventful for Common Cause. Our initiatives have been received with much enthusiasm and acclaim. India got its first Lokpal, albeit hastily, in March 2019, as a direct result of our contempt petition. Our joint PIL (with ADR) challenging the introduction of the electoral bonds continues to make waves. The second Status of Policing in India Report (SPIR 2019), launched in August, received extensive media coverage in all languages across print, TV and digital platforms. A part of the Common Cause programme on police reforms and accountability, the report's foundational work has been welcomed by policymakers and advocacy groups alike while the team continues to engage with all stakeholders including government agencies, think tanks and the civil society.

Common Cause also pioneered the India Justice Report, brought out collectively by several civil society organisations across India, including CHRI, Daksh, Vidhi, Prayas/ TISS and the Centre for Social Justice. Our team has a pivotal role in shaping and pursuing the very idea of a collaborative report on the four pillars of the criminal justice system, i.e., police, prisons, judiciary and legal aid. The report ranks Indian states according to their capacity to deliver justice. This year the Common Cause website introduced a fresh design with user-friendly navigation, new sections and dynamic links to our social media handles. The Common Cause Journal continues to simplify complex public policy issues for our members and well-wishers without compromising on gravity.

1. Advocacy and Research Initiatives

(a). Police Reforms

Status of Policing in India Report (SPIR 2019): Police Adequacy and Working Conditions was released on August 27, 2019, at the India International Centre. The SPIR 2019 captures the perceptions and experiences of the police personnel across major Indian states. It studies working conditions, infrastructure, experiences of the personnel and their attitudes towards the society and its vulnerable sections. The data-rich study uses survey as a tool to gain an insight into the perceptions of the police, complimented with a thorough analysis of the official data to unravel trends and need-gaps in the policing ecosystem. Besides a survey of close to 12000 police personnel inside police stations or at their residences across India (21 States) the SPIR 2019 also includes another sample of around 11000 of their family members, who were interviewed mostly in their homes. While the 2018 report served as the first comprehensive audit of the performance of police and the citizens' perception of policing, including those of vulnerable communities, this year's report shifts the focus on adequacy of police structures, and the attitudes of the personnel on a range of issues. The rich and diverse media coverage can be seen on the Common Cause website or at the link: https://bit.ly/35Ek0P2

SPIR 2019: Presentations and consultations: The Director presented the key findings of the SPIRs 2018 and 2019, at a UGC seminar lecture for around 35 faculty members from universities all over India at the Jamia Millia Islamia University, New Delhi, on August 1, 2019. He also made a second presentation of the SPIR 2019, along with the Indian Police Foundation President Mr N Ramachandran, at the Faculty of Law, Delhi University, on September 23, 2019. It was attended by nearly 250 DU students and staff/ faculty members. On September 24, 2019, the findings were presented to nearly 60 students at the Indian Institute of Mass

Communication (IIMC). A second release of SPIR 2019 was held at the Lloyd Law College as part of its '3rd Let's Talk: Police Reforms' programme, on September 5, 2019, where Common Cause GC Member Mr Prakash Singh was the keynote speaker. Research Executive Radhika Jha made a presentation before nearly 200 students, staff and faculty members.

Andhra Pradesh Police deputed ADGP Mr Harish Kumar Gupta, to hold a session on the findings of the SPIR, at Common Cause House on October 17, 2019. Mr Gupta travelled all the way to Delhi only to discuss as to how the state police could improve its performance and public engagement by making use of the findings of the report in general and its state-specific references in particular. Similar consultations and presentations are expected to continue in the coming months.

National Seminar on Police Reforms Day, October 5, 2019, **with Common Cause as knowledge partner:** Common Cause collaborated with the Indian Police Foundation, the National Centre for Good Governance (Department of Administrative Reforms) and Bureau of Police Research & Development (BPR&D), to co-organise a 'National Seminar on Realization of the 'SMART' Policing Vision of the Prime Minister: Innovations in Citizen-Centric Governance,' on the occasion of Police Reforms Day at the India International Centre. The Vice President of India, Mr M Venkaiah Naidu, the chief guest, noted that the SPIR 2019 brought out by Common Cause and CSDS reinforced his feeling that a lot was needed to be done to improve the working conditions of the current police force and that an attitudinal change was required. The director made a presentation on key findings of SPIR 2019 at a dedicated session attended by senior police officers, policymakers, media persons and intellectuals.

Other discussions on policing and the rule of law: The Common Cause team had a discussion with Praja Foundation on policing and law and order, at the latter's Mumbai office on July 10, 2019. There were deliberations on methodology and key findings of SPIR 2018 as well as the State of Policing and Law and Order in Mumbai, a white paper prepared by Praja Foundation. Notes on data collection and methodological tools were exchanged, and future scope for collaboration was discussed. Common Cause also participated in a Round Table Consultation on August 2, 2019, on Police Complaints Authority (PCA) and accountability, organised by CHRI at the IIC, New Delhi.

SPIR 2020 Update: Preparations for the forthcoming SPIR 2020 are underway. The report will look at the forms and context of policing in conflict states, or states where some form of extremism, insurgency or militancy is taking place and a large number of paramilitary or armed forces are present. A survey is being designed to be conducted with key stakeholders in the selected states-- the general public, police personnel and other relevant groups. This will be complimented with an analysis of the official data. Brainstorming sessions are being held currently with IPS officers, academicians, journalists, and civil rights activists to finalise the themes and concerns to be reflected in the methodology and the questionnaire.

(b). Initiatives on India Justice Report

Common Cause, in collaboration with other leading organisations in the field of law and justice, brought out the India Justice Report (IJR) 2019. The report, launched on November 7, 2019, is a first of its kind initiative which ranks individual Indian states in relation to their capacity to deliver access to justice. The Common Cause team also played a crucial part in defining the research objectives of the study and has been a part of the study since its inception. Most of the sub-group and steering committee meetings were held at the Common Cause House and the team actively participated in everything from IJR's compilation to its key recommendations.

The report studies the capacity of states to deliver justice across

the four pillars of the justice system—the police, prisons, judiciary and legal aid. It also examines five-year trends to demonstrate a state's intention to improve access and delivery of justice by increasing resources, repairing shortfalls and clearing blockages. The four pillars of the justice system are measured against common thematic parameters of capacity to deliver justice—budget, infrastructure, workload, diversity, human resources and trends, or the intention to improve.

(c). Initiatives on Right to Education

Common Cause launched its ambitious booklet in Hindi 'Humara School, Humari Rakhwali,' in 2018, aimed at empowering the members of the School Management Committees (SMCs) to improve community participation in the running of schools, particularly in slums and urban villages. Since its release, the booklet has been sought by both SMC members and Right to Education activists, and there have been requests for its wider distribution.

SMC Booklet Distribution: Common Cause team continues to take part in a series of SMC meetings, seminars as well as knowledge sharing sessions in Delhi, utilising these platforms to discuss the Right to Education Act and distribute the SMC booklets. About 1732 booklets have been distributed so far, at numerous events, including at the National Consultation on Safe and Secure Education for Girls, organised by the RTE Forum.

Submissions for the Draft National Education Policy (NEP) 2019: In a detailed response to the Draft National Education Policy (NEP) 2019 Common Cause stressed on the need to aim at the globally-recognised expenditure of six percent of the country's GDP on education. We suggested that the NEP should focus on wider public participation and monitoring, with at least two social audits annually, to ensure consistent quality in education. Carrying forward its commitment to strengthening the School Management Committees (SMC), Common Cause also advocated for the need for training and capacity building of SMCs and the Anganwadi workers in accordance of the Acts under which they perform their duties.

(d). Initiatives on Social Accountability

Common Cause contributed to the research for the draft Rajasthan Social Accountability Bill, aimed to seek accountability of public functionaries and authorities for timely delivery of goods and setup a well-structured grievance redress mechanism.

(e). Website Redesign

The new Common Cause website went live in August, 2019. It features a complete revamp of design with a separate section to highlight the organisation's current focus, a completely renovated case library and an advanced search option. The new website has easily accessible links to our social media platforms (Twitter, LinkedIn, YouTube and Facebook), introduced or relaunched this year. Our landmark cases with case summaries, our campaigns and journal issues are showcased prominently. We are trying to include an online payment gateway to enable quick and hassle-free donations.

(f). Miscellaneous Representations

On violation of the right to access affordable medicines and the degrading quality of generic medicines manufactured in India, Common Cause has made representations to Union Minister of Health and Family Welfare, DG Health Services, General Manager (Procurement & Quality), Bureau of Pharma PSUs of India (BPPI), Secretary, Ministry of Health & Family Welfare, Drug Controller General of India and President, Medical Council of India. The representations call upon the above authorities to take urgent action for better access to affordable healthcare and maintaining the quality of generic medicines.

(g). Applications Filed under the RTI Act

Issue of Living Will: Common Cause has filed an RTI

application before K.L Sharma, Joint Secretary, Ministry of Health & Family Welfare, seeking certified copies of the administrative orders/ notifications/ circulars issued by the ministry in order to inform the concerned authorities for the implementation of this Supreme Court judgment. It also sought particulars of the total number of requests made for a Living Will in accordance with the judgment, among other things.

Implementation of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996: We filed an RTI application as a follow up of Supreme Court judgment in the Writ Petition No.318 of 2006, which observed that all the State Welfare Boards shall be subjected to audit by the CAG. The Union of India had also been directed to issue appropriate directions to all the state governments to fully implement the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) {BOCW (RECS)} Act and the Building and Other Construction Workers' Welfare Cess Act. RTI applications were also filed before the office of the C&AG of India and the Ministry of Labour & Employment, asking for information on the details of social audits conducted under the BOCW Act and steps taken to curb the violations etc. Subsequently, two first appeals were also filed.

(h). Meetings/ Consultations with Civil Society Organisations

Press Conference on Democracy, Elections and Digital Platforms on April 5, 2019: Common Cause held a press conference at the Indian Women's Press Corps (IWPC), New Delhi, in collaboration with the Constitutional Conduct, Internet Freedom Foundation, Free Software Movement of India, Association for Democratic Reforms, and former Chief Election Commissioners, Mr N Gopalaswami and Mr S Y Quraishi. An appeal was made to the Election Commission of India to monitor online spending of political parties on election campaigns, and to make it mandatory for them to disclose official Political Party/ Individual handles on all major digital and social media platforms, among other things.

Accountability of the Electoral Process in India, May 18, 2019: Common Cause was a partner in the public hearing 'How Accountable is the Electoral Process in India,' at the IIC. The hearing was an attempt to have a conversation around the giant polling machinery in India, as well as to ensure that those responsible for conducting elections meet the highest standards of transparency, accountability and independence.

Crime Victimisation Survey workshop, June 8, 2019: Common Cause team participated in the "Crime Victimisation Survey workshop" organised by the Centre for Constitutional and Legal System Reforms, Azim Premji University, Bangalore. The workshop brought together stakeholders and researchers in the field and discussed the existing and forthcoming literature and future collaborations. Common Cause will also be drafting a chapter for a book on crime victimisation surveys, an initiative coordinated by the Azim Premji University.

Catalysing a Data-driven Future for Law and Justice, June 21, 2019: Common Cause participated in a meeting organised by the Bangalore-based non-profit Agami on 'Catalysing a data-driven future for law and justice' at the Mumbai office of Dasra, a non-profit connecting corporate philanthropists with NGOs. The focus of the discussions was on strategies to address data gaps in law and justice and the way forward.

Indian Extractives Transparency Charter, June 27, 2019: Common Cause hosted a meeting of civil society organisations, environmentalists and journalists concerned about developments in the extractive industry in India. Representatives from Centre for Science and Environment (CSE), Environics Trust, Goa Foundation, Mazdoor Kisan Shakti Sangathan (MKSS) and Oxfam participated in the discussion. The meeting focused

on furthering the development of the Draft Indian Extractives Transparency Charter and recommendations on how access to information can help monitor illegal mining.

Safe in India Report Launch, August 7, and August 11, 2019: Common Cause participated in the launch of the report 'Crushed', brought out by the Safe in India (SII) Foundation, and was part of panel discussions at the Indian Institute of Management Ahmedabad (IIMA) and at Gurgaon where Common Cause President Mr Kamal K Jaswal and Director Vipul Mudgal were among the speakers. The current focus of SII is on providing free assistance to injured workers in their health-care and insurance claims from the Employees State Insurance Corporation in the Gurugram-Manesar region. Common Cause has been actively participating in preventing industrial accidents and its team has earlier contributed to the legal research on fixing responsibilities of automotive companies for the enforcement of safety standards, down their supply chains. This research was undertaken as part of the preparation for a possible legal recourse.

Social Accountability, from Theory to Practice, and from Practice to Theory, Sept 1-4, 2019: Two members of the Common Cause team, Akhilesh Patil and Dhruv Shekhar, participated in a four-day workshop on the above theme. The workshop, organised by the Social Accountability Resource Unit (SARU) in collaboration with the School for Democracy, was held at Loktantrashala – the SfD campus – to familiarise participants with the existing social accountability framework and on ways to improve it.

People's Tribunal on Constitutional Processes and Human Cost, Sept 7-8, 2019: Common Cause partnered with 11 civil society organisations to put together a two-day event on the above theme at the Indian Society of International Law. The event was meant to be a forum to discuss the National Register of Citizens (NRC) in Assam. The tribunal featured a jury observing depositions made by academics, activists, advocates, journalists, social workers and the affected people.

2. Public Interest Litigation

Supreme Court

Discrepancies in EVM data: The elections in India are held using the Electronic Voting Machines (EVM) with Voter Verified Paper Audit Trial (VVPAT) attached to each EVM, offering a verifiable record of every vote cast. Normally, the random sampling of VVPAT paper slips is done for five polling station in each constituency. The elections to the 17th Lok Sabha, starting from April 11th, 2019 were conducted in seven phases covering 542 constituencies. The results were announced on May 23, 2019. However, the Statutory Rules as well as the Manual issued by the ECI in February 2019 do not contain provisions for dealing with discrepancies arising out of the counting process. The ECI has failed to not only provide the quantum of discrepancies encountered in the process, but has also abstained from disclosing the methodology adopted for their resolution.

Hence, Common Cause along with Association for Democratic Reforms (ADR) have approached the Supreme Court to ensure that democratic process is not subverted by electoral irregularities. It also sought to ensure the enforcement of fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution. The petition seeks a direction to the ECI not to announce any provisional and estimated election results prior to actual and accurate reconciliation of data. It also seeks directives to evolve an efficient, transparent, rational and robust mechanism by creating a separate department/ grievance redressal cell for the investigation of discrepancies etc., including those which had taken place in the 17th Lok Sabha election results. This case is likely to be listed next on January 31, 2020.

Right to clean air, adoption of electric vehicles: Common Cause, jointly with Centre for Public Interest Litigation (CPIL) and Sitaram Jindal Foundation, filed a PIL demanding

implementation of the 'Faster Adoption and Manufacturing of (Hybrid &) Electric Vehicles in India' (FAME-India) scheme and Niti Aayog's recommendations. It also prayed for the adoption of internationally recognised best practices for integration of usage of electric vehicles.

The petition brings to the Court's attention the government's release of the National Electric Mobility Mission Plan, 2020 in 2012, in which several recommendations were made for the adoption of electric vehicles. Among other things, the plan had recommended that government fleets and public transportation be switched to electric vehicles; subsidies be provided to consumers for purchase of electric vehicles and the provision of tax and policy incentives. It had also recommended provisions for charging points in apartment buildings, parking lots, government offices, malls etc.

On March 3, 2019 the Court said that further orders will be passed after the govt informs the Court about the steps taken so far. There are no further orders for listing.

Miscellaneous Application (MA) in Right to Living Will: The Indian Society of Critical Care Medicine (ISCCM) has filed a Miscellaneous Application, seeking a clarification on paragraphs 191 to 194 of the judgment in the Common Cause petition concerning Living Will and the right to die with dignity. These paragraphs explain the Advance Medical Directive (AMD), its functioning, execution, records, the parties involved, and the role of the Medical Board, among other things.

The petition has sought specific modifications, deemed necessary to remove the uncertainty on withholding or withdrawal of life-sustaining treatment in India. The application includes provisions for the right to refuse life-sustaining treatment. As per communication received from the petitioner advocate, the application seeks to simplify the process of executing an AMD, which requires travelling and interaction with several authorities. The matter was taken up on November 19, 2019 and has been directed to be listed before the Constitution Bench headed by Justice Arun Mishra in the coming week.

Fair working conditions for domestic workers: Common Cause, along with the National Platform for Domestic Workers (NPDW) and civil rights activist Ms Aruna Roy, has filed a PIL for directions to ensure fair and humane working conditions for domestic workers. The petition, filed in November, 2018, seeks urgent intervention of the Court to acknowledge domestic help as a "service for pay," and lay down guidelines for protection of their human rights. It also prays for the notification of minimum wages, compulsory weekly and annual paid leaves, maternity leave benefits, right to collective bargaining through organised legal unions, first response complaints authority and extending socio-economic rights of pension and healthcare as provided to the workers under the Unorganised Workers Social Security Act, 2008.

The petition argues that until a law is brought in place, interim guidelines should be issued for safeguarding their rights in line with International Labour Organisation- Convention 189. The petition also prays that domestic workers be included under the Minimum Wages Act, 1948 in all states as well as the central schedule, and that a committee of experts should be appointed under the supervision of the Supreme Court to suggest means to regulate domestic workers' employment agencies, terms and conditions of dignified employment of domestic workers as well as setting up of a mechanism for dispute resolution. On December 7, 2018, in the course of hearing, the Bench sought clarification from the petitioners on the aspect of enforcement of the rights of domestic workers, especially in light of the increasing concerns for the right to privacy. The petitioners agreed to make submissions on the aspect of enforcement. The matter is likely to be listed on January 10, 2020.

Miscellaneous Application in large-scale government

advertising: A Miscellaneous Application has been filed in pursuance of an Interim Application filed by another petitioner in WP 13/2003. The MA, which was filed on July 30, 2018, and registered on August 17, 2018, supports the IA that govt. has been incurring high expenditure despite the Supreme Court judgment to the contrary. The respondent states had been given time to file their responses and the matter was taken up on April 3, 2019. The Court granted the respondents four weeks to file their responses and directed the registry to process the matter for listing as per rules. The matter was listed on December 13, 2019 but was not taken up.

Writ for police reforms: The battle for police reforms has been going on for the last 23 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.

To curb the practice of appointing Acting DGPs by the states, the Court directed that the UPSC should ideally empanel officers who have at least two years of service left, giving due weightage to merit and seniority. It also held that any legislation/ rule framed by the states or the central govt. running counter to the direction shall remain in abeyance. On March 13, 2019, a three judge bench headed by the Chief Justice of India passed the judgment in the said IA. Clarifying its order of July 3, 2019, it emphasised that recommendation for the appointment to the post of the DGP by the UPSC and preparation of panel should be purely on the basis of merit from officers who have a minimum residual tenure left. The matter was taken up on April 12, 2019, where the SC dismissed a contempt petition filed against the appointment of the DGP, Nagaland. There are no further orders for listing.

Introduction of Electoral Bonds challenged: Common Cause and the Association for Democratic Reforms (ADR) challenged the introduction of Electoral Bonds through an amendment in the Finance Act 2017.These bonds have not only made electoral funding of political parties more opaque, but have also legitimised high-level corruption at an unprecedented scale by removing funding caps for big corporates and opening the route of electoral funding for foreign lobbyists. The PIL seeks directions 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, a notice was issued to the respondents and on February 2, 2018, our petition was tagged with one filed by the Communist Party of India (Marxist).

On March 14, 2019, the Centre claimed in its affidavit that electoral bonds would "promote transparency in funding and donations received by political parties." The matter was taken up on March 26, 2019, when the ECI again red-flagged the scheme, pointing out that it had expressed concerns about it even in 2017. It said on affidavit that the scheme would have "serious repercussions/ impact on the transparency aspect of political finance/ funding of political parties." Thereafter, on April 12, 2019, the Supreme Court declined to put a stay on the electoral bonds scheme ahead of the 2019 general elections. It observed that the question could not be determined on the basis of a short hearing, and that any interim orders of the Court must not have the effect of tilting the balance in favour of any political party.

The Bench, headed by the CJI, Justice Ranjan Gogoi, directed all parties to furnish by May 30, 2019, information on the

donations received by way of electoral bonds, including the identity of donors, amounts received, details of payments, bank accounts etc. to the ECI in sealed covers. It also directed the Finance Ministry to modify its recent notification, which allowed the purchase of bonds for an additional five days over and above the stipulated 10 days each in January and April and the extra 30 days permitted in the election year. It has been two assembly elections since the Apex Court reserved its judgment while the information lying with the ECI in sealed covers cannot be made public without the Court's direction. There are no further orders for listing.

Contempt Petition on non-appointment of Lokpal: The Common Cause petition for the appointment of Lokpal was disposed in April 2017 with the Court maintaining that the Lokpal Act was a perfectly workable piece of legislation. However, the government failed to appoint the Lokpal nine months after the Apex Court verdict. Common Cause filed a contempt petition seeking directions against the government's wilful and deliberate failure to fully comply with the judgment. The matter continued to be listed several times with the government using its delaying tactics. On January 4, 2019, the Court directed the Union to place on affidavit all steps taken since September 2018, to set up a Search Committee for the appointment of Lokpal. On January 11, 2019, Common Cause filed an Interim Application to place on record that the Search Committee had not held any meetings before December 13, 2018. On March 7, 2019, the Attorney General (AG) informed the Court that the chairperson of the committee vide communication dated February 28, 2019, forwarded three panels of names to be considered by the Selection Committee for appointment of the Chairperson, Judicial Member(s) and Non-Judicial Member(s).

However, after long arguments and dragging its feet on many issues, the government finally – and hastily – appointed the members of the Lokpal, headed by former Supreme Court judge, Justice Pinaki Ghose, as the first Lokpal of India on March 19, 2019. On December 2, 2019, the contempt petition was disposed of as the govt. had already constituted Lokpal and appointed the judicial and non-judicial members. Our counsel raised questions on the functioning of the appointed Lokpal but the court refused to entertain these submissions in the course of this contempt petition.

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 July 4, 2019. The SC was informed that the Bar Council of India (BCI) was neither enforcing its own resolutions nor looking effectively into disciplinary action against lawyers. The BCI was directed to file data regarding both matters pending with disciplinary committees of the State Bar Councils (SBC). It sought information on the number of such matters pending and their duration. The data of all the SBCs is to be furnished as an affidavit. The court has sought a detailed report on the data, with respect to periodic strikes and cease work taking place in various parts of the country and the reasons behind them. Further, it has sought to find out whether the SBCs have initiated any disciplinary action against lawyers for indulging in strikes, which are not permissible and contrary to the Resolution(s) of the BCI and the judgment(s) of the Apex Court. The matter is likely to be listed on January 14, 2020.

Illegal Mining in Odisha: There has been much progress since the final judgment on August 2, 2017, when the Court imposed 100 percent penalty on illegal mining (i.e., without forest and environmental clearances, mining outside lease/ permitted area and mining in excess of permissions). In September 2017, Common Cause filed an application for clarification of issues arising out of the judgment. The Central Empowered Committee (CEC) formed by the SC, and

comprising Justices GS Singhvi and Anil R Dave, was asked to ascertain whether there had been any violation of the applicable rules and regulations.

Subsequent to the Court's judgment on the Interim Application/ objections on November 12, 2018, holding SMPL guilty of illegal mining in Odisha, the matter was taken up on January 16, 2019. On that day, the time to complete the task of reviewing the National Mineral Policy, 2008, and announce a new National Mineral Policy was further extended up to April 30, 2019. The Union filed its report on April 29, 2019, which was taken on record by the Court. On May 3, 2019, A.D.N. Rao, learned Amicus Curiae, submitted that the report of the CEC would be filed on or before May 8, 2019. The matter was listed several times in the period between July and September this year.

During the hearing on July 26, 2019 our counsel reminded the bench of the pending report that could decide the fate of some of India's biggest private iron ore miners. The Bench, consisting of Chief Justice Ranjan Gogoi and Justice Deepak Gupta, then asked the two-member committee of Justices GS Singhvi and Anil R Dave to submit their report before the end of September. On the last date of hearing, the Court referred to the letter of Justice Singhvi of September 28, 2019, seeking one week's time to submit the report. The court granted an extension for submission till October 19, 2019. On October 24, the Court directed that all 11 volumes of the report submitted by the Committee be given to the petitioners and directed the registry to list the matter for January 27, 2020.

Coal Block Allocation: The Enforcement Directorate (ED) on September 4, 2019, approached the Supreme Court, seeking permission to transfer 42 officials from agencies probing the coal block allocation cases. The permission was sought on the ground that their deputation tenures with the agencies were over. The Bench, headed by Justice N.V. Ramana, said that the CJI would decide on listing the matter for a hearing. In July 2017, the Court had barred the transfer of officers of the CBI and ED probing the cases without its prior approval. On September 17, 2019, the Court sought to know from the CBI and ED the status of investigation and trial in the coal block allocation scam cases probed by these agencies. In response to the ED's request for the repatriation of officers involved in the investigation of coal scam cases to their parent departments, the Court said it would take a practical view in a manner that the investigation does not get stalled.

The bench of justices Deepak Gupta and Aniruddha Bose said it needed to go through the case files as it was a new Bench. It also expressed its wish to get the assistance of senior advocate R S Cheema, the special public prosecutor appointed by the top court for the coal scam cases. No order was passed by the Bench on the request of our advocate Prashant Bhushan. He also sought directions to the Special Investigation Team (SIT) for filing a fresh status report of the probe into charges of "abuse of official position" by former Director, CBI, Ranjit Sinha.

On September 27, 2019, the Court reiterated that no investigating officer (IOs) associated with the probe of coal block allocation scam cases would be transferred or repatriated to parent cadres without its permission. The Bench of justices Deepak Gupta and Surya Kant, however, allowed a plea by some supervisory officers in the ED and CBI for repatriation to parent cadres. It said that IOs of the coal scam cases shall not be released in order to maintain continuity but the supervising officers, who have completed their deputation tenures, can be released. The Court said that the officers, so repatriated, shall be replaced by officers of the same rank. Senior advocate Cheema pleaded before the Bench to relieve him from the money laundering cases arising out of the matter. He said he faced problems owing to lack of prosecutors and personnel needed to handle the cases. The Apex Court declined to pass any order on this application and said it would consider the plea in December 2019. During the

hearing, the Court was informed that the CBI has filed 33 charge sheets and judgments have been delivered only in six of the coal scam cases. The matter is likely to be listed on January 8, 2020.

Chardham Road Project: Common Cause and Citizens for Green Doon and others filed separate writ petitions challenging the widening of the NH 108 as part of the Chardham project and arbitrary dumping of debris and muck into the Bhagirathi river in violation of all established norms and the principles of Environmental Impact Assessment (EIA). The National Green Tribunal disposed of the matter ordering constitution of a High-Powered Committee (HPC) to conduct 'rapid' EIAs and suggest ways for complying with environmental norms. Subsequently, the other co-petitioners challenged the NGT'S order in the Supreme Court. The Court on 08.08. 2019, while disposing of the case, ordered a change in the composition of the HPC which will now be presided over by noted environmentalist Prof. Ravi Chopra, replacing previous chairman Justice UC Dhyani. The Court recommended the addition of representatives from a wide range of ministries and research laboratories such as the Physical Research Laboratory, Wildlife Institute of India, MoEFCC and the Ministry of Defence.

The Supreme Court's order further elaborated on the terms of reference for the HPC, wherein the committee would have to consider the cumulative and independent impact of the Chardham Project on the Himalayan Valley and whether a revision of the entire project is required. The HPC is also directed to suggest the areas in which afforestation is to be undertaken as well as to carry out stakeholder consultation with the local people. In addition, the HPC was also directed to hold quarterly meetings, to ensure timely and proper compliance of its recommendations and submit its report within four months of the Supreme Court's order.

Delhi High Court

SIT on Over Invoicing requested by CPIL, Common Cause: Common Cause and Centre for Public Interest Litigation (CPIL) approached the Delhi High Court seeking a thorough investigation by a SIT into the over- invoicing of imported coal and equipment. The over-invoicing was carried out by various private power companies as detailed by Directorate of Revenue Intelligence (DRI) in several of its investigative reports. In the last few years, major instances of such over-invoicing have been unearthed by the DRI, involving several prominent and influential companies with virtual impunity.

On December 4, 2018, the CBI was ordered to produce its original records/ investigation files relating to the two preliminary enquiries and the regular case, as mentioned in its earlier affidavits/reply. The Court directed the DRI counsel to produce the four adjudicating orders concerning various entities. Additionally, the CBI counsel was to file the status report and produce relevant records duly flagged, together with a comprehensive note vis-a-vis each one of them. The matter was taken up on August 8, 2019, when the CBI counsel submitted that there was no necessity for filing another status report as the enquiry stood closed. The High Court directed that the records be produced before the court on the next date of hearing. The DRI counsel submitted that in three cases the adjudication was complete and it would take the same to their logical end.

3. Finance and Accounts (2018-19)

The Audit Report on the Annual Accounts of Common Cause for the year ending March 31, 2019 has been received. The Governing Council has accorded its approval on October 28, 2019. Briefly, the expenditure during the year was Rs 192.99 lakh against Rs 181.58 lakh recorded in the previous year. The income during the year was Rs 203.67 lakh compared to Rs 163.58 lakh during 2017-18. Thus, there was a surplus of Rs 10.68 lakh during the year as against a deficit of Rs 18.00 lakh in the previous year. Overall, the financial results have been satisfactory.

INDEPENDENT AUDITORS' REPORT

To the Members of Common Cause

Report on the Financial Statements

We have audited the accompanying financial statements of Common Cause ("the Society"), which comprise the Balance Sheet as on March 31, 2019, and the Income and Expenditure Account for the year then ended and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

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 includes the design, implementation and maintenance of internal control 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.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with the Standards on Auditing issued by the Institute of Chartered Accountants of India. Those Standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Society's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of the accounting estimates made by management, as well as valuating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion and to the best of our information and according to the explanations given to us, the aforesaid financial statements give a true and fair view in conformity with the accounting principles generally accepted in India:

(a). In the case of the Balance Sheet, of the state of affairs of the Society as on March 31, 2019; and

(b). In the case of the Income and Expenditure Account, of the excess of Income over Expenditure for the year ended on that date.

Report on Other Legal and Regulatory Requirements

We report that:

1. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit.