23.8% of Indian households have Internet facility

16.5% persons of age 5 years and above have the ability to operate a computer

20% males and 12.8% females of age 5 years and above are able to operate a computer
Jointly prepared by Common Cause and its academic partner, CSDS, the report is a study of the trying working conditions of police personnel, their meagre resources and infrastructure, crime investigation, diversity, people-police contact and police violence. We interviewed about 12000 police personnel inside police stations or at their residences in 21 states as well as around another 11000 of their family members.

The SPIR 2019 studies the experiences of the police personnel and their attitudes towards incidents of crime, use of violence and torture, marginalised communities, juvenile delinquency and incidents of mob lynching.

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

Cover Data Source: NSS 75th Round Report
Designed at GENESIS genesisadvt@hotmail.com 9810033682
Dear readers,

Technology disrupts. It alters the way we think, consume, produce, live or aspire to live. It changes habits of a lifetime in a flash and devours structures of power. It is simultaneously a big equaliser and a tool of exclusion. And that is why technology can be a game changer for better and for worse.

Our generation has already seen massive disruption in the way we connect, spend, do business and use products of daily life. From ordering things online to sharing news and from using e-wallets to making online bookings, there is no going back to the old habits. But for those of us whose circumstances do not allow them to take the leap, the same technology leaves them further behind with more and more catching up to do. It is an anachronism in the times of breathtaking technological progress.

Digital divide is a catchphrase which denotes inequalities of opportunities affecting every aspect of lives and livelihoods. While technology makes our lives easier and works as a leveller, it also inhibits growth of a section of our people. It divulges an individual’s social status, her caste, class, gender or geographical location within the country or in the world. Digital exclusion, therefore, is an obvious manifestation of a deeply unequal society with pre-existing fault-lines based on income, wealth, inheritance, education etc. which prevent some people from turning technologies in their favour.

In this issue of the Common Cause journal we attempt to unravel the connotations and consequences of digital divides, their social, political, cultural, and gender implications along with the ways to bridge the gap. We know that technology has two sides, it has an incredible potential for inclusion and for making lives easier but it can also act as a barrier and widen the gap between the haves and have-nots.

Promoting Digital Economies:

Let us look at the positive side first. We are in the middle of a telecom revolution which has empowered millions. Service providers like plumbers and electricians, food kiosk owners or cabbies use the humble cellphone to find customers at minimal cost. The farmers get crucial weather information and the right price for their produce. The cellphone can strengthen food security and public service delivery mechanisms. It is beginning to change the ways in which poor people can access education and healthcare. Mobile money is proving to be a force multiplier and it is estimated that nine out of 10 smartphone owners have used some form of digital payment at least once. Further expansion of cellphones is set to multiply economic activity in the coming years.

The negative side, however, is equally stark. “While people around the world make more than 4 billion Google searches every day, 4 billion people still lack access to the Internet,” says the World Bank report, Digital Dividends 2016. It shows that gains have not proliferated with the dramatic spread of digital technologies. For instance, the number of internet users more than trebled in the decade from 2005 to 2015, from 1 billion to 3.2 billion, but the inequalities have also risen consistently. As a result, almost 60 per cent of the offline people are disconnected from the digital economy. No one should be surprised that the better educated, better connected and already privileged people have benefitted more from the digital revolution. For the rest, the internet (and the opportunities that go with it) remain unavailable, inaccessible or unaffordable.
So, how bad is the divide in India? According to the just released 75th round report of the National Sample Survey (NSS), only 4.4 per cent of rural and 23.4 per cent of urban households had computers (between July 2017 and June 2018). Those without a computer are over 95 per cent of rural and over 75 per cent of urban households. Even the number of those who do not own but can operate a computer is not very high. In rural areas, only about 10 per cent people can operate a computer and about 13 per cent were able to use the internet. (In urban areas, 32 percent were able to operate a computer and 37 per cent were able to use the internet) The NSS estimates that almost 15 per cent of the rural households and 42 per cent of the urban households had internet facility, leaving out 85 per cent in rural and 58 per cent in urban areas. IT Minister Ravi Shankar Prasad has promised to connect 2.5 lakh gram panchayats via optical fibre but we also need computers and skilled humans to use its potential.

Technology and Governance Must Go Together:

Many global studies tell us that digital divide is not simply an issue of taking WiFi or computers or IT-enabled services to the digital have nots. It is more about the people’s ability to make use of it efficiently and innovatively for their own good. This requires decent infrastructure and farsighted policies for the growth of human capital. We need skilled workers, transparency in governance and accountable institutions. The use of internet, therefore, is to be seen not as a shortcut to development but as a facilitator. Technology can be a force multiplier but it cannot substitute a forward-looking education policy which provides affordable multimedia classrooms and constant monitoring of teaching-learning outcomes. Nor can it replace a fair and efficient criminal justice system, social harmony with peace and stability, and a competitive and impartial business climate.

Nelson Mandela said overcoming poverty is not a task of charity, it is an act of justice. He believed it has to be overcome because poverty is neither natural nor insurmountable. And therefore, the task of bridging the digital divide must be seen as an act of justice – social, political and economic – which is a foundational principle of the Indian Constitution. For digital dividends to flow to the most deserving, we need to understand how technology interacts with, and depends on, other non-digital and analogous factors like access to education, healthcare and good, accountable governance.

What we know for sure is that those in abject poverty have maximum to gain from digital inclusion. But this would mean a drastic rejig of both our online and offline policies. If there are any doubts, we can perhaps follow Gandhi’s advice of recalling the face of the poorest and weakest person and ask ourselves if our policies are going to be of any use to him. The task is difficult but doable if we set our sights on it. It must be done because the cost of inaction is very high.

Do let us know what you think. Like always it will be a pleasure to receive your comments and suggestions.

Vipul Mudgal
Editor
INTERNET CONNECTIVITY FOR ALL
India’s Fight Against the Digital Divide

Osama Manzar and Kriti Singh*

Compared to India’s 73 years of Independence, the Internet is relatively young. While the birth of the Internet dates back to the 1960s, India went online first in the 1986 when it was launched by the Educational Research Network (ERNET)—a joint undertaking of the Department of Electronics (DOE) and the United Nations Development Programme (UNDP). At that time, the use of the Internet, however, was restricted for educational and research communities. It wasn’t until August 15, 1995, that the Internet was opened up for people by Videsh Sanchar Nigam Ltd. (VSNL), now known as Tata Communications Ltd.

While India is now only second to China in the number of Internet users, it still remains largely unconnected. In terms of absolute numbers, in 2019, rural India has almost the same number of Internet users as urban India (192 million). But given the disparity in population distribution, the Internet penetration in rural India is just 36%.

It has been 25 years since the Internet was thrown open for the public but here we are, still talking about a digital divide that continues to exist, pushing people further into marginalisation now than before. But what exactly is ‘digital divide’ in this day and age is the foremost question which needs to be understood.

According to the Merriam-Webster, a popular American dictionary and not a technology information platform, digital divide is the economic, educational, and social inequalities between those who have computers and online access and those who do not. It addresses differences among groups that can access the Internet and those that cannot.

Meanwhile, the Census looks at literacy as the ability of persons to read and write their names in any recognised official language. However, we know that is not enough. Similarly, owning a mobile phone is not the same as being ‘digital.’ Even owning a smartphone is not enough to be ‘digitised’ unless one has connectivity and knows how to access relevant and timely information on the Internet.

What does that mean for India? There are 731 districts in India; out of which around 300 are officially recognised as backward. This means the development indices here are poorer than the rest of the country. There are over 566 million Internet users in India but only 200 million are from rural India, which accounts for almost 67 per cent of the country’s total population. Given the vast demographic divide, the most backward communities, some of which are not even recognised, still face information poverty in this digital shift.

Further, the gender gap in India is one of the highest in the world. When it translates to mobile ownership, the gender gap stands at 26 per cent. Only, 16 per cent women are connected to mobile Internet. This lack of access to connectivity continues to increase the existing information darkness in these regions, impacting over 800 million people.

As we take big strides towards becoming a digital India, more and more government service accessibility is moving online too. Application forms for government schemes or circulars on official notices are now posted online first, then made available offline. Think of the employment sector now, a

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sector that is already struggling in India due to lack of jobs. The Indian government employs the largest workforce, 21.5 million people. If the government decides to collect all job applications online and conduct all job examinations online, several of those living in rural and marginalised communities would either be deprived of the opportunities or will be forced to go long distances to find a region with seamless Internet connectivity. This will come at additional cost, thus creating an exclusionary environment.

Today, the scope of digital opportunities is far wide, diverse and aplenty than it was before. In fact, we’ve come to a point where our dependency on digital infrastructure, digital content and digital economy is so high that a person who is not connected to the Internet is being adversely affected.

While there are millions of individuals who are yet to be connected to the Internet in India, there is a vast institutional divide as well. Hospitals, administrative offices, schools, colleges and village councils lack access to high speed seamless Internet connectivity and staffers lack the required digital education to access it. Given the opportunities that the Internet brings to each of these institutions, thereby impacting the lives of the masses, it is something that India as a country should ponder upon.

Panchayats or the village councils are self-governing local bodies at the lowest level of governance. There are 250,000 panchayats in India, and each panchayat is represented by 10-15 members. These are bodies that provide village members with information about governance in their areas, facilitate funds for rural development and enable access to public schemes and services. Functional Internet connectivity and the knowledge to leverage it, would allow the panchayat to distribute information more effectively and efficiently up the hierarchal governance structure as well as reach out to citizens via mass communication channels in real time.

Panchayats, which govern about 67 per cent of the total population and are responsible to deliver information and services across 29 state subjects, have been promised fibre optic lines of 100 mbps. However, thousands of them are still deprived of even 10mbps broadband connectivity. While the government claims to have connected one-third of the total panchayats with optic fibre cable, in reality far less panchayats have functional Internet connectivity.

When Digital Empowerment Foundation (DEF) carried out a spot check in 2018 of 200-odd panchayats across the country to see availability of functional broadband connectivity, less than 13 per cent village councils passed the test. This clearly means that 250,000 offices are digitally challenged, digitally
divided and digitally subjugated but not digitally connected. In such a scenario, to expect that each of the 250,000 village councils will have a website of their own — just like the district administrations and state governments — is far from reality and dreams of digital inclusion.

Millions of Indians who live below the poverty line are dependent on the government for even the most basic of needs. The local public distribution shop (PDS), which supplies ration at subsidised rates to those living below the poverty line, now requires a functional Internet connectivity to match the biometric details of the beneficiary with that stored on the Cloud, before distributing the rightful supply of ration to the person. In the absence of a functional Internet connectivity or glitch in the biometric machine, which could last anywhere between a few hours to a few weeks or even months, the intended beneficiary family is deprived of grains and pulses.

For urban populations that are higher up in Maslow’s hierarchy of needs, digital tools, technologies and contents have made access to opportunities easier. Instead of eating out or stepping out for groceries, you can now order online. Instead of waiting in the sun to hail a cab, you can call for one through an app. Instead of visiting stores across the town for the perfect pair of shoes, you can browse through the browser window from the comfort of your bed. Waiting for the medical report to arrive, you need not travel again to the doctor’s clinic, instead you can simply download it off the website.

However, access to the Internet for rural populations brings with itself basic needs and amenities, which millions are still deprived of. Let’s take the example of education and health.

Considering that India suffers from a huge dropout rate—62.1 million children are out of school according to the Ministry of Human Resource Development—there is a need to focus on education and student well-being. There are about 1.4 million schools in India.

Let alone computer education classes for students, not all schools have functional Internet connectivity for administration purposes. It is believed that not more than 20 per cent of these schools have dedicated computer or IT labs for students. In some schools, there are no computer teachers, in others, students are only learning about the Office Suite because there’s no Internet. It must also be noted here that even in a digitally well-equipped school, digital education is viewed as a separate individual subject studied once or twice a week rather than a medium for holistic learning across all subjects. When these 227 million students, who are currently enrolled in schools, graduate over the next 15 years, they will not be ready for the jobs of the future because Indian schools have largely kept them on the wrong side of the digital shift.

India has huge infrastructure for health. There are about 184,359 government health centres, nearly 860,000 frontline
health workers and over 1.8 million women working with Anganwadis (courtyard shelters designed as mother-and-child care centres to combat child hunger and malnutrition) in India who have been deployed at the village and hamlet levels. These workers, all of whom are women, are essentially hired by the government to maintain maternal and child health care. However, India is home to the largest number of hungry people with over 200 million marked with food insecurity. According to UNICEF, around 38 per cent of children younger than five years of age are stunted in India and the mortality rate stands at 39.4 per 1,000 live births. This is so because the health care providers are unavailable at various government sub-centres at village level and primary health centres. The vacancy rate is high. The centres lack health facilities or even regular visits by experts.

Most of the health problems in the world are preventive rather than curative. People don’t require large-scale diagnosis or other health facilities; they just require a system in place where they can get regular and updated guidance and consultation from doctors or other medical experts. In villages, where experts or medical facilities are absent, availability of broadband connectivity can introduce the services of doctors through video conferences, thus giving a boost to health standards in the region. Similarly, updated information on tablets available for use for frontline health workers would go a long way in ensuring nutrition and sanitation standards, and enhanced mother and child care. However, at present, Internet penetration in the rural health system is intermittent, patchy, unreliable and not efficiently linked to the larger public health ecosystem. This creates a gap between health seekers and health care providers, which has become ever so widening in the digitally developing country.

If the government meets its promise of providing 100 mbps Internet connectivity to all panchayats—under the ambitious project of BharatNet—the panchayats can further distribute the Internet to health centres and educational institutions. Further, they can even provide connectivity to markets and enable thriving businesses where people can remotely procure and sell. India’s economy is largely dependent on agriculture and 156.4 million micro, small and medium enterprises (MSMEs). Ironically, farmers and MSMEs are part of the large number of individuals and institutions that are not connected to the Internet, and are therefore unable to leverage it for business. Here, the digital tools might be available to them, but the knowledge to use the devices contextually and timely may be missing.

Over the years, DEF has redesigned its rural digital infrastructure and education models around institutions. It does not enter a village setting and cater to individuals alone through its Community Information Resource Centres (CIRCs). Rather, it links these CIRCs to the institutions connected to five key areas — education, health, finance, governance and livelihood. And the results have been impressive and far more impactful than they would have been if the organisation only catered to individuals. In the last 17 years, DEF has established more than 190 CIRCs across 95 districts of 23 Indian states and Union Territories.

A few years ago, under the project ‘Digital Panchayats,’ DEF trained a thousand village council representatives from 1,000 village councils in digital literacy through these CIRCs. This helped the members to understand the relevance of various mass messaging tools, including social media. It also helped them learn ways to navigate government websites
for information and leverage available information to better deliver entitlements to citizens at their doorsteps.

The organisation is also currently working with district public libraries in Telangana to revive them as community hubs of knowledge. It is doing so by digitising the available infrastructure and turning them into centres which people can visit to access digital content.

In the last 10 years, DEF has worked with 10 artisan clusters to introduce and facilitate adoption of digital tools and technology—that ranges from advanced design software to WhatsApp—in the processes of market research, designing, production, retail and marketing. This has reduced the reliance on exploitative middlemen and enhanced the knowledge of market trends, allowing artisans to produce contemporary handloom and handicraft products.

Given the demographics, economy and geographical distribution of the population, India is certainly a mobile-first country. This means that not all persons go through the transition from radio to television to pagers to laptop to tablets to phones. Instead, for millions, the transition has directly been from radio to mobile phones. Today, there are over a billion mobile phone subscriptions (SIM Cards) in India. The number of smartphone users in India is expected to rise to 859 million by 2022 from 468 million in 2017.

As more and more Indians get access to smartphones and mobile Internet, the government must ensure that all public institutions—and not just urban services—are well-connected and well-integrated with each other. This will provide digitally enabled services efficiently to citizens and save their time, energy and cost. And this cannot be achieved by working in silos. There is a growing need for the government, private sector, civil society and representatives of the public to come together and engage in design thinking.

In the absence of a consciously-driven design thinking process, there is bound to be consumer dissatisfaction and adverse effects on the lives of citizens. For example, when the Andhra Pradesh state government decided to link all its PDS shops with biometric system for the distribution of ration, 37 per cent of the population were turned down ration because their thumb impressions weren’t recognised by the biometric machine due to several possible reasons. In some cases, citizens were denied their right to subsided ration because they did not have the ‘mandatory’ Aadhaar identification card. In some other cases, the individuals had an Aadhaar Card, but the Point of Sale (PoS) machine was out of order, or there was no electricity supply. In yet other cases, the machine refused to recognise the biometrics of a rugged thumb.

India already has over 200 million people using WhatsApp on a daily basis. Instead of celebrating this huge digitally connected population or fearing the scale of possible misinformation exchange they pose, India needs to prepare for the next 1.1 million people who are yet to come online. What India needs is a robust digital infrastructure that spans across the length and breadth of the country and the rural and urban demographics. What India needs is a repository of information and database that meet the contextually relevant and timely needs of the population that may or may not know English, a language that continues to dominate the Internet. What India needs is a governance system that can truly integrate digital technologies at an intra-ministerial or department level as well as at an inter-ministerial and department level. What India needs is a public institution system that leverages the opportunities that digital holds for it. What India needs is a contextually relevant digital education system that integrates the knowledge of digital into all aspects, sectors and subjects of life.
WHAT ABOUT FINANCIAL SAFETY?
Poor More Often Victims of Fraud

Jayalakshmi Chittoor and Janice Verghese*

Ever wondered how many electronic devices have invaded most middle class homes and impacted our lives? Have you wondered if the same access to electronic devices exists among the poor? One common answer is that most people will now have access to at least a mobile phone, television and FM Radio. The phones have almost become ubiquitous with a potential to reach nearly 100 per cent of the population. Just around 2015, only 18.5% of the population owned smart phones, but the meteoric rise of these phones was evident as prices dropped, and a major disruptive mobile service provider was able to penetrate the bottom of the pyramid population with an impossible to put down commercial offer. This led to the penetration zooming up to 25% by 2017. The rural internet growth that breached the half a billion mark at 566 million would reach 627 million by the year end (2019), according to a research study published in March 2019 by market research and consumer consulting organisation Kantar IMRB. In the same study it was observed that 97% of the users accessed Internet using the mobiles as their access device.

Government of India’s Digital India Programme has been a major initiative since 2014. Pledged as a mission mode programme, it takes off from the core infrastructure impetus given by previous government initiatives under the umbrella of National e-Governance Programme. One of the key initiatives here is the Common Service Centres (CSC) programme, which under its first tranche established 1,10,000 public access centres across the rural and urban fringes.

These were designed as a public private partnership model to enable each citizen of India to access government services. While several e-governance initiatives moved ahead at a rapid pace, the services were often accessed or availed. Cost of computers and Internet was a major stumbling block for citizens to avail these services. However, several services matured well to create a user interest. Topping this list were Passport Services, Income Tax online, Service Tax online, Railway reservation and allied services of IRCTC as well as banking and other financial products like insurances. The list of excellent government online services, including the establishment of payment gateways through banking links, enabled services like bill payments very easy.

When the common man’s need to interact with government agents or officials reduced, and ipso facto led to more transparent and efficient services, the value created by this massive

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government initiative was much appreciated.

Even when the ambitious Digital India programme was launched it sought to further reduce the bureaucratic bottlenecks and create an atmosphere of accessible government.

Towards this end, the CSC programme was expanded to cover 650000 panchayats across the country, again through the village level entrepreneur. He/she was provided and facilitated with newer business opportunities, while fulfilling the mandate of reaching all citizens. With banking getting online and government policy focusing on direct benefit transfers, especially of subsidies and scholarships, it was no longer an option for people not to use online services, but the need of the hour.

Aadhaar enrolment became the foundation stone for transitioning to a digital economy. The access question has been debated globally, and especially by organisations like Centre for Internet and Society as well as IT for Change which work on the intersection of development and digital technologies. Digital citizenship, democratic rights and social justice questions have been consistently raised not only from the Indian perspective but from a global third world perspective. Internet content, access to Internet content in local languages (including Indic language computing challenges) and gender bias on the Internet are key areas in which Anita Gurumurthy, Executive Director of IT for Change has been working for the last 20 years. Policy narratives often, she argues in a recent article in the Economic & Political Weekly, keep women out, because they tend to ignore issues like fear of technologies that constrain women’s freedom to use digital spaces. She also spoke on the violence on women in cyberspace, backed by a research undertaken by IT for Change in three states of south India, featuring a survey of over 1000 young persons (born in an Internet age, between 19 to 23) as well as several focus group discussions covering both male and female respondents.1

The world of opportunities for knowledge sharing and livelihood enhancement, along with a flood of other educational or economic opportunities that are now accessible to many, have still evaded a large chunk of the Indian population. Constraints of age, education levels, economic prosperity, discriminatory social practices, abilities, and rural/urban divides are challenges that continue to confront citizens keen to address the issue of social justice to all.

While the millennial males and females celebrate the world of social networks and other online spaces, their experiences differ. There is a noticeable increase in violence against women, and reinforcement of patriarchal and oppressive behaviour among males in these spaces. Abuse, trolling, sextortion, revenge porn, cyberbullying, cyberstalking, identity theft/impersonation, hacking/cracking of accounts etc. are terms that have become commonplace.
The underlying challenges stem from three key constraints: 1. Lack of knowledge about safety: Not all who can afford a phone, for example, know how to keep themselves and their data safe. 2. Technology intrusion in daily lives: Hacking is a reality, and is only the tip of the iceberg. 3. Insufficient number of cyber professionals to assist even large scale institutions, let alone common citizens: Many face the challenge of finding experts who can rescue them at the time of a crisis. It is even harsher for the poor and marginalised facing financial frauds.

Financial fraudsters operate without any geographical borders. The infamous Jamtara in Jharkhand has moved from being a locality of extremely poor people trying to eke out a living to a community of expert millionaires adept at foxing the hell out of law enforcement agencies. Even when they get caught, they are quick to bounce back to repeat their offences, finding newer ways to target gullible citizens. There are shocking cases reported in the media about how these fraudsters wiped out the savings of digital neo-literate users and siphoned out their money by cloning electronic wallets or cards, ATMs, or even devices remotely. This digital divide, one could argue, is the single biggest challenge faced by the digital economy.

This is accentuated by the fact that mobiles are easy to clone and misuse, and cyber criminals are on the prowl to attack the most vulnerable. Mobile devices, once attacked, like terrible virus strikes, cannot be fixed easily. Nor do the citizens care to secure themselves and their devices. The problem is worsened by a severe lack of cybercrime experts and investigating agencies, with the first respondents not yet trained to collect evidence acceptable under the courts of law.

Even the existing laws have only provisions to penalise scammers. There is still a huge need to invest in research and innovation, especially in the domain of expertise in nabbing prowlers in the dark web. It would not be wrong to say that even the most educated and aware segment of the population would not know what to do in the face of a crisis, barring a few who would resort to blocking their cards or deleting their accounts. They are not aware that for over a year (since August 2018), a dedicated portal has been set up to report cybercrimes, ranging from cases of photos/videos being shared non-consensually, to rape videos, and even lesser crimes.

One can simply click on http://cybercrime.gov.in, verify his/her credentials and report the incident. In the backend, the government has created a link through the CCTNS, which will forward the complaint to the cyber thana of the state, building another level of accountability and access to law enforcement agencies. This addresses the issue of not knowing who to approach when a cybercrime is committed. It also helps identify and locate the fraudsters who...
may seem untraceable owing to the anonymity that the internet allegedly guarantees. This misconception has been busted through active investigation and redressal of a large number of cases that have been reported on the portal. Undeniably, more awareness is needed among citizens about these welcome developments, and volunteers from every spectrum of society and across different professions can help reach more people.

The digital divide has aggressively denied the participation of many in the modern economy that has seen dramatic disruptions by way of technology. Let us take the example of businesses that have cropped up in the last decade or so. Take Ola and Uber as the disruptor of taxi services. While they have given many a new job/enterprise opportunity, within a span of 10 years, these start ups have changed their agreements with the driver partners, often locking them up in a series of loan instalments that they need to pay off. Sometimes their situation is aggravated by losses, owing to money being stolen from mobile wallets, even as their lack of awareness on digital security keeps becoming pronounced.

To tackle the need for digital literacy and awareness, the Ministry of Electronics and Information Technology ran a large scale Information Security Education and Awareness Programme (ISEA), reaching over a lakh people, through workshops, short courses etc. It has reached out to government officers, the CSC personnel, citizens, educational institutions, and developed numerous safety awareness materials. Another nationwide campaign is the PMGDisha, wherein at least one person per household is to be trained on digital services, including basics of using computers, other electronic devices and transacting with/using government services. The programme has been targeting common citizens and is being delivered through the CSCs, covering all the 6.5 lakh panchayats.

Other civil society initiatives, like the Digital Shakti programme, by the award winning NGO Cyber Peace Foundation (CPF), have reached out to over 60,000 women and girls. A public private partnership, with support by a technology provider major, government and civil society organisations, this initiative’s focus was to enable women access online spaces safely and adopt practices that prevent them from being harmed online. It also aimed to help women make the most of what the internet has to offer and create their digital identities. Another initiative has been to train law enforcement officers in eight states on investigating cybercrimes against children, with the support of UNICEF.

Since the difference between online and offline behaviour is blurring, it increases the vulnerability of the affected persons. It could create economic, mental or psychological losses with indescribable and unfathomable consequences. The cyber criminals have neither spared the children nor the innocent elderly. The world of online scams was alive and thriving way back in the 90s, when scam mails from Nigeria or other countries asked recipients to share lottery/inheritance or other gains, and subsequently demanded the bank details of innocent victims.
The next type of frauds are identity thefts, phishing and vishing attacks, as well as ransomware attacks, especially on large scale computers, leaving a trail of huge financial losses. These were limited not only to ransomware, but also other kinds of malware including spyware, key loggers, adware, bots, bugs, Trojan horses, worms and viruses. The presence of agencies like Indian Computer Emergency Response Team (CERT-IN) is a help, but not enough.

In a study by NASSCOM, it was estimated that there is a deficiency of nearly half a million cybersecurity experts in the country. Also, our educational institutions offering engineering degrees with specialisation in cyber security, laws and forensics are not creating enough professionals qualified to comprehend, let alone deal, with this complex environment of fraudsters. So, individuals can hardly expect recourse through systemic experts/agencies for their woes.

The Indian Penal Code, enacted in 1860, has been used for a much longer time and in most cases. The precedence of the IT Act over other laws was established in Sharat Babu Digumarti v. Govt. of NCT in 2016. In this case, an ecommerce platform was prosecuted for selling and distributing obscene material. Initially, the director of the company was booked u/s 292 of the IPC for obscenity.

When the case was presented before the Supreme Court, it was said that there is difference in laws pertaining to similar crimes. Section 292 of the IPC pertains to the transmission of obscene material through conventional print media, including books, pamphlets, paintings and drawing. On the other hand, Section 67 of the IT Act, also criminalises the publication and transmission of obscene material in the electronic form. It is important to note that there may be several laws dealing with the same crime, but only when the law is correctly interpreted that we understand the nuances. The Supreme Court established the difference, and henceforth, the IT Act has been read in all cases of cybercrime primarily, along with other Sections.

There are many more Sections in the IT Act, criminalising various activities, including identity theft, cheating by impersonating, hacking, theft of data, etc.

These laws can be used in most of the cases, and certain activities, although not defined or criminalised explicitly, may be taken within the ambit of others for redressal. However, there are grey areas lacking specific laws, where most criminals operate.

A very good example would be Section 66E, which deals with violation of privacy. On examining the law, one understands that under Indian laws, violation of privacy occurs only when the private parts of an individual are captured. But violation of privacy is much more than just this. Trying to access an individual’s device or simply capturing their images is also a violation of their privacy.
Laws are either way too specific or very vague, which we see in Section 67. This provision of this IT Act deals with obscenity. The context of obscenity is set by using the words “lascivious” and “appeals to the prurient interest.” The definition of lascivious can be found in a dictionary. But in real life, what is obscene for one may not be obscene for another. Herein lies the problem of interpretation of statutes and clarity is gained only through case laws and precedents.

It is the same problem on social media platforms. Most platforms have no tolerance for inappropriate behaviour, but again, the community guidelines and user policies that cover all these aspects, right from creation of accounts, to what is construed as acceptable behaviour, are not uniform.

Instagram, for example, allows users to share images of breastfeeding, since it is a natural process. Facebook, on the other hand, does not allow such pictures to be posted as they are considered obscene. Here we see two widely-used platforms having different takes on obscenity. These platforms tend to follow community norms for their fraternity. However, the norms undergo reviews with user feedback.

This further creates problems for users, when they report content based on their perception of obscenity or inappropriate behaviour. However, the content is not removed. Nor are accounts blocked as they do not fit the definition of inappropriate as set by the platform.

Therefore, when on one end, we need more laws, on the other, we also need a deeper understanding of existing laws and reporting mechanisms. This ensures that cases are dealt with proactively and swiftly both by users and law enforcement agencies.

The government has been actively spreading awareness through messages to the masses. These include tips to keep in mind when banking and staying wary of fraud messages, mails and call. It is also trying to disseminate information through posters and ads, posted both physically in public places and on various online platforms. Campaigns have been initiated by stakeholders in both the private and public sector, but owing to the huge population of our country, it may not reach the masses as much as we would like. Therefore, the responsibility lies not only on the shoulders of the stakeholders at the top level, but also on the end users, to use the digital platform with caution.

It is heartening to note that the cybercrime issues are being tackled with better infrastructure, forensic labs and stronger laws. More needs to be done. In India there are only seven central cyber forensic labs. This is not enough for the rising number of cybercrime cases. There is a need for more volunteers and experts to join hands to keep the country safe from cybercriminals.

(Photographs courtesy: Cyber Peace Foundation)

(Endnotes)

1. Gurumurthy, Anita (2019, March 8), How the online space for women is in a crisis and what needs to be done about it. TECH2, Retrieved on November 20, 2019 from https://bit.ly/2E2zKPV
Eighteen-year-old Pratibha is on the wrong side of the digital divide. The realisation dawned on her in June this year, as she geared up to enroll for an undergraduate programme in the capital. Most top public universities in Delhi have online admission portals that aim to cut out long queues at colleges for application forms, document verifications and fee submission. But for victims of digital inequity, the ostensibly streamlined online admission process is not so easily navigable after all.

First things first. Pratibha comes from a household that has been left behind when it comes to digital inclusion. Her father works a blue collar job while her mother is a domestic help. To own a computer and simultaneously access an internet connection are little more than wishful thinking for her. So, when she decided to be the first girl in her family to opt for higher studies, the online admission process to undergraduate programmes proved to be too daunting. “I wanted to give up,” she recalls. “I did not have an email id to begin with. How would I have manoeuvred the college admission maze?” she adds. The odds were stacked against her. If she didn’t manage to secure an admission, she would have to get married. Her parents were concerned about attracting the wrath of community elders.

Lending her a helping hand was the need of the hour. Since we both have law and engineering degrees under our belts, we assumed we were well-suited to leverage our knowledge of the internet and help Pratibha access its extraordinary opportunities.

But logging on to university admission portals turned out to be challenging even for us, let alone those like Pratibha who have been excluded from the digital revolution. At times, the heavy traffic to the websites ensured inaccessibility while at others the slow loading process made simple tasks seem Herculean. For instance, simply looking up information on course modules and their availability in colleges took hours.

It’s true that the going gets tough for the poor, when accessing critical information online. A medley of factors, including lower socio-economic status, negatively impact effective internet usage. Even when the poor have a mobile phone, they lack the know-how to use it to glean beneficial information. An Organisation for Economic Co-operation and Development(OECD) research study has indicated how despite spending approximately the same amount of time online, advantaged students were more likely to use the internet to search for information or read news online. On the other hand, disadvantaged students tend to use the internet to chat and play video games. The report is actually based on data collected from more than 40 countries.

In a similar way, Pratibha’s unfamiliarity with internet usage had rendered her completely helpless in sourcing relevant admission information. As a

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result, efforts to streamline the circuitous admission process, though commendable, do not always yield the desired results. It makes us re-think whether pushing absolutely everyone to participate online by getting rid of alternative non-digital formats is viable.

Instead, getting affordable internet access to poorer people should be a priority. It already is a global concern. The United Nations, in fact, has made one of its global development goals for 2030 to “significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet.”

Till then it’s an uphill battle for the likes of Pratibha. We discovered that not being online for a significant part of her life had actually limited both her understanding and interpretation of her academic goals. Confusion prevailed while filling up the application form as well as the subject and college selection. Jargon filled guidelines, unresponsive help desks and unfamiliar online payment gateways also prove to be a mountain of challenges for girls like Pratibha with low digital literacy levels. “At every stage I felt lost,” she says.

It’s a real effort to prevent Pratibha and her ilk from falling through the gaps in a digitally connected world. There’s also a general sense of apathy for the unconnected status of the marginalised and excluded. No one seems to realise that it’s an everyday struggle to log in. In fact, Pratibha’s teacher at school felt students like her had the most to gain from the extraordinary simplicity of online admissions: “It’s quite simple, all you have to do is log into the university portal, fill out the application form, select courses of your choice. Later you will be allotted a college and course. That’s it,” he said.

Others like Madam ji, her mother’s employer, and even the shopkeeper from whom the family makes daily purchases, echoed similar thoughts. Their sentiments could be summed up as a slogan: “it’s online, it’s hassle free, it’s simple!”

Not only is there no acknowledgement of the hands-on help that the digitally excluded need to benefit from online processes, there’s no effort to simplify websites to address a larger demographic. Most admission websites Pratibha came across had distinct technical requirements, such as uploading documents of specific data size. The issue gets compounded as students need to furnish a cornucopia of documents that run the gamut from Aadhar card to marksheets.

When residential addresses on official documents don’t match, further documentation in the form of affidavits need to be uploaded, merely adding to the woes of the digitally illiterate. The way ahead, therefore, is not to alienate an already disadvantaged group, but to offer a digitally inclusive experience, with simple and succinct online content and information services.

Pratibha’s story, is at its heart, the bigger story of a community lacking the skills to access information, a powerful tool for changing its lot. Not surprisingly, the losses for the disconnected can be staggering. Already

“Efforts to streamline the circuitous admission process, though commendable, do not always yield the desired results.”
enrollment levels are abysmally low for higher education in the country. According to the recent findings of the NSS 75th round report, nearly 11% Indians hold a graduation degree and above. Of this, in rural areas the number was 6%, while in urban areas it was higher at 22%.³

Therefore, shifting admissions processes online without ensuring digital connectivity for all could act as a deterrent to the already pint-sized world of higher education in India.

Make no mistake, linking the swell in the smartphone market with increased digital literacy may not be wise. Increased use of smart phones is also dependant on cheap data plans and reasonably priced cellular devices, all of which are outcomes of the price sensitive and competitive Indian telecom market. More often than not, using a smart phone may not translate into the kind of digital literacy needed to complete a complex application process.

Things can get much worse. Coming to the aid of this marginalised group are intermediaries with access to digital infrastructure and the means to use it. By virtue of their privileged position in this data exchange chain, they have access to sensitive, private information that can be sold or worse, used in other nefarious ways such as identity theft.

If we had not facilitated the online admission process for Pratibha, she would have sought refuge in a cyber café. Along the way, tons of her private data would have been scooped up, including Aadhaar card details, contact number, and even information about her guardian. Her big privacy nightmare would have included stolen email ids, passwords and even bank details since the admission processes only accept online payment.

Today, Pratibha has managed to secure admission at an elite university, but with a lot of hand holding. She could manage to harness the benefits of the Internet for her academic development, only in the enabling digital environment offered by us. Once enrolled, she has also decided to be a more active participant of the evolving digital age. “I have already started training at the IT lab of my university, learning the ropes of PowerPoint presentation and Excel spreadsheets,” she says.

However, at the end of the day, the onus should not be on young girls like her to make themselves digitally literate so as to improve their lives. Creating less opaque online platforms, conducive digital environments with low technical thresholds and building affordable digital infrastructure are ways to usher in sweeping connectivity. Until then digital inclusion is several clicks away.

(Endnotes)
2. Press Note, UN SGD, 10th Internet Governance Forum enhances the linkages between the Internet and sustainable development, https://bit.ly/34mFmiU
Common Cause has refurbished its website (https://www.commoncause.in/) to reach out to its members, well-wishers and followers with a new vigour and interactivity. The new website features a complete revamp of design and a cleaner, simpler and faster interface. The content remains as rich and deep as always, but it has been repositioned and reorganised. A few key features:

- A renovated case library with an advanced search option.
- Easily accessible links to our social media pages (Twitter, LinkedIn, YouTube and Facebook).
- A separate section on the organisation’s current focus.
- A platform for our campaigns and the journals.
COMMON CAUSE EVENTS
Launch of India Justice Report 2019: November 7, 2019

Radhika Jha*

As part of its Police Reforms programme, Common Cause, in collaboration with other leading organisations in the field of law and justice, brought out the India Justice Report 2019.

The report was released on November 7, 2019 at the India Habitat Centre, and is a first of its kind initiative ranking individual Indian states in relation to their capacity to deliver access to justice.

The launch event was divided in two parts. While the media release took place in the first half of the day, the report was unveiled to a larger audience later. Vipul Mudgal, Director of Common Cause, along with representatives of other partner organisations, were part of a panel discussion marking the media release session.

At the launch event, former Supreme Court judge Justice Madan B Lokur gave the inaugural address, followed by a presentation on the India Justice Report. Commenting on the report, Justice Lokur said, “This is a pioneering study, the findings of which establish beyond doubt very serious lacunae in our justice delivery system.”

He acknowledged that the report is an effort towards mainstreaming certain issues of the justice system, which in fact affect every aspect of society, governance and the economy.

The presentation of the report findings was followed by the panel discussion ‘Justice: The Business of Us All,’ featuring Amitabh Kant, CEO, NITI Aayog, former Supreme Court judge, Justice B N Srikrishna, Maja Daruwala, chief editor, India

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Justice Report, Vijay Raghavan, professor at the Centre for Criminology and Justice in Tata Institute of Social Sciences, Kanwaljit Deol, former DG (I) National Human Rights Commission (NHRC) and Yamini Aiyar, president and chief executive, Centre for Policy Research. The discussion was moderated by Arghya Sengupta, founder and research director, Vidhi Centre for Legal Policy.

The report studies the capacity of states to deliver justice across the four pillars of the justice system — 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.

The India Justice Report 2019 is the collaborative effort of a group of sectoral experts – Common Cause, Commonwealth Human Rights Initiative (CHRI), Centre for Social Justice, DAKSH, Tata Institute of Social Sciences-Prayas and Vidhi Centre for Legal Policy. All the stakeholders have been brought together on a common research platform by the philanthropic organisation, Tata Trusts. The Common Cause team was instrumental in shaping the section on police and has made significant contribution towards data analysis, along with drafting an essay on police along with CHRI.

Common Cause also played a crucial role in defining the research objectives of the study and has been a part of the project since its inception. The team was also actively involved in the compilation of recommendations and defining a media outreach and dissemination strategy for the research study.

(PHOTOGRAPHS COURTESY: Tata Trusts)
Common Cause participated in the forum ‘General Elections 2019: Issues and Challenges,’ organised by the Association for Democratic Reforms (ADR) and National Election Watch (NEW) on October 10, 2019. Held at the India International Centre Annexe, the forum was a platform to discuss the experiences and learnings from the world’s biggest electoral exercise and suggest possible ways to address the multiple challenges in India’s electoral politics.

The first session addressed the growing role of crime and money in electoral politics and was chaired by Jagdeep Chhokar, founder member and trustee of ADR. The second session, ‘Social Media, Election Expenditure and Voter Influence: Changing face of electoral politics in India?’ was chaired by Vipul Mudgal, Director, Common Cause while the keynote speaker was former Chief Election Commissioner Nasim Zaidi.

Fourth All India Media Conference, 2019: September 27 to September 29, 2019

Common Cause and Inclusive Media for Change partnered with several organisations, including Lok Samvad Sansthan, Jaipur, Department of Journalism, Mohanlal Sukhadia University, Udaipur and UNICEF-Rajasthan to organise the 4th All India Media Conference, 2019. Based on the theme ‘Digital Communication and Empowerment: Emerging Opportunities and Key Challenges,’ the conference took place in Udaipur from September 27 to September 29, 2019. Over 300 media educators and practitioners from several Indian states and six foreign countries presented more than 150 research papers on the evolving nature, impact and challenges of the digital media. Shambhu Ghatak, Senior Associate Fellow, Inclusive Media for Change, gave a presentation on ‘Understanding Data Journalism for Rural Reporting’ and underscored how Inclusive Media for Change (www.im4change.org) works as an exhaustive resource centre for journalists, media educators, policy makers and researchers, focussing on issues concerning rural India as well as the vulnerable and marginalised.

General Elections 2019: Issues and Challenges: October 10, 2019

PHOTO CREDIT: ADR

Vipul Mudgal, Director, Common Cause, (third from left), addressing the session on social media, election expenditure and voter influence at the forum organised by the Association for Democratic Reforms

PHOTO CREDIT: AIMEC

Shambhu Ghatak of Inclusive Media for Change and Common Cause, discussing data journalism in rural reporting during the 4th All India Media Conference, 2019 in Udaipur
1. The intelligence that feminist wisdom must confront

The digital revolution is not what it was even a decade ago. Feminists must now contend with a new architecture of the space of flows arising from the datafication of life and the internet of things (IoT). The digital revolution’s impulse is to drive globalised capitalism onto a new frontier of value creation and distribution.

AI and machine learning underpin this new path of capitalism, integrating the might of finance with intelligent global value chains. Digital social organisation thus needs to be understood by feminism as a new epoch in capitalism – a paradigm shift where globalisation and financialisation intertwine with data-based digital intelligence.

A skyrocketing economic inequality confronts the development agenda today. It directly impinges on gender equity. At first glance, trends captured by the Gender Inequality Index (GII) from the mid-1990s to 2017 – the period of increasing digitalisation of the world economy – seem to indicate advancements in terms of gender equality, with few case-specific exceptions.

But a deeper reading, one that cross-references data on gross domestic product (GDP) per capita with GII ranking, shows that countries with the lowest levels of gender equality are also among the poorest in terms of GDP. In other words, in the past couple of decades that have seen the Internet revolution and its high promise for development, the most unequal countries for women seem to be in the developing world.

Clearly, the ‘digital’ as the new techno-paradigm seems to be colinear with a deeper, disconcerting trend for gender justice, especially in the developing world. Take the case of China which may have risen to the top of the heap in the digital economy, intra-country inequality and political participation has been worsening.

At the centre of the debate on inequality is the new transnational corporation, the ‘superstar’ firm with the wherewithal to extract and control digital intelligence. Things in the global economy proceed from two ends. One, where digital companies crossover into core economic sectors: Alibaba acquired China’s leading milk importer in 2018 and set up a blockchain based system between New Zealand and China in 2019, branching out into agriculture and dairy.

Similarly, Google has entered the pharma industry (Google’s pharmaceutical division happens to be led by the former head of GlaxoSmithKline’s global vaccine business). From the other side, traditional companies – giants in traditional economic sectors – have sought to pool their data advantage. For instance, Bayer’s acquisition of Monsanto, is aimed at expanding its data footprint, and thereby, control over input markets. The age of intelligence is thus proving to be the age of centralisation, consolidation and monopolisation of the market economy through what is popularly referred to as the platform business model.

Platforms are critical digital infrastructures that serve as new ecosystems for social and economic interactions, fostering connections between producers, consumers, suppliers, workers and even IoT devices, optimising data of these member nodes to extract digital intelligence for market power. The success of platform owners is predicated on the ability to lock in actors into these ecosystems so that more and more data can be extracted.

The model is completely pivoted on angel investors and venture capitalists willing to support years.
of cash burn before a firm is able to attract a significant base of users, attain a monopolistic position, and then monetise its user data. As the response to the Uber IPO demonstrates, public equity markets are hesitant to embrace this model enthusiastically. It is the likes of private equity funds such as Softbank’s vision fund – whose investment portfolio of over $70 billion is primarily with futuristic technology companies – that are able to underwrite this model.\(^3\)

Seven of the world’s top eight companies by market capitalisation are those which use platform-based business models. The rise of these platform superstars has coincided with a steady decline in the share of labour in value added.\(^4\)

It is vital that feminist thinking and action for the twenty-first century correspond to the digital epoch and its specific socio-political norms and structures.

2. The digital restructuring of sociality: Key concerns for feminist politics

a. Feminisation and precarity in the digital economy

The material labour that underpins digital capitalism is feminised, racialised and globalised. From the unregulated mining of rare earth minerals in Africa, to the mobile chip factories in China that make phones, women from the Global South service the digital economy at huge risks to their health. On-demand labour platforms also reflect a gendered and racialised subordination of low-income workers, the unemployed, and the unemployable.

Across the board, labour is feminised, “made extremely vulnerable; able to be disassembled, reassembled, exploited as a reserve labour force; seen less as workers than as servers; subjected to time arrangements on and off the paid job that make a mockery of a limited work day”.\(^5\) Platform models are also reorganising agriculture. Smart farming or precision agriculture threatens the household livelihoods backbone carefully managed by women over the centuries, across the countries of the Global South. E-commerce platforms and their forays into supply chains (such as the acquisition of dairy farms in New Zealand by Alibaba) and the investments of venture capital wings of giant agri-business companies into digital platforms for small-size farms are a route to end-to-end monopolisation of cross-border agricultural supply chains for farm-to-fork consolidation.

In the ongoing transition to intelligent automation in traditional industries, hard won gains in closing gender gaps in pay and status are expected to slide back because of widespread technology induced job displacement.

b. Digital sociality and gender discourses

In the neoliberal, quasi-publics of social media and social networking platforms, profits of platform owners are dependent on their ability to draw users, hook them to the platform, mine user behavioural data and game user engagement with content. Emerging new media cultures have significant implications for the everyday operations of gender power. Selfies and evaluative photo commentary that are characteristic of self-documentation trends, while holding the potential to further women’s sexual expression, are nevertheless entrenched in a male dominated visual culture that promotes hyper feminine female subjectivity.

Techno-design that privileges virality also amplifies hegemonic narratives, naturalising sexism, misogyny and gender-based hate speech in the digital world. Violence against women in the digitally-mediated public sphere has become distressingly ubiquitous – whether it be in intimate interactions, peer exchanges or public-political platforms. The real-world implication of this, in addition to the chilling effect on women’s speech and expression, is a retreat into the private, a giving up of the right to engage in the public sphere.

Cultures of hyper masculinity and vigilantism result in a regression to gender conservatism, with young women, the born digital
generation, resorting to self-policing. Despite the many feminist counter-publics and counter-narratives, public debate and deliberation are hostage to the sexist and misogynistic narratives that go viral. Recent research in Brazil on Facebook during the International Women’s Day reveals that though there was more feminist content (in terms of volume), misogynistic content had greater reach.

Virality also means that only certain brands of political mobilisation and protest can benefit from the Internet, the ones that fit the neoliberal playbook of empowerment as a depoliticised ‘choice politics’ of freedom and enterprise. As activist Nadine Moawad observes in her caution to queer feminism in the South, the possibility for diverse sexual and gender profiles on social media platforms must be recognised as Silicon Valley’s version of sexual liberation politics, an electronic continuation of credit card companies funding gay parades and pride marches.

Mass and targeted state surveillance today is based on several interdependent gendered, racialised, and sexualised modes that have profound implications for women’s experiences of citizenship. Thanks to the digital surveillance net that the Chinese state has built in partnership with over 1000 AI companies, Uighur women’s social media behaviour in the Muslim dominated Xinjiang provinces is tracked constantly, in a blatant violation of their cultural and family rights. Indications of religious piety – such as photos of women in veils or the use of prayer terms – are marked as high-risk behaviour indicative of religious extremism/ethnic separatism. Women can also find themselves penalised for merely getting in touch with relatives who have been marked as ‘dissidents’ by the authorities.

Sexual minorities and gender non-conforming individuals also find themselves at the risk of being subject to gender policing by the patriarchal state. In Malaysia, the national digital ID number assigned to individuals is coded for birth sex, and individuals with gender dysphoria can be persecuted by the Sharia police if their gender expression does not match the dominant norm. Data surveillance also enables new forms of population management, extending the control that states have historically exercised over women’s fertility and reproductive behaviour. In Latin America, sexual and reproductive health and rights (SRHR) activists have highlighted how states use social media surveillance to crackdown on feminist groups supporting women’s access to safe abortion. In India, a few proposals have been floated in policy circles about linking the national citizen identification number to the mother and child tracking system maintained by public health clinics to deter sex-selective abortion. This could lead to blatant transgressions into the bodily privacy of women under the guise of ‘public interest’.

3. Gender implications of the ongoing intelligentification of sociality

The intelligence economy has devastating impacts on the environment. Global data centre web servers, such as those operated by Google and Facebook, contribute to two percent of global greenhouse emissions, an amount equivalent to emissions generated by global aviation. Comparative studies of online and traditional retail suggest that in ‘last mile delivery,’ online shoppers may be expending far more carbon per transaction than their in-store counterparts. The food delivery sector has an enormous ecological footprint.

As per a 2018 study, door-to-door food delivery in China accounted for nearly an eightfold jump in packaging waste in just two years, from 0.2 million tonnes (2015) to 1.5 million tonnes (2017). This has coincided with the exponential growth of the sector in the country, where the number of customers using food-delivery platforms has gone up from zero in 2009 (when the first delivery app (Ele.me) appeared) to nearly half the population of internet users (406 million), by the end of 2018. Toxic e-waste, the detritus
of the network economy, has a
global grey market that functions
in flagrant violation of the Basel
Convention.

The big picture is indeed bleak.
But this is not the moment
for paralysis or pessimism.
Resistance to the dominant
system is emerging, slowly,
but surely. Across the political
spectrum, Americans are eager
to see the breaking up of Big
Tech.\textsuperscript{14} The Silicon Valley tech
community has come out to
protest against AI contracts
of Big Tech with the military
establishment of the US. The
competition commission of
the EU has taken bold steps in
taxation of transnational digital
corporations. And, in the past
couple of years, trade justice,
gender justice and labour justice
movements have been coming
together to protest the co-option
and subversion of women’s
digital empowerment agenda in
trade negotiations by the US and
its allies.\textsuperscript{15}

There are also strong critiques
against the corporate capture
of the global multilateral
system through partnerships,
including in the name of digital
cooperation.\textsuperscript{16} In the quest
for reclaiming a new feminist
economics, alternative platform
models are being explored
in favour of a new ‘small is
beautiful’ economy founded on
a reverence for the living human
labour of care, solidarity and
social reciprocity and respect for
the natural world.\textsuperscript{17} Feminists
have used sousveillance (digital
surveillance from below) in
LGBTQI communities to create
crowds-sourced maps of violence
against queer people.\textsuperscript{18}

4. A new manifesto for
feminism in digital
times

In our efforts to mobilise,
organise and collectivise for
women’s digital rights, we have
to be cognisant that identarian
politics exclusively focused
on the articulation of gender
difference cannot get us very
far. Under digital capitalism,
the class-gender contradiction
needs to be understood and
unpacked. There is a tendency
in some quarters to claim that
many of the social movements
of the present day – LGBTQI
struggles, environmental activism
etc. – are post-material in
caracter and have nothing to do
with capitalism. This is a deeply
flawed reading.

Paying attention to the
intertwining of symbolic and
material structures of violence
in the digital paradigm, and
recognising that a hyper-
quantified human society has
devastating consequences
for radical transformation, a
cyborgian feminist manifesto
must be reimagined. The
elements of such a manifesto
need to be attentive to the
following considerations:

a. A global governance
framework for data

Given that data may be seen
as an extension of the self,
the end product of affective
labour, a productive resource
or the wealth of a community,
a simplistic solution for data
governance will not work.
Also, as argued, there is a prior
question to contend with about
the limits of datafication and the
no-go zones where data markets
may not be allowed to operate
under any circumstance.

Economic development and
gender equity cannot be
unhinged. Therefore, data
governance frameworks need
to pay particular attention to
development as a localised
and embedded endeavour.
An international agreement
can recognise and validate
the territorial sovereignty of
nation-states to govern the
data of their citizens/the data
generated in their territories, and
take necessary local action for
women’s empowerment. This is
an integral part of the state’s right
and duty of development to their
women citizenry.

b. Platform responsibility
towards women’s human
rights

To ensure free speech and
freedom from violence for
women in the digitally-mediated
public sphere, it is time to shift
from ideas of ‘intermediary
liability’ to a new discourse
on platform responsibility.
The corporations controlling
the discourse today need to
be held accountable for their
‘duty of care’ to their users.
One important part of this task
is to ensure that in content
oversight and AI ethics boards of
Big Tech companies, women’s human rights are seen as a non-negotiable bottom line.

c. A new social contract as if women matter

The digital economy requires that the state can regulate transnational digital capital, redraw the social contract to protect women workers and provide the care infrastructure that is integral to closing gender gaps in the labour market. The provisioning of digital public goods – platform cooperatives for women’s organisations, data commons and AI for women’s empowerment – is an important measure to provide the impetus for women’s participation in the digital society and economy.

Social and Solidarity Economy platform models are urgently needed to reclaim a feminist economics for the digital age.

Note: This article is based on the excerpts of a submission paper to the UN Women Experts Group Meeting, 25-26 September 2019

(Endnotes)


15. Supra 1


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
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 BOCSW Act and steps taken to curb the violations etc. Subsequently, two first appeals were also filed.

**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 strategies to address data gaps in law and justice and the way forward.**
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 healthcare 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...
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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 Singhi 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.
NOTICE FOR ANNUAL GENERAL MEETING

To,

All members of COMMON CAUSE SOCIETY

The Annual General Meeting (AGM) of COMMON CAUSE Society will be held at 3rd Floor, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, New Delhi-110070, on Saturday, February 22, 2020 at 11.00 A.M.

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 2018-19
2. Appointment of Auditors for the year 2019-20
3. Activities and Programmes of the society
4. Elections
5. Any other item with 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 provided during the AGM.

Vipul Mudgal
Director
COMMON CAUSE
Common Cause is a non-profit organisation which makes democratic interventions for a better India. Established in 1980 by the legendary Mr. H D Shourie, Common Cause also works on judicial, police, electoral and administrative reforms, environment, human development and good governance.

Its very first Public Interest Litigation benefitted millions of pensioners. Subsequent PILs transformed the way natural resources are allocated in India. Its landmark cases include those regarding criminalisation of politics; cancellation (and re-auction) of the arbitrary 2G telecom licences and captive coal block allocations; quashing of Section 66A of the IT Act; prohibiting misuse of public money through self-congratulatory advertisements by politicians in power, to name only a few. Our other prominent petitions pertain to imposing penalties on rampant illegal mining in Odisha, the appointment of Lokpal and seeking human beings’ right to die with dignity through a ‘Living Will.’

The impact: Re-auctions leading to earning of several thousand crores, and counting. Even though that is a lot of money for a poor country, the earnings are a smaller gain when compared to the institutional integrity built in the process. From spectrum to coal to mines, today no government can ‘gift’ precious resources to cronies thanks to these two PILs.

(For more details about cases, please visit www.commoncause.in)

Common Cause runs mainly on donations and contributions from members and well-wishers. Your donations enable us to research and pursue more ideas for a better India. Common Cause believes that no donation is too small. Donations are exempt under Section 80-G of the Income Tax Act. Please send your cheques with your personal info at the address given below. You may also deposit directly into our bank account (details are given below) and send us an email at commoncauseindia@gmail.com, providing information such as donor’s name, address and PAN number for issuance of donation receipt.

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New Delhi - 11 00 70
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COMMON CAUSE VISION
An India where every citizen is respected and fairly treated

MISSION
To champion vital public causes

OBJECTIVES
To defend and fight for the rights and entitlements of all groups of citizens