

COMMON CAUSE

ANNUAL REPORT FOR THE YEAR 2017-18

In the last one year, several initiatives by team Common Cause have evoked enthusiastic responses from activists, institutions, civil society, courts and citizens. The society's PILs and advocacy efforts were supplemented by the launch of the *Status of Policing in India Report* (SPIR 2018). The SPIR was hailed by the stakeholders and it received extensive coverage across media platforms. The report has been quoted widely by policy makers, political scientists, journalists, lawyers and law universities. The report had to be reprinted due to high demand mainly from the libraries and the police and allied departments. During the course of the year, Common Cause also participated in several conferences, conclaves and collaborated with a variety of institutions with similar objectives and goals.

Common Cause journal continues to strive to reach out to the society's members on a range of public and social policies. Its objective is to engage with a cross-section of public-spirited readers through quarterly issues dedicated to theme-based cover stories. The endeavour is to initiate a dialogue with our members, well-wishers and sundry changemakers on some of the most vital policies and

processes around us in order to deepen democracy and to reinforce probity in public life. Readers have been writing to us with their feedback and suggestions on the articles published.

Following are the other activities of the organisation over the past year:

Advocacy and research initiatives

a. Police Reforms

1. Launch of SPIR 2018:

Globally, surveys and data analysis are deployed to provide snapshots of police-citizen relations, levels of impartiality, and responsiveness to distress and crime. They also point out problem areas and improvements that may have occurred due to state actions. All this goes a long way in improving the rule of law and in plugging the democratic deficit in societies. It is with this objective that the Common Cause Project on police reforms was initiated in early 2000s. The current phase of the project has been designed to monitor the impact of the police force on the ground. It evolved into an annual status of policing report, involving all major

states of India. The exercise, an all India performance-cum-perception survey of 22 states, was done in collaboration with the Lokniti Programme of the CSDS which has several decades of experience in survey research. On May 9, 2018, India's first Status of Policing in India Report (SPIR 2018) was launched at the India Habitat Centre. The release was followed by a panel discussion on "People-Centric Policing and the Rule of Law." The participants of the panel discussion were former Law Commission Chairman Justice A. P. Shah, former DGP and Indian Police Foundation Chairman Mr. Prakash Singh and Human Rights lawyer, Ms. Warisha Farasat. The discussion was chaired by Professor Suhas Palshikar, Co-Director of Lokniti Programme. The report raises hard questions on law enforcement in 22 states across India. The SPIR is a combination of performance and perception of policing through an analysis of official data and an elaborate perception survey. It also highlights the gaps and systemic inefficiencies which have become endemic in

almost all states despite having been flagged by successive CAG reports. The analysis is arranged primarily in terms of best or worst-performing states and on parameters like age, gender, caste, community, urban/ rural or economic/ educational status of the respondents.

2. **Presentations on SPIR:**

Centre for Policy Research (CPR) organised an academic discussion and presentation based on the key findings of the Status of Policing in India Report- A Study of Performance and Perceptions on September 12, 2018. The speakers, Dr. Vipul Mudgal from Common Cause and Professor Sanjay Kumar, Director, CSDS, answered a range of questions after the presentation to a packed hall. The event was chaired by Senior Fellow of CPR Prof Kiran Bhatta and attended by many stakeholders. A second presentation was made by Director Common Cause at the Maharashtra Police Academy, Nashik, to about 60 police officers of the ranks of Inspectors and SHOs from all over Maharashtra. Also attended by the Director MPA and several other IPS officers, the presentation was followed by a candid discussion on every aspect of policing including questionable methods of policies such as 'encounters.' A presentation of the report,

followed by a discussion was held on December 1, 2018 at the Saturday Club of the India International Centre and a discussion on the theme of Corruption and the Rule of Law at the Jindal Global University, Sonapat, on December 10, 2018. Yet another presentation was made at a brainstorming session on Women's Access to Policing, organised by DASRA in Mumbai on December 20, 2018. Apart from this, the report was also a subject of discussion at many other forums involving young IPS officers.

3. **Future of Policing - Vision 2025: IPF-Common Cause Collaborative Event on Police Reforms Day & Youth Conclave, September 22, 2018** Common Cause, in collaboration with the Indian Police Foundation and Bureau of Police Research and Development (BPR&D) organised a collaborative event on the Police Reforms Day on September 22, 2018 at the India International Centre, New Delhi. The panelists included Minister of State for Human Resource Development (HRD) Dr. Satya Pal Singh, former judge of Supreme Court and Chairman of the Law Commission Justice Balbir Singh Chauhan, Director General of BPR&D Dr. AP Maheshwari, as well as eminent civil society members and state

functionaries. The panel discussion was followed by sessions on the theme – "The Future of Policing—Vision 2025," featuring young IPS officers and young achievers from all walks of life. The Young Police Leaders brought to the table ideas for prospective policies to improve policing in this country while young citizens discussed their perceptions of police and ways in which they could contribute to achieving the vision. One of the sessions was dedicated to the presentation of the SPIR.

4. **Consultation for an Effective Police Complaints Authority for Delhi:**

Common Cause participated in a consultation on June 19, 2018, organised by the Commonwealth Human Rights Initiative for discussions on a Police Complaints Authority (PCA) for Delhi, a police oversight body that would receive and inquire into complaints from the public against Delhi Police personnel. The consultation took place in the backdrop of immediate preparations to set up a PCA in Delhi, to be a platform for diverse stakeholders to collectively deliberate and engage on what is needed to establish a model PCA. To situate the enabling factors required, the discussions shared experiences, good practices, and challenges faced by operational PCAs in

other states. Common Cause was also a signatory to the recommendations brought out by various stakeholders, addressing the gaps in a notification drafted by the Office of the Lieutenant Governor, in consultation with the Delhi government, on constituting a PCA for Delhi.

b. Making the Right to Education Act a Reality:

Common Cause launched its ambitious booklet in Hindi 'Humara School, Humari Rakhwali,' in July, 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.

SMC Booklet distribution:

Common Cause has participated in several SMC meetings in Delhi, using these occasions to interact with SMC members and distribute around 1030 booklets so far.

c. Initiatives on India Justice Report

The India Justice Report is a collaborative effort of several civil society organisations all over India working on criminal justice system and is supported by Tata Trusts. Common Cause hosted the brainstorming meetings of the project held on 27 February 2018 as well as on 13 August 2018. The team also participated

in the meetings held at the Tata Trust office on 24 April and July 10, 2018. We have also been constantly in touch with the coordinators and have provided the data available with us. The report intends to be an overall audit of the criminal justice system in India, by collating and analysing the data available on segments like the police, prisons, judiciary and legal aid. Each partner organisation is working on areas of their expertise. Common Cause team is taking care of areas of policing, including data crunching. The project is coordinated by Ms. Maja Daruwala and is scheduled to be launched in early 2019.

d. Miscellaneous Representations:

1. Representation before Dr. Kirti Bhushan Director General Health Services:

Common Cause sent suggestions for Delhi Health Advisory on regulation of private hospitals in July 2018. After studying the issue of generic drugs in India, Common Cause felt that besides prescribing medicines from the NLEM list, as is suggested by the Committee constituted by Hon'ble Minister of Health, Govt. of NCT of Delhi, in its draft, the government must also invest in making available generic versions of all prescription drugs. The society suggested that the draft advisory must contain recommendations including

issuing guidelines to make it mandatory for physicians to prescribe the names of generic medicines, setting up and ensuring continuous operation of Jan Aushadhi Kendras/ Drug Distribution Centres (DDCs) in the proximity of or within the premises of private hospitals

2. Representation before LG's Office, the Principal Secretary (Home) Delhi, and to the designated staff in the Ministry of Home Affairs:

Common Cause was a signatory to the recommendations made by CHRI for Police Complaints Authority in Delhi in June, 2018. It participated in a round table consultation on an effective Police Complaints Authority for Delhi and endorsed the concerns and recommendations with respect to the notification drafted by the Office of the Lieutenant Governor, in consultation with the Delhi government on constituting a Police Complaints Authority for Delhi.

3. Representation before the Chief Secretary, Government of Rajasthan:

Common Cause brought to notice some of the Constitutional, legal and precedential provisions which are being blatantly violated by individuals organising large scale events near the lakes of Udaipur in

November, 2018. It pointed out how festivities conducted in high-profile events will have an impact on the quality of drinking water and air quality that are also likely to pollute the atmosphere, especially the lakes of Pichola and Fatehsagar, which serve as drinking water sources for the people of Udaipur. According to last information received, the administration has withdrawn permissions for holding mega-weddings which affect the environment in and around the lakes.

e. Meetings/ Consultations with Civil Society organisations

- 1. Misuse of antibiotics in livestock and poultry – April 28, 2018** Discussions were held at IIC with Shailja Chandra, former secretary to the Government of India, and lawyer Karuna Nundy on excessive use of antibiotics particularly in poultry. The idea was to explore options for future interventions. Deliberations took place on expert predictions about the rising demand for protein and a surge in antibiotic misuse in livestock and poultry.
- 2. Protest Yatra to oppose amendments to the RTI Act – August 2, 2018** Common Cause team joined a yatra to oppose amendments to the RTI Act, organised by the NCPRI and Satark

Nagrik Sangathan (SNS) at Kusumpur Pahadi slum in Vasant Vihar. The yatra was part of several events organised in Delhi's bastis, colleges and public places to oppose the RTI Amendment Bill, immediate notification of the Whistleblowers' Protection Act and Lokpal law, and reintroduction of the Grievance Redress Bill in Parliament.

- 3. Democracy Unity Conference, Aug 13-14, 2018** Common Cause Director participated in South Asia Unity Conference in Kathmandu aimed at strengthening democratic research network on governance and the rule of law. Organised by the Samridhi Foundation and Asia Democracy Research Network, the conference discussed how civil society groups can engage with each other in order to translate research into policy and practice. The group also discussed the Status of Policing in India Report and the possibility of doing similar surveys in other parts of the region
- 4. Fake News and its impact on Elections – September 10, 2018** A brainstorming session on the perils of fake news and its ability to impact the Indian democratic climate was held at the Common Cause House at the initiative of Constitutional

Conduct, an organisation of former senior government officers. Topics that were extensively discussed included mechanisms to identify and check fake news and hate speech. The dialogue was also attended by young lawyers and social media experts. The deliberations included ECI oversight of social media marketing by the political parties, their tech-support teams and PR agencies. The idea was also to evolve an actionable programme for advocacy. The note which evolved at the joint meetings was later presented for follow up action to the Election Commission of India by the members of Constitutional Conduct and former civil servants including Common Cause President, Mr Kamal Kant Jaswal.

- 5. Data Protection Bill Consultation – November 10, 2018** Common Cause was part of the consultations on the Data Protection Bill jointly organised by several civil society organisations at the Indian Social institute to analyse the Bill and its implications on the lives of common citizens. The discussions focused on the provisions of the RTI that may be repealed once the proposed bill is passed. The meeting also addressed challenges that members of sectors like healthcare and education would face if the

Bill is passed in its present form.

- 6. BBC 'Beyond Fake News' Conference – November 12, 2018** Common Cause team participated in a BBC conference which brought together several stakeholders to address a wide gamut of issues surrounding fake news in a hyper-connected world. The takeaways of the deliberations were also discussed with other partners of Common Cause for advocacy effort.

Public interest litigation

Supreme Court Cases

1. Fair working conditions for domestic workers:

Common Cause, along with the National Platform for Domestic Workers (NPDW), an umbrella unit of 36 unions and federations, and social activist Aruna Roy, has filed a writ petition in the Supreme Court praying for directions by the Court to ensure fair and humane working conditions for domestic workers. The petition filed on November 15, 2018, seeks urgent intervention of the Court to acknowledge domestic help as a "service for pay," lay down guidelines for protection of their human rights and issue appropriate directions to the government. The prayers also include, among others, ensuring notification of minimum

wages, compulsory weekly and annual paid leaves, and extension of maternity leave benefits. The petition argues that until a law is brought in place, interim guidelines should be issued for safeguarding rights of domestic workers, in line with ILO Convention 189. The petition also prays that domestic workers be included under the Minimum Wages Act, 1948. Other prayers include setting up of a committee of experts, under Supreme Court's supervision, to suggest means to regulate employment agencies of domestic workers, terms and conditions of their dignified employment, as well as formulating a mechanism for dispute resolution. The petition was registered on November 22, 2018 and is likely to be listed in December.

2. Challenging the arbitrary removal of CBI Director:

Common Cause filed a writ praying for quashing of the order of October 23, 2018, issued by the CCVC to remove the CBI Director Mr Alok Verma. This order had divested Verma of powers as CBI Director. The petition also sought directions for the removal of the CBI's Special Director Mr. Rakesh Asthana in light of serious corruption cases pending against him in order to ensure institutional integrity. Common Cause

prayed for the constitution of an SIT to look into the recent unprecedented events, investigate the allegations of corruption against senior CBI officials and submit its report to the Court. In a welcome order, the Bench headed by Chief Justice Ranjan Gogoi directed that the CVC inquiry against Alok Verma be completed within two weeks under the supervision of former SC Judge, AK Patnaik. The interim Director M Nageswar Rao was directed not to take any major policy decisions. This report, along with the one of CVC on the preliminary enquiry on Mr Verma were submitted on 12.11. 2018 and taken on record. During the hearing on November 16, the Court commented on the content of the report and directed Mr. Verma to file his response in a sealed cover by Nov 19. In the hearing next day, the Court expressed displeasure both at the alleged leak to the media of sections of Mr Verma's reply as well as his counsel seeking time beyond the stipulated deadline for filing response. In the hearing on November 29, the counsels for the petitioners and the respondent made submissions. The petitioners argued that appointment, transfer or dismissal of CBI Director cannot be done without the consent of the Selection Committee, while the respondent refuted this

argument and submitted that the final authority vests in the central government. The next date for listing is 5 December 2019.

3. **Writ for Police Reforms:**

The battle for police reforms has been going on for the last 22 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 MHA 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 government running counter

to the direction shall remain in abeyance. Declining modification of its previous order on comprehensive guidelines for the appointment and removal of the state DGPs, the SC on July 30, 2018, granted liberty to the petitioner to file plea for clarification in the event of a sudden vacancy in the DGP post. On September 7, 2018, the state of J&K approached the SC after it had appointed the new DGP, pending "regular arrangement." The SC declined to interfere as the state had indicated how the acting DGP's appointment was an interim measure. The Court also directed UPSC to take a decision thereafter within four weeks. The matter is required to be listed after six weeks but could not be taken up.

4. **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 govt's wilful and deliberate failure to fully comply with the judgment. The matter was taken up on February

23, 2018 and thereafter in March, April and May, 2018. The Centre had on May 15, 2018 informed the Court that senior advocate Mukul Rohatgi has been appointed as an eminent jurist in the selection committee for Lokpal appointment. The Supreme Court on July 2, 2018 directed the Centre to apprise it within 10 days about the time frame for Lokpal appointment. As the selection committee was scheduled to meet on July 19, 2018, the Bench fixed the matter for further hearing on July 24, 2018, without passing any orders. On July 24, 2018, the Attorney General (AG) submitted an affidavit stating that a meeting of the selection committee was held but the names for the search committee were not finalized and therefore another meeting would be held soon. Expressing dissatisfaction over the Centre's response, the Bench directed it to file a fresh affidavit giving relevant details of the search committee within four weeks. The matter was listed on August 24, 2018 but could not be taken up.

5. **News Broadcast by Private Radio Stations:** The PIL prays for the quashing of unreasonable provisions in the policy guidelines of the Ministry of I& B as well as its grant of permission agreements. These provisions

prohibit the broadcast of news and current affairs on FM and community radio stations. The government sought more time to file its reply in March 2017. The matter was taken up on January 18, 2018, when the Court directed that the replies be filed and the case be listed after 15 days. In the meantime, an official directive was circulated by the Centre on January 17, 2018, asking all states and UTs to constitute committees to monitor violation of rules by private-satellite TV, FM and community radio channels. The matter was dismissed on April 12, 2018, by the Bench of Justices Arun Mishra and UU Lalit by default, owing to non-appearance of the petitioners. The Court restored the case after Common Cause filed a restoration application. There are no further orders of listing.

6. Illegal Mining in Odisha:

There has been much progress since the final judgment on August 2, 2017 when the Court imposed 100 per cent penalty on companies indulging in illegal mining – mining 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 Court vide order 13.12. 2017 stated that in case of non-payment of compensation and dues, the state of Odisha shall close the mining operations of the erring lease holder. The Central Empowered Committee (CEC) formed by the SC, consisting of Justices GS Singhvi and Anil R Dave, was asked to ascertain whether there had been any violation of Section 6 of the Mines and Minerals (Development and Regulation) Act, 1957 and violation of Rule 37 of the Mineral Concession Rules, 1960. The CEC report (4/2018) calculated the total compensation amount for environmental and forest clearances as Rs 19174.38 crore due from 131 mining lease holders, of which Rs 8289.87 crore had been paid by various lessees. During the hearing on January 30, 2018, the SC directed the state of Odisha to take coercive steps to recover the unpaid dues from defaulting lease holders. Arguments in the interlocutory applications and objections to the CEC Report (4/2018) filed by Sarda Mines, Rungta Group and Essel mining & Ind. Ltd. was listed several times in October 2018 and the matter concluded. On October 26, 2018, the Court appointed Justice A.K. Patnaik, retired SC Judge

as an Oversight Authority to consider the effective functioning of the Special Purpose Vehicle (SPV). The Court pronounced its judgment on the IA/ objections on 12.11. 2018 holding SMPL guilty of illegal mining in Odisha. It held that since the environmental clearance granted to it could not be applied retrospectively, any mining done prior to environmental clearance as well as activities in excess of the terms of the lease would attract penalty. The Court also said that Sarda Mines was granted permission to only extract mineral iron ore and not iron ore lump, which is a by-product of iron ore mining. The Apex Court asked the CEC to quantify the penalty to be imposed on SMPL from September 22, 2004, within six weeks.

7. Combating the Criminalisation of Politics:

On September 25, 2018, the Constitution Bench declined to ban politicians with criminal cases from contesting elections, holding that it cannot interfere in the legislative domain. The Court disposed of our petition (filed jointly with the Public Interest Foundation) and referred the matter to Parliament, requesting it to enact appropriate laws. The Bench prescribed the following directions to the Election Commission (EC).

- The form filled up by each candidate for EC must state in bold letters details of criminal cases pending; the candidate must also inform the party about pending criminal cases against him/her.
- The party must put up on its website information pertaining to candidates with criminal antecedents. The candidate and the party must issue a declaration in widely-circulated local newspapers about criminal antecedents of the candidate.
- They shall also give wide publicity in the electronic media. The Bench emphasised this by stating “When we say wide publicity, the same shall be done at least thrice during the campaign”.

The Bench agreed on the issue raised by petitioners, claiming, “A time has come that the Parliament must make law to ensure that persons facing serious criminal cases do not enter into the political stream”. However, it declined to pass directions to the EC as requested in the petition as it felt that the judiciary lacked this power. Thus, despite our petition being disposed of, the situation remains unaltered till the Parliament decides to enact laws to prevent criminals from becoming legislators.

8. Allahabad High Court RTI Rules: In a landmark order on March 20, 2018, in a Common Cause petition, the SC directed that the fee per application should not exceed Rs 50 and Rs 5 for

document photocopying, for individuals keen to access information under the RTI Act. This order, applicable to all govt authorities, addresses the concerns about excessive fees being a deterrent to information seekers. The Apex Court, in its final order, capped the fee at Rs 50, giving leeway to the high courts (HC) to deal with exceptional situations differently. It clarified that this capping would not exclude revision in future, if such a demand arises. The SC however, did not specify situations under which fee revision could be allowed, giving room to all HCs to charge any amount as RTI fees.

9. Challenging Appointments of CVC and VC: Common Cause, along with a few renowned and concerned citizens, had filed a PIL challenging the arbitrary appointments of the Central Vigilance Commissioner and the VC. It was argued that the appointments were made in a non-transparent manner and were, therefore, illegal and void. They also violated the principles of ‘impeccable integrity’ and ‘institutional integrity,’ as laid down in the landmark SC judgments in Vineet Narain case (1998) and Centre for Public Interest Litigation (CPIL) case (2011). Common Cause later filed an Intervention Application praying that the

Union of India (UOI) may be directed to not make any appointments which required the participation of either the CVC or VC, since their own appointments have been challenged by it. On September 7, 2017, the Bench of Justices Arun Mishra and Mohan M Shantanagoudar completed its hearing and reserved the judgment. Upholding the appointments, the petition was disposed on July 2, 2018 with the following observations: “We are nowadays in the scenario that such complaints cannot be taken on face value. Even against very honest persons, allegations can be made. Those days have gone when filing of the complaints was taken as serious aspersions on integrity. Ideally, there should not be any serious complaint as the filing of same raises eyebrows. As in the instant matter, complaints have been looked into and we decline to interfere. Resultantly, we find no grounds to quash the appointment of Respondent No.2 as CVC and respondent No.3 as VC. Writ Petitions are disposed of accordingly.”

10. Petition seeking cancellation of the entire allocation of coal blocks to private companies between 1993-2012 and a court monitored investigation: In the landmark coal block case of Common Cause,

wherein the Court cancelled 214 of 218 allocations made in favour of private entities, a court-monitored SIT was constituted to probe the abuse of authority by the former CBI director, Ranjit Sinha. In the hearing on 15 January 2018, CBI Special Prosecutor told the Court that it had made substantial progress in its enquiry against Ranjit Sinha, but the Court pointed out that the progress in the investigation has been slow. It was listed for hearing on 5 March 2018, but could not be taken up.

11. Right to Living Will:

The Constitution Bench of Chief Justice Dipak Misra and Justices AK Sikri, AM Khanwilkar, DY Chandrachud and Ashok Bhushan delivered its verdict on March 9, 2018, on a 2005 PIL filed by Common Cause. The apex court's ruling is a confirmation of the fundamental right to die with dignity, as an integral part of the right to live, under Article 21 of the Indian Constitution. It held that a dignified-life involves smoothening the dying process for a terminally-ill patient or a person in persistent vegetative state (PVS), with little hope of recovery. Holding passive euthanasia and a living will legally valid, the Bench laid down guidelines on several issues. There are specific rules on who could execute the

advance medical directive and how, what should it contain, how should it be recorded and preserved, as well as when and by whom can it be given effect to. There are even guidelines on procedures to be followed in the event of refusal of permission by the medical board and revocation or inapplicability. The Bench clearly specified that said class of persons without an advance directive could not be alienated. In addition to laying down the procedure and safeguards for cases where advance directives exist, other protective measures were prescribed too.

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 direction for a thorough investigation by a Special Investigation Team (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. The matter was taken up on October 11,

2018, when the petitioners were supposed to file a response within three weeks to the status report filed by the DRI. The DRI would be filing its response to the additional affidavit filed by Common Cause within the stipulated time. The report filed by the CBI was to be furnished to all the petitioners. The matter has been delisted for December 4, 2018.

National Green Tribunal (NGT)

Chardham Road-Widening

Project: In response to a Common Cause petition, the National Green Tribunal (NGT) has appointed a seven-member committee to monitor violation of road construction rules and to address environmental concerns in the Chardham road construction project. The petition was filed by Common Cause under Section 14, 15 and 18 of the NGT Act, 2010. It pointed out that due to the widening of NH108 as part of the Chardham Project, debris and muck were being dumped directly into the Bhagirathi River. The requirement of conducting an Environmental Impact Assessment (EIA) was bypassed by dividing the 900 km road project into stretches measuring less than 100 km each. Warning of impending disasters, particularly during the monsoon months, the petition stated that the indiscriminate dumping of muck could wreak havoc and even alter the course for the river.

This petition was disposed of on September 26, 2018, by the Bench comprising Justices Goel, Jawad Rahim and S P Wangdi, which also cleared the Chardham project. The NGT refused to interfere in the scheme of widening the NH108, as the notification of August 22, 2013 granted exemption to national highways that are less than 100km long. The NGT chose to ignore that the petition had been filed to expose this very government scheme. However, based on an annexure filed by Common Cause showing how EIAs are necessary in all road construction projects of more than 5km on the hills (G.B. Pant National Institute of Himalayan Environment & Sustainable Development report), the Tribunal held that a Rapid EIA is necessary in the project.

The Tribunal accepted Common Cause' plea to set up an expert committee. It directed that the committee will comprise a former judge of Uttarakhand High Court, representatives from leading research institutes such as the Wadia Institute of Himalayan Geology and others, Secretary of Environment and Forest Department, Uttarakhand, as well as the concerned District Magistrates. It was directed that the committee be set up within three weeks of the order, and that it should continue to function till the completion of the project. However, in the above matter, the petitioners in the tagged case, Citizens for Green Doon, filed a miscellaneous application in the Supreme Court and thereafter the above order of the NGT was stayed by the Supreme Court on October 22, 2018. The matter was listed before the Supreme

Court on November 15 but could not be taken up.

Finance and Accounts (2017-18)

The Audit Report on the Annual Accounts of Common Cause for the year ending March 31, 2018 has been received. The Governing Council has accorded its approval on October 25, 2018. Briefly, the expenditure during the year was Rs 181.58 lakh against Rs 111.84 lakh recorded in the previous year. The income during the year was Rs 163.58 lakh compared to Rs 96.09 lakh during 2016-17. Thus, there was a deficit of Rs 18 lakh during the year as against a deficit of Rs 15.75 lakh in the previous year. Overall, the financial results have been satisfactory.