**Minutes of Meeting Of the Governing Council Of Common Cause Society held On November 14, 2011**

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

**Participants**

Mr. Vikram Lal                               President

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

Dr. Divya Jalan

Mr. Lalit Nirula

Mr. Prashant Bhushan

Mr. Paranjoy Guha Thakurta

Ms. Madhu Kishwar

Mr. Prakash Singh

Mr. Kamal Kant Jaswal Director

Mr. Sarvesh Sharma Special Invitee

Mr. Surjit K. Das Special Invitee

Mr. C. A. Bhaskaran Special Invitee

**1. Confirmation of the minutes.**

Minutes of the Governing Council meeting held on August 4, 2011 were confirmed.

**2. Confirmation of the Approval of Circular Resolutions.**

Resolutions dated September 26, 2011 (for adoption of the Annual Accounts and Audit Report, 2010-2011 of the Society and for setting aside a sum of Rs. 35,000/- under Section 11(2) of the Income Tax Act), which had been adopted by circulation, were confirmed.

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

The Director reviewed the Society’s activities since the last meeting.

**Campaign for strong Lokpal**

Common Cause took an active part in the protest against the denial of a venue to IAC for staging Anna Hazare’s indefinite fast and the subsequent arrest of the leaders of the Movement on August 16. In his personal capacity, the Diector courted arrest at Rajghat early in the morning of August 16 and was detained for the day at Chhatrasal Stadium along with thousands of protesters.

As the divisions within civil society over the prescription for an institutional framework to combat corruption widened and personal attacks and mutual recriminations multiplied, the Society took the initiative to bring IAC and NCPRI to the conference table with a view to enlarging the area of convergence and forge a common approach for resolving the outstanding issues. These efforts met with considerable success. The Society also exhorted the IAC leadership to make full use of the opportunity afforded by the consultation process of the Parliamentary Standing Committee to influence the evolution of the Lokpal Bill in the desired direction.

There is reason to believe that it would no longer be possible for the UPA Government to ignore the strength of the public sentiment on the Lokpal issue and push through a weak legislation. The passage of the Uttarakhand Lokayukta Bill, which draws heavily upon the Jan Lokpal Bill, would also make such a course of action difficult.

The Council also felt that the plea made during the debate in Parliament on August 27 for according a constitutional status to the Lokpal was not without merit, even though it might have been designed to obstruct the passage of the legislation. A constitutional amendment would provide an opportunity to insert a clarification under Article 105 that the immunity of members of Parliament in respect of their conduct in the House did not extend to acts of corruption. This would undo the damage done by the decision of the Supreme Court in the JMM Bribery case. The amendment could also provide that any stay orders granted by higher courts against the orders of the Lokpal would be automatically vacated after sixty days, in case the impugned orders were not set aside on merits. Thus, the nascent institution of Lokpal would be shielded from excessive judicial interference.

Having regard to the orchestrated campaign to discredit the IAC leadership, the Council advised the leaders of the movement to stay focused on its objectives and avoid discordance of any kind.

**PILs in the offing**

The Director apprised the Council of the status of the contemplated PIL on decriminalization of politics in collaboration with Public Interest Foundation. The initial draft of the PIL, which had benefited from the wise counsel of Mr Fali Nariman, *inter alia* contained a limited prayers of fast-tracking the pending criminal cases against sitting members of Parliament and state legislatures. The matter was thereafter assigned to Mr Dinesh Dwivedi, Senior Advocate, who has enlarged the scope of the PIL to seek a direction to the government to consider the feasibility of enacting a legislation to debar persons charged with serious offences from contesting elections. This prayer is based on the premise that the principle of universal adult suffrage enshrined in Article 326 is an extension of the fundamental rights to equality before law and to freedom of speech and expression under Articles 14 and 19(1)(a), respectively, and that the growing number of candidates with criminal backgrounds prevents the electors from enjoying these rights. It was suggested that it could be argued with greater force that the entry of criminal elements in legislatures undermines the right guaranteed in Article 21 in as much as such elements cannot be entrusted with the task of enacting laws for the protection of life and personal liberty of the common man.

There is another PIL in the pipeline, which seeks to remedy the weakness of the arrangements for audit of the accounts of state agencies such as NOIDA and Greater NOIDA constituted under the UP Industrial Development Area Act, 1976. The office of Examiner, Local Fund Accounts is entrusted with the responsibility of auditing the accounts of these bodies, which operate huge annual budgets and enjoy the benefits of the sovereign powers of the state. Since this office is an appendage of the Finance department and subject to its administrative control, it is being suggested that the accounts of such bodies should be audited by the Comptroller and Auditor General of India.

4. **Reform initiatives complementary to reform of anti-corruption institutions**

The Council noted that there has not been much public debate on the critical administrative reforms suggested by various expert bodies. It was also observed that the courts tended to intervene in such matters only if there was a sustained popular demand for policy reform. Common Cause could play a catalytic role in raising the public awareness of the gaps in the implementation of the constitutional provisions for democratic decentralization introduced by the 73rd and 74th constitutional amendments by organizing public discussions and seminars. If implemented in letter and spirit, these provisions would make for greater participation of the people in governance and act as a check on arbitrary exercise of power and corruption.

The Council also felt that the research team of Common Cause could in consultation with like-minded organizations and activists identify specific policy reforms, which are likely to have the maximum impact on corruption, which affects the lives of poor and disadvantaged sections of society.

**5. Any other matters with the permission of the Chair**

The Director underlined the importance of inducting fresh blood in the organization and ensuring that the succession at various levels was planned well in advance.

The members paid rich tributes to the contributions made by Mr Sarvesh Sharma, Advisor, who was to demit office on completion of his term. The Council extended its best wishes to him and hoped that his wise counsel would always be available to the Society.

The Council also extended a warm welcome to Mr. Surjit Kishore Das and Mr C A Bhaskaran, who had joined the organization as Additional Director and Additional General Manager, respectively.

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

(Vikram Lal)

President