

ANNUAL REPORT FOR THE YEAR 2016-17

The last one year has been notable in many ways. The society's initiatives in advocacy and PILs yielded a fair measure of success in making focused interventions. It engaged and teamed up with many institutions and like-minded organizations during the course of the year.

Common Cause journal, the society's link with its members, is known for its clarity and forthrightness. The journal continues to take up policy-oriented themes in its quarterly issues. The idea is to develop the journal over time in such a way that each issue becomes a collectors' item on social policies. There has been appreciation as well as criticism of our work, which we have attempted to use in a healthy and constructive manner for consistent improvement.

Our motto is "continuity with change". The idea is to facilitate a dialogue among activists, academics, policy makers and public spirited individuals for action and intervention. The journal remains dedicated to policy-oriented issues with an objective of improving the quality of life and democracy in India.

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

I. Fund raising: Common Cause team has been making efforts to attract donations through the crowd funding platform. So far, the platform has yielded just above ₹50,000 and the bulk of the financial support came from young people of diverse backgrounds. Efforts were also made to attract funding from institutional donors and private trusts and foundations. Common Cause has secured funds from the SRTT Foundation of the Tata Group. The funds are meant for its police reforms programme, particularly for its Annual State of Policing Report.

II. Advocacy initiatives

a. Police Reforms

I. Police Reforms/ Rule of Law Project:

Common Cause has initiated a project to study the functioning and performance of police in India keeping in mind the states' adherence to the Supreme Court guidelines given in the case of *Prakash Singh vs Union of India*, in which Common Cause was a co-petitioner. The attempt is to assess police-citizen relations, citizens' attitude towards police, levels of impartiality and responsiveness to crime, and provide a comparative framework to evaluate the performance of different states in India. In the current phase, an analysis of the objective data collated from official sources is underway. This is accompanied by a perception survey conducted across 22 major states, executed in collaboration with the Lokniti programme of CSDS which has several decades of experience in survey research. The exercise seeks to evolve an Annual State of Policing Report to trace the perception and performance of police across all major Indian states. The final report, expected to be completed and released by the end of March 2018, will analyse and present state-wise data under the following themes:

- (a) Citizens' experience;
- (b) Trust in the police;
- (c) Perceptions about the police force;
- (d) Access to policing services;
- (e) Police excesses;
- (f) Discrimination against vulnerable groups;
- (g) Gender issues in policing.

ii. Dialogue on Police Reforms in Collaboration with the Indian Police Foundation:

Common Cause and Indian Police Foundation held a dialogue on police reforms with legal luminaries, citizen stakeholders and political leaders on September 22nd, the 11th anniversary of the landmark *Prakash Singh Vs Union of India* 2006 judgement, at the India International Centre, New Delhi. The theme of the conversation was “Without Fear or Favour: A Strong, Resilient and Resurgent India Needs a Modern & People-Centric Police That Is Unwaveringly Committed to The Rule of Law”

b. Initiatives on Right to Information Act

Common Cause has submitted its comments on the Draft RTI Rules 2017, pursuant to the public notice issued by the Department of Personnel & Training on March 31, 2017. Common Cause has been a vociferous advocate of citizens' right to information, having previously made representations before the Supreme Court and the DoPT for a robust, transparent and accountable system of information access and disclosure.

Our comments have pointed out that several provisions of the RTI Act are not being properly implemented due to the absence of rules. Therefore, the DoPT ought to frame rules on the mentioned issues through public consultations. Some of these pertain to compliance with Section 4 (of RTI Act), accessing information about private bodies, setting up of information and facilitation centres to provide assistance to persons seeking information, time frames for disposal of appeals and complaints. More detailed inputs can be accessed through the following link:

<http://www.commoncause.in/wotadmin/upload/1424331600Suggestions%20on%20draft%20RTI%20Rules-%20Common%20Cause.pdf>

c. Initiatives on Judicial Reforms- On Reserved Judgments

Common Cause had filed a Right to Information application before the Supreme Court seeking a list of the cases in which judgement had been reserved by it as of September 1, 2009. The details were refused by the Registrar, Supreme Court, following which a first appeal was filed, which too was dismissed. Subsequently, a second appeal was filed in the matter, which was heard by the Chief Information Commissioner (CIC), Shri Radha Krishna Mathur, on September 18, 2017. Both parties presented their cases before the CIC and Common Cause pleaded for the release of the information.

The second appeal was unfortunately disposed of on September 18, 2017. The CIC order stated that no direction can be issued to a public authority to collate the information in a manner in which it is sought by the applicant and relied on a 2011 Delhi High Court judgement (*Supreme Court of India vs Commodore Lokesh Batra*) to dispose the matter.

d. Representation before the Prime Minister, the Finance Minister, the Speaker of Lok Sabha and the Leader of the Largest Party in Lok Sabha

Common Cause in its representations before the above-mentioned authorities has drawn their attention to the forthcoming appointment of the new Comptroller and Auditor General (CAG) of India, which presents a unique opportunity for the government to create an institutional criterion to make the selection process impartial and transparent. Putting in place an objective and accountable system will ensure that once and for all only high-

integrity individuals with suitable professional skills will be selected for this crucial constitutional post.

e. Miscellaneous Representations

i. Representation before Union Minister of Road Transport and Highways on rationalisation of motor vehicle taxes

Common Cause in its representation urged the Union Minister to consider the points raised by the organisation on the issue of rationalisation of motor vehicle taxes to facilitate seamless movement of private vehicles across the country. It was stated in the letter that on purchase of a vehicle, a lifetime tax is charged by the registering authority for registration for a period of 15 years. When the vehicle is moved from one state to another, the owner is supposed to pay a lifetime tax to the new state. In this way s/he is being forced to pay the lifetime tax twice or more for a single vehicle. It is inconceivable and illogical that lifetime road tax be paid twice or more for the same vehicle, hence the minister was urged to bring a uniform policy and in the taxes levied on private motor vehicles across the country.

ii. Representation before Governor and CM, Uttar Pradesh

On September 15, 2016, we had written to the Governor, Uttar Pradesh, following his proactive engagement on the Ghaziabad Authority and pleading for the inclusion of the Noida, Greater Noida and Yamuna Expressway Authority in his campaign for transparency and accountability in UP's land development agencies. Common Cause has been advocating for such an audit for several years. After our initial case was disposed of by the Supreme Court in March 2015, we approached the Allahabad High Court in September 2015 and the matter is still pending.

Initially, the newly elected Yogi Adityanath government had approved the CAG audit of Ghaziabad Development Authority and 29 other authorities set up under the UP Urban Planning and Development Act leaving out the three above-mentioned authorities. Common Cause made a representation to the CM on July 3, 2017, complimenting him for the cabinet decision and also requesting him to include Noida, Greater Noida and Yamuna Expressway Authority in the ambit of such state agencies which were to be audited by the CAG. Subsequently, in a welcome development, the UP Government on July 13, 2017 wrote to the Accountant General to start conducting audit of Noida, Greater Noida and Yamuna Expressway Authority, as widely reported in the media.

iii. Representation before PM on the issue of domestic workers

Common Cause made a representation before the PM regarding crores of domestic workers being forced to lead a life of slavery. The letter urged that that this can change if enforceable rights are granted to them, under a specific legislation, consistent with global best practices.

It was further mentioned that a lack of comprehensive legal and regulatory framework has resulted in mushrooming of unscrupulous private employment agencies leading to widespread abuse, particularly of the low-skilled migrant workers. The government has developed an Integrated National Plan of Action against Trafficking, but there was a need for a more comprehensive legislation covering just and civilised working conditions and trafficking of domestic workers in accordance with the ILO norms.

iv. Representation to Review the National Mineral Policy (NMP), 2008

Common Cause on October 5, 2017 sent its submissions on the National Mineral Policy to the Rao Committee set up to review the NMP, 2008. We urged in our submission that the new National Mineral Policy must be based on the principles of Public Trust Doctrine, Intergenerational Equity and Citizen's Dividend, among others. We propose that the nation must treat minerals as our family gold, our shared inheritance.

f. Meetings/Consultations with Civil Society Organisations

i. Meeting with iProbono- March 21, 2017

Discussions were held with iProbono, a non-profit organisation working to make quality pro bono legal assistance available and accessible to civil society organisations. We apprised them about some of the interesting individual cases that Common Cause receives, and which we are unable to take up due to limited bandwidth, charter issues or other factors. The modalities and possibilities of collaboration between the two organisations were discussed and explored.

ii. Correspondence with Activists on Environmental Impacts of Road Widening Project around Gangotri River Valley

Common Cause is in regular touch with Radha Behn, a renowned Gandhian and an environmental activist who, along with a group of citizens, undertook a study trip in April 2017 to study the impact on the regional eco-system due to the all-weather road widening project (Uttarkaashi to Gangotri). A ground report on the environmental violations taking place in the pristine valley was prepared by this group and shared with us. This report details the calamitous effects on the fragile and exquisite ecology of the region due to this project and raised concerns about the unscientific and unplanned muck disposal efforts, continued destruction of existing forest cover, flagrant violations of environmental norms and loss of livelihoods due to displacement of thousands of villagers. Common Cause has requested that more evidence on flouting of laws be provided to them to enable them to approach the judiciary in this matter.

g. Applications filed under the RTI Act

i. Environmental Impact Due to Construction of Chardham Mahamarg Vikas Pariyojna

Common Cause had filed RTI applications before the Ministry of Road Transport and Highways with reference to the project sanctioned under the Chardham Mahamarg Vikas Pariyojna, which aims to improve connectivity to the Char Dham pilgrimage centers in the Himalayas. We had sought copies of the Environmental Impact Assessment Report, muck management proposal and the report of the monitoring committee on the master plan for the mentioned eco-sensitive zone.

In the response received from the office of the Chief Engineer, Mo RT&H, Dehradun, we were informed that the entire project had been sub-divided into many sectors and environmental clearances were being obtained for executing the work on the ground. According to another reply received from the office of the PIO, NH Division, PWD, Lohaghat, we were informed that it was not mandatory to obtain environmental clearance since the project happened to be less than 100 kms in

length, thereby exempting it from the purview of the MoEF notification dated September 14, 2006.

ii. Appointment of Lokpal following Supreme Court's Direction in April, 2017

Common Cause has filed an application before the concerned authority seeking information on meeting(s) of the Selection Committee as constituted under The Lokpal and The Lokayuktas Act, 2013 since the Apex Court's order in April, 2017. Further, the Ministry of Personnel, Public Grievances & Pensions in a press note dated August 10, 2017 had stated that the Lokpal Bill, 2014, with the recommendations of the Standing Committee had been presented before an Inter-Ministerial Committee (IMC). Information has been sought in respect of this press release. We have also sought to know the timeline, when the Lokpal and Lokayuktas and other related law (Amendment) Bill, 2014 is scheduled to be brought before Parliament.

Public Interest Litigation

New interventions and significant developments in the writ petitions and applications filed by the society are summarised below:

Supreme Court Cases

- 1. Crime and Violence on TV:** W.P. (C) 387/2000 tagged with W.P. (C) 880/2013 (PIL on FM Radio) -This petition seeking to curb the excess of crime, violence and sex on TV was tagged with our PIL on news broadcast by private radio stations.

The petition on crime and violence was disposed of by the bench of the CJI, Justice JS Khehar and Justice DY Chandrachud on January 12, 2017. The court observed that the factual and legal position depicted in the original writ petition and in other connected writ petitions stood incorporated and upgraded in the writ petition filed by Media Watch. The Court observed that the primary issue was to institute a complaint redressal mechanism for complaints made against TV and radio programmes. After considering the submissions of the Government, the court concluded that the existing mechanism needed adequate publication. The government was advised to finalise a similar statutory framework for radio programmes.

The PIL on FM Radio had sought the quashing of the unreasonable provisions in the policy guidelines and grant of permission agreements of the Ministry of Information and Broadcasting, which prohibits the broadcast of news and current affairs content on FM and community radio stations. In its order on February 10, 2017, the court held that the Union of India should consider extending the content of news and current affairs for community radio stations and FM Radio Stations to include such news and current affairs, as are already in public domain, which are broadcasted by the licensed operators in the print and electronic media. In March, the Union sought more time to file its reply.

No documents were filed in the Court on in the hearing on 27 April 2017 by the counsel for the Union. There are no further orders of listing.

- 2. Slaughter House Pollution:** W.P. (C) 330/2001- This petition praying for remedial measures against the rampant malpractices in slaughter houses was taken up on July 18, 2016, and the Court took note of the cost deposited by the states which had failed to file the

compliance report. Pursuant to the courts orders of September and October 2016, a compendium of the Indian standards governing the slaughter of animals and management of slaughter houses was prepared.

The Court directed the Union of India to print the compendium in sufficient numbers and circulate it to all the state governments and UTs for compliance. The Court disposed of this case on February 17, 2017, with the observation that the petitioners were entitled to approach the concerned District Collector or the judicial authorities in the event of non-compliance.

4. **Living Will:** W.P. (C) 215/2005- The petition sought the enactment of a law along the lines of the Patient Autonomy and Self-determination Act of the US, which sanctions the practice of executing a 'living will' in the nature of an advance directive for refusal of life-prolonging medical procedures in the event of the testator's incapacitation. The Court had sought authoritative opinion of Constitution Bench in 2014 and in January 2016 the Centre's response on passive euthanasia was sought. The ASG submitted that the government was considering a legislation on the subject. It came up with a draft Bill called "Medical Treatment of Terminally Ill Patients (Protection of Patients and Medical Practitioners) Bill, 2016", which ironically makes no mention of the word "Living Will." Common Cause, subsequently, submitted its detailed comments on the Bill in response to a statutory notice. On October 11, 2017, hearing was concluded and judgment was reserved by the Court on the petition.
5. **Safety Concerns in Nuclear Energy Programme:** W.P. (C) 464/2011- We had challenged the constitutional validity of the Civil Liability for Nuclear Damage Act (CLNDA), 2010, and sought a safety reassessment and a comprehensive analysis of the long-term cost-benefits of Indian nuclear plants. The last order came on September 6, 2017 whereby the Court asked the respondents to file counter arguments, if any, and next date of September 20, 2017 was given for listing. However, the matter did not come up that day. There are no further orders for listing on the matter.
6. **Combating the Criminalisation of Politics:** W.P. (C) 536/2011- The PIL was filed for debarring persons charged with serious criminal offences from contesting elections and expediting the disposal of pending criminal cases involving MPs and MLAs. The constitutional validity of Section 8(4) of the Representation of Peoples Act 1951 was challenged. A landmark order was obtained in March 2014 for concluding criminal cases against lawmakers within a year of framing of the charges. The matter was tagged with two other cases with similar prayers and was referred to a Constitution Bench on March 8, 2016. In a hearing on July 12, 2017, the Court criticised the Election Commission for retracting its earlier position supporting a plea for lifetime ban on convicted lawmakers. The next date of listing is January 23, 2018.
7. **Illegal Allocation of Captive Coal Blocks:** W.P. (C) 463/2012- The Apex Court on September 24, 2014, had cancelled 214 of the 218 allocations made from 1993 to 2010.

On January 23, 2017, the Supreme Court allowed the Common Cause prayer for constitution of Special Investigating Team (SIT) to probe abuse of authority by Mr. Ranjit Sinha while he was Director CBI. The Court has entrusted the CBI with the enquiry and decided not to appoint an outside agency. It directed that copy of the order be provided to the Director, CBI so as to enable him on the next date of hearing, to indicate the composition of his team and the time required to complete the investigations.

During the hearing on January 30, 2017, the Court directed the CBI to complete its

investigation and file chargesheets in pending coal scam cases as expeditiously as possible, and in some cases by February 2017.

Interestingly, the SC refused to entertain Mr. Ranjit Sinha's plea to modify investigation orders against him, restricting its order to call the probe "an enquiry" and not "an investigation". Invoking the SC's recent dismissal of documentary material produced in the Sahara-Birla pay-offs case, former CBI Director on January 30, 2017 sought the Court to modify its January 27, 2017, order. The bench, however, refused to entertain his plea as the order had already been passed and a modification could be sought under a separate plea for recall of the order.

On April 25, 2017, the CBI filed an FIR against its former director Shri Ranjit Sinha in the coal block scam probe. In the hearing on 10 July 2017, the court criticized the CBI for transferring DIG Shri Ravi Kant, the officers investigating the coal scam cases since 2012, without the court's permission. While the court abstained from passing any order on the transfer, it directed that no CBI officer, who is investigating the coal scam cases, would be transferred without the explicit permission of the court. The court said that the present CBI director would head the SIT that would look into the report of the ML Sharma panel, which had prima facie indicted Shri Sinha in the matter.

On July 13, 2017, the Supreme Court rejected the plea of industrialist Naveen Jindal, one of the accused in the case, seeking permission to approach the High Court to challenge the trial court's order.

On August 21, 2017, the court while hearing the matter observed that it appeared that the investigation in the coal scam cases by the CBI would "not come to an end". The issue of pending investigation in coal scam cases cropped up before the Court, when special public prosecutor sought court's permission to relieve a senior officer from CBI as his deputation tenure had already expired on September 2, 2016 and there was a shortage of DIG-level officers in the state cadre. The bench, while relieving the official asked the agency to file a report giving status of its investigation in the pending cases and fixed the matter for hearing on October 9, 2017.

On October 9, 2017 the court again asked the CBI and the Enforcement Directorate (ED) to expedite probe in the coal allocation scam cases, saying they should devise some method to deal with them. The bench headed by Justice Madan B Lokur expressed displeasure over the delay by the agencies in not completing investigations in the coal block allocation scam cases in a time-bound manner.

On October 17, 2017, in response to the directive of the court regarding expediting of investigations, the CBI informed the court that it had investigated 33 coal scam cases covering allocations to 168 companies through meetings of the screening committee during the period 2006 to 2009. The CBI said that final reports have been filed in the special court in 28 cases.

On October 20, 2017, the ED informed the court that it had lodged seven more cases in the coal block allocation scam and was in process of filing prosecution complaints against two firms, including M/s Jindal Steel and Power Ltd. In its tenth status report filed in the Apex Court for the period from January 2016 to September 30 2017, the ED said it had earlier received 55 FIRs from the CBI and registered enforcement case information report (ECIR) in all of them and that provisional attachment orders have been issued in 11 cases.

The Apex Court asked CBI and ED to file the next status report before December 4, 2017. The next date of listing is January 15, 2018.

8. **Inquiry Against Ex-Chairman, NHRC:** W.P. (C) 678/2013- Our PIL had sought a writ of mandamus to the Union of India to comply with the court's order of May 10, 2012 in our PIL WP (C) 35/2012 by making a reference for holding an inquiry against Justice K.G. Balakrishnan, Chairman, National Human Rights Commission.

In the last hearing held on December 12, 2017, the petition has been dismissed as withdrawn after the Court allowed Common Cause to approach the appropriate authority in order to follow proper procedure.

9. **Preventing the Export of Logs of Red Sandalwood:** W.P. (C) 976/2014- The intervention of the Supreme Court was sought to foil a determined bid by the Government of Andhra Pradesh to export a huge quantity of confiscated red sandalwood, an endangered species. Pleadings in the matter were completed on August 22, 2016. Despite an undertaking before the Apex Court, the Union of India (Ministry of Environments and Forests) did not file its *vakalatnama* and counter affidavit. Respondent no. 2, Department of Commerce, also failed to do so despite directions from the court in May and August 2016. Declining to grant them further opportunities, the court directed the registry to process the matter for listing as per rules. On July 12, 2017 the matter was taken up before the court but it could not hear the matter as the files were not received. There are no further orders of listing.
10. **Challenge to the Lokpal Search Committee Rules:** W.P. (C) 245/2014 - After admonishing the centre for the delay caused in the selection process on the pretext of the absence of the Leader of Opposition in Parliament, the court on February 13, 2017, directed that our petition, along with all connected cases, be listed for final disposal on March 28, 2017, and pleadings, if any, may be completed in the meantime. The court, on April 27, 2017, held that there is no justification to put the appointment of Lokpal on hold and the matter was disposed on April 27, 2017, stating that the Lokpal Act as it stands is enforceable, turning down center's argument to keep the Lokpal Act in suspension till the relevant laws are amended. The court observed that if the Leader of the Opposition is not available, the chairperson and two other members of the selection committee may proceed to appoint an eminent jurist as a member of the selection panel.
11. **Illegal Mining in the State of Odisha:** W.P. (C) 114/2014- This petition was filed to curb the rampant illegal mining in Odisha, following which the operation of 26 illegal mines was stayed in May 2014. The court in 2016 directed the states to consider applications of miners filed before January 2015 or 12 months before the expiry of the lease. It held that mining leases will not lapse automatically unless the state governments hear the companies and pass orders to that effect. In its final judgment on August 2, 2017, the court imposed a hundred percent penalty on mining companies indulging in illegal mining on account of lack of forest and environment clearances, mining outside lease/permitted area and for mining in excess of what has been allowed. The bench headed by Justice Lokur further directed that an expert committee be constituted and presided over by a retired judge for identifying the lapses that have occurred over the years and to recommend preventive measures not only to the state of Odisha but generally to all other states where mining activities are proceeding on a large scale. The Union of India was directed to take a fresh look at the National Mineral Policy, 2008, particularly with regard to conservation and mineral development and to complete the exercise by December 31, 2017.
12. **Mismanagement of Defense Lands:** W.P. (C) 204 /2014- The PIL seeks systemic reforms

and court-monitored CBI investigation into illegalities and irregularities in management of defense lands. It was filed in the wake of CAG reports highlighting mismanagement noticed in audit of defense lands. On February 20, 2017, the court issued a notice to the Center directing it to evict encroachers from the defense lands. On July 11, 2017, submissions were made by the petitioner pertaining to computerisation of land records, removal of encroachment on the defense lands, establishment of an independent regulator, etc. The court noted that there was a need to consolidate the position regarding actions already taken by the government and actions which are supposed to be taken. The matter was adjourned on August 25, 2017. The next date of listing is March 23, 2018.

13. **Contempt Petition Against Lawyers' Strike:** Cont. Pet. (C) 550/2015 in W.P. (C) 821/1990- The contempt petition filed by Common Cause against the strike of lawyers in Delhi HC and all district courts of Delhi on the issue of conflict over pecuniary jurisdiction, in W.P. (C) 821/1990 (Harish Uppal vs UOI) was again taken up on January 13, 2017. After hearing the counsels, the court ordered that reply, if any, be filed within six weeks. The matter was adjourned on July 5, 2017, and is likely to be listed on April 09, 2018.
14. **Challenging the Vires of the Appointments Made to the CVC:** W.P. (C) No. 505/2015 tagged with W.P. (C) No. 683/2014- The petition challenges the arbitrary and non-transparent appointments of KV Chaudhary as CVC and T M Bhasin as VC as being violative of the principles of 'impeccable integrity' and 'institutional integrity' laid down in Vineet Narain case (1998) and Centre for Public Interest Litigation (CPIL) case (2011). Common Cause filed an IA praying that the UOI may be directed to not make any appointments which required the participation of either the CVC or the VC, since their appointment itself had been challenged by Common Cause. In the hearing held on September 7, 2017, a bench of Justices Arun Mishra and MM Shantanagoudar has reserved its order on these appointments.
15. **Illicit Payouts to Politicians- Birla Sahara Diaries:** I.A. No. 3/2016 in W.P. (C) No. 505/2015 - Common Cause approached the Supreme Court regarding bribes paid to prominent politicians by corporate groups. It was feared that the groups, whose premises were raided by the CBI and the Income Tax Department in 2013 and 2014, might go for 'settlement' of their cases, amounting to a quiet burial of crucial evidence. The interim application was filed in our pending petition challenging the arbitrary appointment of the CVC.

The I.A. prayed for a thorough investigation and further action on the seized Sahara/Birla documents allegedly detailing illicit payouts to political functionaries as both the CBI and the IT Department did not take appropriate action by conducting a thorough scrutiny of the contents.

In its order on January 17, 2017, the Apex Court rejected this demand, saying it would be dangerous for democracy to order a probe on the basis of loose sheets inadmissible as evidence.

16. **Challenging the Ad-Hocism in the Appointment and Functioning of the CBI Director:** WP No. 984/2016-Common Cause had filed a PIL in the Supreme Court praying for issuance of an appropriate writ directing the Union of India to appoint a regular Director of CBI as per procedure established by law and for quashing the appointment of the Interim/Acting Director. The petition pointed out that even though the Central Government was fully aware that the Director CBI, Mr. Anil Sinha, was demitting office on December 2,

2016, it failed to convene a meeting of the selection committee to appoint the new director. In order to safeguard the independence of the CBI, a detailed procedure has been laid down in Section 4A of the Delhi Special Police Establishment Act, 1946, as amended by the Lokpal and Lokayuktas Act, 2013, which the Central Government chose to ignore.

With the appointment of Mr. Alok Kumar Verma as the new CBI Director, post approval by the selection committee meeting which was called subsequently, the Supreme Court closed the petition on January 20, 2017. The bench declined the request of our counsel, Mr. Prashant Bhushan, to direct the Centre to place before the Court, the minutes of meeting of the committee to ensure compliance with law laid down by the apex court.

- 17. Introduction of Electoral Bonds Challenged :** W.P. (C) 880/2017- Common Cause and the Association for Democratic Reforms (ADR) have challenged the introduction of Electoral Bonds, as part of the Finance Act 2017, which have made electoral funding of political parties more opaque, thus legitimising high-level corruption to an unprecedented scale by removing electoral funding limits for big corporates and foreign lobbyists.

The PIL seeks direction from the Supreme Court to strike down the amendments made through the Finance Act, 2017, and the Finance Act, 2016. It is alleged that such wide-ranging amendments in the Representation of People's Act, 1951, the Reserve Bank of India Act, 1934, the Income Tax Act, 1961 and the Companies Act were brought in illegally as a "Money Bill" in order to bypass the Rajya Sabha.

This matter was taken up on October 3, 2017, when notice was issued to the Union of India and other respondents. There are no further orders of listing.

- 18. Petition Challenging the Appointment of RK Asthana as Special Director, CBI:** W.P. (C) 1088/2017- In its quest to maintain transparency and institutional integrity in the appointment of key functionaries in sensitive organisations, Common Cause filed a petition in the Supreme Court challenging the appointment of Shri Rakesh Asthana as the Special Director (SD) CBI. The petition was dismissed on November 28, 2017 by a Bench comprising Justice R.K. Agrawal and Justice Manohar Sapre. The petition said that the appointment of Special Director, the second highest authority in the organisation, should be in strict compliance with all the norms laid down by the SC in the past.

The petition also alleged that the government and the selection committee overruled the opinion of the Director, CBI in violation of the law on statutory consultation as laid down in various judgments. Further, the petition had sought directions to the Union of India to transfer him out of the CBI during the pendency of the its investigation concerning the payouts to various public servants by Sterling Biotech and Sandesara Group. It also sought directions to the parties concerned to produce before the court the agenda and the minutes of the selection committee meeting under Section 4C of the DSPE Act, 1946, as well as the note and material put up by the CBI Director regarding the proposed appointment of the Special Director.

Delhi High Court

- 1. Petition on Electrocutation by Live Wires:** W.P. (C) 7241/2015 tagged with W.P. (C) No.5765/2014- The petition highlights the issue of recurring fatalities due to live wire electrocution, especially during the monsoon. It was disposed of on December 5, 2016 with compliance guidelines and direction to the Electricity Regulatory Commission to oversee

strict implementation and compliance of the safety measures by DISCOMs (Distribution Companies) for all the residents against electrocution deaths and against other electricity related injuries. The DISCOMs were directed to take urgent cognizance of cases of electrocution and pay compensation to the dependents of the deceased in cases where lapses were established.

2. **Petition on Over-Invoicing of Imported Coal and Equipments:** W.P. (C) 8136/2017-Common Cause and Centre for Public Interest Litigation (CPIL), have approached the Delhi High Court seeking a direction for a thorough investigation by an SIT into the over-invoicing of imported coal and equipments, carried out by various private power generating companies as reported by Directorate of Revenue Intelligence (DRI) in its various investigation reports. Unfortunately, the executive is yet to take action against such entities.

It has been alleged in the petition, that the modus operandi is identical in all these cases. The coal or power equipment is shipped directly to India, however, its invoice is routed through another foreign company directly owned and controlled by the promoters of the project in India. Hence, it is a clear case of criminal offence and needs a thorough investigation by an SIT. During the hearing on September 13, 2017, Justice C Hari Shankar recused himself from hearing the case as he has appeared for some of the firms named in the petition in the past.

The matter was taken up on September 20, 2017, when the Bench of Justices S Ravindra Bhat and Sunil Gaur sought the details of the DRI enquiry against alleged over-invoicing of equipment and fuel imported for power plants. To this our counsel stated that a brief note describing the various show cause notices, outcome of investigations and the adjudicatory order made, if any, would be placed on the record of the Court. The matter was tagged along with a petition filed on similar issue by social activist Mr. Harsh Mander. In the hearing on 11 December 2017, notices were issued to UOI and DRI and were accepted by representatives of both. It has been listed for hearing on February 2, 2018.

Allahabad High Court

1. **Extension of Audit Jurisdiction of the C & AG of India to NOIDA, G. Noida and Yamuna Expressway Authorities:** W.P. (C) 48416/205-The writ was filed in the light of the serious allegations of misconduct and corruption in the acquisition and disposal of land meant for public purposes and the need for auditing of accounts by CAG. As has been recently reported, the Government of Uttar Pradesh decided to conduct CAG audit of the three industrial development authorities- Noida, Greater Noida and Yamuna Expressway - as stated by UP Industrial Development department principle secretary Shri Alok Sinha, in a letter to the Accountant General of the Economic and Revenue Sector Audit department on July 11, 2017. It is listed for hearing on May 07, 2018.

h. Finance and Accounts

The Audit Report on the Annual Accounts of Common Cause for the year ending March 31, 2017 has been received. The Governing Council has accorded its approval on August 18, 2017. Briefly, the expenditure during the year was ₹111.84 lakh against ₹74.15 lakh recorded in the previous year. The income during the year was ₹96.09 lakh compared to ₹148.15 lakh during 2015-16. Thus, there was a deficit of ₹15.75 lakh during the year as against a surplus of ₹74.00 lakh in the previous year mainly due to lower donations in 2016-17. Overall, the financial results have been satisfactory.