Draft

**Minutes of the Meeting of the Governing Council of Common cause Society held on August 24, 2012**

**Venue**: AIHDA, 5th Floor, Core IV A, India Habitat Centre, New Delhi.

**Participants**

Mr. Vikram Lal President

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

Dr. Mrs. Divya Jalan Member

Mr. Lalit Nirula Member

Dr. B.P.Mathur Member

Mr. Jyoti Sagar Member

Mr. Kamal Kant Jaswal Director

Mr. Surjit K. Das Special Invitee

Mr. C. A. Bhaskaran Special Invitee

**Minutes**

1. **Confirmation of the minutes**

Minutes of the Governing Council meeting held on February 28, 2012 were confirmed.

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

Reviewing the Society’s activities since the last meeting, the Director apprised the Council of the progress of the PILs filed in various Courts.

There was an animated discussion on the PIL on the disregard of the considerations of public safety in the nuclear energy programme and the serious flaws in its statutory framework and regulatory mechanisms. The Council noted that the Supreme Court has partly admitted our petition in terms of the prayer to declare the Civil Liability for Nuclear Damage Act, 2010 as unconstitutional and *ab initio* void.

The PIL on decriminalization of politics formulated in collaboration with Public Interest Foundation has been filed in the Supreme Court and notice has been issued to the Union and the Election Commission of India.

We have been questioning the obstructive RTI rules framed by various High Courts in exercise of the rule-making powers under the RTI Act, 2005. The Allahabad High Court (RTI) Rules, 2006 were found to be particularly obstructive. As the High Court did not respond to our request to amend the offending provisions of the Rules, the Supreme Court was requested to quash them. The Court has issued notice to the respondents in the matter.

The Supreme court by its order dated May 10, 2012 has disposed of our PIL on the transgressions of Justice K. G. Balakrishnan and his relatives seeking a reference under Section 5 (2) of the Human Rights Act, 1993 for holding an inquiry leading to his removal from the post of Chairman, National Human Rights Commission. The Council noted with satisfaction that the order contains an explicit direction to the competent authority to take a decision on CJAR's complaint dated April 4, 2011 to the President. Were the allegations to be found unworthy of any further action in this determination, the competent authority has to inform the petitioner accordingly. Otherwise, the President of India has to proceed with the matter in accordance with the mandate of Section 5(2) of the Act. This articulation becomes particularly significant in the context of the ongoing probes of amassing of disproportionate assets by the relatives and associates of Justice Balakrishnan. Clearly, the allegations made in the CJAR complaint have not been found to be unworthy of any further action.

The Council was gratified to note that the objective of the main prayer in our PIL on the post-retirement activities of members of the higher judiciary, which is pending in the Delhi High Court, has substantially been achieved. Following the lead of the Supreme Court, the High Court has directed its registry to ensure that legal opinions tendered by retired judges are not taken on record. The High Court has also directed the Union of India to expedite the formulation of a uniform policy for regulating the terms and conditions of service of the Chairpersons/Members of tribunals and statutory authorities, which proposes to bar them from taking up arbitration work. The implementation of such a policy would amount to the acceptance of the other prayer made in our PIL.

The Council expressed its disappointment over the manner in which our PIL on commemorative and self-laudatory government advertisements is being prosecuted in the Supreme Court. The Director was advised to make alternate arrangements if there is no immediate improvement in the situation.

The Council endorsed the move to pursue with renewed vigour the Society’s agenda for bringing about greater accountability and transparency in the system of appointment to constitutional bodies. As the term of the Comptroller & Auditor General of India draws to a close, a concerted effort needs to be made for the adoption of a transparent and objective procedure for appointment to this Constitutional office in line with international best practices. A fresh memorandum in this regard will be submitted to the Chairman of the Public Accounts Committee of Parliament. The option of filing yet another PIL with the help of a like-minded organization may also be explored.

The Anti-corruption logo designed for Common Cause by the National Institute of Design was launched at Jantar Mantar on July 25, 2012, the first day of the dharna organized by India Against Corruption. The logo has been well received. Efforts to promote it as the symbol of the ongoing War on Corruption are underway.

The Director briefed the Council about the Society’s campaign against money laundering schemes masquerading as Direct Selling/ Multi Level Marketing companies. Mr. Jyoti Sagar, who was interested in the matter, dissociated himself from the discussion. The Society has made comprehensive representations to the Prime Minister, the Ministries of Finance and Consumer Affairs, and the Reserve Bank of India on the inaction of the enforcement agencies in the face of flagrant violations of the provisions of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. The authorities seem to have woken up to the issue and interdepartmental working groups have been constituted by the Ministry of Consumer Affairs and the Department of Financial Services to study the problem in all its aspects. The issue is also on the agenda of the Foreign Investment Promotion Board.

The Society has also taken up the issue of the rampant abuse of young children and infants in organized beggary. Photographic evidence of the use of apparently drugged infants by beggars operating at busy traffic points in New Delhi has been presented to the authorities concerned. In case there is no positive response from them, we will consider filing a PIL in the matter.

Work on a writ petition for extending the audit jurisdiction of the C & AG to industrial development areas such as NOIDA is progressing apace.

1. **Anti-corruption movement at the crossroads**

The Director apprised the Council of the cross currents buffeting the India Against Corruption movement led by Anna Hazare. The Director was one of the signatories to the appeal which led to the end of the indefinite fast by Anna Hazare and key members of his team. The IAC has realized that if undertaken too often indefinite fasts lose their traction. Anna Hazare has disbanded the Core Committee of IAC and a preparatory committee for entering electoral politics is being constituted. This reorientation has accentuated the divergences within the anti-corruption movement and alienated a part of its support base. As the statutes of the Society restrict it to non political activities, Common Cause while pursuing its anti-corruption agenda will have to distance itself from IAC. It was noted that even in the past, we did not extend unqualified support to IAC on every issue.

1. **Donations**

The Council took note of the donations made by the Society as detailed in the additional agenda note and endorsed the action taken by the Director with the approval of the President. The Council accepted the suggestion of the Director that in future donations to other organizations and individuals for furthering the objectives of the Society should be made with the approval of the Executive Committee.

1. **Any other item with the permission of the Chair**

The Director informed the Council that by way of follow-up to the seminar on ‘Local Self Government- the Unfinished Agenda’, the symposium on “Alternative Paradigms of Self Governance ” is proposed to be held in collaboration with the Centre for Studies in Developing Societies sometime in mid November.

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

(Vikram Lal)

President