March 13, 2008

**Minutes of the Governing Council meeting held on February 28, 2009 at Common Cause House, New Delhi**

Present

1. Mr. Vikram Lal President
2. Maj. Gen. J. P. Gupta Vice President
3. Dr. Divya Jalan Member
4. Mr. Jyoti Sagar Member
5. Dr. B. P. Mathur Hony. Treasurer
6. Mr. K. K. Jaswal Director
7. Mr. Sarvesh Sharma, Advisor Invitee

The President welcomed the members and commenced the proceedings.

Leave of absence was granted to Maj. Gen U. C. Dubey, Dr. Ashok Khosla, Ms. Madhu Kishwar, Mr. Prakash Singh and Mr. Prashant Bhushan.

The following decisions were taken in respect of the items on the Agenda.

1. **Confirmation of Minutes**

Minutes of the Governing Council Meeting held on March 8, 2008 were confirmed.

1. **Ratification of Agenda items approved by circulation.**

The following resolutions approved by circulation since the last meeting of the Council were confirmed and taken on record.

1. Resolution dated May 2, 2008 for authorising Mr K. K. Jhingan to deal with all Service Tax matters and sign the relevant documents on behalf of Common Cause.
2. Resolution dated September 27, 2008 for setting aside a sum of Rs. 10,80,000/- u/s 11(2) of the Income Tax Act to be spent till March 31, 2013 for certain specified purposes.
3. Resolution dated September 27, 2008 for approval and adoption of the Annual Report, Annual Accounts and Audit Report of the Society and the Trust for the year 2007-2008.
4. **Presentation of the Society’s activities and programme of action.**

The Director apprised the Council of the efforts made to strengthen the research capabilities of Common Cause. An experienced core team comprising Mr. Sarvesh Sharma, Advisor, and a full time research executive, Ms. Anumeha, has been formed. The core team is assisted by two part time researchers drawn from the J. N. U.

The Director also informed the Council of the sustained efforts put in to secure the completion/ occupancy certificate of the building of the Society from the municipal authorities. The Council recorded its appreciation of the initiative shown by the Director in the resolution of this long pending issue.

Reviewing the progress of the endeavours of the Society in the identified thrust areas, the Director stated that the Public Health Foundation of India has agreed to take up the issues relating to nutrition and occupational health of the workers in the National Employment Rural Guarantee Scheme. Efforts have also been made to induce State governments to create an institutional framework for social audit, which is a novel feature of the Scheme. The Government of Uttar Pradesh has responded positively to the proposal to launch a pilot project in a few districts to organise regular social audit of the Scheme works on the pattern of Andhra Pradesh.

The issue of implementation of the directions of the Supreme Court in its judgment on police reforms is being actively pursued in concert with Mr. Prakash Singh and the Commonwealth Human Rights Initiative. Efforts are being made to highlight the obstructive tactics adopted by the Union and state governments in regard to police reforms through a media campaign. The Society is also trying to build a political consensus on police reforms and has addressed an appeal in this regard to all recognised political parties at the national and state levels. A letter has been addressed to the Home Minister to expedite the enactment of the Model Police Act formulated by the Soli Sorabjee Committee.

As regards judicial reforms, the writ petition filed in the Supreme Court jointly with Janhit Manch and other likeminded entities has yet to evoke a response from the Union government. In the mean time, preparatory work on a draft of the directions to be sought from the Supreme Court is under way. Information is also being obtained from the High Courts on pendency of cases in the district and subordinate courts in order to analyse the nature of the problem and come up with specific recommendations to address it. An appeal has also been addressed to all recognised political parties to commit themselves to a time-bound programme of judicial reforms and to include a paragraph in this regard in their election manifestos.

The Director also apprised the Council of the progress in the ongoing cases filed by Common Cause and of the status of the initiatives in the areas of combating corruption and bringing about greater transparency and accountability in public affairs, whether in the functioning of political parties, in appointments to constitutional offices, in dealing with the problem of non-performing assets of public sector banks and financial institutions or in allocation of scarce national resources, such as allocation of the spectrum for telecommunications. Common Cause has supported the efforts of Vanangana in the domain of promotion of communal harmony in the districts of Chitrkoot and Karwi in U. P. and assumed a key role in the campaign for ensuring the welfare of building and other construction workers in the context of the forthcoming Commonwealth Games. The Society has been interacting with the Ministry of Environment to facilitate the formulation of a rational policy for addressing the environmental hazard posed by plastic carry bags and packaging materials. It is also proposed to undertake an analysis of the reports of the 2nd Administrative Reforms Commission and press for expeditious implementation of the key recommendations on governance reforms.

Endorsing the approach adopted by the Director for the pursuit of public causes, the members stressed the importance of projecting the endeavours and the concerns of the Society in the public domain. It was agreed that it is imperative to have an active interface with the print and the electronic media and hold press conferences at regular intervals. This would entail the use of professional services. Mr Jyoti Sagar offered his good offices for facilitating a tie up with a leading public relations firm on a pro bono basis. The Council gratefully accepted the offer.

**4. Approach to the growing menace of encroachments on public spaces by religious structures.**

Pursuant to the decision taken in the Annual General Meeting of the Society held on March 29, 2008, exhaustive information has been obtained from the urban local bodies and the Home Ministry of the National Capital Territory of Delhi regarding encroachments on roads and public spaces by religious structures. Although some of the critical information in this regard has been withheld by the public authorities concerned, the information made available establishes the enormity of the problem and the unwillingness of the administration to remove the offending structures on the pretext that such an action would hurt the religious sensibilities of the people and create a law and order problem. The conclusion arrived at after considerable discussion was that the problem of encroachment by religious structures could not be seen in isolation and that it was only a facet of the larger problem of governance failure and the general indifference to appropriation of public resources for private use. Considering all aspects, it was felt that Common Cause should continue to press for governance reforms and promote community participation in civic affairs, since an enduring solution to the problem of rampant encroachments, by structures religious or secular, can only be found by involving the communities in the protection of public property.

1. **Living Will and Euthanasia**

The Director informed the members that in the petition filed by Common Cause in the Supreme Court to secure recognition of the right to die with dignity, an intervention application has been filed by the Society for the Right to Die with Dignity and another. The prayer in the intervention application goes well beyond the scope of our writ petition, which is limited to securing recognition of the right to execute a living will to give effect to the freely exercised will of the executant to refuse intrusive life sustaining procedures and treatment designed to prolong his life in the event of his reaching the stage of terminal illness or of physical and mental impairment with no reasonable expectation of regaining significant cognitive functioning. While the interventionists support this prayer, they also demand that persons who are terminally ill should have the right to opt for voluntary euthanasia. For this purpose, the interventionists advocate legal sanction for providing medical assistance to terminate life under specific circumstances. There could be serious philosophical and ethical reservations in regard to this prayer and it was felt that any provision that authorizes someone to take a proactive measure to extinguish another person's life could be fraught with serious consequences in our socio-economic context and was likely to be abused. Mr Prashant Bhushan, who is ably representing the Society in this case, as in so many other cases filed by the Society, was therefore requested to oppose this part of the intervention application.

Mr Prashant Bhushan’s personal view was that euthanasia with adequate checks should be allowed, any circumvention or misuse being held as amounting to murder. Mr Prashant Bhushan felt that he would not be able to oppose the intervention application, though he could plead for safeguards. The members were of the view that the position taken in the petition drafted by the Founder Director should be adhered to and the matter may be discussed further with the counsel accordingly.

1. **Suggestions for the Annual General Meeting**

No specific suggestions were made in this regard. The President reiterated the suggestion made in the last meeting of the Governing Council that its meetings should be held at more frequent intervals, so that greater benefit may be derived from the guidance and counsel of the members. It was accordingly decided that during the year 2009-10, meetings of the Governing Council will be held in July, November and February/March.

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

Dr. B. P. Mathur drew attention to the widening fiscal deficit and the flagrant violation of the provisions of the Fiscal Responsibility and Budgetary Management Act by the Central and State governments on the pretext of reviving the economy. It was felt that the current economic slump has provided the governments an excuse for financial profligacy and populist measures when general elections are on the horizon and that the motive for many of the interventions could be suspect. However, the conjuncture is not opportune for pushing ahead with the fiscal discipline agenda. It would be strategically unwise to base the challenge to government actions on the grounds of violation of the Fiscal Responsibility Act. One would need to analyse the merits and demerits of specific measures included in the stimulus package(s) in order to show that they are not in the public interest. Even then, the outcome of a PIL on the subject would be uncertain, given the judiciary's current diffidence over straying into the domain of policy.

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

(Vikram Lal)

Chairman