**Minutes of the Annual General Body Meeting of COMMON CAUSE held at Common Cause House, New Delhi, on March 17, 2012.**

Mr. Vikram Lal, President, Common Cause, called the meeting to order at 11.00 A.M. As the quorum was not complete till 11.15 A.M, the meeting was adjourned to be reconvened at 11.30 A.M. with fourteen members in attendance.

The President welcomed the members and requested the Director, Mr. Kamal Kant Jaswal, to proceed with the items on the agenda.

**Consideration of the Annual Report and Adoption of the Annual Accounts**

The Director recapitulated the salient features of the Annual Report of the Society for the year 2010-11 and updated the status of the court cases mentioned therein. The members expressed their satisfaction over the information presented. Mr. Vikram Lal proposed that the Annual Report and Audited Accounts of the Society be adopted. Mr. N. Ahuja seconded the motion, which was adopted unanimously.

**Appointment of Auditors for the year 2011-12**

The Director informed the members that the work of the Auditors, M/S VKGN & Associates Chartered Accountants, who had been associated with the Society for the last ten years, continued to be quite satisfactory. Ms. Divya Jalan proposed that they be reappointed for the year 2011-12. The proposal was seconded by Mr. N. Ahuja and adopted unanimously.

**Activities and programmes**

The Director made a succinct presentation of the activities and programmes undertaken by the Society, which had increasingly been networking with like-minded organisations to extend the reach and impact of its interventions. This was best exemplified by the PIL on the Civil Liability for Nuclear Damage Act, 2010, where the co-option of reputed public interest organisations and eminent citizens from diverse fields as petitioners helped in surmounting the initial hurdle encountered at the stage of admission. However, the Supreme Court seemed disinclined to admit the petition with respect to the issues raised in the PIL other than the *vires* of the Act, though all the averments made in the petition as well as the subsequent submissions were based on solid evidence and research. The forceful advocacy of our counsel, Mr. Prashant Bhushan, and the technical support provided by experts such as Dr. A. Gopalakrishnan, former Chairman, Atomic Energy Regulatory Board, ensured that the other issues also remained in contention.

Judicial accountability and reform continued to be a thrust area of the initiatives of the Society. In this context, the Director apprised the members of the welcome developments with respect to the Society’s PIL in the Delhi High Court on the post-retirement activities of members of the higher judiciary. In an unrelated PIL, the Supreme Court had taken exception to the annexing of the legal opinion of a retired Chief Justice of India to the petition and directed its registry to ensure that such opinions were not taken on record. As this direction was in line with the main prayer in our PIL seeking a prohibition of this practice as contrary to the spirit of Article 124 (7) of the Constitution, the Society promptly brought the direction to the notice of the High Court. The Court thereupon instructed its registry to follow suit and refuse to accept writ petitions in which opinions of retired judges were annexed. Thus, the objective of our main prayer was substantially achieved.

The High Court also directed the Union of India to take a final decision on its proposal to formulate a uniform policy regulating the terms and conditions of service of the Chairpersons/Members of tribunals and statutory authorities, under which they would be barred from taking up arbitration work. The implementation of such a policy would amount to the acceptance of the other prayer made in our PIL by the respondent.

In another PIL filed in the Supreme Court, the relief sought was the commencement of the statutory process of removal of Shri K. G. Balakrishnan, former Chief Justice of India, from the office of Chairman, National Human Rights Commission, on grounds of misconduct, including amassing of benami properties by his relatives and associates. During the last hearing, the Attorney General was reported to have submitted a status report on the ongoing probe into the allegations and informed the Court that the Income Tax Department was assessing the properties of Shri Balakrishnan’s relatives. The government was given three weeks to indicate the action proposed to be taken in the matter. The Council was of the view that the admission of this PIL would in itself signify a major advance in the campaign for judicial accountability.

The Society was also preparing to file a PIL in the Supreme Court to challenge the obstructive rules framed by some of the High Courts under the rule-making powers conferred for the implementation of the Right to Information Act, 2005.

While on the subject of PILs in the pipeline, the Director made a mention of spadework being done to seek judicial intervention to curb the menace of multi-level marketing companies, which were allowed to operate in flagrant violation of the provisions of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. The members enthusiastically endorsed the initiative.

A reference was also made to the proposal to file a PIL against the exclusion of industrial area development authorities such as NOIDA and Greater Noida from the audit control of the Comptroller & Auditor General of India. These instrumentalities of the state benefit from government endowments, are vested with sovereign powers and operate budgets rivaling state budgets. Yet, the responsibility of their audit lies with an ill-equipped and toothless dependency of the Finance Department. It was felt that the proposed PIL should be filed expeditiously as more and more information on the transgressions of these authorities was coming into the public domain.

The Director briefed the General Body about the forthcoming seminar on the unfinished agenda of Local Self-Government being organised by the Society in association with the Institute of Social Sciences, New Delhi. Eminent thinkers, academicians and practitioners were expected to participate in the seminar, which marked the beginning of a sustained engagement of the Society with the challenge of restructuring the national polity in accordance with the principle of subsidiarity. It was proposed to follow up this seminar with a session of reflection on alternative paradigms of democratic decentralisation. The option of filing a PIL for giving effect to the sunset clause in Article 243N of the Constitution, which envisages the automatic repeal of state laws inconsistent with the provisions of Part IX relating to the Panchayats, would also be considered.

The General Body was apprised of the outcome of the concerted efforts made to update the database of the Society’s life members. Personal visits to the recorded addresses of members in localities of Delhi having a significant concentration of members showed that in a large number of cases, the members had moved on without communicating their new addresses, or had expired, but their next of kin had not cared to inform the Society. The General Body advised the Director to persevere in these efforts with a view to preparing a live register of members, who should be encouraged to have a greater involvement in the activities of the Society.

**Mr. Narendra Ahuja** sought the help of Common Cause in the following initiatives.

* Persuading the Land & Development Office of the Ministry of Urban Development to dispense with the requirement of obtaining ‘No Objection’ certificates from all the legal heirs in the case of mutation of the records of immovable property on the basis of a registered will. Such dispensations have already been secured from the DDA and the MCD.
* Challenging the logic of DDA’s insistence on registration of new DDA flats in the joint names of the spouses.
* Ensuring the implementation of the Delhi High Court’s order of October 9, 2009 for videography of the process of registration of wills.

**Mr. V. K. Jain** appreciated the Society’s initiative in seeking to extend the scope of judicial standards and accountability to the post-retirement activities of members of the higher judiciary. In this context, he recalled an instance of a patent conflict of interest concerning a former Chief Justice of India, who served as chairman of the SEBI committee to revise the Take Over Code while he had been advising some of the affected companies in his private capacity. Mr. Jain also highlighted the enormous discretionary powers enjoyed by the retired judge heading the High Powered Committee under the **c**onsent order mechanism instituted by the SEBI for settlement of cases where it has found *prima facie* violation of securities laws as well as cases pending before the Securities Appellate Tribunal and the courts.

**Elections**

The President informed the members that in accordance with the Rules of the Society, the two oldest members, namely Mr. Prakash Singh and Mr. Prashant Bhushan, were due to retire on the day of the General Meeting and that both of them had offered themselves for re-election. Dr. Ashok Khosla proposed that Mr. Prakash Singh be re-elected. The proposal was seconded by Mr Narendra Ahuja. Thereafter, Dr. B. P. Mathur proposed that Mr. Prashant Bhushan be re-elected. This proposal was seconded by Mr. Narendra Ahuja. Both the proposals were unanimously approved by the General Body.

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

(**Vikram Lal**)

Chairman