**ANNUAL REPORT FOR THE YEAR 2013-2014**

During the year under review, Common Cause strove to further the mission and objectives of the Society and build upon the legacy of its Founder-Director, Shri H.D. Shourie. Its initiatives in advocacy and public interest litigation were rewarded with a fair measure of success in securing the resolution of common problems of the people and initiating systemic improvements in governance. The Society received unstinting support of like-minded civil society organizations and activists in its endeavours.

**I. Advocacy initiatives**

1. **Police reforms:**

The Society, in association with Commonwealth Human Rights Initiative and Foundation for Restoration of National Values, persevered in the advocacy campaign for a radical reform of the system of policing in the country. This campaign was buttressed by the untiring efforts of Mr. Prakash Singh, member of the Society’s Governing Council, to mobilize popular support for police reforms, and expedite the implementation of the directions given by the Supreme Court in its landmark judgment in the celebrated Prakash Singh’s case to reinforce the functional autonomy and accountability of the police.

In the context of a sting operation on the Muzaffarnagar riots conducted by a TV channel, which revealed gross interference on the part of influential politicians in matters of routine policing, Common Cause and its coalition partners held a well-attended press conference on September 18, 2013 to press for the resumption of the stalled process of police reforms.

Preparations are underway to conduct an annual state of policing survey to generate credible time series data on the levels of satisfaction at the citizens’ interface with the police in different geographies. The survey should provide invaluable support to the Society’s advocacy effort for police reforms and help in the formulation and monitoring of reform measures. Discussions in this regard have been held with potential partners to work out the modalities of collaboration. In parallel, the credentials of various executing agencies in the field are being scanned.

1. **Making the Right to Education a reality**

Good Earth Education Foundation and Common Cause have joined hands to address the issue of poor learning outcomes of elementary education in the public school system.

In this context, Common Cause had a detailed interaction with the Ministry of Human Resource Development on February 7, 2014. It transpired that the Ministry was equally concerned about the poor outcomes of elementary education, although it had some issues with the Annual Status of Education Reports (ASER) brought out by Pratham. In the current phase of implementation of the Right to Education (RTE) Act, the Ministry was prioritizing the quality dimension over the provision of inputs for universal access to elementary education and had focused on a structured approach to the foundational skills of reading, writing, comprehension and mathematics in grades 1 & 2, and teaching of mathematics and science at the upper primary level. The Ministry’s instructions to the states also link the release of programme funds to the development of a comprehensive quality plan and provide for independent assessment of student learning levels. It was accepted that the RTE Act was weak on accountability and teachers governance, perhaps because of a misplaced emphasis on the teachers’ autonomy and self-motivation. To what extent this deficiency could be corrected through a PIL remains to be explored.

A brainstorming session was held on February 18, 2014 to explore the advocacy options available to civil society for improving the abysmal learning outcomes in the government school system as highlighted in ASER and other independent assessments. The feasibility of seeking judicial intervention for effectuating the right to free and compulsory elementary education was also considered.

It has been decided that Common Cause would supplement the efforts of Good Earth Foundation to bring about a tangible improvement in the learning outcomes in government schools in a selected district of Rajasthan. The experience thus gained would lend credibility to civil society’s advocacy initiatives and come in handy for seeking judicial intervention for effectuating the right to free and compulsory elementary education.

Groundwork is in progress for a public interest petition on behalf of school children in the age group of 6-14 years to demand that the wide disparities in the quality of education imparted in different categories of government schools and government aided schools be minimised so that the constitutional guarantee of free and compulsory education becomes a reality for children from disadvantaged backgrounds.

1. **Systemic reform in attribution of mining leases**

In tandem with the PIL filed in the Supreme Court to put a stop to the rampant illegal mining in Odisha, an advocacy initiative was mounted to persuade the custodians of the nation’s rich natural resource endowments to adopt a system of allocation that is consistent with the Constitutional principles of equity and transparency. Our premise is that as per the law laid down by the Apex Court in the 2G Spectrum Case and the subsequent Presidential Reference, the attribution of a national resource to any commercial entity must be made in a transparent and equitable manner. As such, even for the first renewal of a mining lease, the consideration should be determined through open auction. The Society urged the Chief Minister of Odisha to adopt a system of competitive bidding for the grant/renewal of mining leases in compliance of the interim directions issued by the Supreme Court in our PIL on May 16, 2014.

This was followed by a [generic proposal](http://commoncause.in/whatsNew/GenericProposaltoUnionMinisterforMines.docx) to the Union Minister for Mines for extending the system of competitive bidding for grant/renewal of mining leases to private commercial entities across the country. Subsequently, a meeting was held with the Secretary, Ministry of Mines. The engagement with the Ministry is ongoing.

1. **Development and regulation of the real estate sector**

The Director represented the interest of consumer associations in the committee constituted by the Ministry of Housing & Urban Poverty Alleviation to give a final shape to the legislation for development and regulation of the real estate sector and took an active part in the stakeholders’ consultations on the subject.

1. **Freedom of speech and expression on the airwaves**

The Society took up the issue of the iniquity of the extant government policy that bars private radio channels from broadcasting news and current affairs programmes with the Minister of Information & Broadcasting on May 31, 2013. It was pointed out that such exclusion violates the fundamental right to freedom of speech and expression and flies in the face of the law laid down by the Supreme Court in *Ministry of I & B Vs Cricket Association of Bengal & Anr*, which had made it amply clear that airwaves were public property to be used to promote public good and for expressing a plurality of views, opinions and ideas. As no response was forthcoming from the Ministry, the Society filed a PIL in the Supreme Court on September 6, 2013.

**II. Public interest litigation**

Significant developments in the writ petitions and applications filed by the Society are summarised below.

**Supreme Court Cases**

1. **WP(C) 26/1995- Appointment of Lokpal and Lokayuktas**: The petition seeks the enactment of the *Lok Pal* Act and appointment of Lokayuktas and Up Lokayuktas under the Legal Services Authorities Act. The case was put on the back-burner after being slated for final disposal in August 2009. In view of the enactment of the Lokpal and Lokayukta Bill, 2013, the cause of action no longer subsists.
2. **WP(C) 387/2000- Crime and Violence on TV:** The petition seeks to curb the excess of crime, violence and sex on TV. The Secretary, Ministry of Information & Broadcasting, has been forced to submit a personal affidavit on the compliance of various directions given by the Court in the matter, which stands tagged with a bunch of petitions, including our PIL WP 880/2013 (serial no. 17 *infra*). The Court directed on September 17, 2014 that the matter be listed for hearing after three weeks.
3. **WP(C) 330/2001- Slaughter House Pollution:** The petition prays for remedial measures against the rampant malpractices in slaughter houses, notably improper waste disposal, slaughter of diseased animals and employment of children in the trade. The Court had directed the Central and State Pollution Control Boards and the Animal Welfare Board to confirm compliance with the laws for prevention of cruelty to animals and environment protection. The Ministry of Environment & Forest filed a compliance report on August 27, 2013 along with guidelines to be followed by the State Committees for ensuring effective supervision of slaughter houses. The Court requested the High Courts in January 2014 to nominate retired District Judges to act as conveners of the state level committees constituted to monitor the implementation of the Court orders as well as the regulatory framework prepared by the MOEF. The Committees would submit quarterly reports to the Court. Deploring the inaction of the state governments, the Court directed the defaulters at the last hearing on September 2, 2014 to ensure compliance of its orders within four weeks.
4. **WP(C) 13/2003- Large Scale Advertisements:** Our PIL seeking to curb self-congratulatory government advertisements in the print media had fallen off the radar of the Supreme Court. An application for interim directions was filed in November 2012 along with a compilation of self-congratulatory advertisements by several state governments. This had the effect of reviving the interest in the petition. Reprimanded at the hearing on January 15, 2014, the Union of India finally filed its counter affidavit. The Court pronounced its judgment on April 24, 2014, rejecting the contention that within the budgetary grants voted by the legislature, the government was free to issue advertisements in accordance with the established policy. The Court also constituted a three-member panel to draw up objective guidelines for regulating government advertisements. In response to the public notice, Common Cause submitted its proposition for the proposed guidelines on June 19, 2014. A [supplementary proposition](http://commoncause.in/whatsNew/SupplementaryProposition.docx) on the subject was submitted on July 11, 2014.
5. **WP(C) 61/2003- HIV-AIDS:** The petition sought to streamline the participation of NGOs in the HIV-AIDS Control Programme and universalize the access to counselling and specialized HIV-AIDS treatment. In response, the Union of India formulated a scheme for Universal Access to Second Line Treatment. The affidavit filed by the government was taken on record on August 8, 2013. The matter was disposed of on December 2, 2013 as the petitioners were satisfied with the measures taken by the Government.
6. **WP(C) 215/2005- Living Will:** The petition sought the enactment of a law on the lines of the Patient Autonomy and Self-determination Act of the USA, 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 matter was disposed of on February 25, 2014. Without pronouncing any order on the specific prayer made in our petition, the Court invited a Constitution Bench to resolve the inconsistencies between the Division Bench judgment in *Aruna Shanbaug* (2011), which allowed passive euthanasia under certain safeguards, and the Constitution Bench judgment in *Gian Kaur* (1996), which held that the right to life does not include the right to die.

The matter was taken up by the Constitution Bench on July 16, 2014. Notice was issued to all States and Union Territories in view of the prayers made in the writ petition, particularly, the prayer to declare 'right to die with dignity' as a fundamental right within the fold of right to live with dignity under Article 21 of the Constitution.

**7. WP(C) 122/2008- Speedy Justice:** Filed by Janhit Manch, Common Cause and two others, the PIL offers a multi-pronged strategy to expedite the dispensation of justice and liquidate the backlog of court cases. Ironically, it got tagged with another matter involving the peripheral issue of filling the existing vacancies in the subordinate judiciary. An application is being filed to refocus the Court’s attention on the substantive issues raised in our PIL.

**8. WP(C) 464/2011- Safety Concerns in Nuclear Energy Programme:** We have 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 petition also prays for the establishment of an independent atomic energy regulatory authority in the interest of people’s rights to life and clean environment. After protracted deliberations, the Court partly admitted the petition to the extent of the challenge to the *vires* of the CLNDA. It stands tagged with the PIL at serial no. 12.

**9. WP(C) 536/2011- Combating the Criminalization of Politics:** Public Interest Foundation, Common Cause and two others filed this PIL for debarring persons charged with serious criminal offences from contesting elections and expediting the disposal of pending criminal cases involving members of Parliament and state legislatures. The petition also challenged the constitutional validity of Sec. 8(4) of the Representation of the People Act, 1951, which provided that in the event of conviction of a sitting member the ensuing disqualification would be stayed if an appeal was filed within 3 months.

After an inordinate delay, the Election Commission filed its reply in February 2013. The ECI reiterated its longstanding recommendation for debarring persons charged with serious criminal offences from contesting elections to Parliament and State legislatures and endorsed our prayer for declaring the Section 8(4) of the RPA as *ultra vires* the Constitution.

The UOI filed its response in October 2013. Taking shelter behind the Parliamentary Standing Committee’s rejection of the ECI’s recommendation for disqualification of persons charged with serious criminal offences, the government claimed that the issue of electoral reforms stood referred in its entirety to the Law Commission for consideration and examination. The Court thereupon posed two questions to the Law Commission: first, whether, in addition to conviction, filing of a charge-sheet with allegations of commission of a serious offence should result in disqualification; second, whether filing of a false affidavit by a candidate under Section 125 A of the Representation of the People Act should be a ground for disqualification.

After considering the response of the Law Commission, the Court passed an interim order on March 10, 2014 to the effect that trials in criminal cases against lawmakers must be concluded within a year of the charges being framed. The Court also directed that trials must be conducted on a day-to-day basis, and if a lower court was unable to complete the trial within a year, it would have to submit an explanation to the Chief Justice of the High Court concerned and seek an extension of the time limit.

At the hearing on September 19, 2014, the Court tagged this matter with WP (Cr.) 208/2011: J. M. Lyngdoh & Ors. Vs. UOI & Ors., and directed that the matters be listed for hearing on January 2, 2015.

**10. WP(C) 194/2012 - RTI Rules of the Allahabad High Court:** The petition challenges the *vires* of the Allahabad High Court (RTI) Rules, 2006, which were found to the most obstructive of all the High court rules examined by Common Cause. In November 2012, the High Court sought and was granted two months to amend the deviant rules. A gazette notification was issued on April 4, 2013 for the amendment of Rule 4 relating to application fees. Common Cause filed an additional affidavit on July 15, 2013, highlighting a deliberate ambiguity in the wording of the amended rule.

The PIL has now been clubbed with Lok Prahari’s PIL on the same issue, which has been transferred from the Allahabad High Court. Notices to the unserved respondents are to be issued afresh.

**11. WP(C) 463/2012- Illegal allocation of captive coal blocks:** The petition sought a court-monitored investigation into the allocation process and prayed for imposition of punitive damages on the allottees for false declarations and breaches of the conditions of allotment, cancellation of the permission granted to captive coal block users to divert surplus coal for other purposes, and recovery of the windfall profits obtained by the allottees through direct or indirect sale of coal blocks.

The PIL highlighted the arbitrary manner in which the Central Government alienated a scarce natural resource in favour of a few select private companies to the detriment of the public exchequer and deferred the introduction of competitive bidding. The petitioners urged that as per the law propounded in the 2G Case and the subsequent Presidential reference, the coal blocks in question be resumed and auctioned as per Section 11A of the Mines and Minerals (Regulation & Development Act.

In the course of the proceedings, the Society took the initiative to bring various lapses in the investigation and prosecution of the cases arising from the impugned allocations to the notice of the Court. These interventions set in motion a chain of events leading, *inter alia*, to the resignation of the Union Law Minister. The Court also undertook a review of the autonomy of the Central Bureau of Investigation and the limits of government control and superintendence of the Central Vigilance Commission over the agency. The suitability of the Director of the agency to lead the ongoing investigations has also come into question in view of certain revelations concerning a record of visitors to his residence.

In a landmark judgment delivered on August 25, 2014, the Court ruled that neither the Coal Mines (Nationalisation) Act, nor the Mines & Minerals (Development & Regulation) Act, empowers the Central government to allocate coal blocks. The Court also undertook a judicial review of the entire process of allocation and concluded that the allocations made on the recommendations of the Screening Committee as well as the allocations made through the Government Dispensation Route between 1993 and 2009 were arbitrary and illegal. Coal blocks, where competitive bidding was held for the lowest power tariff for Ultra Mega Power Projects, were excluded from the purview of the verdict. However, the Court, at the instance of our counsel, directed that no diversion of coal for commercial exploitation will be permitted from the blocks allocated for UMPPs commercial exploitation.

The Court held further hearings to determine the consequences flowing from its verdict. The UOI accepted the inevitability of auctions for the blocks held to be illegally allocated, but sought an exemption for 46 blocks, where mining leases have been granted, or the end use plants are nearing completion. The Court delivered its final order on September 24, 2014, cancelling 214 of the 218 allocations made in favour of private entities and joint ventures during the period from 1993 to 2010.

**12. WP (C) 407/2012- Safety issues in Kudankulam Nuclear Plant:** As a corollary to our PIL challenging the *vires* of the CLNDA, CPIL, Common Cause and others filed a writ petition to ensure that suppliers of the Kudankulam nuclear power plant in Tamil Nadu are bound by the ‘Polluter Pays’ and the ‘Absolute Liability’ principles, and that in case of an accident the victims can sue the reactor suppliers for damages, even if the Government and the plant operator choose not to sue. The petition seeks a further declaration that the suppliers are bound by the said Act, irrespective of any bilateral agreement to the contrary, and challenges the rule framed by the Government to scale down the liability of suppliers as *ultra vires* the Constitution and the parent Act.

The Court has reserved its judgment in the matter.

**13. WP (C) 21/2013 Internet Freedom:** The alarming spurt in cases of abuse of the sweeping powers given to enforcement agencies under the Information Technology Act as amended in 2008 underlined the urgency of judicial intervention to ensure that citizens were not deprived of their freedom of speech and expression and personal liberty for opinions expressed on social media networks. In this context, Common Cause approached the Supreme Court to challenge the constitutional validity of Sections 66A, 69A and 80 of the Act. The matter is due for final disposal. There has been no hearing after September 30, 2013.

**14. IA in SLP (C) 29882/2012:** The SLP filed by Mr. Ashok Chavan, former Chief Minister of Maharashtra, against the order of the Delhi High Court upholding the Election Commission's power to inquire into the correctness of the account of election expenses filed by a candidate was under the consideration of the Supreme Court. In this matter, the UOI had filed a counter affidavit claiming that in terms of Section 10A of the RPA and Rule 89 of the Conduct of Election Rules, the power of the Commission to disqualify a person arises only in the event of failure to lodge an account of election expenses and not for any inaccuracy in such account.

This averment flouted the Apex Court’s landmark decisions in *Common Cause (1996),* and *LR Shivaramagowda (1999).* The Society filed an IA in concert with like-minded civil society organisations and eminent citizens to defeat this nefarious design to undermine the Commission’s capacity to curb the influence of money power and ensure the purity of elections.

The Supreme Court in its verdict of May 5, 2014 held that the Election Commission was empowered to inquire into the correctness of expenditure accounts and order disqualification if a candidate was found to have lodged incorrect accounts. This order should go a long way in bringing about transparency in election accounts and curbing the phenomenon of paid news.

**15. WP (C) 678/2013-** [**Inquiry**](http://commoncause.in/Recent_PILs/KGBWrit.php) **against Chairman, NHRC:** Our PIL seeks 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 Shri K. G. Balakrishnan, Chairman, National Human Rights Commission. We have comprehensively rebutted the specious arguments advanced by the UOI in support of its contention that there was no misbehavior on the part of Justice Balakrishnan, either as a judge, or as Chairman, NHRC.

At the hearing on October 17, 2013, the Court wondered whether it could ask the government to seek a reference to itself and posted the matter for final hearing as it was a serious issue to be decided after due deliberation. The matter is now listed for October 14, 2014.

**16. WP (C) 728/2013- *Mala fide* favours to RIL in KG Basin contract:** The petition seeks appropriate writs to the UOI to undo the *mala fide* favours shown to Reliance Industries Limited and its associate, NIKO, in the working of the Production Sharing Contract for KG Basin Gas Block and a thorough court monitored SIT inquiry into the collusion between the establishment and the said entities. It prays for cancellation of the RIL lease and an appropriate penalty for its failure to adhere to its commitments and deliberate under production. The matter has been tagged with a similar writ petition filed by Shri Gurudas Dasgupta, M. P. At the final hearing on March 4, 2014, the Court ruled that the implementation of the government’s decision on the revision of natural gas prices would be subject to the orders of the Court.

There had been reports that the Ministry of Petroleum & Natural Gas had moved a draft note for seeking the approval of the Cabinet Committee on Economic Affairs for amending the Production Sharing Contract with RIL with a view to allowing it to retain certain oil and gas fields which it was obliged to relinquish. Hence, we filed an application for interim directions on April 21, 2014 to foil this move. The IA sought a direction to the UOI not to amend the PSCs with Reliance as proposed in the draft CCEA note and a further direction to the contractor to relinquish the oil and gas fields that it ought to have surrendered.

At the hearing on September 19, the Court was informed that the decision on the report of a committee constituted by the government to suggest new pricing guidelines was awaited. The matter has been posted for November 14, 2014.

**17. WP (C) 880/2013 -** [**News broadcast by private radio stations**](http://commoncause.in/Recent_PILs/privateradio.php): The [PIL](http://www.commoncause.in/whatsNew/FMnewswritfinal02092013.docx) prays for quashing of the unreasonable provisions in the policy guidelines and grant of permission agreements of the Ministry of Information & Broadcasting, which prohibit the broadcast of news and current affairs content on private and community radio stations. The Court has tagged this petition with our PIL on Crime and Violence on TV and some other matters relating to the right to freedom of speech and expression. At the hearing on September 17, 2014, the Court directed that the matter be listed after completion of service on all the respondents in the petitions tagged with this case.

**18. Muzaffarnagar riots-** [**IA in WP (Cr.) 158/2013**](http://commoncause.in/Recent_PILs/InterventionApplication.php): We had intervened in a petition filed by the Supreme Court Bar Association on the Muzaffarnagar riots in the context of a sting operation conducted by a TV channel, seeking an investigation into the veracity of the sting operation and a full probe into the events and matters referred to in the tapes by an independent agency unconnected with the U. P. Police. The matters were disposed on March 26, 2014 with appropriate directions to the authorities concerned.

**19. WP(C) 1096/2013 - Discretionary allotment of plots to VIPs in Odisha and Gujarat:**Common Cause joined hands with CPIL to challenge the discretionary allotment of prime residential plots to influential persons in Odisha and Gujarat. The PIL came up before the Supreme Court on January 24, 2014. Justice A K Patnaik recused himself because he was acquainted with some of the beneficiaries in Odisha and the matter was listed before a new bench. Despite our counsel's plea that the matter be heard by the Court in the interest of justice as many of the High Court judges were beneficiaries of discretionary allotments, the petition was dismissed on February 21, 2014 with liberty to the petitioners to approach the respective High Courts.

**20. WP(C) 114/2014 -Illegal Mining in the State of Odisha:** Our petition to curb the rampant illegal mining in Odisha as highlighted by the Central Empowered Committee and the Justice M. B. Shah Commission was taken up on April 21, 2014. The Court issued notice to the respondents and directed the CEC to submit a report on the averments made in the PIL and provide a list of mines involved in illegal mining. On March 26, 2014, in the light of the CEC’s report on the status of mining leases and approvals in Odisha, the Court granted an interim stay on the operation of 26 mines, which were being worked on the basis of second and subsequent deemed renewals of lease, and directed the State Government to dispose of all renewal applications as per the law within six months. Now that the second Report of the Shah Commission and the government’s Action Taken Report have been made public, we intend to bring the deficiencies in the ATR to the Court’s notice.

**21. WP(C) 245/2014 - Mismanagement of Defence Lands:** The CAG had submitted several reports highlighting the rank mismanagement of defence lands. Common Cause and CPIL filed a PIL on February 20, 2014 to seek the intervention of the Court to remedy this situation and protect the national patrimony constituted by the vast tracts of lands under the management of the Defence Ministry from further erosion. The petition seeks systemic reforms in the management of Defence lands, a comprehensive audit and Court-monitored investigation into the irregularities in their administration and resumption of defence lands under commercial exploitation or unauthorized use of private parties. At the hearing on August 19, 2014, the CJI's bench granted the respondents a last opportunity to file their counter affidavits in four weeks time. The matter is listed for November 3, 2014.

**22. WP(C) 245/2014-Challenge to the Lokpal Search Committee Rules:**The rules notified by the Union Government on January 17, 2014 to give effect to the long awaited Lokpal Act undermined the independence of the institution of Lokpal by restricting the field of selection to the hand-picked nominees of the Government and giving undue advantage to senior bureaucrats, in appointment as non judicial members of Lokpal. This was a blatant abuse of the device of delegated legislation.

Hence, a PIL challenging the arbitrary Search Committee rules was filed in the Supreme Court on March 5, 2014. Subsequently, we filed an IA to foil the outgoing government’s last ditch bid to convene a meeting of the Selection Committee in order to pack the Lokpal with its nominees. The government had to give an undertaking that it would proceed with the appointments only after amending the impugned rules.

At the hearing on August 22, 2014, the CJI’s Bench pulled up the government for delaying the process of constituting the Lokpal. The government notified the amended Lokpal search committee Rules on August 27, 2014. The amended rules provide that the search committee may, for the purpose of short-listing of persons, adopt such short-listing norms as it may consider appropriate*.* The words, *'from amongst the list of persons provided by the Central government in the Department of Personnel and Training’,* have been omitted*.* Thus, one of the two reliefs sought in our PIL has already been secured. The matter has been listed for final disposal on October 14, 2014.

**High Court Cases**

**Delhi High Court:**

1. **WP(C) 866/2010-** [**Post-retirement activities of**](http://commoncause.in/Recent_PILs/hc4.php) **judges:** During the pendency of this petition, which seeks to extend the accountability of the members of higher judiciary beyond their retirement, the Society has secured some significant outcomes. The High Court has instructed its registry to refuse to accept writ petitions in which opinions of retired judges are annexed. This is in line with our prayer for the prohibition of this practice, which is contrary to the spirit of Article 124 (7) of the Constitution.

As regards our prayer for debarring chairpersons and members of various tribunals from taking up arbitration work during their term of office, the Court was informed that a Bill to prohibit members of a tribunal or a statutory body from acting as arbitrator had been introduced in the Rajya Sabha and referred for consideration by the Standing Committee. The Court has posted the matter for December 3, 2014.

1. **WP(C) 8363/2010-** [**Misuse of BSP reserved symbol**](http://commoncause.in/Recent_PILs/hc4a.php): The petition challenges the order of the Central Election Commission rejecting our request for freezing the reserved symbol of BSP on account of its misuse by its government in Uttar Pradesh. The matter has been fixed for hearing on October 13, 2014.
2. **WP(C) 2992/2013- Strengthening the institution of the Lokayukta, Delhi:** Common Cause challenged the competent authority’s rejection of the recommendations made by the Lokayukta in respect of eight former Municipal Councillors, who had been caught in the act of negotiating bribes for facilitating unauthorized constructions in a sting operation. It was contended that the Lt. Governor had deviated from the prescribed procedure by conducting *de novo* inquiries and taking into account extraneous circumstances. The High Court was urged to set aside the impugned orders and direct that the case records be forwarded to the Commissioner of Police for further action in accordance with law.

Despite determined efforts on our part, the short-lived AAP government could not file a fresh affidavit spelling out its position on the Lokayukta’s recommendations in the matter. The petition was last listed on September 26, 2014 for final hearing.

**4. WP(C) 4653/2013- Arbitrary appointment of the CAG:** A PIL filed by Mr. N. Goplaswami, former CEC, and 8 former senior public servants, including the Director, Common Cause, was dismissed by the Delhi High Court on August 13, 2014. The Court held that the appointment of Mr. S. K. Sharma was neither in violation of the principle of institutional integrity, nor arbitrary. Differentiating the matter from the CVC case, the Court refused to undertake what it termed as a merit review of the appointment, as opposed to a judicial review. It also refrained from issuing any directions to the Government for framing objective criteria for future appointments to the office of C & A G.

In view of the importance of the issues raised in the PIL, an SLP has been filed in the Supreme Court to secure the desired reliefs. The SLP has been listed for hearing on October 14, 2014 along with another petition on the lack of transparency in the appointments to the Central Vigilance Commission.

**5. WP (C) 7240/2013 - Evidence of corruption by Shri Virbhadra Singh:** Our counsel, Shri Prashant Bhushan, had requested the CVC and the CBI in January 2013 to act on the unrebutted documentary evidence of corruption against Shri Virbhadra Singh, former Union Minister. The Society followed up the matter with letters to the CVC and the Director, CBI urging them to discharge their statutory responsibilities. As no satisfactory response was forthcoming, Common Cause filed a PIL, seeking a court-supervised probe by the CBI/Director General, Income Tax (Investigations) into the allegations.

Subsequent to the Court’s direction to the CBI to submit a status report on the ongoing investigations in the matter, Common Cause filed documents to show that the extraordinary increase in Mr. Virbhadra Singh’s agricultural income was confined to his tenure in the Ministry of Steel. Fresh evidence of acts of corruption relating to his current term of office as Chief Minister of Himachal Pradesh was also filed. At the hearing on April 2, 2014, the Court directed the CBI to speed up its preliminary enquiry and renotified the matter for August 6. Having regard to our affidavit with further evidence of corruption against Mr. Virbhadra Singh, the Court declined the CBI’s request for extension of time and directed the CBI and the Income Tax Department to produce the reports of investigation into the allegations against Mr. Singh. Both agencies submitted their reports on September 10, 2014. Pursuant to the directions of the Court, an affidavit was filed on behalf of Mr. Singh. It was alleged that the petition had been motivated by Mr. Bhushan’s personal animosity with the deponent.

The Society has filed a rejoinder in rebuttal of these unfounded allegations. Meanwhile, Mr. Bhushan has withdrawn from the matter to foil the bid to divert the Court’s attention from the substantive issues raised in the petition. The matter is listed for October 16, 2014.

**6. WP(C) 3791/2000 - Animal hazard on roads:** The Delhi High Court had disposed of our writ petition for mitigation of the hazard posed by dairies in residential areas and stray cattle on the roads in December 2002, directing the Delhi government, MCD and NDMC to shift the dairies outside the urban areas. The non-compliance of these orders was brought to the notice of the Court, which directed the MCD in May 2007 to shift the illegal dairies by August 2008.

Subsequent to the hearing on April 29, 2013, the Society exposed the false claims made in the status reports filed by the Delhi Administration and filed an application seeking the appointment of Court Commissioners to undertake a comprehensive inquiry into the status of the stray cattle menace in the Capital and ascertain the fate of the displaced dairies, as well as the ground realities of the infrastructural facilities claimed to have been established at the rehabilitation site. The Court disposed of the matter on September 23, 2014 with liberty to the petitioners to approach the Court in case the respondent authorities were found to be in contempt of the directions given in the order of 2007.

**Orissa High Court:**

**WP (C) 9095/2014: Discretionary allotment of plots to VIPs in Odisha:** Following the dismissal of WP (C) 1096/2013 by the Supreme Court on February 21, 2014, Common Cause and Mrs. Jayanti Das filed a PIL in the Orissa High Court to challenge the abuse of discretionary quota in the allotment of plots to persons of influence in Odisha. The PIL was listed before the Chief Justice in May 2014, but could not be taken up due to his elevation to the Supreme Court. Subsequently, the matter was listed on two occasions, but deleted each time at the last minute. Our counsel lodged a strong protest with the registry against the inexplicable deletions from the cause list. The matter was eventually taken up on September 8, 2014. Background information on the order passed by the Supreme Court in the original petition is required to be submitted to the Court after the Pooja vacation.

**III. Miscellaneous**

The Governing Council met four times during the year 2013-2014 and extended full support and guidance to the Director and his team. The Annual General Meeting of the Society was held on March 1, 2014. The members reviewed the developments since the last general body meeting and appreciated the various initiatives taken by the Society.

**Implementation of the Visakha guidelines**

In compliance of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which was notified on December 9, 2013, a complaints committee has been constituted to address any complaints of sexual harassment that may arise at Common Cause.

**Financial assistance to Centre for Environment & Food Security**

The Society extended financial support to Centre for Environment & Food Security over the calendar year 2013. This assistance enabled the Centre to bridge a critical funding gap and pursue its PIL on systemic reforms in the implementation of the Employment Guarantee Act in the Supreme Court.

**VI. Finance and Accounts**

The Audit Report on the Annual Accounts of Common Cause Society and Common Cause Trust for the year ending March 31, 2014 has been received. The Governing Council has accorded its approval to the documents on September 30, 2014. Briefly, the expenditure during the year was Rs. 50.71 lakh against Rs. 52.78 lakh recorded in the previous year. The income during the year was Rs. 52.53 lakh compared to Rs. 58.97 lakh during 2012-13. Thus, there was a surplus of Rs. 1.82 lakh during the year as against a surplus of Rs. 6.19 lakh in the previous year. Overall, the financial results have been satisfactory.

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