**MINUTES OF MEETING OF THE GOVERNING COUNCIL OF COMMON CAUSE**

**Date:**  June 9, 2014

**Venue:** AIHDA, India Habitat Centre, New Delhi

**Participants:**

Mr. Vikram Lal      President

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

Dr. Divya Jalan

Dr. Ashok Khosla

Mr. Prakash Singh

Mr. Prashant Bhushan

Mr. Lalit Nirula

Mr. Paranjoy Guha Thakurta

Mr. Kamal Kant Jaswal Director

Mr. Surjit Kishore Das Special Invitee

1. **Confirmation of the minutes**

Minutes of the Governing Council meeting held on March 1, 2014 were confirmed.

1. **Confirmation of circular resolution**

Circular resolution dated May 6, 2014 for closure of the Society’s bank account at Indian Bank was approved.

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

The Director reviewed the Society’s activities since the last meeting and apprised the Council of the status of its various public interest initiatives.

New interventions

Orissa High Court

*WP (C)9095/2014: Challenging the discretionary allotments of plots to influential persons by authorities in Odisha:*

Common Cause, CPIL and Mrs. Jayanti Das had approached the Supreme Court to challenge the discretionary allotment of prime residential plots to influential persons in Odisha and Gujarat. The petition was dismissed on February 21, 2014 with leave to the petitioners to approach the High Courts concerned, disregarding our counsel’s plea that the matter should be heard by the Supreme Court since many serving judges of the two High Courts had benefited from discretionary allotments.

Under the circumstance, Mr. Sunil Mathew, a public-spirited lawyer who practises in the Supreme Court as well as the High Court of Orissa, was persuaded to agitate the issue in the Orissa High Court. A PIL was eventually filed jointly with Mrs. Jayanti Das. The matter was listed before the Chief Justice, but could not be taken up due to his elevation to the Supreme Court. It is now listed for June 26, 2014.

Supreme Court

*WP(C) 245/2014: Challenging the Lokpal Search Committee Rules*

The process of initial constitution of the Lokpal had become mired in controversy, which could have been avoided had the Union Government framed the rules to operationalise the long awaited Lokpal Act with sincerity and honesty of purpose. The rules notified on January 17, 2014 undermined the independence of the institution of Lokpal by restricting the field of selection to hand-picked Government nominees and giving undue advantage to senior bureaucrats in appointment as non judicial members of the Lokpal. Hence, Common Cause filed a PIL challenging the arbitrary Search Committee rules on March 5, 2014 so that this crucial anti-corruption institution was not crippled even before it was born. The Court issued notice to the Union of India and asked it to justify the impugned rules within four weeks of the issue of notice. The matter was posted for hearing on May 5, 2014.

Meanwhile, in a bid to appoint its chosen persons to the Lokpal, the Central government moved to call a meeting of the Selection Committee during April 24-28, even though a Search Committee had not properly been constituted and the *vires* of the rules of selection were under challenge. Hence, we moved an application for interim directions to put a halt to the entire selection process for appointment of Chairperson and Members of the Lokpal.

Our IA effectively put paid to the government's plans. At the hearing on April 24, the Court was informed that for the present the government would not proceed with the constitution of the Lokpal. The Solicitor General eventually conceded that the impugned rules had to be amended before the process of selection could be engaged. The matter has now been posted for July 4, 2014.

Developments in earlier PILs

Supreme Court Cases

*WP(C) 114/2014:* [*Writ against Illegal Mining in the State of Odish*](http://commoncause.in/Recent_PILs/MiningintheStateofOdisha.php)a

Our petition to put a stop to the large-scale illegal mining in Odisha as highlighted by the Central Empowered Committee (CEC) and the Justice M. B. Shah Commission was taken up on April 21, 2014. The Court issued notice returnable in 4 weeks 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. After perusing the CEC’s interim report on the status of mining leases and approvals in Odisha, the Court reserved its interim order on April 26. At the hearing on May 16, 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.

## *WP(C) 204/2014: PIL on Corruption in the Management of Defence Lands*

The CJI's bench took up our petition on the mismanagement of Defence lands on March 24 and issued notice to the UOI and other respondents. The matter has been posted for August 19, 2014.

*WP(C) 387/2000: Crime and Violence on TV*

At the hearing on March 13, 2014, the Court permitted the parties to file further submissions, if needed, and ordered that the matter be listed after six weeks.

*WP(C) 330/2001: Slaughter House Pollution*

This matter was last taken up on March 6, 2014 when the Court deplored the inaction of the state governments and directed the newly formed State Committees to file their reports by April 5, 2014.

*WP(C) 13/2003: Large Scale Advertisements*

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. Hopefully, the guidelines issued by the Court will prevent wasteful public expenditure on political advertisements.

*WP(C) 536/2011 Combating Criminalisation of Politics*

The main prayer in this petition was that persons charged with the commission of serious offences should be disqualified from contesting elections to Parliament and the state legislatures. At our insistence, a prayer for fast-tracking of pending criminal cases against sitting members of Parliament and state legislatures had been incorporated in the petition.

The Supreme 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. The matter is now listed for September 19, 2014.

*WP(C) 463/2012: Irregularities in Allocation of Captive Coal Blocks*

At the hearing on March 28, 2014, the Supreme Court deliberated on the scope of the Central Vigilance Commission’s superintendence over the functioning of the CBI and requested the Commission to assist it in effectively monitoring the investigation being conducted by the CBI*.* Eventually, the CBI was directed to submit the files relating to all the completed preliminary enquiries for the scrutiny of the CVC, which was to submit its report within six weeks. The matter is now listed for July 8, 2014.

*IA in Ashok Chavan’s SLP (C) 29882/2012*

The Supreme Court pronounced its verdict on May 5, 2014, holding that the Election Commission was well within its jurisdiction 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.

*WP(C) 728/2013: Mala Fide Favours to RIL in K-G Basin Contract*

There had been reports that the MOPNG had moved a draft note for seeking the approval of the Cabinet Committee on Economic Affairs for amending the Production Sharing Contract with Reliance Industries 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 Union of India 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 in terms of the relevant PSCs. The matter is in the final stages of arguments and remains partly heard.

High Court Cases

*WP(C) 7240/2013: Evidence of Corruption against Virbhadra Singh*

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, 2014.

1. **Future initiatives**

Right to Education

As a follow-up to the discussion in the brainstorming session held on February 18, 2014, 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 if judicial intervention has to be sought for effectuating the right to free and compulsory elementary education.

Consideration for renewal of mining leases

Mr. Prashant Bhushan stated 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. He suggested that the Society should take up this issue with the Government of Odisha in the context of the interim directions issued by the Supreme Court in our PIL on May 16. He also mentioned that action on these lines had already been taken in the context of the judgment in the Goa Foundation Case.

Plugging the loopholes in the laws against money laundering

Mr. Prashant Bhushan elucidated the devious stratagems used to bring back black money stashed abroad as foreign direct investment or investment by foreign institutional investors. He suggested that Common Cause should make a representation to the SIT on Black Money on the urgency to plug the loopholes in the Prevention of Money Laundering Act and the regulatory framework governing foreign investment.

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

(Vikram Lal)

President