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

**Date:**  March 1, 2014

**Venue:** Common Cause House

**Participants:**

Mr. Vikram Lal      President

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

Mr. Jyoti Sagar

Dr. Ashok Khosla

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 December 10, 2013 were confirmed.

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

*Discretionary Allotment of Plots to VIPs in the States of Odisha and Gujarat:*

Common Cause joined hands with Centre for Public Interest Litigation (CPIL) to challenge the discretionary allotment of prime residential plots to influential persons in Odisha and Gujarat. The petition came up before the Supreme Court on January 24, 2014. Justice A K Patnaik recused himself and the matter was listed before a bench that did not include him. The petition was dismissed on February 21, 2014 with liberty to the petitioners to approach the respective High Courts despite our counsel’s pleadings that the matter should be heard by the Supreme Court in the interest of justice as many of the High Court judges were the beneficiaries of discretionary allotment. It was also pointed out that Justice Patnaik had refused to hear the matter just because he was acquainted with some of the beneficiaries in Odisha. The Court, however, did not heed this argument.

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

In the context of the Union Government’s inaction on the first report of the Justice M. B. Shah Commission of Inquiry on the mining of iron and manganese ores in Odisha, a writ petition was filed in the Supreme Court, seeking urgent action to stop the reckless plunder of precious natural resources of the state by vested interests. The PIL has been listed for March 3, 2014.

## *PIL on Corruption in the Management of Defence Lands*

The Comptroller & Auditor General of India had submitted a number of reports in the last few years, highlighting the rank mismanagement noticed in the audit of defence lands. Common Cause and CPIL have filed a PIL on February 20, 2014 to seek the intervention of the Supreme 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. The petition is in the process of scrutiny by the Registry.

Developments in earlier PILs

Supreme Court Cases

*WP(C) 26/1995: Appointment of Lokpal and Lokayuktas*

The cause of action no longer subsists as the Lokpal & Lokayuktas Act, 2013 has been promulgated after receiving the President’s assent.

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

The Court has tagged this long-pending petition with our PIL on Internet Freedom and some other matters relating to the fundamental right to freedom of speech and expression on January 15, 2014.

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

This matter was last taken up in January 2014 when the Court requested the High Courts 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 Ministry of Environment & Forests. The Committees would submit quarterly reports to the Court.

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

The application for interim directions filed by us in November 2012 with a compilation of self-congratulatory advertisements of Tamil Nadu government and other state governments has had the effect of reviving this petition. Reprimanded in the hearing on January 15, 2014, the Union of India finally filed its counter affidavit. We are preparing our rejoinder. The matter has been listed for final hearing on March 4, 2014.

*WP(C) 61/2003: HIV-AIDS*

The matter was disposed of on December 2, 2013 as the petitioners were satisfied with the measures taken by the Government.

*WP(C) 215/2005: Living Will*

The matter has been disposed of on February 25, 2014. Without pronouncing any order on the specific prayer made in our petition, the Court has 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.

It was suggested that the opportunity offered by the reference of the larger issue of the right to die with dignity to a Constitution Bench could be utilized to make a fresh submission which goes beyond the limited prayer made in our petition of 2005.

*WP(C) 122/2008: Speedy Justice*

Ironically, this PIL, which seeks to expedite the dispensation of justice, had got bogged down, as it had been tagged with another petition on the peripheral issue of filling the vacancies in the subordinate judiciary. Options for refocusing the Court’s attention on the substantive issues raised in our PIL are being explored with the co-petitioners.

*WP(C) 464/2011: Safety Concerns in Nuclear Energy Programme*

The petition has been tagged with WP(C) 407/2012.

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

The Court has 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. The matter has been listed for March 10, 2014.

*WP(C) 194/2011: Obstructive RTI Rules of the Allahabad High Court*

Lok Prahari, an NGO from Lucknow, has moved for transfer of its PIL in the Allahabad High Court on the same issue to the Supreme Court. The matter has been listed for April 15, 2014.

*WP(C) 463/201: Irregularities in Allocation of Captive Coal Blocks*

Judgment in the matter was reserved on January 16, 2014. Subsequently, the Court directed the CBI and the Enforcement Directorate to share information on money laundering and FEMA violations and listed the matter for March 10, 2014 to consider the scope of the Central Vigilance Commission’s superintendence of the functioning of the CBI.

*WP(C) 407/2012: Safety Issues in Kudankulam Nuclear Power Plant*

Judgment in the matter has been reserved.

*WP(C) 21/2013: Internet Freedom*

There are no further orders in the matter.

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

Judgment in the matter was reserved on January 15, 2014.

*WP(C) 678/2013: Reference for Removal of Chairman, NHRC*

The petition is to be listed for final disposal as a non miscellaneous day matter.

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

The matter has been fixed for final hearing in March 4, 2014. The implementation of the government’s decision on the revision of natural gas prices will be subject to the orders of the Court.

*WP(C) 880/2013: News Broadcast by Private Radio Stations*

The Court has tagged this petition with our PIL on Crime and Violence on TV and some other matters relating to the fundamental right to freedom of speech and expression on January 15, 2014.

*IA in WP(Cr.) 158/2013: Muzaffar Nagar Riots*

Judgment in the matter was reserved on February 20, 2014.

High Court Cases

*WP(C) 866/2010:* [*Post-retirement Activities of*](http://commoncause.in/Recent_PILs/hc4.php) *Judges*

The petition came up on February 26, 2014. The Court noted that a Bill to prohibit a member of a tribunal or a statutory body from acting as arbitrator has been introduced in the Rajya Sabha and posted the matter for July, 2014.

*WP(C) 8363/2010 Misuse of BSP Reserved Symbol*

The matter has been listed for July 31. 2014.

*WP(C) 2992/2013: Strengthening the Institution of Lokayukta, Delhi*

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 has been listed for final hearing on March 6, 2014.

*WP(C) 4563/2013: Challenging the Arbitrary Appointment of the C & A G*

Judgment in the matter was reserved on October 10, 2013.

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

We have submitted 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 has also been filed. The matter has been listed for March 13, 2014.

*IA in WP(C) 3791/2000: Animal Hazard on Roads*

The matter was disposed of on February 12, 2014. Our counsel was requested to segregate applications requiring further directions of the Court. The matter has been renotified for May 21, 2014.

1. **Initiative for making the Right to Education a reality**

The Director apprised the Council of the deliberations of the brainstorming 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 Annual Status of Education Reports and other independent assessments. The feasibility of seeking judicial intervention for effectuating the right to free and compulsory elementary education was also considered. It was agreed that with a view to arriving at an appropriate strategy for securing the desired improvement in the outcomes, an issue note would be sent out to a wider circle of resource persons to take advantage of their experience and domain knowledge.

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

Mr. Parshuram Ray, Director, Centre for Environment & Food Security, has submitted the final utilization certificate of the financial assistance extended by Common Cause. He has acknowledged that it enabled the Centre to tide over a critical gap in its funding and pursue its PIL on MNREGA in the Supreme Court over a period of one year.

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

(Vikram Lal)

President