**Minutes of the Annual General Body Meeting of COMMON CAUSE Society held at Common Cause House, New Delhi, on March 1, 2014**

Mr. Vikram Lal, President, Common Cause, called the meeting to order at 2.30 PM. As the quorum was not complete, the meeting was adjourned at 2.45 PM to be reconvened at 3.00 P.M. In all, twenty one members attended the meeting.

Extending a warm welcome to the participants, the President said that the country was going through a period of transition. There were reasons to hope that the new dispensation that accedes to power after the forthcoming elections would exert itself to reinvigorate the democratic institutions and bring about comprehensive governance reforms. Be that as it may, Common Cause and other like-minded civil society organisations can ill afford to relent on their campaign for strengthening the institutions of governance, citizens’ empowerment and improving the quality of their interface with public authorities. Thereafter, the President invited 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 and Auditors’ Report for the year 2012-13**

The Director presented the main points of the Annual Report of the Society for the year 2012-13, which had been made available to the participants. The members expressed their satisfaction over the information presented. Mr. Narendra Ahuja proposed that the Annual Report and Audited Accounts of the Society along with the Auditors’ Report be adopted. Mr. V. K. Taneja seconded the motion, which was unanimously carried.

**Appointment of Auditors for the year 2013-14**

The Director stated that the Auditors, Messrs. VKGN & Associates Chartered Accountants, had discharged their responsibilities during the year under review to the full satisfaction of the Society. Dr. Ashok Khosla proposed that they be reappointed for the year 2013-14. Mr. Lalit Nirula seconded the motion, which was adopted by the General Body.

**Activities and Programmes**

The Director made a succinct presentation on the activities and programmes undertaken in furtherance of the missions and objectives of the Society. A synergistic collaboration with civil society organisations that share its concerns, priorities, and approach has enabled the Society to extend the reach and impact of its interventions. Recapitulating the developments subsequent to the publication of the Annual report, the Director stated that during the intervening period, the Society filed the following PILs on issues of significant public importance.

*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. When the petition came up before the Supreme Court, 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.

## *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.

*Developments in earlier PILs*

The Director updated the status of the court cases mentioned in the Annual Report for the information of the members.

There was an animated discussion on the significance of the developments in the Society’s PIL for recognition of the right to execute a ‘Living Will’. It was recalled that the petition had been filed by Mr. H. D. Shourie a couple of months before his death when the thought of dying with dignity would have been uppermost in his mind. 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.

Disposing of the PIL on February 25, 2014, the Court refrained from pronouncing any order on the specific prayer made in the petition. Instead, 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.

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 went beyond the limited prayer made in our petition of 2005. The matter is being examined in all its aspects and implications.

*Advocacy Initiatives*

The Society in concert with Good Earth Education Foundation and other like-minded organizations and individuals is exploring the advocacy options available to civil society for improving the abysmal learning outcomes in the government school system as highlighted in the 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 is also being considered.

**Dr. N. Bhaskar Rao** complimented the Society for all its commendable initiatives. He observed that while Common Cause has succeeded in securing many landmark judgments from the judiciary, there is a need for instituting a mechanism to ensure effective implementation of these orders.

The Director referred to the device of Continuing Mandamus**,** whereby the Court is enabled to monitor the implementation of its judgment over an extended period. Thus, the compliance of the Supreme Court judgment of 2006 in the Society’s PIL on Police Reforms and the Delhi High Court order of 2007 on the PIL on Stray Cattle Hazard was still being reviewed by the respective courts. However, recourse to this device could only be made by way of exception.

The President suggested that civil society organizations could come together to keep a vigilant eye on the implementation of crucial orders of the courts and approach them in case the executive authorities show bad faith in complying with the directives.

**Mr. Narendra Ahuja** lamented that a common man has to struggle for getting his work done in any government office. He feels helpless and does not know where to go.

The President recalled that when Mr. H.D. Shourie started his career of social activism, he gathered some of his friends and acquaintances for securing the redress of aggregated individual grievances. Likewise, a small number of public-spirited individuals could join hands to take on recalcitrant public authorities, and if necessary, avail themselves of legal assistance to achieve their objective.

**Mr. A. K. Dey** deplored the all pervasive corruption in the country. On top of it, there were widespread abuses and violations of human rights by the police and the security forces.

The President observed that the common man in India suffers a double whammy of retail corruption and government inefficiency. One could, however, derive some satisfaction from the modest gains made in the ongoing civil society campaign to combat corruption and to rectify the systemic deficiencies afflicting the institutions of governance.

**Mr. Narendra Ahuja** referred to the rampant unauthorized construction in residential colonies. The Municipal Councillors demand bribes up to Rs. 3-4 lakh per floor to facilitate illegal additions and alterations in an apartment.

In this context, the Director informed the members that the Society has filed a PIL in the Delhi High Court on this very issue. A sting operation mounted by a TV channel had caught eight Councillors of the Delhi Municipal Corporation in the act of negotiating bribes for facilitating unauthorized constructions. The Lokayukta took *suo motu* cognizance of the matter and conducted an inquiry under the Lokayukta Act. The Councillors did not deny the correctness of the footage and were found guilty of various misconducts. The recommendations of the Lokayukta for censuring/admonishing the errant Councillors were brushed aside by the Lt. Governor after conducting a fresh inquiry, which is not envisaged in the Act. Contending that the Lt. Governordeviated from the prescribed procedure by conducting *de novo* inquiries and taking into account extraneous considerations to arrive at his decisions, the Society has urged the High Court 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 the law.

**Mr. M. M. Sharma** felt that government departments like the MCD and the Police could not be expected to do anything good for the common man and had to be given bribes and protection money in order that they did no harm.

**Mr. Jeevan Kothari** wondered why food grains are allowed to rot when hunger and malnutrition are widespread.

The Director stated that the Public Distribution System, which is plagued by corruption, inefficiency and waste, has failed to subserve the objective of food security. The initial findings of the newly constituted Independent Evaluation Office point to massive corruption and pilferages in the system. It is estimated that the government spends Rs. 3.65 to deliver food worth Re. 1, while 57 percent of subsidized food grains do not reach the intended beneficiaries. An overhaul of the PDS is long overdue.

**Mr. A. K. Dey** raised the issue of serious lacunae in the laws, which have not kept pace with the fast-changing socio-economic realities. The President observed that enforcement of the existing laws would solve most of the problems faced by the nation. The Director added that the enactment of a new law is not sufficient to address any problem. The laws on sexual violence against women were made more stringent in the aftermath of the Delhi gang rape and murder, but there has been no abatement in such outrages.

**Mr. Jeevan Kothari** was of the view that laws have to be simple and unambiguous. At present, there are multiple laws on the same subject and they are difficult to comprehend and often in conflict.

**Mrs Jyoti Kothari** enquired if Common Cause had any plans to open branches or chapters in other cities. The Director explained that the Society, as a matter of policy, refrains from opening branches or chapters in other locations, but it is happy to work with like-minded organizations anywhere and form issue-based alliances.

Mrs Kothari wished to know whether Common Cause could help in countering the designs of a land mafia, which, with the support of unscrupulous politicians, had captured several educational institutions in Nagpur and was forcibly trying to take over a school that her father had started in 1934. The President clarified that the Society does not take up individual cases. He suggested that a coalition of the schools faced with the problem of capture should be formed to seek judicial remedy.

**Elections**

The President informed the members that in accordance with the Rules of the Society, the two senior most members, namely Maj. Gen. (Retd.) J. P. Gupta and Mr. Paranjoy Guha Thakurta, were due to retire on the day of the General Body Meeting and that both of them had offered themselves for re-election. Mr. Surjit Das proposed that Maj. Gen. (Retd.) J. P. Gupta be re-elected. The proposal was seconded by Mr. Jeevan Kothari. Thereafter, Mr. V. K. Taneja proposed that Mr. Paranjoy Guha Thakurta be re-elected. The proposal was seconded by Mr A. K. Dey. The General Body unanimously approved the proposals.

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

(**Vikram Lal**)

Chairman