

To
Public Information Officer
Central Board of Direct Taxes,
E-2 Mezzanine Floor,
A.R.A Centre,
Jhandewalan Extension,
New Delhi-110055

Letter No- ADR/RTI/CBDT/31/05/2012

Date: 31-05-2012

Subject: Application for information under section 6(1) of the Right to Information Act,2005.

Respected Sir,

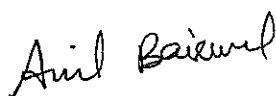
As per a newspaper report in the Indian Express, it was mentioned that a 60 page draft report on black money spend by the political parties has been prepared by the CBDT under the chairmanship of the former CBDT chief Mr. M.C.Joshi which was finalized on 30th January.(Annexure attached).

Therefore, kindly provide me with the following information.

- Please provide me with a complete copy of the report made by the CBDT on black money flow by political parties during elections annually.
- Please provide me copies of any communication that took place between any Govt. agency including ECI, IT department and CBDT in this regard.

I have attached a postal order for Rs 10/ (bearing number 03F 461746) towards payment of application fees as prescribed. Kindly intimate me the additional fees payable, if any. I would like to receive the aforesaid information by registered post on my office address given below.

Yours sincerely,



Anil Bairwal

For Association for Democratic Reforms,

B1/6 Hauz Khas,

New Delhi-110016

Table No. 7

Phone: 011-65901524

Panel calls for amnesty to get back black money

Ritu Sarin Posted online: Fri Feb 10 2012, 03:16 hrs

New Delhi : A compliance scheme with immunity from prosecution to bring back black money from abroad, enhanced penal punishments for corruption-related offences, reporting of all overseas transactions to the tax department and the appointment of a regulator to empanel auditors to improve oversight in the private sector: these are among the key recommendations of the high-level committee appointed by the government in June 2011 to study the generation and curbing of black money.

Its 60-page draft report, prepared under the chairmanship of former CBDT (Central Board of Direct Taxes) chief M C Joshi, was finalized on January 30.

While refraining from putting an exact figure on the size of India's black economy, the committee has said that the most serious consequence of the growth of black money is "to undermine the stability and responsibility of political, legal and economic institutions that might otherwise serve to facilitate the economic development process".

Factoring in suggestions from chambers of industry and the public — it got 4,000 emails — the committee has taken a swipe at the political parties. It said that while the country's two major national parties (the parties are not named) claim to have incomes of merely Rs 500 crore and Rs 200 crore, a calculation shows that this would "not even be a fraction of their expenses." The Committee has estimated that these parties spend between Rs 10,000 crore - Rs 15,000 crore annually on election expenses alone.

Curiously, the suggestion of an amnesty scheme is the last in the chapter of recommendations in the draft report and simply states: "The Central Government may consider bringing a compliance scheme with reduced penalties, and immunity from prosecution, especially to bring back moeny kept abroad."

Among the key recommendations:

- * Arguing that corruption cannot be treated as "less diabolical than money-laundering or commercial production and sale of illicit narcotics," the panel has proposed that punishment under the Prevention of Corruption Act for different offences should be brought at par with offences under the Narcotic Drugs and Psychotropic Substances Act, or at least PMLA or Customs Act. There is thus a need to "harmonize" punishments under these laws. Change the maximum punishment under PCA from the present 3, 5 and 7 years to 2, 7 and 10 years rigorous imprisonment.
- * "The world has already moved towards institutional specialization based on domain knowledge, India still moves in exactly the opposite direction... taxation is a highly specialized subject, most reversals in court rulings are to be found in tax jurisprudence.." For this, an all- India judicial service as well as a National Tax Tribunal are needed.
- * Besides the Lok Pal and Lokayuktas, all social sector programmes — at the Centre or state level — should be under social audit at the district/field level and then at the headquarters level.
- * No system to monitor money transfers made to and received from abroad. The committee has recommended that "there should be financial reporting of overseas transactions for better regulation, and such data should be

reported to both the Income Tax department and FIU (Financial Intelligence Unit).” And that RBI should help put such a reporting mechanism in place.

* Just as the USA Patriot Act under which global financial transactions above a threshold limit, by or with Americans, get reported to law enforcement agencies, “India should also insist on entities operating in India to report all global transactions above a threshold limit. For this purpose, appropriate law, rules or contractual/licensing arrangement with these entities may be framed and implemented.”

Swipe At Congress, BJP

Key observations of the Joshi panel

* The two major national parties (an apparent reference to Congress, BJP) claim to have incomes of merely Rs 500 crore and Rs 200 crore. But this isn't “even a fraction” of their expenses. These parties spend between Rs 10,000 crore and Rs 15,000 crore annually on election expenses alone.

* Change maximum punishment under Prevention of Corruption Act from the present 3, 5 and 7 years to 2, 7 and 10 years rigorous imprisonment.

* Bring all-India judicial service and a National Tax Tribunal

* Report all global financial transactions above a threshold limit

RTI MATTER/MOST URGENT
BY SPEED POST

F.No.500/188/RTI/2012-FTD-I
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes
(Foreign Tax & Tax Research-I Division)

7th Floor, 'C' Wing,
Hudco Vishala Bldg.,
14, Bhikaji Cama Place,
New Delhi, dated the 12th July, 2012.

OFFICE MEMORANDUM

Subject : Application under the Right to Information (RTI) Act, 2005 received from
Shri Anil Bairwal, New Delhi – Reg.

Kindly find enclosed herewith copy of application dated 31.05.2012 under the Right to Information Act, 2005 received from Shri Anil Bairwal, New Delhi which was received in this office on 20th June, 2012 from RTI Cell, Department of Revenue, Ministry of Finance vide letter No.1843/2012-RTI Cell, dated 19th June, 2012, for necessary action at your end.

The information being sought for in the application appears to pertain to your jurisdiction. Therefore, the RTI application is being transferred to you under Section 6(3) of the RTI Act, 2005 for necessary action at your end. In case some of the points mentioned in the RTI application do not pertain to your jurisdiction, the same may kindly be sent to the concerned CPIO to provide information in respect of such point directly to the RTI applicant.

Encl : As above.

Yours faithfully,

Adi

(P S Sivasankaran)

Under Secretary (FT&TR-III(2)) & CPIO

To
The Under Secretary (Inv.I) & CPIO,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.

Copy for information to:

- ✓ a) Shri Anil Bairwal, For Association for Democratic Reforms, (Table No.7), B1/6 Hauz Khas, New Delhi-110 016 (with reference to his RTI Application).
- b) RTI Cell, Department of Revenue, Ministry of Finance, North Block, New Delhi.

(P S Sivasankaran)

Under Secretary (FT&TR-III(2)) & CPIO

F. No. 415/10/2012-IT(Inv.I)
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Direct Taxes)

New Delhi, the 14th August, 2012

To,

✓ **Shri Anil Bairwal**
For Association for Democratic Reforms, (Table No.7),
B1/6, Hauz Khas,
New Delhi - 110016

Sir,

Subject: Application under the Right to Information Act, 2005

Kindly refer to your application dated 31st May, 2012 under Right to Information Act, 2005 which was received in this office on 16.07.2012 from Under Secretary (FT&TR-III(2)) & CPIO vide F.No. 500/188/RTI/2012-FTD-I dated 12.07.2012.

2. The information being sought in your application, in so far as the same relates to work area of Investigation-I Division of Central Board of Direct Taxes (CBDT) is being furnished as under:

Point No. 1

The information as regards 'a complete copy of the report made by the CBDT on black money flow by political parties during elections annually' is nil as no such report is available with the Investigation-I Division of CBDT. However in 2011, a Committee was constituted by the Government under Chairman, CBDT to examine ways to strengthen laws to curb generation of black-money in India, its illegal transfer abroad and its recovery. The Committee submitted its report to the Government on 29.03.2012. The English version of this report has 109 pages and a copy of the report can be provided after depositing the requisite fee of Rs.2/- per page, as per the RTI (Regulation of Fees and Cost) Rules, 2005.

Point No. 2

Does not pertain to Investigation-I Division. W.r.t. to point no. 2, the RTI application (*copy enclosed*) is transferred to ITO (OSD) (Inv.V), E-2, ARA Centre, Ground Floor, Jhandewalan Extension, New Delhi - 110055, under Section 6(3) of the RTI Act, 2005 for necessary action at his end.

3. Your application is accordingly disposed of u/s 7 of the Right to Information Act, 2005. Appeal against this order, if any desired, can be preferred before the following Appellate Authority:

"Deputy Secretary (Investigation-I)
Central Board of Direct Taxes,
Room No. 243-F, North Block,
New Delhi - 110001"

Encl: As above

Yours faithfully,


(Nikhil Varma)

Under Secretary (Inv.I) & CPIO

Copy for necessary action to:-

ITO (OSD) (Inv.V),
Central Board of Direct Taxes,
E-2, ARA Centre, Ground Floor,
Jhandewalan Extension, New Delhi - 110055

(Nikhil Varma)
Under Secretary (Inv.I) & CPIO

RTI MATTER
TIME BOUND

F.NO.282/3/2012-IT(Inv.-V)
Government of India,
Ministry of Finance
Department of Revenue
(Central Board of Direct Taxes)

Dated: 22-08-2012.

Shri Anil Bairwal
For Association for Democratic Reforms, Table No.7)
B1/6, Hauz Khas,
New Delhi – 110016.

Sir,

Subject:- Application under the Right to Information Act, 2005.

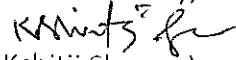
Kindly refer to your application under the Right to Information Act, 2005 dated 31st May, 2012 which has been received in this office today i.e. on 21st August, 2012 from the Under Secretary (Inv.1) & CPIO vide F.No.415/10/2012-IT(Inv.1) dated 14th August, 2012.

2. The information being sought in your application, in so far as the same relates to work area of Investigation-V Division of Central Board of Direct Taxes (CBDT) may be treated as nil since no communication has been made with the Election Commission of India in respect of *black money flow by political parties during elections annually*.

3. Your application is accordingly disposed of u/s 7 of the Right to Information Act, 2005. Appeal against this order, if desired, can be preferred before the following Appellate Authority:

“Director(inv.V)
Investigation Wing
Central Board of Direct Taxes
A-2,ARA Centre, Jhandewalan,
Delhi.

Yours faithfully,


(Kshitij Sharma)

Income Tax Officer(OSD)(Inv.V) & CPIO,