
**FAQs on Complaint with the CIC
“Political Parties to be declared as Public Authorities under
Section 2(h) of the RTI Act”**

1. Why is there a need to declare the political parties as public authorities?

Political parties have a binding nexus with their people. In present scenario political parties seem more remote and inaccessible especially when a lot of corruption is mounting within these political parties. Transparency and accountability is the need of the hour and so is public participation in national decision making.

2. Where is this complaint registered and what is the process?

The complaint under Section 18 of the RTI ACT is registered with the Central Information Commission. It is a direct complaint which was filed with the CIC after the political parties did not reply to the queries asked by us. We can always file a direct complaint with the CIC regarding any plight that we want to address.

3. What were the points to support the argument that political parties have to be declared as public authorities?

Following points were made to support our plea.

- Political parties fall under section 29A of Representation of People’s Act.
- Preamble as well as the basic purpose of RTI Act serves transparency and accountability.
- They perform a very important function under Tenth Schedule of the Constitution that has made political parties constitutional entities. The Tenth Schedule gives a most noteworthy right to the political parties so as to decide whether an MP should be in the Parliament or not
- Political parties are indirectly financed and are therefore substantially funded out of government’s money.
- After various RTI applications filed to the central agencies, it was discovered that political parties enjoy a number of “facilities” provided to them by the government. This is a clear instance of being “financed indirectly by funds provided by the appropriate government” which puts political parties squarely under the definition of “public authority” as provided for in section 2(h)(d)(ii) of the RTI Act
- 100% exemption on income of political parties under section 13A of the Income Tax Act.
- All the major political parties have been provided “facilities” for residential and official use by Directorate of Estates (DOE), Government of India in New Delhi. They have been given offices and residential accommodations at prime locations in New Delhi (Lutyens’ Delhi) such as Akbar Road, Raisina Road, Chanakyapuri.

The rentals charged are a fraction of the market rent. These facilities are not just provided to them at nominal rates but their maintenance, upgradation, modernization, renovation, etc. are also done at State expense

- Money is also spent by Election Commission of India on political parties for providing “facilities” to political parties such as free electoral rolls. Doordarshan and All India Radio also provide free broadcast facilities to the political parties at election time which results in loss of revenue in terms of *air time which has a market value*.
- Public function, public purpose and larger public interest in context of political parties.
- The role of citizens in a democracy is not just exhausted by the act of electing their MP or MLA. A fundamental dimension of a democracy consists of representative and accountable government, which together determine the laws and policies for society and secure respect for the ‘Rule of law’.

4. What new information can I obtain from the political parties if they are declared as public authorities?

Following information can be obtained by getting political parties under the ambit of RTI Act:

- Inner party functioning
- Criteria of choosing their candidates for election.
- Sources of money
- Check on muscle power and money power.

5. How long does it normally take from filing a complaint to the final decision and what is the sequence?

It depends upon the pendency of cases with the CIC. Once the complaint is admitted, it is given a diary number and then a file number after which it comes on the table of one of the Commissioners. One can have a constant word with the Deputy Registrar of that particular Information Commissioner for any query, request or submissions. The complaint was filed on 14th March, 2011 and it came on hearing for 26th September, 2012 and subsequently on 1st November, 2012. The order so far has been reserved by the CIC.

6. Who were involved in this complaint and in what capacity?

ADR was involved with the help of the whole team right from filing RTIs with the various departments to getting information or looking as well as having frequent meetings with the CIC.