

Letter No. ADR04/RTI/ECI/03

Designated Appellate Authority : Shri Wilfred, Principal Secretary, Election Commission of India

Postal Address : Room No. 305, Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi - 110001

Date : 11/06/2012

Name and Address of the appellant : Anil Bairwal,
National Coordinator,
Association for Democratic Reforms

Name and address of the CPIO : Shri Malay Mallick, Election Commission of India

Date of submission of RTI request : 11/04/2012

Date of payment of Additional fee (if any) : None

Brief facts of the case: The applicant had sought information on through an RTI dated 11/04/2012 on the following points (**Annexure 1**):

1. (a) Have the parties mentioned below filed their contribution reports with the Election Commission under section 29B of The Representation of People Act for Financial Year

Party	Financial Year
Jammu and Kashmir National Conference	2007-2008, 2008-2009, 2009-2010 & 2010-2011
Biju Janata Dal	2007-2008, 2008-2009 & 2010-2011
Shiromani Akali Dal	2007-2008 & 2010-2011
Samajwadi Party	2010-2011
All India Trinamool Congress	2007-2008, 2008-2009, 2009-2010 & 2010-2011
Nagaland People's Front	2007-2008, 2008-2009, 2009-2010 & 2010-2011
Sikkim Democratic Front	2007-2008, 2008-2009, 2009-2010 & 2010-2011

- (b) If yes, kindly provide copies of their contribution reports.

About the Appellant:

Anil Bairwal is part of Association for Democratic Reforms (ADR) which works for improving governance, democratic, political and electoral process in the country. Earlier also, ADR had filed a Public Interest Litigations (PIL) in Delhi High Court which resulted in the landmark and historic judgment of Supreme Court (March 13, 2003) making it mandatory for candidates contesting elections of State Assemblies and Parliament to disclose their criminal and financial antecedents, by way of a sworn affidavit to be filed as an essential part of the nomination form.

Also, based on a RTI application filed by it to get Income Tax details of the Political Parties, the Information Commission vide its order number *CIC/AT/A/2007/01029 & 1263-1270*; *Date of Decision: 29.04.2008* directed the public authorities (Income Tax Departments) holding Income Tax returns of the political parties to make them available to the appellant.

Grounds for appeal:

The reply received from the CPIO via letter dated 14th May 2012 was that the scanned copies of the reports are being uploaded in the Commission's website and the same may be visited for viewing the scanned copies.

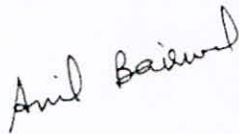
The response received does not satisfactorily answer the specific questions that had been asked in the RTI application asking whether the above named parties have filed their contribution reports for the specified years and the copies for the same be provided.

Hence the appeal be preferred by the first appellate authority under Section 19 of the Right to Information Act 2005

"Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority."

I appeal to you to kindly direct the CPIO concerned to provide the requested information to the undersigned at the earliest.

I hereby declare that the aforementioned facts are true to the best of my knowledge.



Anil Bairwal
National Coordinator
Association for Democratic Reforms
B-1/6, Hauz Khas
New Delhi- 110016
Phone – 011-65901524
Enclosures:

Annexure 1: - Copy of the original RTI Application.

Annexure 2: - Copy of the letter received from CPIO

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तार : निर्वाचन
नई दिल्ली

GRAM: ELECCOM
0 NEW DELHI

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

फैक्स : 23713412
FAX : 23713412

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली-110001
ASHOKA ROAD, NEW DELHI-110001

No. 4/RTI/Appeal/77/2012

1512

Dated: 10-07-2012

Appeal under section 19 of the RTI Act, 2005.

Date of Appeal : 11.06.2012
Date of receiving the appeal:
in the Commission : 13.06.2012
Name of the appellant : Sh. Anil Bairwal
Name of the concerned CPIO : Shri Malay Mallick, Under Secretary

Background

An application of the appellant, Sh. Anil Bairwal, dated 11.04.2012 was received in the Commission on 17.04.2012. The appellant had sought information whether the political parties named in his application has filed the contribution reports with the Commission, and if so to provide him copies of the same. The CPIO replied to application vide his letter no. 4/RTI/12/2012/PPEMS, dated 14.05.2012 informing the applicant that the scanned copies of the contribution reports were being uploaded in the Commission's website. The path of accessing the requisite information was also indicated as "http://eci.nic.in/eci_main1/political_parties.aspx."

APPEAL

The appellant has filed his first appeal before the First Appellate Authority, Election Commission of India stating that:

The reply received from the CPIO was that the scanned copies of the reports are being uploaded in the Commission's website and the same may be visited for viewing the scanned copies. The response received does not satisfactorily answer the specific question that had been asked in the RTI application asking whether the above named parties have filed their contribution reports for the specific years and to provide copies of the same.

informed that the documents run to 20 pages. Therefore the fees @ Rs.2/- per page, would come to Rs. 40/-. After receiving the requisite amount, the CPIO shall send certified copies of the documents to the appellant.

The appeal is, hereby, disposed of accordingly.



(K.F.WILFRED).
PRINCIPAL SECRETARY &
FIRST APPELLATE AUTHORITY

*Regd. Post

- *1. Shri Anil Bairwal, Natinal Co-ordinator, Associaton for Democratic Reforms, B-1, Hauz Khas, New Delhi-16 w. r. t. his appeal dated 11.06.2012.
2. Sh. Malay Mallick, Under Secretary & CPIO.
3. Guard file.

तार : निर्वाचन
नई दिल्ली

भारत निर्वाचन आयोग सचिवालय

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SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

फेक्स : 237 13412

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निर्वाचन सदन

NIRVACHAN SADAN

अशोक रोड, नई दिल्ली-110001
ASHOKA ROAD, NEW DELHI-110001

No. 4/RTI/Appeal/95/2012 / 732

Dated: 01-08-2012

Appeal under section 19 of the RTI Act, 2005.

Date of Appeal : 11.06.2012
Date of receiving the appeal:
in the Commission : 13.06.2012
Name of the appellant : Sh. Anil Bairwal
Name of the concerned CPIO : Shri Malay Mallick, Under Secretary

Background

An application of the appellant, Sh. Anil Bairwal, dated 11.06.2012 was received in the Commission on 13.06.2012. The appellant had sought information whether the political parties named in his application has filed the contribution reports with the Commission, and if so to provide him copies of the same. The CPIO replied to application vide his letter no. 4/RTI/18/2012/PPEMS, dated 22.06.2012 informing the applicant that the scanned copies of the contribution reports were being uploaded in the Commission's website. The path of accessing the requisite information was also indicated as "http://eci.nic.in/eci_main1/political_parties.aspx."

APPEAL

The appellant has filed his first appeal before the First Appellate Authority, Election Commission of India stating that:

The reply received from the CPIO was that the scanned copies of the reports are being uploaded in the Commission's website and the same may be visited for viewing the scanned copies. From the response of the CPIO, it can not be ascertained that which of the political parties have filed or not filed their contribution reports and for which financial year. The response received does not satisfactorily answer the specific question that had been asked in the RTI application asking whether the above named parties have filed their contribution reports for the specific years and to provide copies of the same.

The appellant has requested to direct the CPIO for providing requisite information at the earliest.

CPIO's comments on appeal

The RTI application dated 11.06.2012 of Sh. Anil Bairwal was in connection with the contribution reports submitted to the Commission by the seven political parties mentioned in the application.

In this connection, it may be stated that information available in this regard is already disseminated through the Commission's website so that public can have easy access and can obtain information even without resorting to RTI Act. The information is updated from time to time.

Since, the applicant was not satisfied with the information already provided to him more specific information is enclosed herewith.

Out of the political parties referred in RTI application dated 11.06.2012 Contribution reports have been received from only the following parties and uploaded on the Commission's website.

1. Rashtriya Lok Dal	2008-09	7 pages
	2009-10	4 pages
2. Rashtriya Janata Dal	2008-09	2 pages
	2010-11	2 pages
3. Lok Janshakti Party	2008-09	6 pages
	2009-10	1 page
	2010-11	1 page
4. Dravida Munetra Kaghagam	2008-09	2 pages
	2009-10	9 pages
	2010-11	3 pages
5. Maharashtra Navnirman Sena	2009-10	7 pages
6. Haryana Janhit Congress	2009-10	1 page
	2010-11	1 page
7. Janata Dal(Secular)	2009-10	3 pages
8. AIUDF	2009-10	2 pages
9. Telangana Rashtra Samiti	2010-11	3 pages
	Total	54 pages

Decision of the FAA

I have considered the original application, the reply given by the CPIO and the present first appeal.

The appellant had sought information about year wise contribution reports of some political parties. The CPIO had informed the appellant that scanned copies of the contribution

reports of Political Parties were being uploaded on ECI's website. The path of accessing the same was also indicated by the CPIO. Technically, the information given by the CPIO was correct as the appellant could have seen the records and collected the requisite information. The CPIO has now further clarified that other than the parties mentioned above, whose contribution reports were received for the years mentioned, no reports were received from the other parties. If the appellant wants to obtain certified copies of the same from the Commission, he can do so, on payment basis. In this respect, he should approach the CPIO. The CPIO has informed that the documents run to 54 pages. Therefore the fees @ Rs.2/- per page, would come to Rs. 108/-. After receiving the requisite amount, the CPIO shall send certified copies of the documents to the appellant.

The onus of furnishing the said report to the Commission is squarely placed on the political parties in terms of Section 29 C (3) of Representation of the People Act, 1951, the purpose of benefit under Income Tax. If any political party fails to submit such report under section 29 C(4) of the said Act is not entitled to claim benefit under Income Tax.

The appeal is, hereby, disposed of accordingly.



(K. AJAYA KUMAR).
PRINCIPAL SECRETARY &
FIRST APPELLATE AUTHORITY

*Regd. Post

- *1. Shri Anil Bairwal, National Co-ordinator, Association for Democratic Reforms, B-1, Hauz Khas, New Delhi-16 w. r. t. his appeal dated 28.06.2012.
2. Sh. Malay Mallick, Under Secretary & CPIO.
3. Guard file.

Whether reports filed

Sl. No.	Name of Party	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
1.	Rashtriya Lok Dal	No	No	No	No	Yes	Yes	No
2.	Rashtriya Janata Dal	No	No	No	No	Yes	No	Yes
3.	Lok Janshakti Party	No	No	No	No	Yes	Yes	Yes
4.	Dravida Munetra Kaghagam	No	No	No	No	Yes	Yes	Yes
5.	Maharashtra Navnirman Sena	No	No	No	No	No	Yes	No
6.	Haryana Janhit Congress	No	No	No	No	No	Yes	Yes
7.	Janata Dal(Secular)	No	No	No	No	No	Yes	No
8.	AIUDF	No	No	No	No	No	Yes	No
9.	Telangana Rashra Samiti	No	No	No	No	No	No	Yes