



Date: 05-02-2015

# ANALYSIS OF CONTRIBUTION REPORT OF ELECTORAL TRUSTS— FY 2013-14

A Report by
National Election Watch

&

**Association for Democratic Reforms** 

Association for Democratic Reforms T-95A, I floor, C.L. House, Gautam Nagar New Delhi – 110 049

Email: adr@adrindia.org; Phone: 011-4165 4200





# **Table of Contents**

Analy	sis of Contribution Report of Electoral Trusts for FY 2013-14	3
Int	roduction	3
Execu	utive Summary	3
Red	commendations of ADR	8
Detai	led Analysis	8
1.	Rules governing registration and functioning of Electoral Trusts	8
ä	a. Rules regarding contributions to Electoral Trusts	8
I	b. Procedure for accepting donations by Electoral Trusts	9
(	c. Other utilization of funds by the Electoral Trusts	9
2.	Format for submission of contribution report by the Electoral Trusts to the ECI	9
3.	List of Electoral Trusts formed after 31st January, 2013	9
4.	Contributions received and disbursed by Satya Electoral Trust during FY 2013-14	10
5.	Contributions made by Corporates	10
6.	Total contributions as a Group of Companies	12
7.	Complete list of donors to Satya Electoral Trust during FY 2013-14	13
8.	Donations made by Satya Electoral Trust to Political Parties	15
9.	Direct donations made by the Corporates to Political Parties	15
10.	. Timeline of contributions received by Satya Electoral Trust	16
11.	. Timeline of contributions made by Satya Electoral Trust to political parties	18
Dis	sclaimer	20
Co	ntacts	20





# **Analysis of Contribution Report of Electoral Trusts for FY 2013-14**

#### Introduction

The Central Government amended the Income Tax Rules, 1962 on the 31<sup>st</sup> January, 2013 to insert Rule 17CA which lists the functions of Electoral Trusts approved by the Central Bureau of Direct Taxes (CBDT). The Central Government, simultaneously, notified 'The Electoral Trusts Scheme, 2013' which specified the eligibility procedure and format for registration as an Electoral Trust. The amendment and the scheme were introduced for the registration of Electoral Trusts whose sole purpose was to fund registered political parties in a transparent manner. The notification can be accessed here.

The Election Commission of India (ECI) had circulated <u>Guidelines for submission of contribution reports of Electoral Trusts</u> on the 6<sup>th</sup> June, 2014 wherein instructions were issued to all the Electoral Trusts formed after January,'13 (hence approved by the CBDT), to submit an Annual Report containing the following details to the Commission apart from an audit report in the format specified in the amended rules, in the interest of transparency:

- 1. Details of contributions received by the Electoral Trusts.
- 2. Details of donations given by the Trust to political parties.

These guidelines were issued to 7 Electoral Trusts formed after January, 2013, and included **Satya Electoral Trust**, **Pratinidhi Electoral Trust**, **People's Electoral Trust**, **Progressive Electoral Trust**, **Janhit Electoral Trust**, **Bajaj Electoral Trust** and **Janpragati Electoral Trust**. Of the above 7 Trusts, **Satya Electoral Trust** is **the only Trust to submit its complete Annual Report to the ECI**. Janhit Electoral Trust, Pratinidhi Electoral Trust and Janpragati Electoral Trust declared nil amounts received as donations during the FY 2013-14.

The following report of ADR/ NEW analyses the details of donors of Satya Electoral Trust and the contributions made by the Trust to political parties during FY 2013-14.

# **Executive Summary**

Five National Parties, INC, NCP, BSP, CPI, CPM submitted their contributions statements, above Rs 20,000, for the FY 2013-14 to the ECI. BJP is the only National Party which has not submitted its contribution report. While BSP declared nil income above Rs 20,000, the **total income** of the four National Parties **from known sources of funding was Rs 76.93 crores.** But the total donations declared by **Satya Electoral Trust to National Parties amounts to Rs 81.87 crores** (including donations to BJP).

# 1. Format for submission of contributions report by the Electoral Trusts to the ECI

- a. The Electoral Trusts are required to submit the following 3 documents to the Election Commission of India:
  - i. Annexure
    - aa. Part A Basic information of the Electoral Trust
    - ab. Part B Details of contributions received in the financial year
    - ac. Part C Details of donations made by the Trust to political parties
    - ad. Part D Verification by a person authorized by the Trust
  - ii. Audit report by a certified Chartered Accountant





#### iii. Compliance certificates from Corporate donors

#### 2. List of Electoral Trusts formed after 31st January, 2013

Based on the information available with the Ministry of Corporate Affairs, a list of all Electoral Trusts formed after January, 2013 and approved by the CBDT is given below. Details of ownership of the Electoral Trusts were collected based on media reports and research on directorships in other companies.

1Janhit Electoral TrustVedanta Group2Satya Electoral TrustBharti Group3People's Electoral TrustReliance Group4Mahindra Electoral Trust CompanyMahindra Group5Progressive Electoral TrustTata Group6Paribartan Electoral TrustMP Birla Group7Bajaj Electoral TrustBajaj Group8Triumph Electoral TrustMurugappa Group9Kalyan Electoral TrustBharat Group10Janta Nirvachak Electoral TrustKotak Group11Jagrut Electoral TrustLodha Group12New Democratic Electoral TrustMahindra Group13Samaj Electoral Trust AssociationKK Birla Group14Gauri Welfare Association Electoral TrustJain Group15Sardar Vallabhbhai Patel Electoral TrustSardar Vallabhbhai Patel Party (Political Party)1Pratinidhi Electoral TrustNot known2Reformative Electoral Trust of IndiaNot known3Bhartiya Socialist Republican Electoral TrustNot known4Harmony Electoral TrustNot known5Jankalyan Electoral TrustNot known6Janpragati Electoral TrustNot known7Ambar Electoral trustNot known8Swadeshi Electoral trustNot known9Ashmita Electoral trustNot known	S. No.	Name of the Electoral Trust	Company/ conglomerate which set up the Trust*
People's Electoral Trust Mahindra Electoral Trust Company Mahindra Group  Progressive Electoral Trust Paigai Electoral Trust  Reliance Group  Mahindra Group  Paribartan Electoral Trust MP Birla Group  Reliance Group  Mahindra Group  Paribartan Electoral Trust MP Birla Group  Reliance Group  Murugappa Group  Murugappa Group  Paigait Electoral Trust Reliance Group  Murugappa Group  Murugappa Group  New Democratic Flectoral Trust Lodha Group  New Democratic Electoral Trust Mahindra Group  Reforup  MK Birla Group  KK Birla Group  MK Birla Group  Sardar Wallabhbhai Patel Electoral Trust Jain Group  Sardar Vallabhbhai Patel Party (Political Party)  Pratinidhi Electoral Trust Not known  Reformative Electoral Trust of India Not known  Mot known  Harmony Electoral Trust Not known  Jankalyan Electoral Trust Not known  Ambar Electoral Trust Not known  Ambar Electoral Trust Not known  Ambar Electoral Trust Not known  Swadeshi Electoral trust Not known  Not known  Not known	1	Janhit Electoral Trust	Vedanta Group
Mahindra Electoral Trust Company Progressive Electoral Trust Pratibartan Electoral Trust Bajaj Electoral Trust Bajaj Electoral Trust Bharat Group Kalyan Electoral Trust Bharat Group  Murugappa Group  Kalyan Electoral Trust Bharat Group  Mahindra Group  Kalyan Electoral Trust Bharat Group  Motak Group  Lodha Group  New Democratic Electoral Trust Mahindra Group  Samaj Electoral Trust Association KK Birla Group  Gauri Welfare Association Electoral Trust Sardar Vallabhbhai Patel Electoral Trust Pratinidhi Electoral Trust Not known  Pratinidhi Electoral Trust Ont known  Bhartiya Socialist Republican Electoral Trust Not known  Harmony Electoral Trust Not known  Jankalyan Electoral Trust Not known  Ambar Electoral Trust Not known  Swadeshi Electoral Trust Not known  Not known  Swadeshi Electoral Trust Not known	2	Satya Electoral Trust	Bharti Group
Frogressive Electoral Trust Paribartan Electoral Trust Bajaj Electoral Trust Bajaj Group  Triumph Electoral Trust Bajaj Group  Kalyan Electoral Trust Bharat Group  Murugappa Group  Kalyan Electoral Trust Bharat Group  Motka Group  Lodha Group  New Democratic Electoral Trust Bajaj Group  Kotak Group  Lodha Group  New Democratic Electoral Trust Bajaj Group  Kotak Group  Lodha Group  Reformatic Electoral Trust Bajaj Group  Kotak Group  Lodha Group  Mahindra Group  KK Birla Group  KK Birla Group  Fratinidhi Electoral Trust Bain Group  Pratinidhi Electoral Trust Sardar Vallabhbhai Patel Party (Political Party)  Pratinidhi Electoral Trust of India Bhartiya Socialist Republican Electoral Trust Not known  Harmony Electoral Trust Not known  Jankalyan Electoral Trust Not known  Ambar Electoral Trust Not known  Swadeshi Electoral trust Not known  Not known	3	People's Electoral Trust	Reliance Group
6 Paribartan Electoral Trust MP Birla Group 7 Bajaj Electoral Trust Bajaj Group 8 Triumph Electoral Trust Murugappa Group 9 Kalyan Electoral Trust Bharat Group 10 Janta Nirvachak Electoral Trust Kotak Group 11 Jagrut Electoral Trust Lodha Group 12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust	4	Mahindra Electoral Trust Company	Mahindra Group
7 Bajaj Electoral Trust Bajaj Group 8 Triumph Electoral Trust Murugappa Group 9 Kalyan Electoral Trust Bharat Group 10 Janta Nirvachak Electoral Trust Kotak Group 11 Jagrut Electoral Trust Lodha Group 12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	5	Progressive Electoral Trust	Tata Group
8 Triumph Electoral Trust Murugappa Group 9 Kalyan Electoral Trust Bharat Group 10 Janta Nirvachak Electoral Trust Kotak Group 11 Jagrut Electoral Trust Lodha Group 12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known Not known	6	Paribartan Electoral Trust	MP Birla Group
9 Kalyan Electoral Trust Bharat Group 10 Janta Nirvachak Electoral Trust Kotak Group 11 Jagrut Electoral Trust Lodha Group 12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	7	Bajaj Electoral Trust	Bajaj Group
10 Janta Nirvachak Electoral Trust Kotak Group 11 Jagrut Electoral Trust Lodha Group 12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	8	Triumph Electoral Trust	Murugappa Group
11 Jagrut Electoral Trust Lodha Group 12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	9	Kalyan Electoral Trust	Bharat Group
12 New Democratic Electoral Trust Mahindra Group 13 Samaj Electoral Trust Association KK Birla Group 14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	10	Janta Nirvachak Electoral Trust	Kotak Group
13 Samaj Electoral Trust Association 14 Gauri Welfare Association Electoral Trust 15 Sardar Vallabhbhai Patel Electoral Trust 1 Pratinidhi Electoral Trust 2 Reformative Electoral Trust of India 3 Bhartiya Socialist Republican Electoral Trust 4 Harmony Electoral Trust 5 Jankalyan Electoral Trust 6 Janpragati Electoral Trust 7 Ambar Electoral trust 8 Swadeshi Electoral trust 8 Not known 8 Swadeshi Electoral trust 9 Not known 10 Not known 11 Not known 12 Reformative Electoral Trust 13 Not known 14 Not known 15 Not known 16 Not known 17 Ambar Electoral trust 18 Not known 19 Not known 10 Not known 10 Not known 10 Not known 11 Not known	11	Jagrut Electoral Trust	Lodha Group
14 Gauri Welfare Association Electoral Trust Jain Group 15 Sardar Vallabhbhai Patel Electoral Trust Sardar Vallabhbhai Patel Party (Political Party) 1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	12	New Democratic Electoral Trust	Mahindra Group
15 Sardar Vallabhbhai Patel Electoral Trust  1 Pratinidhi Electoral Trust  2 Reformative Electoral Trust of India 3 Bhartiya Socialist Republican Electoral Trust 4 Harmony Electoral Trust 5 Jankalyan Electoral Trust 6 Janpragati Electoral Trust 7 Ambar Electoral trust 8 Swadeshi Electoral trust Not known Not known Not known Not known Not known	13	Samaj Electoral Trust Association	KK Birla Group
1 Pratinidhi Electoral Trust Not known 2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	14	Gauri Welfare Association Electoral Trust	Jain Group
2 Reformative Electoral Trust of India Not known 3 Bhartiya Socialist Republican Electoral Trust Not known 4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	15	Sardar Vallabhbhai Patel Electoral Trust	Sardar Vallabhbhai Patel Party (Political Party)
3 Bhartiya Socialist Republican Electoral Trust 4 Harmony Electoral Trust 5 Jankalyan Electoral Trust 6 Janpragati Electoral Trust 7 Ambar Electoral trust 8 Swadeshi Electoral trust Not known Not known Not known	1	Pratinidhi Electoral Trust	Not known
4 Harmony Electoral Trust Not known 5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	2	Reformative Electoral Trust of India	Not known
5 Jankalyan Electoral Trust Not known 6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	3	Bhartiya Socialist Republican Electoral Trust	Not known
6 Janpragati Electoral Trust Not known 7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	4	Harmony Electoral Trust	Not known
7 Ambar Electoral trust Not known 8 Swadeshi Electoral trust Not known	5	Jankalyan Electoral Trust	Not known
8 Swadeshi Electoral trust Not known	6	Janpragati Electoral Trust	Not known
	7	Ambar Electoral trust	Not known
9 Ashmita Electoral trust Not known	8	Swadeshi Electoral trust	Not known
	9	Ashmita Electoral trust	Not known

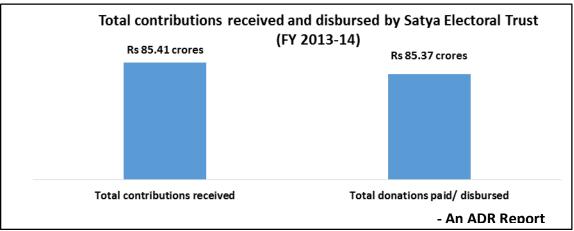
<sup>\*</sup> Details of ownership of the Electoral Trusts were collected based on media reports, research on directorships in other companies and registration address of the company/ Trust

## 3. Contributions received and disbursed by Satya Electoral Trust during FY 2013-14

- a. According to the rules formulated by the Central Government, Electoral Trusts are required to donate 95% of their total income to registered political parties in a financial year.
- b. Satya Electoral Trust received a total amount of Rs 85.406 crores from corporates and individuals and distributed Rs 85.37 crores (99.96%) to various political parties.

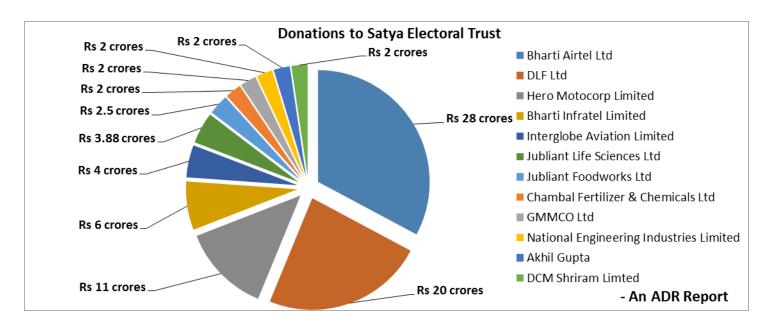






#### 4. Contributions made by Corporates

- a. **Bharti Airtel Ltd.** contributed the maximum amount of Rs 28 crores which formed **33% of total** donations to Satya Electoral Trust followed by DLF Ltd. which donated Rs **20 crores** and **constituted 23% of total donations.**
- b. **Shri Akhil Gupta,** Vice Chairman of Bharti Enterprises and Executive Chairman of Bharti Infratel Ltd. is the **only individual** to contribute to political parties through **Satya Electoral Trust**. He donated **Rs 2 crores (2% of total donations to Satya Electoral Trust).**

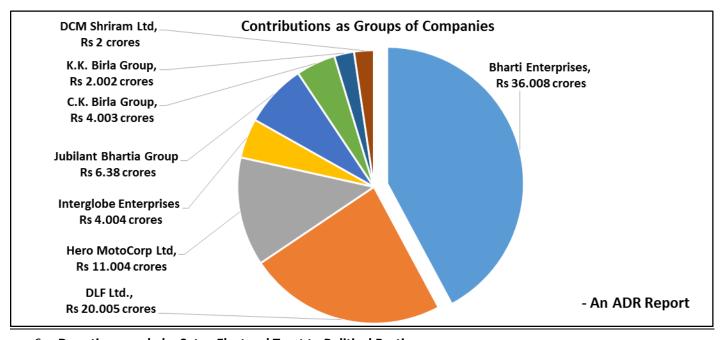






#### 5. Total contributions as a Group of Companies

- a. The parent companies of all the corporate donors have been termed as Group of companies and is not a part of the submission made by Satya Electoral Trust
- b. As Satya Electoral Trust was set up by the Bharti Enterprises, the parent company donated the maximum amount of Rs 36 crores to be disbursed to political parties and formed 42.16% of total donations to the Electoral Trust.
- c. Donations from other groups of companies include: **Jubilant Bhartia Group** Rs 6.38 crores (7.47%); **CK Birla Group** Rs 4.003 crores (4.69%); **Interglobe** enterprises Rs 4.004 crores (4.69%) and **KK Birla Group** Rs 2.002 crores (2.34%).



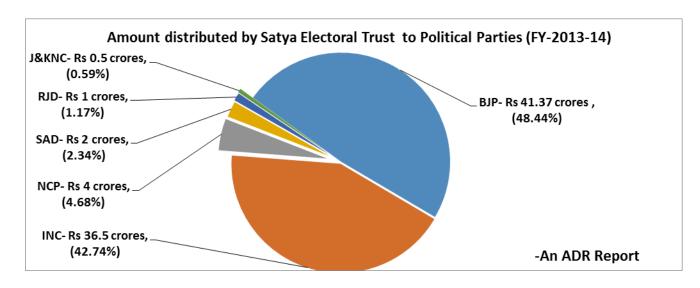
# 6. **Donations made by Satya Electoral Trust to Political Parties**

- a. BJP, INC and NCP were the three National Parties to which Satya Electoral Trust made contributions.
- b. BJP was the recipient of the maximum amount of Rs 41.37 crores (48.44% of total donations to the Trust) followed by INC with Rs 36.50 crores (42.74% of donations to the Trust).
- c. **SAD, RJD and J&KNC** are the three **Regional Parties** to which the Trust made donations. **SAD** received **Rs 2 crores** and **RJD** received **Rs 1 crore**.

Name of the Political Party	Total Donations disbursed to political parties (Rs. in crores)	% of donations made from income of Trust
ВЈР	41.37	48.44%
INC	36.5	42.74%
NCP	4	4.68%
SAD	2	2.34%
RJD	1	1.17%
J&KNC	0.5	0.59%
Total donations	Rs 85.37 crores	99.96%







## 7. <u>Direct donations made by the corporates to political parties</u>

- a. Apart from the donations by corporates to Satya Electoral Trust, ADR/NEW analysed the donations by the same corporates who also donated separately to political parties between FY 2004-05 and 2013-14.
- b. **National Engineering Industries Ltd.** of C.K.Birla Group donated 5 times to INC and BJP between FY 2004-05 and 2012-13. The company donated a total amount of Rs 87.50 lakhs to BJP and Rs 1.875 crores to INC.
- c. It is to be noted that National Engineering Industries Ltd. donated Rs 1 crore to INC directly and Rs 2 crores to Satya Electoral Trust during FY 2013-14.
- d. **GMMCO Ltd.** is the only other corporate which donated to Satya Electoral Trust but had also made donations directly to political parties between FY 2004-05 and 2012-13. The company donated an amount of Rs 37.50 lakhs each to INC and BJP during FY 2009-10.

Name of the corporate	Political party donated to*	Amount of contribution	Financial Year
	ВЈР	Rs 37.50 lakhs	2009-10
	ВЈР	Rs 50 lakhs	2012-13
National Engineering	INC	Rs 37.50 lakhs	2009-10
Industries Ltd.	INC	Rs 50 lakhs	2012-13
	INC	Rs 100 lakhs	2013-14
	Total	Rs 2.75 crores	
	ВЈР	Rs 37.50 lakhs	2009-10
GMMCO Ltd.	INC	Rs 37.50 lakhs	2009-10
	Total	Rs 75 lakhs	

<sup>\*</sup>BJP has not submitted its donations report for FY 2013-14 hence donations from the above corporates for FY 2013-14 cannot be verified





#### Recommendations of ADR

1. 6 Electoral Trusts had donated a total amount of Rs 105 crores to the National Parties between FY 2004-05 and 2011-12, before the transparency rules governing contributions to Electoral Trusts were formulated by the Central Government. As the rules are not retrospective, these 6 Electoral Trusts are not required to follow the transparency rules and declare their donor details. Thus, details of donors to these 6 Electoral Trusts remain unknown thereby leading to speculation on whether donations to these Trusts was only a means of getting tax exemption or a way to convert black money stashed in tax havens to white money in India.

Therefore **details of donors of Rs 105 crores** donated to political parties by the six Electoral Trusts which were formed before the CBDT rules came into existence, should also be disclosed. These Trusts include **General Electoral Trust, Electoral Trust, Harmony Electoral Trust, Corporate Electoral Trust, Bharti Electoral Trust and <b>Satya Electoral Trust**. Also, the same rules which apply to those Trusts formed after 31<sup>st</sup> January, 2013, should also apply to the above mentioned Trusts so as to improve transparency.

- 2. The names of Electoral Trusts, currently, do not indicate the name of the Company/ group of companies which set up the Trusts. In order to have greater transparency regarding details of corporates which fund political parties, it would be ideal to include the name of the parent company in the name of the Electoral Trust.
- 3. Those Electoral Trusts which have not responded to and complied with the guidelines circulated by the ECI should be heavily penalized as indicated in the notification to the Trusts.

# **Detailed Analysis**

1. Rules governing registration and functioning of Electoral Trusts

The Central Government amended the Income Tax Rules, 1962 on the 31<sup>st</sup> January, 2013 to insert Rule 17CA which lists the functions of Electoral Trusts approved by the Central Bureau of Direct Taxes (CBDT). The Central Government, also launched 'The Electoral Trusts Scheme, 2013' which specified the eligibility and procedure for registration as an Electoral Trust apart from laying down the format for their registration. The amendment and the scheme were introduced for the registration of Electoral Trusts whose sole purpose was to fund registered political parties in a transparent manner. The notification can be accessed here.

The main points to be noted from Rule 17CA and the Electoral Trusts Scheme are given below:

# a. Rules regarding contributions to Electoral Trusts

The Central Government amended the Income Tax Rules, 1962 on the 31<sup>st</sup> January, 2013 to include the rules concerning functioning of Electoral Trusts registered with the approval of CBDT. Below is the table containing the basic do's and don'ts related to contributions to Electoral Trusts:

May receive contributions from	Shall not accept contributions from
An individual who is a citizen of India	An individual who is not a citizen of India
A company registered in India	A foreign entity whether incorporated or not
A firm (resident in India)	Other Electoral Trusts (approved under the Electoral Trusts Scheme)
HUF(Indian residents)	Contributors without PAN
An association of persons (Indian residents)	NRIs without a passport number





#### b. Procedure for accepting donations by Electoral Trusts

On receipts of funds from those contributors who comply with the above conditions, the Electoral Trusts are required to issue a receipt to the contributor recording the following information apart from maintaining a counter-foil with the same information for its records:

- i. Name and address of the contributor.
- ii. PAN of donor/ passport number in case of NRI.
- iii. Amount and mode of contributions (with name and branch of Bank, date of receipt of donation).
- iv. Name of Electoral Trust.
- v. PAN of Electoral Trust.
- vi. Date and number of approval by CBDT.
- vii. Name and designation of person issuing the receipt.

#### c. Other utilization of funds by the Electoral Trusts

- i. Funds shall not be utilized for direct/ indirect benefit of the Trusts' members or their relatives including the Founder of the Trust.
- Income of the Trusts not to be utilized for direct or indirect benefit of any person who has made contribution to the Trust.

#### 2. Format for submission of contribution report by the Electoral Trusts to the ECI

The list of documents to be submitted by the Electoral Trusts to the Election Commission of India as notified by the Commission in its circular on 6<sup>th</sup> June, 2014 is given below (it can be accessed from <u>here</u>):

#### a. Annexure

- i. Part A Basic information of the Electoral Trust.
- ii. Part B Details of contributions received in the financial year.
- iii. Part C Details of donations made by the Trust to political parties.
- iv. Part D Verification by a person authorized by the Trust.
- b. Audit report by a certified Chartered Accountant.
- c. Compliance certificates from corporate donors.

#### 3. List of Electoral Trusts formed after 31st January, 2013

According to the information available on the website of the Ministry of Corporate Affairs\*, a list of all Electoral Trusts mentioned as on 31<sup>st</sup> October, 2014 and marked under non-profit making companies is given below. It is to be noted that **4 Electoral Trusts formed before January, 2013 have not been listed in this section.** The 4 Electoral Trusts are General Electoral Trust, Electoral Trust, Bharti Electoral Trust and Corporate Electoral Trust.

Details of ownership of the Electoral Trusts were collected based on media reports, research on directorships in other companies and registration address of the company/ Trust.

S. No.	Name of the Electoral Trust Company/ conglomerate which set up the Trust		Date of Registration
1	Janhit Electoral Trust	Vedanta Group	08-08-2013
2	Satya Electoral Trust	Bharti Group	25-10-2013
3	People's Electoral Trust	Reliance Group	19-11-2013



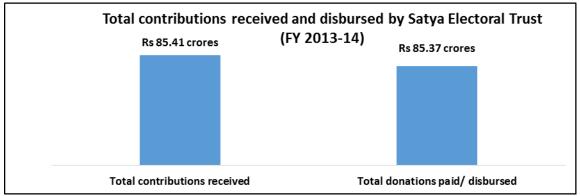


S. No.	Name of the Electoral Trust	Company/ conglomerate which set up the Trust	Date of Registration
4	Mahindra Electoral Trust Company	Mahindra Group	30-12-2013
5	Progressive Electoral Trust	Tata Group	15-01-2014
6	Paribartan Electoral Trust	MP Birla Group	16-01-2014
7	Bajaj Electoral Trust	Bajaj Group	06-03-2014
8	Triumph Electoral Trust	Murugappa Group	28-03-2014
9	Kalyan Electoral Trust	Bharat Group	13-06-2014
10	Janta Nirvachak Electoral Trust	Kotak Group	24-07-2014
11	Jagrut Electoral Trust	Lodha Group	09-09-2014
12	New Democratic Electoral Trust	Mahindra Group	26-09-2014
13	Samaj Electoral Trust Association	KK Birla Group	02-09-2013
14	Gauri Welfare Association Electoral Trust	Jain Group	15-01-2014
15	Sardar Vallabhbhai Patel Electoral Trust	Sardar Vallabhbhai Patel Party (Political Party)	20-10-2014
1	Pratinidhi Electoral Trust	Not known	20-11-2013
2	Reformative Electoral Trust of India	Not known	16-01-2014
3	Bhartiya Socialist Republican Electoral Trust	Not known	20-02-2014
4	Harmony Electoral Trust	Not known	28-02-2014
5	Jankalyan Electoral Trust	Not known	19-03-2014
6	Janpragati Electoral Trust	Not known	24-03-2014
7	Ambar Electoral trust	Not known	25-03-2014
8	Swadeshi Electoral trust	Not known	31-03-2014
9	Ashmita Electoral trust	Not known	12-08-2014

<sup>\*</sup>A complete list of 5735 non-profit making companies registered since 1893, is available on the website of Ministry of Corporate Affairs and can be accessed from <a href="http://www.mca.gov.in/DataPortal/Ministry/DataPortal/Section25">http://www.mca.gov.in/DataPortal/Ministry/DataPortal/Section25</a> Companies.pdf

# 4. Contributions received and disbursed by Satya Electoral Trust during FY 2013-14

- a. According to the rules formulated by the Central Government, Electoral Trusts are required to donate95% of their total income to registered political parties in a financial year.
- b. Satya Electoral Trust received a total amount of Rs 85.406 crores from corporates and individuals and distributed Rs 85.37 crores (99.96%) to various political parties.



#### 5. Contributions made by Corporates

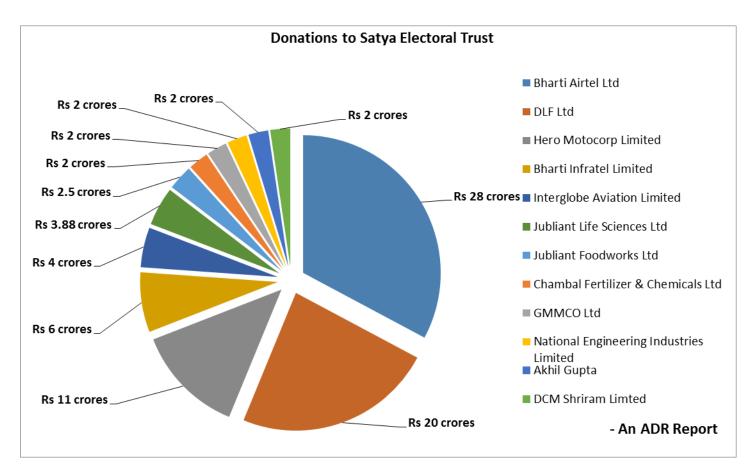
a. **Bharti Airtel Ltd.** contributed the maximum amount of Rs 28 crores which formed **33% of total** donations to Satya Electoral Trust followed by DLF Ltd. which donated Rs **20** crores and constituted **23% of total donations.** 





b. **Shri Akhil Gupta,** Vice Chairman of Bharti Enterprises and Executive Chairman of Bharti Infratel Ltd. is the **only individual** to contribute to political parties through **Satya Electoral Trust**. He donated **Rs 2 crores (2% of total donations to Satya Electoral Trust).** 

Details of Donors	Total Amount contributed (Rs. in crores)
Bharti Airtel Ltd	28.004
DLF Ltd	20.005
Hero Motocorp Limited	11.004
Bharti Infratel Limited	6.004
Interglobe Aviation Limited	4.004
Jubliant Life Sciences Ltd	3.880
Jubliant Foodworks Ltd	2.500
Chambal Fertilizer & Chemicals Ltd	2.0015
GMMCO Ltd	2.0015
National Engineering Industries Limited	2.002
Akhil Gupta	2.000
DCM Shriram Limted	2.000
Total Donations	Rs 85.406 crores



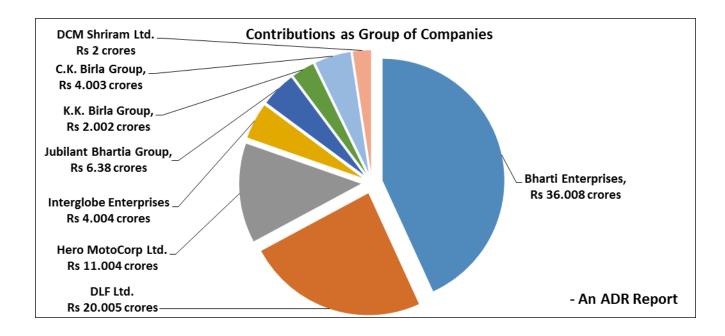




# 6. Total contributions as a Group of Companies

- a. The parent companies of all the corporate donors have been termed as Group of companies and is not a part of the submission made by Satya Electoral Trust
- b. As Satya Electoral Trust was set up by the Bharti Enterprises, the parent company donated the maximum amount of Rs 36 crores to be disbursed to political parties and formed 42.16% of total donations to the Electoral Trust.
- c. Donations from other groups of companies include: **Jubilant Bhartia Group** Rs 6.38 crores (7.47%); **CK Birla Group** Rs 4.003 crores (4.69%); **Interglobe** enterprises Rs 4.004 crores (4.69%) and **KK Birla Group** Rs 2.002 crores (2.34%).

Group of companies	Total Donations (Rs in crores)
Bharti Enterprises	36.008
DLF Ltd.	20.005
Hero MotoCorp Ltd.	11.004
Jubilant Bhartia Group	6.38
Interglobe Enterprises	4.004
C.K. Birla Group	4.003
K.K. Birla Group	2.002
DCM Shriram Ltd.	2
Total	Rs 85.406 crores







# 7. Complete list of donors to Satya Electoral Trust during FY 2013-14

	Total Donations to Satya Electoral Trust for FY-2013-2014					
S.No	Group of companies*	Name	Complete Address of the Contributing Person/Company	Total Donations (Rs)	Amount of Contribution (Rs.)	Mode of Contribution *(Cheque/Demand Draft /cash)
			Bharti Crescent 1, Nelson Mandela Marg, Vasant Kunj, Phase-II, New Delhi- 110070		30,000,000	RTGS, Date 5-11-2013
		Bharti Airtel Ltd	Bharti Crescent 1, Nelson Mandela Marg, Vasant Kunj, Phase-II, New Delhi- 110070	28,00,40,000 (~ Rs 28 crores)	250,000,000	Cheque No- 133114, Date- 21.03.2014, Deutsche Bank, KG Marg, New Delhi
1	Bharti Enterprises		Bharti Crescent 1, Nelson Mandela Marg, Vasant Kunj, Phase-II, New Delhi- 110070		40,000	Cheque No- 133115, Date- 21.03.2014, Deutsche Bank, KG Marg, New Delhi
		901 Park Centre, 9th Floor, Sector- 30, NH-8 Gurgaon, Haryana- 122 001 901 Park Centre, 9th Floor, Sector- 30, NH-8 Gurgaon, Haryana- 122 001	9th Floor, Sector- 30, NH-8 Gurgaon,		60,000,000	Cheque No- 63974, Date- 20-03-2014, HDFC Bank, KG Marg, New Delhi
			6,00,40,000 (~ Rs 6 crores)	40,000	Cheque No- 112104, Date- 31-03-2014, HDFC Bank, KG Marg, New Delhi	
		Akhil Gupta	B-27 Maharani Bagh, New Delhi- 110065	2,00,00,000 (~ Rs 2 crores)	20,000,000	Cheque No- 393077, Date- 26.03.2014, Deutsche Bank, KG Marg, New Delhi
2	DLF Ltd.	DLF Ltd	DLF Centre Sansad Marg, New Delhi- 110001	20,00,50,000 (~ Rs 20 crores)	200,050,000	Cheque No- 020350, Date- 26.3.2014, HDFC Bank, KG Marg, New Delhi
3	Hero MotoCorp Ltd.	Hero Motocorp Limited	34 Community Centre, Basant Lok, Vasant Vihar, New Delhi-110057	11,00,40,000 (~ Rs 11 crores)	110,040,000	Cheque No- 049608 Date- 26.3.2014, HDFC Bank, KG Marg, New Delhi
	Jubilant	Jubliant Life Sciences Ltd	1-A Sector 16-A, Noida- 201301, UP India	- 6,38,00,000 (~ Rs 6 crores)	38,800,000	Cheque No- 202652, Date- 14-03-2014, ICICI Bank, 9A, Phelps Building Connaught Place, New Delhi,
4	Bhartia Group	Jubliant Foodworks Ltd	B-21/4, Phase -2, Distt- Gautambudhnagar, Noida- 201305, UP India		25,000,000	Cheque No- 836891, Date- 14-03-2014, IDBI Bank, KG Marg, New Delhi





	Total Donations to Satya Electoral Trust for FY-2013-2014					
S.No	Group of companies*	Name	Complete Address of the Contributing Person/Company	Total Donations (Rs)	Amount of Contribution (Rs.)	Mode of Contribution *(Cheque/Demand Draft /cash)
5	Interglobe	park, DLF City Phase-II, Gurgone- 122 002, Haryana Interglobe  park, DLF City Phase-II, Gurgone- 122 002, Haryana 122002  40,000,000 21-03-2014, HDFC Bai Qutab Enclave Gouga 122002	Cheque No- 000077, Date- 21-03-2014, HDFC Bank, Qutab Enclave Gougaon 122002			
3	Enterprises	Limited	Aviation Level 1, Tower C, Global Business park, DLF City Phase-II, Gurgone- 122 002, Haryana India	Business DLF City -II, Gurgone-	40,000	Cheque No- 000078, Date- 21-03-2014, HDFC Bank, Qutab Enclave Gougaon 122002
6	K.K. Birla Group	Chambal Fertilizer & Chemicals Ltd	Corporate 15, Commerical Centre Jasola, New Delhi- 110025	2,00,20,000 (~ Rs 2 crores)	20,020,000	Cheque No- 348493, Date- 26.3.2014, HDFC Bank, KG Marg, New Delhi
			No- 9 GST Road, St, Thomas Mount Chennai- 600016	2,00,15,000	20,000,000	Cheque No- 062486, Date- 18-03-2014, HDFC Bank, Anna Salai, Chennai- 600 002
7	C.K. Birla	Ltd	Thomas Mount	Cheque No- 062487, Date- 18-03-2014, HDFC Bank, Anna Salai, Chennai- 600 002		
,	Group	National Engineering	Khatipura Road, Jaipur- 302006	2,00,15,000	20,000,000	Cheque No- 042375, Date- 18-03-2014, IDBI Bank, Prithviraj Road Scheme, Jaipur- 302001
		Industries Limited Khatipura Road, Jaipur- 302006	(~ Rs 2 crores)	15,000	Cheque No- 042376, Date- 18-03-2014, IDBI Bank, Prithviraj Road Scheme, Jaipur- 302001	
8	DCM Shriram Ltd.	DCM Shriram Limted	5th Floor, Kanchenjunga Bldg, 18, Barakhamba Road, New Delhi	2,00,00,000 ( Rs 2 crores)	20,000,000	Cheque No- 067 206, Date- 25-03-2014, HDFC Bank, KG Marg, New Delhi
Tota	Total Donations to Satya Electoral Trust for FY-2013- 2014		R	ks 85.406 crores (Rs 85,40	,60,000)	

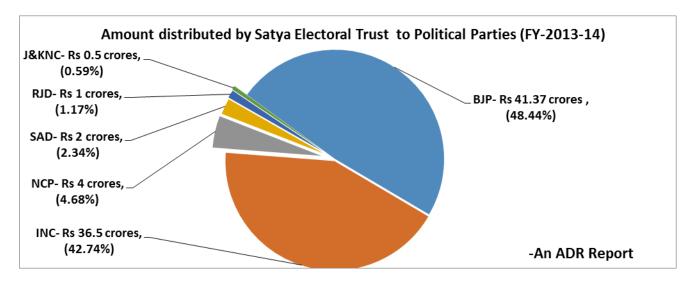




## 8. Donations made by Satya Electoral Trust to Political Parties

- a. BJP, INC and NCP were the three National Parties to which Satya Electoral Trust made contributions
- b. BJP was the recipient of the maximum amount of Rs 41.37 crores (48.44% of total donations to the Trust) followed by INC with Rs 36.50 crores (42.74% of donations to the Trust)
- c. **SAD, RJD and J&KNC** are the three **Regional Parties** to which the Trust made donations. **SAD** received **Rs 2 crores** and **RJD** received **Rs 1 crore**

Name of the Political Party	Total Donations (Rs in crores)	% of donations made from income
ВЈР	41.37	48.44
INC	36.5	42.74
NCP	4	4.68
SAD	2	2.34
RJD	1	1.17
J&KNC	0.5	0.59
Total donations	85.37	99.96%



#### 9. Direct donations made by the Corporates to Political Parties

- a. Apart from the donations by corporates to Satya Electoral Trust, ADR/NEW analysed the donations by the same corporates who also donated separately to political parties between FY 2004-05 and 2013-14.
- b. **National Engineering Industries Ltd.** of C.K.Birla Group donated 5 times to INC and BJP between FY 2004-05 and 2012-13. The company donated a total amount of Rs 87.50 lakhs to BJP and Rs 1.875 crores to INC.
- c. It is to be noted that National Engineering Industries Ltd. donated Rs 1 crore to INC directly and Rs 2 crores to Satya Electoral Trust during FY 2013-14.
- d. **GMMCO Ltd.**, also of C.K.Birla Group is the only other corporate which donated to Satya Electoral Trust but had also made donations directly to political parties between FY 2004-05 and 2012-13. The company donated an equal amount of Rs 37.50 lakhs to INC and BJP during FY 2009-10.





Name of the corporate	Political party donated to*	Amount of contribution	Financial Year
National Engineering Industries Ltd.	ВЈР	Rs 37.50 lakhs	2009-10
	ВЈР	Rs 50 lakhs	2012-13
	INC	Rs 37.50 lakhs	2009-10
	INC	Rs 50 lakhs	2012-13
	INC	Rs 100 lakhs	2013-14
	Total	Rs 2.75 crores	
GMMCO Ltd.	ВЈР	Rs 37.50 lakhs	2009-10
	INC	Rs 37.50 lakhs	2009-10
	Total	Rs 75 lakhs	

<sup>\*</sup>BJP has not submitted its donations report for FY 2013-14 hence donations from the above corporates cannot be verified

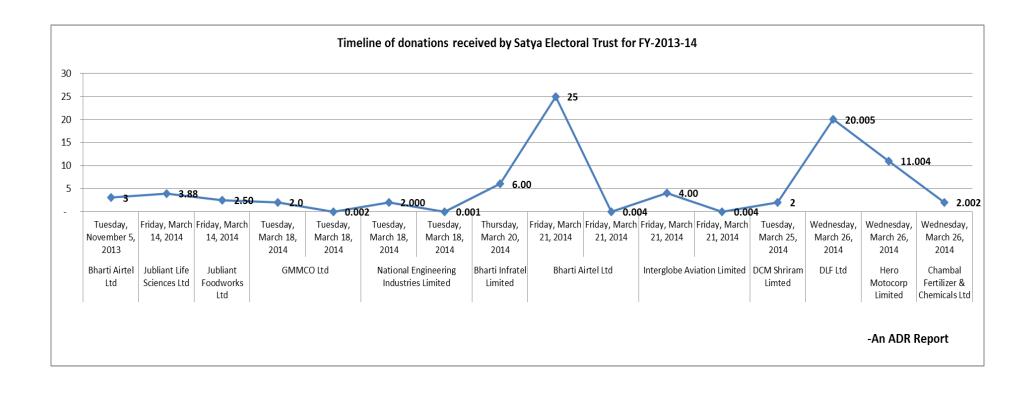
#### 10. Timeline of contributions received by Satya Electoral Trust

- a. Donations were received by Satya Electoral Trust only during the months of November,'13 and March,'14 in the run up to the Lok Sabha elections.
- b. 4 corporate companies made multiple donations to Satya Electoral Trusts during the FY 2013-14.
   GMMCO Ltd. contributed twice on 18<sup>th</sup> March,'14 aggregating to Rs 2.002 crores while National Engineering Industries Ltd also contributed twice on 18<sup>th</sup> March,'14 and donated a total of Rs 2.001 crores.
- c. Bharti Airtel Ltd. made two donations on 21<sup>st</sup> March,'14 aggregating to Rs 25.004 crores while Interglobe Aviation Ltd. also made two donations on 21<sup>st</sup> March,'14 aggregating to Rs 4.004 crores.

Name	Mode of Contribution *(Cheque/Demand Draft/cash)	Amount of Contribution (Rs. in crores)
Bharti Airtel Ltd	Tuesday, November 5, 2013	3
Jubliant Life Sciences Ltd	Friday, March 14, 2014	3.88
Jubliant Foodworks Ltd	Friday, March 14, 2014	2.50
CAMACO II I	Tuesday, March 18, 2014	2.0
GMMCO Ltd	Tuesday, March 18, 2014	0.002
National Engineering	Tuesday, March 18, 2014	2.000
Industries Limited	Tuesday, March 18, 2014	0.001
Bharti Infratel Limited	Thursday, March 20, 2014	6.00
Discount Atom of Land	Friday, March 21, 2014	25
Bharti Airtel Ltd	Friday, March 21, 2014	0.004
Internal he Aviation Limited	Friday, March 21, 2014	4.00
Interglobe Aviation Limited	Friday, March 21, 2014	0.004
DCM Shriram Limted	Tuesday, March 25, 2014	2
DLF Ltd	DLF Ltd Wednesday, March 26, 2014	
Hero Motocorp Limited	Wednesday, March 26, 2014	11.004
Chambal Fertilizer & Chemicals Ltd	Wednesday, March 26, 2014	2.002
Total		Rs 85.406 crores











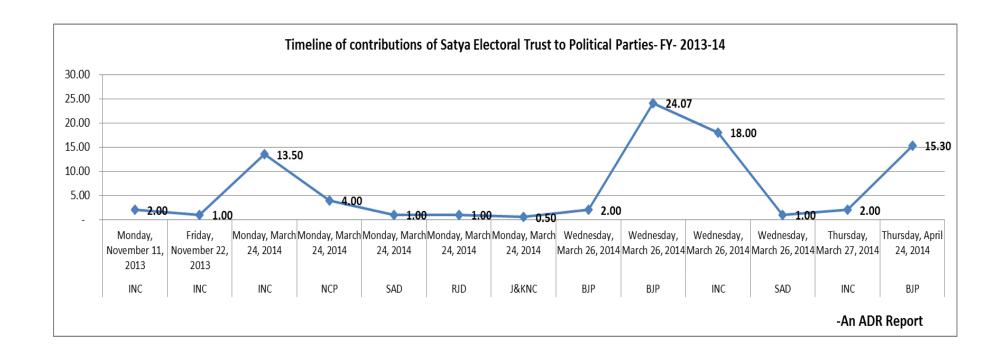
# 11. Timeline of contributions made by Satya Electoral Trust to political parties

- a. Donations to political parties were distributed only during November,'13, March and April,'14.
- b. A total of Rs 36.5 crores was distributed to INC in 5 installments while BJP received a total of Rs 41.37 crores in 3 installments.
- c. NCP, RJD and J&KNC did not enjoy multiple donations while SAD received a total of Rs 2 crores in 2 installments.

Name of the Political Party	Date	Amount Distributed (Rs. in crores)
INC	Monday, November 11, 2013	2.00
INC	Friday, November 22, 2013	1.00
INC	Monday, March 24, 2014	13.50
NCP	Monday, March 24, 2014	4.00
SAD	Monday, March 24, 2014	1.00
RJD	Monday, March 24, 2014	1.00
J&KNC	Monday, March 24, 2014	0.50
ВЈР	Wednesday, March 26, 2014	2.00
ВЈР	Wednesday, March 26, 2014	24.07
INC	Wednesday, March 26, 2014	18.00
SAD	Wednesday, March 26, 2014	1.00
INC	Thursday, March 27, 2014	2.00
ВЈР	Thursday, April 24, 2014	15.30
Tota	Rs 85.37 crores	











#### Disclaimer

The data analysed in this report is based on the Contribution Report submitted by Satya Electoral Trust to the Election Commission of India and can be accessed from:

http://eci.nic.in/eci main1/PolPar/Satya%20Electoral%20Trust.pdf

For the notification by ECI to all Electoral Trusts approved by the CBDT, kindly refer to: http://eci.nic.in/eci main1/PolPar/ElectoralTrust 06062014.pdf

For other research reports analyzing finances of political parties, kindly refer to: <a href="http://adrindia.org/research-and-report/political-party-watch">http://adrindia.org/research-and-report/political-party-watch</a>

#### **Contacts**

Media and Journalist Maj Gen Anil Verma (Retd.) Prof Jagdeep Chhokar **Prof Trilochan Sastry** IIM Ahmedabad (Retd) Helpline Head **IIM Bangalore Founder Member National** Founder Member, +91 80103 94248 National Election Watch and Election Watch, Association for National Election Watch, Email: adr@adrindia.org Association for Democratic Democratic Association for Democratic Reforms Reforms Reforms +919448353285, +919999620944 trilochans@iimb.ernet.in +91 8826479910 jchhokar@gmail.com anilverma@adrindia.org