

**BEFORE THE CENTRAL INFORMATION COMMISSION**

**COMPLAINT IN RESPECT OF PETITION NO CIC/SM/C/2011/001385, CIC/SM/C/2011/001386 & CIC/SM/C/2011/000838**

**FOLLOWING A NON- COMPLAINE OF THE FULL-BENCH VERDICT PRONOUNCED ON**  
**03.06.2013**

**Petitioners:**

1. Anil Bairwal (For, Association for Democratic Reforms)  
B-35, 4<sup>TH</sup> Floor, Kiwanis Centre, Qutub Institutional Area, New Delhi-110016
2. Subhash Chandra Agarwal  
1775 Kucha Lattushah, Dariba, Chandni Chowk, Delhi- 110006

**Respondents:**

1. Indian National Congress (INC)  
24 Akbar Road, New Delhi -110001
2. Bhartiya Janta Party (BJP)  
11, Ashoka Road, New Delhi -110001
3. Communist Party of India (CPI)  
Ajoy Bhawan, Kotla Marg, New Delhi -110001
4. Communist Party of India Marxist (CPIM)  
A.K Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi – 110001.
5. Bahujan Samaj Party (BSP)  
12, Gurudwara Rakabganj Road, New Delhi -110001

6. Nationalist Congress Party (NCP)

10 Dr. Bishambar Das Marg, New Delhi – 110001

To

Date: 10<sup>th</sup> December, 2013

Smt. Deepak Sandhu,

Chief Information Commissioner,

Central Information Commission,

2<sup>nd</sup> Floor, August Kranti Bhawan,

Bikaji Cama Place,

New Delhi- 110066.

Respected Madam,

**Subject: Non- compliance by six national political parties on CIC verdict dated 03-06-2013 in petition numbers CIC/SM/C/2011/001385, CIC/SM/C/2011/001386 & CIC/SM/C/2011/000838.**

**Brief Facts pertaining to the complaint:**

1. In a decision of the Central Information Commission (CIC) of 3<sup>rd</sup> of June 2013, six national political parties were declared to be public authorities under the of Right to Information (RTI) Act. The commission had observed in its decision , Para 92, CIC/SM/C/2011/001386 & 000838-

*“92. In view of the above discussion, we hold that INC, BJP, CPI(M), CPIO, NCP and BSP have been substantially financed by the Central Government under section 2(h)(ii) of the RTI Act. The criticality of the role being played by these Political Parties in our democratic set up and the nature of duties performed by them also point towards their public character, bringing them in*

*the ambit of section 2(h). The constitutional and legal provisions discussed herein above also point towards their character as public authorities. The order of the Single Bench of this Commission in Complaint No. CIC/MISC/2009/0001 and CIC/MISC/2009/0002 is hereby set aside and it is held that AICC/INC, BJP, CPI(M), CPI, NCP and BSP are public authorities under section 2(h) of the RTI Act.”*

It was further held by the Commission in Para 93;

*“93. The Presidents, General/Secretaries of these Political Parties are hereby directed to designate CPIOs and the Appellate Authorities at their headquarters in 06 weeks time. The CPIOs so appointed will respond to the RTI applications extracted in this order in 04 weeks time. Besides, the Presidents/General Secretaries of the above mentioned Political Parties are also directed to comply with the provisions of section 4(1) (b) of the RTI Act by way of making voluntary disclosures on the subjects mentioned in the said clause.”*

2. Despite CIC’s decision no PIO/CPIO has been appointed by the above mentioned political parties.

**Rationale behind the complaint filed:**

Central Information Commission in its full bench verdict dated 03-06-2013 has held six national political parties namely INC, BJP, CPI, CPI(M), NCP and BSP to be public authorities under the Right to Information Act, 2005. The full bench of the CIC while declaring these six national parties to be public authorities under the Right to Information Act, 2005, directed them to appoint Central Public Information Officers and Appellate Authorities within six weeks of the decision of the CIC. Furthermore, the CPIO so appointed was also directed by the Commission to respond to the RTI applications extracted in the order in a four weeks time.

It is hereby brought to the notice of the Hon’ble Commission that even after the elapse of more than six months, none of the political parties have complied with the directions of this Commission. Therefore, as a result we request before the Commission to take necessary action against the concerned political parties.

**Prayer:-**

Action of non-compliance should be taken against these six national political parties as such non-compliance of CIC’s decision is akin to contempt of court of law.

I hereby declare that the aforementioned facts are true to the best of my knowledge. I also request you that when this complaint is submitted to the respondents for their rejoinders, kindly let me have a copy of these rejoinders.

Humbly submitted,

<p>Mr. Anurag Mittal National Coordinator National Election Watch, and Association for Democratic Reforms M: 9811108914 anurag@adrindia.org</p>	<p>Prof Jagdeep Chhokar, IIM Ahmedabad (Retd.) Association for Democratic Founder Member National Election Watch, Association for Democratic Reforms M: 09999620944 <a href="mailto:ichhokar@gmail.com">ichhokar@gmail.com</a></p>	<p>Prof Trilochan Sastry, IIM Bangalore Founder Member, National Election Watch, Reforms <a href="mailto:trilochans@iimb.ernet.in">trilochans@iimb.ernet.in</a></p>
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**Annexure:**

Copy of the 3<sup>rd</sup> June CIC verdict