

To
The Registrar,
Central Information Commission
B-Wing, August Kranti Bhawan, Bhikaji Cama Place,
New Delhi

Date: 11-03-2013

Subject: Complaint under Section 18(1) of the Right to Information Act, 2005; matter pertaining to larger public interest

- 1. Name and address of the appellant** : Anil Bairwal,
National Coordinator,
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2. Details of PIOs/CPIOs

S No.	Name and address of the CPIO	Date of submission of RTI request	Order Number and Date of Reply from CPIO	Name & Address of First Appellate authority	Date of First Appeal Application	Order Number and Date of Order from First Appellate Authority
2.1	Dr. Y. Prabhanjan Kumar Yadav, Asst. CPIO ,Planning Commission, New Delhi.	22-06-2012	ADR/RTI/20/12/2012	Smt. Mala Dutt (Adviser) RTI,Room no. 324, Yojna Bhawan, Sansad Marg, New Delhi.	20-12-2012	Did not receive any reply

3. Brief facts leading to the appeal

3.1.1 Application under Section 6(1) of the Right to Information Act, 2005 was filed by the applicant before **(Attached as Annexure 2)**:

- a. Asst. CPIO through a letter dated 06-07-2012 further transferred it to the Prime Minister's Office **(Annexure 3)**
- b. PMO in turn transferred it to the Lok Sabha, Rajya Sabha Secretariat and Dept. Of Financial Affairs who in turn declined us to give the information. **(Annexure 4)**

The application was filed seeking the following information: **(Attached as Annexure 1)**:

1. Whether there are any pensions benefits claimed by Prime Minister Dr. Manmohan Singh or any present or past MP under the scheme of United Nations, World Bank, International Monetary Fund (IMF) or any other international agency.
2. If yes, kindly provide us with the following information held with PMO for PM and other MPs.
 - a) Rules and guidelines framed under such pension schemes, if any.
 - b) List of MPs claiming such pension benefits.
 - c) Amount of money received by each MP as pension every month.
 - d) Amount of money received by each MP as pension for the year 2011.
 - e) Agency from which such pension is being received.
 - f) Separate date and year on which such benefits were started given to such MPs.
 - g) Any other benefits and privileges given to these MPs under the pension schemes of any international agency.

3.2 With reference to ADR's RTI application, first reply from CPIO/PIO was received **(Attached as Annexure 3, 4 and 5)**. The CPIO/PIO refused to provide details/copies of pension benefits received by our MPs under International agencies.

- a. Asst. CPIO, Planning Commission, New Delhi did not disclose any information and rather transferred it to the PMO. PMO also transferred it to Lok Sabha and Rajya Sabha Secretariat along with Dept. Of Financial Affairs. All the respective departments refused to provide us the information stating that the information is not maintained by their department.

3.3 Aggrieved by the order received in response to ADR's RTI application, First Appeal under the RTI Act was filed with: **(Attached as Annexure 1)**

- a. CPIO/PIO, Planning Commission, New- Delhi.

The first appeal applications contained arguments explaining as to why this information regarding the pension benefits availed by our MPs including Prime Minister Manmohan Singh should be with them. It also stated that since the information should be with their office, PMO should therefore furnish the information without transferring it any further thereby causing any more delay.

3.4 The Appellate Authority did not reply to the applicant's appeal.

4. About the Appellant:

Anil Bairwal works with Association for Democratic Reforms (ADR) which works for improving governance, democratic, political and electoral process in the country. Earlier also, ADR had filed 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 an 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.

5. Prayers or Relief Sought:

As I am aggrieved and dissatisfied with the response received and grounds given for dismissal of my appeal by the Appellate Authority, I am filing an appeal against the order of the aforementioned Appellate Authority. The appeal is against the following order of the aforementioned Appellate Authority:

1. Information sought is not part of the records held by this office.

6) Grounds for Prayer or Relief:

- 6.1** The application was sent to the Planning Commission on 22-06-2012. The concerned PIO further transferred the letter dated 06-07-2012 to the PMO which in turn through an office memorandum dated 18-07-2012 transferred it to the Lok Sabha as well as the Rajya Sabha Secretariat and also to the Department of Economics affairs. All the departments declined to provide us the information stating that they don't have that information with their office (**Attached as annexure 5**)
- 6.2** The disclosure of the information is in larger public interest since people have a right to know if their chosen representatives, more specifically Prime Minister who represent India are availing any benefits arising out of some international funds.
- 6.3** There should be a complete transparency among such MPs about any such details of pension benefits under International agencies in light of a moral code in support of their own country.

7. Prayer for Relief

It is essentially a matter of larger public interest. It becomes all the more important to provide details of pension benefits under UN, World Bank, IMF or any other international agency of the Members of Parliament because:

- Larger public interest calls for disclosure of pension benefits under International agencies as it is likely to promote public debate.
- It is imperative to increase transparency of all financial dealings of Parliamentarians as well as maintain and enhance public confidence in them.

In view of this, the Chief Information Commissioner may be pleased to decide that the information sought by the applicant in respect of the income tax returns of the Member of Parliament should be made available to the applicant in wider public interest.

8. I hereby declare that the aforementioned facts are true to the best of my knowledge. I request you that when this appeal is submitted to the respondents for their rejoinders, kindly let me have a copy of these rejoinders and that I may be given at least ten days' time before I am called for the hearing. I may also be allowed to bring another person with me during the hearing who is knowledgeable about RTI matters, to assist me in this case.

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Verification: Verified at New Delhi on 05-03-2013 that paras 1-8 are true to the best of my knowledge and belief.

Annexures

1. Copy of first appeal filed dated 20-12-2012
2. Copy of the original RTI filed with the PMO dated 22-06-2012.
3. Copy of reply from PMO on letter forwarded by Planning Commission dated 18-07-2012
4. Copy of the Office Memorandum received from PMO Dated 18-07-2012
5. Copy of reply received from Department of Economic Affairs dated 27-07-2012
6. Certificate showing that the matter is not previously pending.