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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) No. 333/2015

IN THE MATTER OF:

Association for Democratic Reforms & Anr ..Petitioner
Versus
Union of India & Ors ..Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT
NO.5, THE COMMUNIST PARTY OF INDIA (MARXIST)

I, Sitaram Yechury, S/o Sri .Sarveswara Somayajula Yechury, aged 63 years, presently the General Secretary of the respondent No.4, the Communist Party of India (Marxist), A.K.Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi - 110001, do hereby solemnly affirm and state as under:

1. I am the General Secretary of the respondent No.5, the Communist Party of India (Marxist) in the above Writ Petition and fully conversant with the facts and circumstances of the case, as such I am swearing this affidavit for and on behalf of Respondent No.5.
2. That, save and except those, which are matter of record, all the averments, statements and submissions made by the



petitioners in the above Writ Petition, until and unless the same are specifically admitted, are denied by the answering respondent.

- 3. That the respondent, the Communist Party of India (Marxist), holds view that the statement of accounts and the details of finances of the political parties should be accessible to public. The Communist Party of India (Marxist) has been taking a consistent position that the financial statement and the accounts of a political party should be publically available and it stands for complete transparency of the income and expenditure of the political parties.
- 4. That the Answering respondent No. 5, The Communist Party of India (Marxist), is regularly submitting its accounts before the Election Commission and the Income Tax Department.
- 5. It is submitted that finding of the Central Information Commission(CIC)dated 3.06.2013 that political parties are 'public authorities' under section 2(h) of the Right to Information Act 2005 is wrong in law and facts.
- 6. If a political party is declared as a 'Public Authority', as prayed by the Writ Petitioner, the same would be destabilising the very party system in the country. A



political party is a voluntary association of citizens who believe in an ideology, programme and its policies and function on the basis of a Constitution adopted by its members. In a political party, free and frank discussions on all aspects are necessary to arrive at correct conclusions. If 'Right to Information Act 2005' is applied to a political party and permit access to all internal deliberations of the party on policy matters, organizational matters, selection of leaders and candidates etc, will constitute a serious infringement of the inner-party functioning, confidentiality of discussions and undermine the political party system itself.

7. It is submitted that, in a democratic political system, protection is granted to political parties to keep the confidentiality of the inner-party discussions with regard to policies, programme, assessment of other political parties, the Governments, attitude toward them, chalking out agitations and struggles against the wrong policies of the government, preparation of manifestos, selection of candidates and leaders to the various levels of the party, disciplinary action against erring members of the party or inner correspondence between members of the party and its different units etc. Opponents of a political party can

