

IN THE HON'BLE CENTRAL INFORMATION COMMISSION
GROUND FLOOR, AUGUST KRANTI BHAWAN, NEW DELHI
INTERVENTION APPLICATION NO. _____ OF 2016
IN
F.NO.CIC/RM/C/2014/000390 ETC.

IN THE MATTER OF:

ASSOCIATION FOR DEMOCRATIC REFORMS

INTERVENER

T-95A, C.L House, First Floor, Gautam Nagar

New Delhi-110049.

Through: Jagdeep S Chhokar, Founder Trustee.

VERSUS

SMT. SONIA GANDHI & ORS

RESPONDENTS

AND IN THE MATTER OF:

SHRI. R.K. JAIN & ORS

COMPLAINANTS

VERSUS

SMT. SONIA GANDHI & ORS

RESPONDENT

INTERVENTION APPLICATION ON BEHALF OF THE ASSOCIATION FOR DEMOCRATIC REFORMS, through Prof. Jagdeep S Chhokar, Founder-Trustee, AS A NECESSARY PARTY

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Commission vide order dated 23.05.2016 in File No. CIC/RM/C/2014/000390 etc had issued notices to five major Political Parties to take notice of the above cited complaints/ appeals in respect of RTI requests filed by the aforesaid complainants/appellants and to respond to the same through authorized representatives.
2. That the next dated of hearing of the Full Bench is fixed for 20.06.2016.
3. That the instant intervention application in being filed on behalf of 'Association for Democratic Reforms' (ADR) as a necessary party, by Prof. Jagdeep.S. Chhokar, Founder-Trustee, to be permitted to file Written Submission and address oral arguments.
4. That ADR has been at the forefront of democracy, governance, polity and transparency related research and litigation for the past 16 years and as such is a necessary party in the above cited matter pending adjudication before this Hon'ble Commission.
5. That the focal point for the intervener and the Association was its resounding success in the Hon'ble Supreme Court in the case titled Union of India versus Association for Democratic Reforms, (2002) 5 SCC 294 wherein the Hon'ble Supreme Court made it compulsory for the candidates contesting elections to file affidavits containing their financial assets, criminal antecedents and educational background.
6. That the applicant has no personal interest in the litigation and that the application is not guided by any self-gain or for gain of any other person/institution/body and that there is no motive other than of public interest in filing the application for intervention.
7. That the Right to Information Act, 2005 has succeeded in empowering citizens, ensuring transparency and ushering in some accountability in the system. However,

under the present system, a fact which cannot be ignored is that there is no transparency and accountability in the working of the political parties.

8. That in the intervener's Complaint dated 14.03.2011, a Full Bench of this Hon'ble Commission vide order dated 03.06.2013 in File No. CIC/SM/C/2011/001386&000838 had categorically held that the six National Political Parties are 'public authorities' under Section 2(h) of the RTI Act and, thus, liable to answer the questions under the provisions of the RTI Act.

Copy of the Complaint dated 14.03.2011 is annexed herewith as **ANNEXURE A1.**

Copy of the order dated 03.06.2013 passed by the Full bench of the CIC is annexed herewith as **ANNEXURE A2.**

9. That due to non-compliance of the CIC order dated 03.06.2013, the intervener, again, moved the CIC vide complaint dated 10.12.2014 and a written submission dated 21.11.2014. The CIC vide order dated 16.03.2015 while holding its previous order "*legally correct and binding*" also observed that they do not have any powers to ensure compliance of its own orders.

Copies of the Complaint dated 10.12.2014 and written submission dated 21.11.2014 are annexed herewith as **ANNEXURE A3. (Colly)**

Copy of the order dated 16.03.2015 passed by CIC is annexed herewith as **ANNEXURE A4.**

10. That being aggrieved, the intervener filed a Writ Petition before the Hon'ble Supreme Court to bring to light the aforesaid predicament. The Hon'ble Supreme Court vide order dated 07.07.2015 was pleased to issue notices to the Centre, six national political parties and Election Commission returnable on 30.06.2016.
11. That in its noble endeavor for greater transparency and accountability in the political system, the intervener in its initial complaint dated 14.03.2011 before this Hon'ble Commission had sought information from 6 national political parties regarding their

income, expenditure, donations and funding and as such the intervener is a necessary party in the above mentioned matter pending adjudication before this Hon'ble Commission.

12. That Preamble to the Right to Information Act, 2005 reads: *"...democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed"*. The right to information regarding the functioning of public institutions is a fundamental right as enshrined in Article 19 of the Constitution of India.
13. That this Hon'ble Commission has declared in a plethora of cases that the most important aspect for the functioning of a healthy and well informed democracy is transparency and accountability. This Hon'ble Commission in a full bench held in Para Nos. 91 and 92; CIC/SM/C/2011/001386& 000838;

"91. In our view, the validity of a statute cannot be questioned only on the basis of presumption of its possible misuse. On the contrary, we are of the opinion that bringing the Political Parties in the ambit of RTI Act is likely to usher an era of transparency in their functioning. Besides it would result in strengthening of democracy and democratic institutions in the country....."

"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)....."

14. That it is impossible to ignore the fact that there is a growing cynicism about politicians as a group and political parties as entities. This is partly because as an institution, political parties seem more remote and inaccessible, especially after their repeatedly blatant violation of the Commission's 3rd June, 2013 order.

15. That the aforesaid factual matrix clearly indicates that the intervener is at the forefront of democracy, governance and transparency related issues since 2002 and has had a resounding success in the Hon'ble Supreme Court and in this Hon'ble Commission. Thus, intervener is a necessary party as the Respondents have not complied with this Hon'ble Commission Full Bench order dated 03.06.2013 till date, declaring the Respondents to be 'public authorities' and, thus, amenable to the RTI Act.

PRAYER

In the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Commission may graciously be pleased to:-

- a) Allow the intervention application of the intervener and permit it to file written submissions and address oral arguments; and
- b) Any other further order as this Commission may deem fit and proper in the interest of justice.

FILED BY:

Jagdeep S Chhokar

Founder Trustee

On Behalf Of

Association For Democratic Reforms.

DRAWN BY:

SHIVANI KAPOOR

FILED ON: 30.05.2016