

‘How Disclosing of IT Returns of MPs/ MLAs is not in Larger Public Interest?’ : Asks CIC to the MPs

- Why is the political class being singularly targetted by the appellants: ask representatives of the MPs

New Delhi, 17th April, 2013: A three bench Central Information Commission (CIC), repeatedly questioned the representatives of the 20 MPs whose IT returns were asked for under RTI, on how disclosing of their IT returns was not in larger public interest. The bench comprised of Information Commissioners (IC) Mr M.L. Sharma, Ms Annapurna Dixit and Mr Rajiv Mathur and was hearing the RTI after 3 years of its filing. The ICs repeatedly referred to the Supreme Court judgement which made declarations of assets and other details mandatory at the time of contesting elections.

The public information officers who denied the information stating lack of larger public interest and the representatives of MPs/ MLAs were invited for the hearing. While the appeal concerned 20 MPs / MLAs, the CPIOs / representatives of only 10 respondents appeared for the hearing to present their cases.

Of the 20 MPs whose IT returns were asked for under RTI, the details of only 3 MPs (Mr Bajju Ban Ryan (MP from Tripura East constituency of Tripura), Mr Shafiqur Rahman Barq (MP from Sambhal constituency of Uttar Pradesh) and Ms Usha Verma (MP from Hardoi constituency of Uttar Pradesh) were made available by the Public Information Officers (PIO). The IT returns of other MPs were denied under various sections, like 8(1)(j), 8(1)(d), 11(1) and 11(3) of the RTI Act. The RTIs of 7 MPs were transferred but lost in transit hence no information was available.

ADR's primary argument was that there is overriding public interest in IT returns of the MPs and that most of the requested information was already in public domain as the total income filed in the latest IT returns of all candidates have to be provided in their affidavits along with their nomination papers to the Election Commission of India (ECI).

Throughout the arguments, the CIC asked the respondents to focus on how disclosing the IT returns of the MPs would not be in larger public interest. However, interestingly, no arguments were put forth by the Public Information Officers of the IT department who had initially denied providing the information stating lack of public interest. ADR stated that the Supreme Court has deliberated in detail on this issue while directing the ECI to collect and make public the information on assets of the contesting candidates at the time of elections through affidavits. The Hon'ble Supreme Court of India had specifically noted through its decision on March 13, 2003 (in Writ Petition No. 490/509/515 of 2002) that **asking for asset details of the parliamentarians/ legislatures does not invade the privacy of the individual.**

Amongst the arguments put forth by representatives of MPs, Mr Ajith Singh's senior advocate argued that if the MPs are considered public servants, the IT returns of every public servant should be requested for.

The lawyers of Mr Jyotiraditya Madhavrao Scindia argued that any tax payer serves larger public interest by paying tax hence their personal information cannot be made available in the public domain. He also pointed out that ECI and the Supreme Court had thought through this before asking for asset details of the MPs/ MLAs and not IT returns as a balance was required. MPs, whose IT returns are requested for, are not only elected representatives but pursue their self interests also where income from other sources would get reflected in their IT Returns. Hence it was not in larger public interest but only curiosity for information which is seen from the appellant.

The representative of Kumari Selja when asked if she would be willing to declare his/ his client's IT returns, stated that 'Rule of privacy will prevail' and 'I am not obliged under law to declare my IT returns in the public domain'.

The attendees included lawyers, chartered accountants and representatives of Mr Uday Singh, Ms Maneka Gandhi, Mr Sachin Pilot, Mr Dushyant Singh, Kumari Selja, Mr Beni Prasad Verma, Mr Ajith Singh, Mr Lalu Prasad Yadav and Mr T R Baalu.

The CIC has given 3 weeks' time for the representatives of the MPs to provide a copy of their written submissions after which it will give its decision.

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