

## **Larger Bench of CIC to Hear the Case on Making Income Tax Returns of MPs Public 28 Legislators Voluntarily Disclose Their IT Returns Prior to Hearing**

- ADR had appealed to the CIC on 20<sup>th</sup> August, 2010 to make IT Returns of a few MPs public
- The IT Department maintained its stand in the previous hearing held in November, 2012 that no larger public interest was proved by the appellant, Association for Democratic Reforms
- ADR, through another submission to the CIC, provided details of those MPs/ MLAs who voluntarily disclosed their IT Returns in public domain
- 28 MPs/ MLAs voluntarily disclosed their IT Returns on request by ADR

**New Delhi, 12<sup>th</sup> April, 2013:** The case on making IT Returns of MPs/ MLAs public has been referred to a larger bench of 3 Information Commissioners and the hearing date has been set for the 16<sup>th</sup> of April. There have been a total of 2 hearings with the CIC based on the appeal filed by ADR to provide copies of IT Returns of the Parliamentarians for larger public interest. The list containing names of 42 MPs/ MLAs was based on the disproportionate asset increase between two elections.

The larger bench comprises of Mr Rajiv Mathur, Mr M.L. Sharma and Ms Annapurna Dixit as the Information Commissioners and the bench is expected to hear the arguments of both the sides prior to giving a judgement.

ADR, in a submission to the CIC, also provided the details of those MPs/ MLAs who had **voluntarily disclosed their Income Tax Returns details** for not only one year but, in a few cases, more than 6 years. ADR had requested a number of politicians to voluntarily disclose their IT Returns to which a total of 28 politicians responded positively. The MPs/ MLAs had provided copies of their IT Returns along with their quotes as to why they are willing to set an example for larger public interest.

The 28 Legislators volunteered to disclose their IT Returns in the public domain by publishing it on their websites and by providing copies of their Returns to ADR with a request that it be available for public access. 8 legislators came forward with their opinion on why their IT returns should be made public, stating that this disclosure improves transparency thereby accountability of not just the Parliamentarians but also the political class in general.

**Shri Mehboob Beg**, of Jammu and Kashmir National Conference Party and currently a member of the Lok Sabha, has said "I really appreciate the initiative and strongly believe that unless and until the political class makes itself accountable and leads by example, the people will lose faith in the system and that is what shouldn't happen."

**Dr Ajoy Kumar**, of JVM party and a member of the Lok Sabha, stated that "In my view, a true public representative is one who governs effectively and at the same time maintains honesty and integrity in character. In a democracy that is as vibrant as India, 'effective governance' can only be ensured when there is 'accountability' in the system and similarly, accountability can only be ensured when there is 'transparency'. The three terms are inextricably linked with each other.

In a time when parliamentarians are increasingly showing exponential increase in their assets, it becomes all the more important to put the right checks and balances. The disclosure of IT returns by public representatives and making the same information available in public domain is definitely a step in the right direction. As an elected Member of Parliament representing Jamshedpur, I am accountable to the people who have chosen me to represent them and hence every aspect of my work and life is bound to come under public scrutiny. A voluntary disclosure by a Member of Parliament or any public representative provides information that empowers the citizen to make an informed choice. Furthermore, a public representative who makes a voluntary disclosure of his I.T returns is sending out a clear indication of his/her honest inclinations having nothing to hide.

Lastly, as the Election Commission of India (ECI) in 2011 has already made it mandatory for candidates to disclose information about the last Annual Income Tax filed by them in their affidavits, I fail to understand why this information hasn't come into public domain yet."

**Ms Anu Aga**, a nominated member of the Rajya Sabha said, "I am convinced about the value and utility of this request made by the Association for Democratic Reforms. As a Member of Rajya Sabha, I feel it is my responsibility to be transparent and contribute in every way for a cleaner public life. I am also clear that any move for change in our society has to begin with our private selves."

**Shri Dinesh Trivedi**, of AITC and a member of the Lok Sabha, said, "For your kind information I had filled my statement of my financial account even as back as 1990 when I become 1st time MP...that time I was told no such system existed ....but any case I feel people in public life should have every thing open to public..."

**Justice Mandagadde Rama Jois**, a member of the Rajya Sabha and former Governor of Jharkhand and Bihar States, provided his IT returns and stated "Among all kinds of purities, financial purity is the most important".

**Shri Baishnab Ch. Parida**, of BJD and a member of the Lok Sabha said, "In politics, to maintain transparency in life, people should know about the income of elected people. Sometimes, people amass money which is out of their sources of income and they misuse it in elections. By that reason, election has become a joke and if this continues the ideals of democracy will not sustain in our country. The CSOs like NEW are doing commendable work and they should expedite their work further and bring the realities of political life to the notice of our people."

**Shri Tathagata Satpathy**, of BJD and a current member of Lok Sabha, said, "Very few people in the nation pay taxes. Every taxpayer is a breed apart. I am grateful to the society that it has enabled me to be a taxpayer. Therefore, my tax returns give me pride as well as a sense of ownership of the nation".

**Muttemwar Vilasrao Baburaoji**, of INC and a current member of Lok Sabha said, "Transparency should be there in public life. People want their elected representatives to be transparent"

The Income Tax Returns of an individual is currently considered private information under Sections 8(1)(j), 8(1)(e) and 8(1)(d) of the RTI Act. ADR is hopeful that the judgement post the hearing might have a large impact on public knowledge of finances of the politicians and also check for authenticity of information on assets provided by the candidates in their affidavits.

## List of Politicians who voluntarily disclosed their Income Tax Returns:

For copies of the IT returns of the legislators listed below, kindly refer to the link  
<http://adrindia.org/content/disclosure-mp-it-returns-cic-hearing>

| S. No | Name                      | State       | Constituency  | Party                         | Position | Source     |
|-------|---------------------------|-------------|---------------|-------------------------------|----------|------------|
| 1     | Neeraj Shekhar            | UP          | Ballia        | SP                            | MP LS    | By letter  |
| 2     | Sadashiv Dadoba Mandlik   | Maharashtra | Kolhapur      | IND                           | MP LS    | By letter  |
| 3     | Abhijit Mukherjee         | West Bengal | Jangipur      | INC                           | MP LS    | By letter  |
| 4     | Mirza Mehboob Beg         | J&K         | Anantnag      | J&K National Conference       | MP LS    | By letter  |
| 5     | Bijoy Krishna Handique    | Assam       | Jorhat        | INC                           | MP LS    | By letter  |
| 6     | Arnavaz Rohinton Aga      | Maharashtra | NIL           | Nominated                     | MP RS    | By letter  |
| 7     | Raju Anna Shetty          | Maharashtra | Hatkanangle   | Swabhimani Paksha             | MP LS    | By letter  |
| 8     | Dr Ajoy Kumar             | Jharkhand   | Jamshedpur    | JVM                           | MP LS    | By letter  |
| 9     | Mandagadde Rama Jois      | Karnataka   | Karnataka     | BJP                           | MP RS    | By letter  |
| 10    | Dinesh Trivedi            | West Bengal | Barrackpur    | AITC                          | MP LS    | By letter  |
| 11    | Vilas Baburao Muttemwar   | Maharashtra | Nagpur        | INC                           | MP LS    | By letter  |
| 12    | Baishnab Charan Parida    | Orissa      | Orissa        | BJD                           | MP RS    | By letter  |
| 13    | Tathagata Satpathy        | Orissa      | Dhenkanal     | BJD                           | MP LS    | By letter  |
| 14    | Baju Ban Riyan            | Tripura     | Tripura East  | CPI(M)                        | MP LS    | By RTI     |
| 15    | Sudip Bandyopadhyay       | West Bengal | Kolkata Utter | AITC                          | MP LS    | By Website |
| 16    | Subodh Kant Sahay         | Jharkhand   | Ranchi        | INC                           | MP LS    | By Website |
| 17    | Pratik Prakashbapu Patil  | Maharashtra | Sangli        | INC                           | MP LS    | By Website |
| 18    | Mahadeo Singh Khandela    | Rajasthan   | Sikar         | INC                           | MP LS    | By Website |
| 19    | Ajay Maken                | Delhi       | New Delhi     | INC                           | MP LS    | By Website |
| 20    | Ambika Soni (with spouse) | Punjab      | Punjab        | INC                           | MP RS    | By Website |
| 21    | Sadanand Singh            | Bihar       | Kahalgaon     | INC                           | MLA      | By Website |
| 22    | Pramod Kumar              | Bihar       | Motihari      | BJP                           | MLA      | By Website |
| 23    | Subodh Roy                | Bihar       | Sultanganj    | JDU                           | MLA      | By Website |
| 24    | Virendra Beniwal          | Rajasthan   | Lunkaransar   | INC                           | MLA      | By Website |
| 25    | Rajkumar Sharma           | Rajasthan   | Nawalgarh     | INC (Contested on BSP Ticket) | MLA      | By Website |
| 26    | Rajendra Pareek           | Rajasthan   | Sikar         | INC                           | MLA      | By Website |
| 27    | Murari Lal Meena          | Rajasthan   | Dasua         | INC (Contested on BSP Ticket) | MLA      | By Website |
| 28    | Hema Ram Choudhry         | Rajasthan   | Gudamalani    | INC                           | MLA      | By Website |