

# SURAJYA SANGHARSH SAMITI

A-6, Anupama co. op. Hsg. Soc., Body Gate, Aundh, Pune - 411007

Phone - 09923299199 email - kvijay14@gmail.com

---

To,

Date - 5 October 2013

The Chairperson,

Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice,

Rajya Sabha Secretariat, #222, 2nd Floor, Parliament House Annex;

New Delhi- 110 001

**Sub - Memoranda of views and suggestion on The Right to Information (amendment) bill, 2013.**

Dear Sir,

My views and suggestions on The Right to Information (Amendment) Bill, 2013 are as follows:

1) The bill intends to amend the Act to keep political parties out of the purview of The Right to Information Act (RTI). It does not give any other option to the citizens of India to access information related to the political parties, which are the backbone of democracy thus making a mockery of democracy, transparency, the RTI act and the Representation of Peoples Act (RPA).

2) The object of the RTI Act 205 is to promote transparency and accountability in the working of every public authority and to ensure greater and more effective access to information to make the said Act more progressive, participatory and meaningful.

3) The RPA provides for the conduct of elections to both Houses of Parliament and to the House or Houses of legislatures of each State, the qualifications and disqualifications for membership of those Houses, the corrupt \* \* \* practices and other offences at or in connection with such elections and to decide on the doubts and disputes arising out of or in connection with such elections.

4) Political parties are undoubtedly engaged in the performance of public duty.

5) It is also beyond doubt as clarified in the decision by the Central Information Commission (CIC) that all major political parties are directly or indirectly publicly funded.

6) The definition of “substantial funding” is also clear; even a single rupee funded from public funds should be treated as “public funding”.

7) There is no compulsion on political parties to avail indirect or direct public funding; they choose to do suo mottu. Once the political parties choose public funding suo mottu, they automatically attract the provisions of laws applicable to public funding; political parties especially should not have the cake and eat it too.

8) One definition of democracy is a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections. In other words, people choose their agents or servants through elections. While so choosing, the people have to take due precautions and check the credentials of such persons before voting for them.

9) Once we accept that the supreme power vests with the people, it is axiomatic that the people having supreme power possess all the authority to keep a strict vigil on its agents or servants.

10) Paragraph 86 of the order of the CIC in this case says, "We may also add that the preamble to the Constitution of India aims at securing to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; and, EQUALITY of status and of opportunity. Coincidentally, the preamble of RTI Act also aims to promote these principles in the form of transparency and accountability in the working of the every public authority. It also aims to create an 'informed citizenry', to contain corruption, and to hold government and their instrumentalities accountable to the governed. Political Parties are important political institutions and can play a critical role in heralding transparency in public life. Political Parties continuously perform public functions which define parameters of governance and socio-economic development in the country." Additionally, it also says that political parties are the "building blocks of a constitutional democracy."

11) There should not be any doubt that blocks of any building must always be sound in all the respects. In this case, the behavior of political parties and their candidates for election should always be above suspicion.

12) As per Transparency International, money may come into conflict with the democratic principles of civic equality and fair competition in elections and can also undermine political representation. For example:

A) When the availability of resources becomes a decisive factor in winning elections instead of candidate proposals.

b) When money contributed to electoral campaigns safeguards private interests and inhibits political parties and candidates representing collective interests to communicate their ideas.

C) When a party in office uses the system and the resources of the State for the benefit of the electoral campaigns of its candidates.

D) When companies contribute to electoral campaigns in exchange for future favors from elected representatives.

E) When illegal groups, such as organized crime, drug trafficking or other armed groups, support candidates who in performing their duties will represent illegal interests.

F) When resources used to fund electoral campaigns are raised individually by candidates and not by their parties, thereby creating the risk of personal commitment on the part of the candidate to the donor.

G) When candidates use financial resources for inappropriate purposes, such as vote purchasing or other forms of unfair competition.

H) When elected representatives have, in general, a greater commitment to donors than to the public.

I) when representatives use their posts and attendant government resources to gain re-election.

J) When civic equality, reflected in the principle of each individual having one vote, is undermined by the unwarranted ability of some to contribute money to politics.

These conflicts affect the legitimacy of elected representatives as well as their ability to develop rules aimed to benefit the public. The negative impact of such practices on the quality of life of the people multiplies and the democratic system as a whole stands to lose credibility.

Hence all transactions of all political parties, for betterment of democracy and society, must be in public domain irrespective whether there is any law or not.

13) If all the above points are read together, it is clear that the behavior of all political parties or the candidates for election should always be open for

public scrutiny and for that to happen, information is vital. The only question that remains is how to ensure that common citizens get access to such information.

14) When political parties were declared as public authorities under the RTI act, they felt their internal functioning would be hampered and the opposition parties will get access to their political strategies. This is an unfounded fear because requisitioning information under Section 6 of the RTI act does not make it incumbent on the PIO to provide the information asked for. There are Sections e.g. 8, 9 and 11 that prohibit PIO from providing information to the applicants under certain circumstances. There is not a single example since the inception of the RTI Act in 2005 of smooth functioning of any public authority being hampered by providing information or making governance transparent.

15) In considering this amendment to the RTI Act, the only aspect being discussed is keeping political parties out of the purview of the RTI Act. No thought at all is being given to find ways and means to provide the public with access to information related to political parties especially keeping in mind Paragraph 12 above, "...all transactions of all political parties, for betterment of democracy and society, must be in public domain irrespective whether there is any law or not."

16) In sum, I want to stress that unless a fair alternative with all the authority to scrutinize, investigate and penalize regarding political finance is given keeping in mind all above points, especially Paragraph 12 above, political parties should not be kept out of the purview of RTI Act.

Regards

Vijay Krishna Kumbhar