To:

The Central Information Commission of India

Subject Matter:

Notice issued by CIC to the Political Parties on non-compliance of the3rd June, 2013 order: Remedy sought

a) **Penalty of Rs25000 under Section 20(1)**

b) **Compensation under Section 19(8)(b)**

c) **Directions to Political Parties to appoint PIO/CPIO**

Submission Of Memorandum From:

Association For Democratic Reforms

+91-9654 136 583; +91-9999 620 944

FOLLOWING A HEARING WITH THE CENTRAL INFORMATION COMMISSION DATED 21-11-2014 AND INTERIM ORDER PASSED DATED 28-11-2014

The Association for Democratic Reforms (ADR) makes the following suggestions, after an interim order passed by the CIC dated 28th November, 2014.

Association for Democratic Reforms (ADR).
T-95A, C.L House, First Floor, Gautam Nagar
New Delhi- 110 049
Mobile-+9654136583, 9999620944

*"*There is not a crime, there is not a dodge, there is not a trick, there is not a swindle which does not live by secrecy. Get these things out in the open, describe them, attack them, ridicule them in the press, and sooner or later public opinion will sweep them away...*"*

Joseph Putzer in "Reminiscences of a Secretary (An Adventure with a Genius)", p. 115 (1920).

Subject-Matter of the Submission:

- **Part A: Responses to the concerns raised before the Commission during the hearing dated 21-11-2014**
- **Part B: Rejoinder to the arguments submitted by the Political Parties to the CIC.**
- **Part C: Legal conjecture in support of our arguments.**

PART A: Responses to the concerns raised before the Commission:

Issue No. 1: How to ensure the presence of the six National Political Parties for the next hearing scheduled for 7th January, 2015 after an interim order passed by CIC dated 28th November, 2014.

Answer: No member or representative from the parties was present for the hearing convened by CIC on 21st November, 2014.It was even asserted during the hearing by some of the fellow applicants that the first and foremost stipulation of this Hon'ble Bench should be to ensure the attendance of the political parties (either through their lawyers or representatives).

After importing the words from the **Commission's interim order of 28th November, 2014, F.No.CIC/SM/C/2011/001386 and 000838, Para Nos. 2, 9, 20&21,** it can be seen;
(Annexure No. 1)

"2. A notice dated 03.11.2014 was issued to the respondents (six national political parties) to appear before this Commission on 21.11.2014 and produce all relevant documents/records relating to the action *taken in pursuance of the directions contained in this Commission's order dated 03.06.2013.* **The respondents have not responded to the notice of 03.11.2014 and have not appeared before this Commission on 21.11.2014**.*"*

"9. **The six political parties were not present or represented during the hearing**.*"*

"20. In view of the above, it will be appropriate **to provide another opportunity to the respondents** to present their case before this Commission and also to the complainants and the intervener to make any *further submissions."*

"21. **This Commission directs the Presidents and/or the General Secretaries of the six political parties to appear before this Commission for a hearing on 7th January, 2015 (Wednesday) at 4:00 pm** and **produce all relevant documents/ records relating to this matter**....."

It is hereby again stated that the Commission has already served a number of notices in the past in order to ensure that the political parties are given a fair chance to present their case/ plight if any. It is to be noted that so far, till now, five notices have been issued by the CIC so as to ensure the presence of these political parties before the Bench. Even during the previous hearings when the matter was still pending before the Hon'ble Bench, the Commission had to issue two notices to these political parties just to ensure their attendance and to resolve the issue in question. The first notice for hearing was issued by the Commission on 10th September, 2009 whereas the 2nd notice was issued on 8th October, 2012. The language used in both the notices clearly states that ***"In case of non*- appearance of the respondent or of the officer whose assistance sought under Section 5(4) of the Act, the matter will be heard and decided ex parte**."**Attached as Annexure 2&3)**

- **It is a clear "Question of fact" based on the "Evidence- on –record":**

  The centerpiece of this submission should be the notice of 10th September, 2014 linked with the notice dated 3rd November, 2014 issued by the Commission. As per the Commission's notice dated 10th September, 2014, the notice clearly states that ***"matter will be decided on the basis of the evidence on record."*****(Attached as Annexure 4&5).**

  In spite of the constant reminders by this Commission and citizens at large, political parties have not yet appointed any PIO/CPIO, thereby proving their reluctance to implement the order. It is a clear ***"Question of fact"*** which cannot be discounted and ignored. If parties were so aggrieved by the order, as a practice they should have approached the competent authority (High Court or Supreme Court in the instant case) under Section 2(e) of the RTI Act instead of wasting the valuable time of this Commission. By being so impervious and contemptuous towards the order passed by this respected institution formed under law, parties have yet again proven their unaccountability and disdain towards the public and also have tried to make mockery of citizen's right to know.

Therefore, **it is prayed before this Hon'ble Commission that it should without any further delay , take its decision based on evidence rather than enforcing the attendance of the respondents; Political Parties.**

- **Supreme Court in Anil Ratan Sarkar & Ors vs Hirak Ghosh & Ors on 8 March 2002, Contempt Petition (c), 260-261/2001,Page no. 8:**

*"……..***the spirit continues and so is the deprivation**. The defence of understanding is not only moonshine but a deliberate attempt to over-reach this Court's order and as such willfulness in the matter of disregard of this Court's order is apparent on the face of it and we are not prepared to accept the same as a defence of an action for deliberate and willful disregard of an order of Court. **We find that the actions on the part of the respondent-authorities are not only unreasonable but deliberate and spiteful** and that too in spite of a specific direction in all the five judgments so far obtained by the petitioners in their favour. Avoidance is written large and it would be difficult for us to consume the same without any particular rhyme or reason. In the contextual facts there cannot be any laxity as otherwise the Law Courts would render itself useless and its order to utter mockery. Feeling of confidence and proper administration of justice cannot but the hall-mark of Indian Jurisprudence and contra action by Courts will lose its efficacy. Tolerance of Law Courts there is, but not without limits and only upto a certain point *and not beyond the same."*

Issue No. 2: CIC should take a decisionbearing in mind the set legal norms:

Answer: The Central Information Commission is not a "Court of Law". It is a quasi-judicial body. Therefore, the Commission should decide the matter purely based on evidence.

Although, the Commission exercises the power of a civil court while trying a suit under Section 18(3), yet it is not a court under Section 19 of the Act because the proceedings before it are not of civil or criminal nature. The provisions of the Right to Information Act, Section 19(10) and the rules there under reveal that the Central Information Commission or the State Information Commission, as the case may be, is not bound to follow the procedure prescribed for a trial of action neither in courts nor by strict rules of evidence. Being a quasi-judicial body, the Commission apart from passing a just and fair order is only

required to record its reasons in support of the order it makes in exercise of the quasi-judicial functions under Section 19 (10).

- **Rajasthan High Court in Kashinath Joshi vs. Satish Chandra Sharma, (1969 CriLJ 1193), Para No.6&7, Page No. 3;**

  "6...Thus, it would be important to look to the character of the proceedings before a particular officer or authority for coming to the conclusion whether it can be characterised as a Court...."

  Further it was observed;

  "7....If at all, this would at best be a proceeding of a civil nature and not criminal. That is why, we think, whatever may be the character of the proceeding, whether it is purely ministerial or judicial or quasi-Judicial, the Magistrate who entertains the application and holds the enquiry does so because he is designated in that behalf and so he must be treated as a person designates and not a Magistrate functioning and exercising his authority under the Code of Criminal *Procedure……"*

- Also, the observations made by **Justice P.N Bhagwati in S.P. Gupta vs. President Of India And Ors. AIR 1982 SC 149, Para No. 1, Page No. 2**are worth noticing. He observed;

  *"***1.Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear, seem doubtful, and before which even well settled principles of law will bend***."*

- Speaking for the**House of Lords, Lord Chancellor in "Practice Statement (Judicial Precedent)", (1966)1 WLR 1234,** it was observed;

  "Their Lordship nevertheless recognize that **too rigid adherence to precedent may lead to injustice in a particular case and also unduly restrict the proper development of the law**. They propose, therefore, to modify their present practice and, while treating former decisions of this *House as normally binding, to depart from a previous decision when it appears right to do so."*

- **Pathumma And Others Vs. State Of Kerala And Others on 16 January, 1978; 1978 AIR 771, 1978 SCR (2) 537, Page No. 3**

  "The judicial approach should be **dynamic** rather than **static, pragmatic** rather than **pedantic and elastic rather than rigid**. It must take into consideration the changing trends of economic thought, **the temper of the times and the living *aspirations and feelings of the people……"***

Issue No. 3: A notice for penalty and compensation should be issued to political parties in the light of the Principles of natural justice.

Answer: We have no hesitation if the Commission decides to issue a notice for compensation to the political parties. It is also hereby contended before the Commission that we are public spiritedcitizens and the grievance was solely brought before the Commission in public interest**. It is emphasized that fair rules of natural justice applies solely in cases where a party in question is genuinely concerned and has in reality wished for a just order.** Political parties herein case have not abided by the Commission's order. **17 months have passed already**. **(Attached as Annexure 6)**

Once more it is reiterated before the Bench that the compensation as asserted by us is not meant for our personal interest. The complainant here in case desires to contribute the compensated amount to the Prime Minister's Relief funds.**The only concern stressed is that political parties should be levied with an exemplary and meaningful compensation. (Attached as Annexure 7)**

- **Supreme Court in M/S. Shori Lal & Sons & Ant vs Delhi Development Authority & Ant on 1 December, 1994, Page no. 6, Para no. 14:**

  *"*14. Public bodies like, DDA, which are trustees of public properties, and are to carry out public functions, in our view, cannot escape their accountability for their failure to carry out the orders of this Court made in public interest. The officers of the DDA, who are guilty of inaction, in our view, should be proceeded against in contempt action... *"*

Issue No. 4: To give more teeth to the 3rd June, 2013 order of the CIC:

Answer: Even after a lapse of 17 months; the order is not challenged in any "Court of Law", hence the 3rd June order stands valid. It is again pointed out before the Bench that **Central Information Commission is a duly constituted statutory authority to administer the implementation of the Right to Information Act**. The 3rd June order was arrived at after due deliberation of law. Hence, it is submitted that the hearing convened on 21st November, 2014 was not to debate the veracity of the 3rd June CIC order. **It is an open and shut case of non- compliance by the political parties** and any question on the validity of the order would amount to an open defiance of this statutory authority.

Issue No. 5: We had not gathered to discuss electoral reforms.

Answer: During the hearing, few suggestions on paving way for electoral reforms by the way of Commission's order were also recommended to the Commission by some of the fellow applicants. It was observed during the hearing that some of the applicants had placed before the Bench, suggestions with respect to greater financial transparency with regard to the income of the political parties. It is again pointed out that it is not for the Commission to recommend any body/agency or government to make recommendations/proposals pertaining to electoral reforms. **The whole idea of the 21st November, 2014 hearing was solely to deal with the issue of contempt of the 3rd June, 2013 order by the Political parties and the remedies provided under law**. One of the underlying elements of this subject-matter in question is that we must stay on track and remain absolutely focused and not digress from the main issue in question.

PART B: A rejoinder to the arguments supported by the Political Parties

Political parties in their submission before the Commission have raised certain issues which not only tend to dilute the CIC order of 3rd June. 2013 but also try to frustrate the whole purpose and intention behind the RTI Act. In this part we have therefore, tried to deal with these issues one by one. Following arguments were raised by the respondent parties: (Attached as Annexure 9)

Arguments used by INC, AICC, NCP, CPI(M) &CPI

- Right to Information (Amendment) Bill, 2013 is pending before the House.
- CIC does not have the jurisdiction to pass such an order.
- CIC order is not based on law and facts.
- CIC has not taken into consideration the object of the RTI Act while passing this order.
- Wrong interpretation of the RTI Act by the CIC.
- The amount of funding received by these parties is not substantial.

Argumentused by INC alone:

- Copy of the order of the CIC was not received by INC.

BJP&BSP

- No response or submission was given to the Commission by these two parties.

The point by point rebuttal to the arguments supported by the respondents has been given below:

1) Argument No. 1: Right to Information (Amendment) Bill, 2013 (Bill No.112 of 2013):

Response: In one of the contentions of the respondents, they have stated that the Right to Information (Amendment) Bill, 2013 has already moved and is pending in the Parliament and

that we should wait till the time the Parliament takes a final decision on the amendment of the RTI Act**. It is strongly pointed out before the Bench that here the respondent parties are relying on a Bill which does not even exist now**. The Bill was introduced in the previous Lok Sabha. After the dissolution of the 15th Lok Sabha and formation of the 16th Lok Sabha in May, 2014, the Bill lapsed. **At present, this Bill stands "null and void".** It is submitted before the Bench that by relying on such unfounded reasons, the **political parties are only trying to create a privileged class among themselves and thereby subverting the adjudicating and quasi-judicial powers of the CIC as provided under the Act** and in the long run, violating the fundamental right(s) as enshrined under Article 14 and 19(1)(a) of the Constitution.

1.1) Supreme Court in Purushothaman Nambudiri vs The State Of Kerala, 1962 AIR 694, Page No. 7:

"Dissolution of Parliament is sometimes described as **"a civil death of Parliament".** Ilbert, in his work on 'Parliament', has observed that "prorogation means the end of a session (not of a Parliament)"; and adds that "like dissolution, it kills all bills which have not yet passed". He also describes dissolution as an "end of a Parliament (not merely of a session) by royal proclamation", and observes that "it wipes the slate *clean of all uncompleted bills or other proceedings."*

Further, it was stated in Page No. 8 of the Judgment;

The Assembly derives its sovereign power to legislate essentially because it represents the will of the citizens of the State, and when one Assembly has been dissolved and another has been elected in its place, the successor Assembly cannot be required to carry on with the business pending before its predecessor, because that would assume continuity of personality which in the eyes of the Constitution does not exist. Therefore, sending the bill back to the successor Assembly with the message of the President would be inconsistent with this basic principle of *democracy."*

2) Argument No. 2: Jurisdiction- (Authority, Control and Power) of CIC has been questioned by the respondents:

Response: The respondents have stated in their defense that legally it is not permissible for the CIC to decide on its own jurisdiction since Political Parties are not covered within the definition of "Public authority" under the Act. The respondents also submitted that Commission has taken different views on the subject. In one of the letters dated 8th October, 2014, submitted to the Commission, AICC had said;

"We believe that the order of the Commission bringing political parties under the ambit of the Right to Information Act and clothing itself with jurisdiction is contrary to the letter and spirit of the Act. Such a dramatic alteration of the law can and should be made only by the Legislature by way of amendment to the RTI Act, 2005 and not by way of a strained and ill-founded reading of the Act by a quasi-judicial authority given contrary to its stature and its *legislative intent."*

Now, let us reiterate to the respondent parties that the Commission has not takena different view on the subject-matter in question. While passing this order, the Commission has taken the objective interpretation of the Act. **The one and only rationale in the wake of every kind of disclosure given under various provisions of Right to Information Act is to have transparency and accountability between Citizens and Parliamentarians.** The entire design behind this whole framework of disclosure is to help citizens shape in a way so that they can equally contribute in the political and electoral affairs of their country with a well informed and perceptive participation. Therefore, if, Political parties are excluded from such an important intake, the whole purpose and intention behind our disclosure system will be defeated and so will our representative democracy.**THEREFORE,** the object of the RTI Act is to ensure maximum disclosure and minimum exemptions, consistent with the constitutional provisions.

2.1) The object of RTI:

To reinforce and give further effect to certain fundamental principles of RTI Act, namely –

- governmental accountability;

- transparency; and
- public participation in national decision-making, by granting the public a general right of access to official documents held by public authorities.

The effectiveness of the Right to Information Act will depend substantially on how prepared the Central and State Governments are in implementing it- in both letter and spirit. The disclosure of information is no longer a transgression but an obligation. Conversely, its withholding is no longer a virtue, but an offence.

2.2) Interpretation and intention of the whole RTI Act:

The object of the interpretation is to discover what the Legislature intended. Therefore, we need to stand for that conjecture which fulfils or furthers the object of the statute instead of negating this fundamental basic right to know.**Therefore, our fellow respondents should look into the Colour, Content and Context of the whole RTI Act as every word, every section and every utterance in the RTI Act has a definite purpose- which is to provide information with bare minimum exceptions.**

The Hon'ble Madras High Court in Tamil Nadu. Road Development Company Ltd. Vs Tamil Nadu Information Commission, Para 23, Page no. 9 W.A.No.811/ 2008:

*"*23. The RTI Act has also provided a remedy for facilitating the exercise of the Right to Information and the reason for the remedy is also indicated in the Preamble to the Act. So going *by the direction in Heydon's Case, followed by the Supreme Court in Be*ngal Immunity (supra) **such an Act must receive a purposive interpretation to further the purpose of the Act.** So any interpretation which frustrates the purpose of the RTI Act must be eschewed. Following the said well-known can*on of construction, this Court interprets the expression 'public authority' under* section 2 (h) (d) (i) liberally, so that authorities like the appellant who **are controlled and substantially financed, directly or indirectly, by the government, come within the purview of the RTI Act.** In coming to the conclusion, this Court reminds itself of the Preamble to the RTI Act which necessitates a construction which will hopefully cleanse our democratic polity of the corrosive effect of corruption and infuse transparency in its activities.*"*

2.3) This Commission has relied only on Facts and Law based on merit.

Due diligence and cautious application of mind has been applied by the Commission while passing this order. It has relied solely on doctrine of legal jurisprudence and fair construction. **The Commission relied on the lone ground that any organization performing any public function, working for any public purpose, getting substantial public money and working in the larger public interest, cannot claim to be independent from public inspection and scrutiny** .The decision of the Commission was based on a reasonable and equal treatment as enshrined under Article 14and "Right to Information" under Article 19(1)(a) of the Constitution, envisaging the concept of "**Equal treatment in equal circumstances**".

It is appalling to see how the respondents have tried to tarnish the working and functioning of the Commission. Such impertinence on the part of the parties is not only horrendous and inexcusable but also insulting to the Commission and hopes, aspirations and sentiments of the citizens of the country. **It conveys a clear message from the political parties that in a country where "Rule of Law' prevails, our political parties believe they are above any "Law ofLand."**

It is once again pointed out before this Bench that this order has not been challenged in any court of law by the way of appeal or writ. This order still stands under law.**The respondents by judging the validity and reasonableness of the Commission's order are only trying to create a privileged class among themselves. It will be futile and a waste of time to debate once again on the correctness of the full Bench order.** If the respondents are not satisfied, they should approach appropriate forum without wasting any more time of the Commission and citizens at large.**Therefore, it would be utterly wrong and erroneous for the respondents to question the credibility of this Commission's decision.**

3) Argument No. 3: CIC order of 3rd June, 2013 is wrong before facts and law:

Response: It has been argued by the respondent parties that CIC order is wrong. It is pointed out before the Commission that the findings of the Commission were based on merits. Before coming onto a conclusion, the Commission had critically examined all legal canons available and evidence advanced. **Besides, the Commission had verified and inspected all the documents**

submitted to it with utmost perseverance and application of mind. All the facets of law were taken into consideration while passing this order, most notably Section 2(h)(ii) of the RTI Act. In fact, while interpreting Section 2(h)(ii), the Commission has kept the political parties on the same footing with the other agencies who qualify under the definition of "Public Authority" under Section 2(h)(ii).The contentions supplied to the Commission were completely based on law and facts. The Hon'ble Commission has decided the matter based on relevant judicial pronouncements and precedents.

Three key components from the Central Information Commission's order in CIC/SM/2011/001386/000838

1) Political parties are the building blocks of a Constitutional democracy.
2) Political parties receive substantial funding from the Government.
3) They perform public function.

Due care was taken by the Commission while passing this order.After looking into the relevant extracts of the CIC order of 3rd June, 2013; CIC/SM/2011/001386/000838, we found out;

3.1) When evidence was laid before the Commission:

Importing the words from Para 43, 44&47;

"43. It needs to be underlined that it has been the tenor of the arguments advanced by the complainants herein that the Political Parties are substantially financed, albeit indirectly, by the appropriate Government(Central Government in this case) by way of:

• *Allotment of large tracts of land in prime areas of Delhi either free of cost or atconcessional* rates;
• *Allotment of houses on rental basis on concessional rates.*
• *Exemption from I*ncome Tax u/s 13-A of the I.T. Act
• *Free air time on All India Radio;*
• *Free air time on Door Darshan, and*
• *Provisioning of free electoral rolls etc."*

"44. The **Commission had written to the Secretary, Ministry of Urban Development,Government of India, New Delhi, to confirm the position regarding the allotment of plots to various Political Parties**, as claimed by the complainants. The Deputy Land & Development Officer, in his letter dated 21.5.2013, has written to the Secretary of the Commission regarding the allotment of land to various Political Parties. The operative portion of his letter is reproduced below:-

***"I am directed to refer to your letter No. Secy/CIC/2013/Misc./02 dated 7th March, 2013 and* 16th April, 2013** on the above mentioned subject and to provide information available in this office in respect of Table-1 as under :-……."

"47. **The Commission has received another letter dated 15.5.2013 from the Director ofEstates** enclosing therewith allotment of government accommodation to various Political Parties on monthly rental as extracted below:-……."

3.2) When legal provisions were relied on by this Commission:

Importing the words from Para 54& 62,;

54. At this stage, it would be useful to crystalize the outcome of discussion held hereinbefore. In our view, the following facts clearly emerge:-

(A) Legal/General

(a) that the Political Parties are the building blocks of a constitutional democracy;
(b) that under Tenth Schedule of the Constitution, a Political Party can have a
Member of the House disqualified in certain circumstances;
(c) that a Political Party is required to be registered by the Election Commission of
India under section 29A of the Representation of People Act, 1951;
(d) that under section 29C of the RP Act, 1951, a Political Party is required to submit a report for each Financial Year to the Election Commission of India in respect of contributions received by it in excess of 20,000/- rupees from any person as also contributions in excess of 20,000/- rupees received from non-Government companies;
(e) that in exercise of its powers under Article 324 read with section 29A of the RP Act, 1951 , and rules 5 & 10 of the Conduct of Election Rules, 1961, the Election Commission has issued

Election Symbols(Reservation & Allotment) Order, 1968, under which election symbols are allotted to various National/State Political Parties;

(f) that Election Commission can suspend or withdraw recognition of a recognized political party in the event of violation of provisions of Election Symbol(Reservation & Allotment) Order, 1968;

(g) that Central Information Commission's order dated 29.4.2008 directing the Political Parties to disclose their Income Tax Returns holds the field and is being complied with.

(B) Financial

(a) that the Land & Development Office of the Ministry of Urban Development has allotted large tracts of land in Delhi to various Political Parties either free of cost or at concessional rates;

(b) that the Directorate of Estates, Ministry of Urban Development, has allotted accommodation in Delhi to various Political Parties on rental basis at concessional rates;

(c) that Political Parties have been claiming and granted total tax exemption under section 13A of the Income Tax Act for all their income;

(d) that the State has been indirectly financing Political Parties by way of free air time on All India Radio and Doordarshan of India during the elections; &

(e) that recognized Political Parties are issued copies of electoral rolls by the Election *Commission, free of cost, at the time of elections."*

"62. The question before the Commission is whether INC/AICC, BJP, CPI(M), CPI, NCP and BSP can be held to be Public Authorities under section 2(h) of the RTI Act. The complainants have adduced the following three principal grounds to persuade the Commission to hold that the aforesaid Political Parties are Public Authorities viz:-

(i) Indirect substantial financing by the Central Government;

(ii) Performance of public duty by the Political Parties; and

(i*ii) Constitutional/legal provisions vesting Political Parties with rights and liabilities."*

3.3) Under the head "Substantial financing of Political Parties by the Central Govt." in Para No.76 Page No. 73

"76. The gravamen of the above judgments is that for a private entity to qualify to be a public authority, substantial financing does not mean majority financing. **What is important is that the *funding by the appropriate Government is achieving a "felt need* of a section of the public or to**

secure larger societal goals". The ratio of the above judgments, particularly of Delhi High Court, applies to the present case. Large tracts of land in prime areas of Delhi have been placed at the disposal of the Political Parties in-question at exceptionally low rates. Besides, huge Government accommodations have been placed at the disposal of Political Parties at hugely cheap rates thereby bestowing financial benefits on them."

3.4) Under the head "Public duty" in CIC/SM/2011/001386/000838, Para No.84 Page No.49

"84. In view of the nature of public functions performed by Political Parties and the dicta of the High Court extracted above, we conclude that Political Parties in question are Public Authorities under section *2(h) of the RTI Act."*

3.5) Under the head Constitutional/legal provisions vesting Political Parties with rights and liabilities, in CIC/SM/2011/001386/000838, Para No. 86, Page No. 51

"86. Wefind the above submissions quite compelling and unerringly **pointing towards their character as public authority** and after giving and hearing the due contentions supplied by the *political parties;...."*

3.6) And Finally in Para 92 ;

"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). The constitutional and legal provisions discussed herein above also point towards their character as public authorities. The order of the Single Bench of this Commission in Complaint No. CIC/MISC/2009/0001 and CIC/MISC/2009/0002 is hereby set aside and it is held that AICC/INC, BJP, CPI(M), CPI, NCP and BSP are public authorities *under section 2(h) of the RTI Act."*

3.7) Opinion of theFormer Attorney General of India:

Also, let's not forget the views opined by **Former Attorney General of India** on the 3rd June, 2013 order. Attorney General of India in his deposition while not assenting to the recommendations of the Standing Committee with regard to the Right to Information Bill (Amendment) Bill, 2013 had offered following opinion in Para 12;

"12. Attorney General for India in his deposition had offered following opinion:-

• *Proposed amendment to RTI Act excluding Political Parties from the definition of public* authority **may not withstand constitutional challenge as it is creating a class within a class without** having any consideration to the principle of intelligible differentia having reasonable nexus with objective of the Act (promotion of transparency and accountability).
• *Political Par*ties are foundation of democracy and need to be given sufficient protection from malicious and motivated application for which **safeguards already exist under Section 8 of the Act.***"*

Henceforth, the procedure adopted, the test applied and the order passed by the Hon'ble Commission is very well within the well agreed realm of the RTI Act.

4) ArgumentNo. 4: Scope and powers of the Central Information Commission under Chapter 3&5 of the RTI Act:

Response: CIC has the power to deal with any convolution and impediments borne under this Act under Section 18, 19 and 20. The Commission has been constituted under section 12(1) of the Act to exercise the powers assigned to it under the Act and perform its functions accordingly as specified in Chapter V of the Act containing sections 18, 19 and 20. Section 18 imposes a duty on the Commission to receive and inquire into a complaint from any person on the grounds indicated in sub-section (1). This section also confers on the Commission some powers of a civil court for certain purposes. Section 19, which deals with appeals, provides for filing a second appeal against the decision of the first appellate authority before the Commission under sub-section (3). As per sub-section (7), the decision of the Commission is binding. Sub-section (8) indicates the power of the Commission to give certain directions in its decision. Sub-section (10) casts an obligation on

the Commission to decide the appeal in accordance with the prescribed procedure. Further, Section 20 empowers the Commission to impose penalty while deciding the complaint or appeal.

As per Section 12(1), "the Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers c*onferred on, and to perform the functions assigned to, it under this Act."*

As per Section 12(4), "the general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other author*ity under this Act."*

5) Argument No. 5: Why and How of law:

Response: It is essential to know the "why" and "how" of the law. Why the law is, what it is and how it came to its present form? Right to Information Act, 2005 needs to be recognized and understood in such a way. The standard of reasonableness of the 3rd June, 2013 order can be seen by giving a due reference to the aim and object of the RTI Act as well as the reasons behind its inception. Democracy needs to be understood in such a way. In politics, citizens want to communicate and convey. In politics, such a freedom stems from "Right to know".

5.1) In Utkal Contractors and Joinery Pvt. Ltd. and others v. State of Orissa and others (1987)3SCC279 , Justice Chinnappa Reddy, speaking for the Court, in Para No. 9, Page No. 10, said:

"9. … **A statute is best understood if we know the reason for it. The reason for a statute is the safest guide to its interpretation.** The words of a statute take their colour from the reason for it. How do we discover the reason for a statute? There are external and internal aids. The external aids are statement of Objects and Reasons when the Bill is presented to Parliament, the reports of committees which preceded the Bill and the reports of Parliamentary Committees. Occasional excursions into the debates of Parliament are permitted. Internal aids are the preamble, the scheme and the provisions of the Act. Having discovered the reason for the statute and so having

set the sail to the wind, the interpreter may proceed ahead…" **(Emphasis added)**

5.2) Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd. and others, (1987) 1 SCC 424; Para 8, Page No. 8;

"8.....**A statute is best interpreted when we know why it was enacted.** With this knowledge, **the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word. If a statute is looked at, in the context of its enactment, with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context**. With these glasses we must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place….."

6) Argument No. 6: Basic principle of republicanism without discrimination of favoritism:

Response:CIC order of 3rd June, 2013 is based on the principles of fair play. It relied on a pledge of the protection of equal laws, that is, laws that operate alike on all persons under like circumstances. As per the 3rd June, 2013 order, Political parties are declared public authorities. Therefore, any attempt to water down this landmark order would only dent people's trust in the rule making process of this country.

Supreme Court in Dr. Subramanian Swamy V/s Director, Central Bureau of Investigation & Anr, WP (C) 38/1997, Para 59, Page No. 44:

"59. .....A reasonable classification is one which includes all who are similarly situated and none who are not. .*Mathew, J., while explaining the meaning of the words, 'similarly situated' stated* that we must look beyond the classification to the purpose of the law. **The purpose of a law may be either the elimination of a public mischief or the achievement of some positive public good.** The classification made in Section 6-A neither eliminates public mischief nor achieves some

positive public good. On the other hand, it advances public mischief and protects the crime-doer. The provision thwarts an independent, unhampered, unbiased, efficient and fearless inquiry / investigation to tra*ck down the corrupt public servants."*

7) Argument No. 7: No copy of the order received:

Response: In one of the arguments supported by INC, they have stated their ignorance of the whole proceeding initiated by this Commission by arguing that they haven't received the Commission's 3rd June, 2013 order. Such an argument is completely unjustifiable and unfounded and should be out rightly rejected by the Commission since any further debate on this point would only waste the Commission's time and more so deflecting ourselves from the core issue in question.

8) Argument No. 8: Amount of funding received by political parties does not constitute substantial funding: Thalappalam Service Cooperative Bank Ltd and others vs. State of Kerala and others, 2013 STPL(Web0 818SC:

Response: The respondent parties have also relied on the ground that political parties cannot be considered as an organization "substantially financed' by the government. They have further argued that "the order of the CIC was *based on a wrong interpretation of the term 'substantial financed" and therefore, the order of the CIC should be re*-opened and revised.*"*While admitting that though they do receive certain "facilities" from government, the respondents have stated that even the monetisation of these "facilities" does not make them "substantially financed" by the government as the percentage of such contribution by the government to their finances is negligible. **It is in this context it is again pointed out that this Commission had gone into the colour and context of the term "substantial funding" before passing the order. (Annexure 8)**

The term "substantial" denotes something of consequence, and contrary to something that is insignificant or trivial. It implies a matter of some degree of seriousness. Cracks have been madein the RTI Act by the fellow claimants so as to distinguish themselves from being called as public authorities by hiding themselves under the blanket of substantial funding. Diverse court

orders and judgments have given a different meaning to the term 'substantial funding'. **Now the retort is- How far should political parties narrow down themselves under the expression 'substantial funding' even though quite evidently they are getting a bulk of government's money?**

CONSEQUENTLY, it becomes important, yet again to arrive at the meaning of "substantially financed" and whether a quantitative test for judging substantiality is necessary or even valid.

8.1) Shree Meenakshi Mills Ltd. v. A.V. Viswanatha Sastri in Page No. 18 ; AIR 1955 SC 13

*"*The word substantial means - of or having substance: being a substance : essential : in essentials : actually existing: real: corporeal, material : solid and ample: massy and stable: solidly based: durable: enduring: firm, stout, strong: considerable in amount: well-to-do: of *sound worth. See the Chambers 20th Century Dictionary. In fact, the concept "substantial" has* been understood in different shades and applied contextually.*"*

8.2) A similar issue came up for the consideration of the Delhi High Court in 2010 in WP(C) Nos. 876/2007, 1212/2007, & 1161/2007, Para 60, Page No. 25. The Court concluded, on 07.01.2010, as follows:

"60. This court,therefore concludes ***that what amounts to "substantial" financing cannot be straight-jacketed into rigid formulae, of universal application***. Of necessity, each case would have to be examined on its own facts. That the percentage of funding is *not "majority" financing, or that* the body is an impermanent one, are not material. Equally, that the institution or organization is not controlled, and is autonomous is irrelevant; indeed, the concept of non-government organization means that it is independent of any manner of government control in its establishment, or management. That the organization does not perform – or pre-dominantly perform – *"public" duties* too, may not be material, as long as **the object for funding is achieving a felt need of a section of the public, or to secure larger societal goals***"* (Emphasis added).

8.3) Quantitative tests for determining "substantial financing" are neither necessary nor appropriate.

A narrow judicial view of the meaning of "substantially funded" in section 2(h) of the RTI Act is not appropriate while considering "**POLITICAL PARTIES"** as "**PUBLIC AUTHORITY**" under the Right to Information Act, 2005.Instead of quantitative test, test should be laid down to scrutinize the nature and extent of the Act.

Any organisation performing any public function, working for any public purpose, and in the larger public interest, cannot claim to be independent from public inspection and scrutiny. This is because of the basic reason for their existence involves the public. Political parties fall squarely in this category. All of them claim that they work for the people and their well-being.. **These very characteristics make them most appropriate focus of the twin objectives of the RTI Act, transparency and accountability, to the populace at large.**

8.4) The Punjab and Haryana High Court had occasion to apply itself to this issue. Mr. Justice Mehinder Singh Sullar while disposing CWP No.19224 of 2006 alongwith 23 connected cases, observed on 09.05.2011,Para 76,Page No. 33:

"76. Taken in the context of public larger interest, the funds which the Government deals with, are public funds. They belong to the people. In that eventuality, **wherever public funds are *provided, the word "substantially financed" cannot possibly be* interpreted in narrow and limited terms of mathematical, calculation and percentage (%).** Wherever the public funds are *provided, the word "substantial" has to be construed in contradistinction to the word "trivial"* and where the funding is not trivial to be ignored as pittance, then to me, the same would amount to substantial funding coming from the public funds. Therefore, whatever benefit flows to the petitioner-institutions in the form of share capital contribution or subsidy, land or any other direct or indirect funding from different fiscal provisions for fee, duty, tax etc. as depicted hereinabove**would amount to substantial finance by the funds provided directly or indirectly by the appropriate Government for the purpose of RTI Act in this behalf"** (Emphasis added).

The approach of the respondents is therefore, entirely "**unguided, unfettered and unbridled"** and their arguments are "**manifestly arbitrary, entirely perverse and patently unreasonable"**. Their contentions are destructive and run counter to the whole object and reason of the RTI Act.

PART C): Legal Conjecture in support of the arguments:

1) Section 18 is a substantive provision whereas Section 20 is the consequence of Section 18:

Section 18 of the RTI Act is substantive in nature as it relates to lodging and enquiring into a complaint whereas Section 20 is the consequence of such an enquiry. The whole purpose of making an enquiry on a complaint being given by the effected person shall stand defeated if two provisions are read in isolation and they are given meaning which does not further the object of the Act. It is hereby submitted before this Hon'ble Bench that our sole purpose is not just to penalize the respondentpolitical parties but to also make them conscious of their task of appointing PIOs/CPIOs as mandated under the provisions of the Act. Consequently, the purpose of holding enquiry by the Commission in the instant matter is **two-fold**:

a) **Impose penalty on as well as compensation for non-compliance of the order.**

b) **Issue directions to appoint PIO/CPIO in their offices so as to receive and furnish information.**

2) The Preamble of the Right to Information Act:

Importing the words from the Preamble of the Right to Information Act, it says;

"An Act to provide for setting out the **practical regime** of the Right to Information for the *citizens……."*

It is evidently clear from the above mentioned words that the aim and purpose of the RTI Act is to promote transparency and accountability within every public authority and access information under their control. By getting involved in too many technicalities, we should not lose sight of the real purpose and intent of the RTI Act.

The non-compliance and open defiance has had, and continues to have, a very serious detrimental effect on the state of democracy in the country at large. This is an extremely serious consequence for a society such as India as it has the potential of making citizens lose faith in the rule of law, and in the entire political establishment, and hence in democracy. **IF this is left unchecked and unchallenged, its detrimental impact can be catastrophic.**

2.1)Supreme Court in Chief Information Commr.& Anr vs State Of Manipur & Anr on 12 December, 2011; C.A NOs.10787-10788/2011, Para 7, Page No.2 :

*"*7. As its Preamble shows the Act was enacted to promote transparency and accountability in the working of every public authority in order to strengthen the core constitutional values of a democratic republic. It is clear that the Parliament enacted the said Act keeping in mind the rights of an informed citizenry in which transparency of information is vital in curbing corruption and making the Government and instrumentalities accountable. The Act is meant to harmonise the conflicting interests of Government to preserve the confidentiality of sensitive information with the right of citizens to know the functioning of the governmental process in such a way as to preserve the **paramountcy of the democratic ideal**.*"*

2.2) The State of Uttar Pradesh v. Raj Narain & others - AIR 1975 SC 865, Para 66, page 234:

"66The approach of the court must be to attenuate the area of secrecy as much as possible consistently with the requirement of public interest, bearing in mind all the time that disclosure also serves an important aspect of public interest..."

3) EX- PARTE ORDERS:

Order IX, Rule 13 of the Civil Procedure Code: Ex- parte decree when can be set aside:

Setting aside decree ex-parte against defendant:"In any case in which a decree is passed ex-parte against a defendant, he may apply to the Court by which the decree was passed for an order to set it aside; and if he satisfies the Court that the summons were not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as to costs, payment into Court or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit;

Provided that where the decree is of such a nature that it cannot be set aside as against such defendant only it may be set aside as against all or any of the other defendants also;

Provided further that no Court shall set aside a decree passed ex-parte merely on the ground that there has been an irregularity in the service of summons, if it is satisfied that the defendant had notice of the date of hearing and had sufficient time to appear and answer the plaintiff's claim. (**Emphasis added).**

3.1) Guidelines issued by the Supreme Court on Ex-parte orders in Ramrameshwari Devi & Ors vs Nirmala Devi & Ors on 4 July, 2011, C.A.NOS. 4912-4913/2011, Para 52, Page no. 20&21:

Taking note of the few relevant points (D, G, I &J) from the guidelines issued by the Apex Court as mentioned in Para 52 of the judgment;

"52. The main question which arises for our consideration is whether the prevailing delay in civil litigation can be curbed?

In our considered opinion the existing system can be drastically changed or improved if the following steps are taken by the trial courts while dealing with the civil trials.

D. **The Court must adopt realistic and pragmatic approach in granting mesne profits. The Court must carefully keep in view the ground realities while granting mesne profits**.

G. The principle of restitution be fully applied in a pragmatic manner in order to do **real and substantial justice**.

I. If in a given case, ex parte injunction is granted, then the said application for grant of injunction should be disposed of on merits, after hearing both sides as expeditiously as may be possible on a priority basis and **undue adjournments should be avoided**.

J. At the time of filing of the plaint, the trial court should prepare complete schedule and fix dates for all the stages of the suit, right from filing of the written statement till pronouncement of judgment and **the courts should strictly adhere to the said dates and the said time table as far as possible**……..*"*

3.2) Supreme Court in Parimal vs Veena @ Bharti on 8 February, 2011, C.A No. 1467/2011, Para 8,Page No. 4:

"8. It is evident from the above that an ex-parte decree against a defendant has to be set aside if the party satisfies the Court that summons had not been duly served or he was prevented by sufficient cause from appearing when the suit was called on for hearing. **However, the court shall not set aside the said decree on mere irregularity in the service of summons or in a case where the defendant had notice of the date and sufficient time to appear in the court**.*"*

4) Interpretation of the word "Sufficient Cause" in Order IX, Rule 13:

It implies no negligence, nor inaction, nor want of bonafides on the part of party. (Palghat Municipality vs. National Motor Works, AIR 1967 Mad 31, 33)

4.1) Supreme Court in Parimal vs Veena @ Bharti on 8 February, 2011, C.A No. 1467/2011, Para 9, Page No.4 :

"9. "Sufficient Cause" is an expression which has been used in large number of Statutes**. The meaning of the word "sufficient" is "adequate" or "enough", in as much as may be necessary to answer the purpose intended. Therefore, word "sufficient" embraces no more than that**

which provides a platitude which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case and duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that party had not acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or the party cannot be alleged to have been "not acting diligently" or "remaining inactive"….*"*

Also, it was held in Para 11;

"11. While deciding whether there is a sufficient cause or not, the court must bear in mind the **object of doing substantial justice to all the parties concerned and that the technicalities of the law should not prevent the court from doing substantial justice** and doing away the illegality *perpetuated on the basis of the judgment impugned before it."*

Further, in Para 12;

"12. In order to determine the application under Order IX, Rule 13 CPC, the test has to be applied is **whether the defendant honestly and sincerely intended to remain present when the suit was called on for hearing and did his best to do so**. Sufficient cause is thus the cause for which the defendant could not be blamed for his absence. Therefore, the applicant must approach the court with a reasonable defence. **Sufficient cause is a question of fact**.....*"*

5) Rule of Law:

This non-compliance of CIC's decision is akin to contempt of court of law. This is a clear case of violation of rule of law and therefore, any further legal itinerary is not necessary. **The evidence in attendancebefore us, without a doubt explicates all the counters, if any; 17 months have passed since the 3rd June CIC order**. As a matter of fact,the judiciary itself has introduced certain restrictions while maintaining a balance between upholding Rule of Law and being merely benevolent.

5.1) Amlan Jyoti Borooah vs. State of Assam and Ors. C.A NO. 387/2009, Para No. 12, Page No. 5:

*"12…….*Equity must not be equated with compassion. Equitable principles must emanate from facts which by themselves are unusual and peculiar. A balance has to be struck and the Court

must be cautious to ensure that its endeavour to do equity does not amount to judicial benevolence or acquiescence of established violation of fundamental rights and the principles of Rule of l*aw."*

5.2) Supreme Court in Mohd. Aslam vs Union Of India on 24 October, 1994 1994 SCC (6) 442, Para 13, Page No. 6:

13. Dicey, in his Law of the Constitution, (10th Edn., pp. 193-94) said:

"When we speak of the 'rule of law' as a characteristic of our country, (we mean) not only that with us no man is above the law, but (what is a different thing) that here every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunal……"

6) Audi Alteram Partem rule: No one should be left unheard

It should be out of the conscious choice of the political parties to appear before the Commission and present their arguments. It is evident enough that political parties have not really given much reverence to the Commission's authority and sanctity. They are not concerned at all to even come and appear for any hearing**. The rule of "Audi Alteram Partem" evokes out of principles of fair play.** If political parties want to rely on this rule, they need to come and appear before the Commission. Also, they should give just and reasonable grounds for their non-appearance and non-compliance. Therefore, the Commission should rather give a decision at the earliest instead of ensuring the presence of the political parties.

6.1) Maneka Gandhi vs Union Of India on 25 January, 1978 ;1978 AIR 597, 1978 SCR (2) 621, Page No. 16&17;

*"Now it is true that there ma*y be cases where, having regard to the nature of the action to be taken, its object and purpose and the scheme of the relevant statutory provision, fairness in action may warrant exclusion of the audi alteram partem rule. Indeed, thereare certain wellrecognised exceptions to the audi alteram Partem rule established by judicial decisions. These exceptions, do not in any way militate against the principle which requires fair play in

administrative action. The word exception is really a misnomer because in these exceptional cases the audi alteram partem rule is held inapplicable notby way of an exception to fairplay in action but because nothing unfaircan be inferred bynot conferring an opportunity to present or meet a case. The life of the lawis not logic but experience. Therefore, every legal proposition must in the ultimate analysis be tested on the touch-stone of pragmatic realism. [680 B-F, H, 681 C-F] **The audi alteram partem rule may, therefore, by the experiential test, be excluded, if importing the right to be heard has the effect of paralyzing the administrative process or the need for promptitude or the urgency of the situation so demands".**

7) UBI JUS IBI REMEDIUM: Rights with remedies:

We are a country governed by "Rule of Law". A mistake made once cannot be repeated again. Therefore, a right if infringed several times needs to be remedied since hopes and aspirations of millions of citizens are on the Commission. In the instant case, it is also submitted before the Hon'ble Bench that **there is no conflict between the remedy sought and objects of the provisions of the law.**

It must be borne inmind that our approach must be guided not by any verbal orformalistic canons ofconstruction but by the paramountobject and purpose for which this Act has been enactedand itsinterpretation must receive illumination from the trinity ofprovisions whichpermeate and energize the entire citizenry and their most important weapon, namely, "Right to know".

Conclusion:

On this note, I would like to conclude with an apt quote by Abraham Lincoln, the 2ndPresident of the United States of America;

"If you once forfeit the confidence of your fellow citizens, you can never regain theirrespect and esteem. It is true that you can fool the people some of the time and some ofthe people all the time, but you cannot fool all the people all the time."

Submitted for consideration.

Jagdeep S. Chhokar

On behalf of the Association for Democratic Reforms

(Anil Bairwal)

Complainant

ANNEXURES:

- Annexure No. 1 as attached: Copy of the 28th November, 2014 interim order of the Commission.
- Annexure No. 2 as attached: Copy of the first notice issued by CIC, 10th September,2012
- Annexure No. 3 as attached: : Copy of the 2nd notice issued by CIC, 8th October, 2012
- Annexure No. 4as attached: Copy of the 10th September, 2013 show-cause notice issue
- Annexure No. 5 as attached: Copy of the 3rd November, 2014 show-cause notice
- Annexure No. 6 as attached : Media Coverage
- Annexure No. 7 as attached : Computation of the Annual income of the political parties
- Annexure No. 8 as attached: Analysis of the substantial funding received by the political parties
- Annexure No. 9as attached: Responses of the political parties to the CIC notice of 7th February and 10th September, 2014.

Central Information Commission
August Kranti Bhawan
Bhikaji Cama Place, New Delhi-110066

F.No.CIC/SM/C/2011/001386 and 000838

Present:

Complainant	:	1. Shri Subhash Chandra Agrawal
	:	2. Shri Anil Verma, Prof. Jagdeep Chhokar and Ms Shivani Kapoor, Authorized representatives of Shri Anil Bairwal
Intervener	:	Shri R.K. Jain
Respondents	:	1. Indian National Congress/ All India Congress Committee (AICC); 2. Bhartiya Janata Party (BJP); 3. Communist Party of India (Marxist) (CPM); 4. Communist Party of India (CPI); 5. Nationalist Congress Party (NCP); 6. Bahujan Samaj Party (BSP) (respondents were absent)
Date of Hearing	:	21st November, 2014
Date of Decision	:	28th November, 2014

Interim Order

1. The case was heard on 21.11.2014.

2. A notice dated 03.11.2014 was issued to the respondents (six national political parties) to appear before this Commission on 21.11.2014 and produce all relevant documents/records relating to the action taken in pursuance of the directions contained in this Commission's order dated 03.06.2013. The respondents have not responded to the notice of 03.11.2014 and have not appeared before this Commission on 21.11.2014.

3. This Commission's order of 03.06.2013 had held that INC/AICC, BJP, CPI(M), CPI, NCP and BSP are public authorities under section 2(h) of the RTI Act. The order directed the Presidents and General Secretaries of these political parties to designate Central Public Information Officers (CPIOs) and Appellate Authorities at their headquarters in six weeks. It was directed that the CPIOs will respond to the RTI applications, as extracted in the order of 03.06.2013, in four weeks time. The Presidents and General Secretaries of these political parties were also directed to comply with the provisions of section 4 (1) (b) of the RTI Act.

4. Shri S.C. Agrawal has submitted representations dated 27.08.2013, 10.12.2013 and 23.12.2013, informing that none of the political parties have complied with this Commission's directions contained in order dated 03.06.2013. This Commission accordingly sent a notice, dated 07.02.2014, to the concerned political parties seeking their comments.

5. In response to the notice dated 07.02.2014, comments were received from three political parties. Another opportunity through notice dated 25.03.2014 was given to the three parties that had not responded. A response was received; however, there was no response from the other two parties.

6. As the responses received were not satisfactory, a show cause notice was issued on 10.09.2014 under section 18 of the RTI Act to all the six political parties to explain why an inquiry should not be initiated for non-compliance of this Commission's order dated 03.06.2013. Responses were received from four parties. But, there was no response from two parties.

7. The responses that were received from the political parties, in summary, said that this Commission's order of 03.06.2013 was wrong. At one point, it was also indicated that a bill to amend the RTI Act to keep political parties out of the purview of the RTI Act was pending in the Parliament. One of the political parties responded that they needed time to respond.

8. It was apparent from the responses that the six political parties had not implemented or taken steps to implement this Commission's order of 03.06.2013. This Commission was satisfied that there were reasonable grounds to inquire into the matter under sub-section (2) of section 18 of the RTI Act. Accordingly, a notice dated 03.11.2014 was issued fixing 21.11.2014 as the date for hearing. The six national political parties, through this notice, were directed to produce all relevant documents/ records relating to the action taken in pursuance of the directions of this Commission contained in its order of 03.06.2013.

Hearing on 21.11.2014

9. The six political parties were not present or represented during the hearing.

10. At the outset of the hearing, Shri R.K. Jain sought an opportunity for intervention, in which regard, he cited his application dated 31.10.2014. He also referred to the tagging, with this case, of his complaint, no. CIC/SS/C/ 2014/000116, filed in connection with a political party. Shri Jain submitted that by order dated 22.08.2014 in W.P.(C) 1972/2014 filed by him, the High Court of Delhi has directed this Commission to address his complaint expeditiously, but the case had not, as yet, been taken up for hearing.

11. At this stage, this Commission observed that the context of the present hearing is specific, the parameters already having been set by the notice of 03.11.2014. Considering that the reference point of the hearing pertains to non-compliance of this Commission's order of 03.06.2013, it was observed that Shri Jain's case need not be tagged with the present matter. However, considering Shri Jain's argument that the basic issue was on similar lines, Shri Jain was allowed to intervene.

12. The complainant, Shri S.C. Agrawal, submitted that the then Attorney General of India has opined that a legislation to amend the RTI Act to keep the political parties out of its purview would be unlawful.

13. Shri S. C. Agrawal further submitted that penalty be imposed on the defaulting political parties and that exemplary compensation be awarded under the RTI Act. He further submitted that this Commission should make suitable recommendations to the Election Commission of India, the Ministry of Urban Development, Prasar Bharti, the Central Board of Direct Taxes and such other institutions relevant to the termination of state-funded privileges and concessions, such as subsidized land and government accommodation, free voter-lists, free media-time on Doordarshan/ AIR, income tax exemptions, etc. In this connection, Shri Agrawal filed a letter dated 21.11.2014 containing his written submissions, which is taken on record.

14. Shri R. K. Jain submitted, in his intervention, that the order dated 03.06.2013 has not been questioned by the political parties before any court, therefore, the directions contained in the said order are final and binding on the political parties.

15. Shri Jain further said that the political parties have not implemented this Commission's directions of 03.06.2013, nor have they presented themselves during the hearing. Shri Jain further submitted that this Commission has power to get its order enforced, and that penalty be imposed on the political parties along with the award of compensation to the complainants.

16. Shri Jain also said that all citizens are affected by the non-compliance of this Commission's order. He further submitted that another opportunity of hearing should be granted to the political parties so that any order passed by this Commission is not challenged on grounds of violation of the rules of natural justice. Shri Jain submitted that he be granted some more time to make

submissions about the legal provisions and options available for getting this Commission's order of 03.06.2013 implemented.

17. Prof. Jagdeep Chhokar submitted that the order dated 03.06.2013 has not been questioned in any appropriate forum or court and is, therefore, valid and binding.

18. Prof. Chhokar said that the parties have deliberately not complied with the order for the last 17 months and have also not cared to attend the hearing. Shri Chhokar said that the deliberate absence of the political parties is ridiculous and has put this Commission in an awkward situation. He further submitted that no useful purpose would be served by giving the political parties another opportunity to be heard, and that this Commission should take a decision based on the material on record. Shri Chhokar further submitted that the maximum penalty be imposed on the political parties and that exemplary compensation equal to five percent of the average of the annual income as declared by the six political parties in their income tax returns be granted to the complainants.

Conclusions from the hearing

19. We have taken into account the submissions made by the parties during the hearing and gone through the material on record. The hearing, in context of the notice of 03.11.2014, has thrown up some questions, which need reflection and due consideration before any final orders are passed. The following questions are on the canvas:

> *firstly*, the nature and scope of this Commission's functioning as envisaged in the RTI Act to follow up on the compliance of its orders and directions;
>
> *secondly*, how to address a situation where the respondents do not engage in the process, such as the present instance where the political parties have not appeared in the hearing on 21.11.2014; and
>
> *thirdly*, the need to identify the steps requisite for ensuring implementation of this Commission's order of 03.06.2013.

20. In view of the above, it will be appropriate to provide another opportunity to the respondents to present their case before this Commission and also to the complainants and the intervener to make any further submissions.

Order

21. This Commission directs the Presidents and/or the General Secretaries of the six political parties to appear before this Commission for a hearing on **7th January, 2015 (Wednesday) at 4:00 pm** and produce all relevant documents/ records relating to this matter. The hearing will take place in court room No.

314, Second Floor of B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

22. It is ordered that a duly authenticated copy of this order be sent to the respondents and other parties both through registered post as well as by hand.

(Mrs Manjula Prasher)
Information Commissioner

(Sharat Sabharwal)
Information Commissioner

(Vijai Sharma)
Information Commissioner

Authenticated true copy.

(Dr. M.K. Sharma)
Registrar

Central Information Commission

Room No. 306, 2nd Floor, 'B' Wing, August Kranti Bhavan, Bhikaji Cama Place, New Delhi - 110 066

HEARING NOTICE

Right to Information Act, 2005

(Full-Bench)

Case No: CIC/SM/C/2011/000838, 1385 & 1386 (Three Cases)

Date:	10/09/2012

To be heard by	**Hon'ble Chief Information Commissioner, Shri Satyananda Mishra, Smt. Annupurna Dixit Information Commissioner and Sh. M. L. Sharma, Information Commissioner**
Appellant / Complainant	**Sh. Anil Bairwal,** Association for Democratic Reforms, B-1/6 Hauz Khas, Delhi 110016 **Sh. Subhas Chandra Agrawal,** 1775, Kucha Lattshah Dariba, Chandni Chowk, Delhi - 110006
Respondent-Public Authority	Central Secretary, **Communist Party of India (Marxist),** Central Committee, A K Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi - 110001 General Secretary, **All India Congress Committee,** 24, Akbar Road, New Delhi, General Secretary/ Public Relation Officer, **Nationalist Congress Party,** 10 Dr. Bishambar Das marg, New Delhi-110001 General Secretary, **Communist Party of India,** Central Office, Ajoy Bhawan, 15, Com. Inderjit Gupta Marg, New Delhi - 110001 General Secretary, **Bahujan Samaj Party,** 12, Gurudwara Rakabganj Road, New Delhi - 110001 General Secretary, **Bhartiya Janta Party,** 11 Ashoka Road, New Delhi - 110001 Central Public Information Officer, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi - 110001

Hearing details (for Complaint)	*Date*	*26/09/2012*
	Time	*4:30:00 PM*
	Venue	At above Address

The Commission has received three complaints one from Sh. Anil Bairwal (CIC/SM/C/2011/000838) and two from Sh. Subhash Chandra Agrawal (CIC/SM/C/2011/001385 & 1386) respectively against the various political parties for not supplying /for supplying incomplete information under the RTI Act-2005. Some of the Political Parties in their replies to the Complainants have claimed that they are not a Public Authority and as such they are not covered by the RTI Act-2005. Since the issues involved are serious and the decision in these cases can have wider implications, the commission have decided to place these cases before a Full-Bench consisting of the Chief Information Commissioner, Sh. Satyananda Mishra, Smt. Annupurna Dixit Information Commissioner and Sh. M. L. Sharma, Information Commissioner. Accordingly, a hearing has been scheduled at the above mentioned date & time.

(i) The Commission directs you to appear in person or through an authorized officer not below the rank of CPIO and present your case. In case the Respondent has taken any assistance under Section 5(4) of the RTI Act, 2005, such person should also be notified and asked to appear before the Commission at the scheduled date and time.

(ii) In case of non-appearance of the Respondent or of the Officer whose assistance has been sought under Section 5(4) of the RTI Act, the matter will be heard and decided ex-parte.

(iii) In case, the CPIO had failed to provide the information to the Appellant within the stipulated period of 30 days, the officer who acted as the designated CPIO or due to whose failure or delayed action, the information could not be sent in time, should appear along with the present CPIO for the hearing.

(iv) CPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

(v) The Appellant/ Complainant may appear before the Commission either in person or through an authorized representative, and present his case, or may opt not to be present. But in case of non- appearance, the case will be decided ***ex parte***.

(vi) He is advised to forward a copy of Second appeal filed before the Commission along with a copy of the initial application filed before the CPIO seeking the required information to the CPIO, if already not done.

(vi) The CPIO/Appellant/ Complainant is directed to reach the venue an hour before the scheduled time.

Vijay Bhalla
Deputy Registrar
Tel : 011 - 26183996

CIC/SM/C/2011/000838, 1385 & 1386 (Three Cases)

Copy to:-DO to IC(AD), DO to IC(LS), JS(Law), Mr. Paul, Scientist -D, NIC & DS(Admn)

Central Information Commission

Room No. 306, 2nd Floor, 'B' Wing, August Kranti Bhavan, Bhikaji Cama

Place, New Delhi - 110 066

(Full-Bench)

Case No: CIC/SM/C/2011/000838, 1385 & 1386 (Three Cases) Dated: 08/10/2012

HEARING NOTICE UNDER SECTION 18/19 OF THE RTI-ACT-2005

This has reference to the Commission's hearing notice of even number dated 10th September, 2012. This Matter was taken up for hearing on 26th September, 2012 at 04:30 p.m. by **a Full-Bench**. The Appellants were present along with their advocates and other representatives while the Respondents were represented by Sh. D. Raja M.P., CPI, Sh. Amit Anand Tiwari, Sh. Chandan Boss, NCP & Sh. K. F. Wilfred, Principal Secretary, Election Commission. The Hon. Bench after hearing oral submission and also accepting the written submissions, directed the counsel for NCP to file additional written submission within 10 days. The Hon. Bench also decided to give one more opportunity to the representatives of the Political Parties, viz, All India Congress Committee, Bhartiya Janta Party, Communist Party of India (Marxist), Bahujan Samaj Party, who had failed to attend the hearing on 26.09.2012

2. Accordingly, I am directed to inform you that the next hearing in this case **WILL NOW BE HELD** *on* ***01st November, 2012 at 4:30 p.m.*** by a Full Bench comprising ***Sh. Satyananda Mishra, Chief Information Commissioner, Mrs. Annapurna Dixit, Information Commissioner and Sh. M. L. Sharma, Information Commissioner.***

3. The Commission directs you to appear in person or through an authorized officer not below the rank of CPIO and present your case. In case the Respondent has taken any assistance under Section 5(4) of the RTI-Act, 2005, such person should also be notified and asked to appear before the Commission at the scheduled date and time.

4. In case of non-appearance of the Respondent or of the Officer whose assistance sought under Section 5(4) of the RTI Act, the matter will be heard and decided ex-parte.

5. The Appellant/ Complainant may appear before the Commission either in person or through an authorized representative, and present his case, or may opt not to be present. But in case of non-appearance, the case will be decided ***ex parte***.

6. ***The CPIO/Appellant/ Complainant is directed to reach the venue half an hour before the scheduled time.***

7. The Commission will be present at **Central Information Commission, Room no. 314, 2nd Floor, 'B' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.**

8. Given under the orders of the Commission.

(Vijay Bhalla)
Deputy Registrar
Tel : 011 - 26183996

Appellant / Complainant

1. **Sh. Anil Bairwal,**
Association for Democratic Reforms, B-1/6 Hauz Khas, Delhi 110016

2. **Sh. Subhas Chandra Agrawal,**
1775, Kucha Lattshah Dariba, Chandni Chowk, Delhi - 110006

Respondent

1. Central Secretary,
Communist Party of India (Marxist),
Central Committee, A K Gopalan Bhawan, 27-29, Bhai Vir Singh Marg,
New Delhi - 110001

2. General Secretary,
All India Congress Committee, 24, Akbar Road, New Delhi,

3. General Secretary/ Public Relation Officer,
Nationalist Congress Party, 10 Dr. Bishambar Das marg, New Delhi-110001

4. General Secretary,
Communist Party of India, Central Office, Ajoy Bhawan, 15, Com. Inderjit Gupta Marg, New Delhi - 110001

5. General Secretary,
Bahujan Samaj Party, 12, Gurudwara Rakabganj Road, New Delhi - 110001

6. General Secretary,
Bhartiya Janta Party, 11 Ashoka Road, New Delhi - 110001

7. Central Public Information Officer,
Election Commission of India,
Nirvachan Sadan, Ashoka Road, New Delhi - 110001

Copy to:-DO to IC(AD), DO to IC(LS), JS(Law), Mr. Paul, Scientist -D, NIC & DS(Admn)

(47)

F.No.CIC/SM/C/2011/001386
Central Information Commission
(2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066)

(114)

Dated the 10th September, 2014.

SHOW CAUSE NOTICE

Subject: Non-compliance of Commission's order dt.3-6-2013 regardin declaring Political Parties as "Public Authority" –

WHEREAS a notice of even number dated 7th February, 2014 was issued to you to furnish your detailed comments on the representations of Shri Subhash Chandra Agrawal, the complainant, and the details of the action taken on the directions contained in the Commission's order dated 3.6.2013.

AND WHEREAS, another opportunity was granted to the defaulting parties to furnish detailed comments vide notice of even number dated the 25th March, 2014.

NOW, therefore, a notice is issued to show cause within four weeks as to why an inquiry should not be initiated in the matter of non-compliance of the Commission's aforesaid order dated 3.6.2013 under section 18 of the Right to Information Act, 2005. Four copies of the cause shown in the matter may be sent to the undersigned, by name. A copy of the same may also be served on the complainant.

TAKE further notice that if you fail to respond within the prescribed time, the matter will be processed further on the strength of the material on record, in accordance with law.

(Dr. M.K. Sharma)
Registrar

9/c

To

1. The President/General Secretary, Bharatiya Janata Party, 11, Ashoka Road, New Delhi-110001.

2. The President/General Secretary, Nationalist Congress Party, 10, Dr. Bishambhar Das Marg, NewDelhi-110001.

3. President/General Secretary, Bahujan Samaj Party, 12, Gurdwara Rakabganj Road, New Delhi-110001.

....2

C. I. C./के० सू० आ०
ISSUED
11 SEP 2014

C. I. C./के० सू० आ०
RECEIVED
10 SEP 2014

115)

4. General Secretary, Communist Party of India (Marxist), A.K. Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi-110001.

5. The General Secretary, Communist Party of India, Central Office, Ajoy Bhawan, 15, Com. Inderjit Gupta Marg, New Delhi-110002.

6. The President/General Secretary, Indian National Congress, 24, Akbar Road, New Delhi-110011.

Copy to:

1. Shri Subhash Chandra Agrawal, 1775, Kucha Lattushah, Dariba, Chandni Chowk, Delhi-110006.

2. Shri Anil Bairwal, C/o Prof. Jagdeep Chhokar, Kiwanis Centre, 4th Floor, B-15, Qutab Institutional Area, near Rockland Hospital, New Delhi-110016.

(Dr. M.K. Sharma)
Registrar

10/9/14 o/c

Copy also to: PPS to IC(VS)/PPS to IC(SH)/PPS to IC(MP).

10/09/14

F.No.CIC/SM/C/2011/001386
Central Information Commission
(2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066)

Dated, the 3rd November, 2014.

WHEREAS a notice of even number dated 7th February, 2014 was issued to you to furnish your detailed comments on the representations of Shri Subhash Chandra Agrawal, the complainant, and the details of the action taken on the directions contained in the Commission's order dated 3.6.2013.

AND WHEREAS, another opportunity was granted to the defaulting parties vide notice of even number dated the 25th March, 2014.

AND WHEREAS, a notice dated 10.09.2014 was issued to show cause as to why an inquiry should not be initiated in the matter under section 18 of the Right to Information Act, 2005 (the Act).

AND WHEREAS, response(s) has been received only from four political parties viz. CPI(M), CPI, AICC and NCP. BJP and BSP have not responded at all.

AND WHEREAS, after perusing the responses received, this Commission is satisfied under sub-section (2) of section 18 of the Act that there are reasonable grounds to inquire into the matter and accordingly, it is decided to initiate an inquiry in the matter.

NOW, THEREFORE, a notice is issued to appear before the Commission either in person or through a duly authorized representative at 1600 hrs on 21st November, 2014 (Friday) in Court Room No. 314, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 and produce all relevant documents/records relating to the action taken in pursuance of the directions contained in the Commission's order dated 03.06.2013.

(Dr. M.K. Sharma)
Registrar

To

1. The President/General Secretary, Bharatiya Janata Party, 11, Ashoka Road, New Delhi-110001.

2. The President/General Secretary, Nationalist Congress Party, 10, Dr. Bishambhar Das Marg, NewDelhi-110001.

...2...

3. President/General Secretary, Bahujan Samaj Party, 12, Gurdwara Rakabganj Road, New Delhi-110001.

4. General Secretary, Communist Party of India (Marxist), A.K. Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi-110001.

5. The General Secretary, Communist Party of India, Central Office, Ajoy Bhawan, 15, Com. Inderjit Gupta Marg, New Delhi-110002.

6. The President/General Secretary, Indian National Congress, 24, Akbar Road, New Delhi-110011.

Copy to:

1. Shri Subhash Chandra Agrawal, 1775, Kucha Lattushah, Dariba, Chandni Chowk, Delhi-110006.

2. Shri Anil Bairwal, C/o Prof. Jagdeep Chhokar, Kiwanis Centre, 4th Floor, B-15, Qutab Institutional Area, near Rockland Hospital, New Delhi-110016.

(Dr. M.K. Sharma)
Registrar

Copy also to: PPS to IC (VS)/PPS to IC (SH)/PPS to IC (MP).

Political parties under RTI: From BJP to Congress who said what

by Jun 4, 2013

Arvind Kejriwal BJP CIC Congress Political Parties under RTI Reactions RTI Salman Khurshid WhoSaidWhat

Email Print

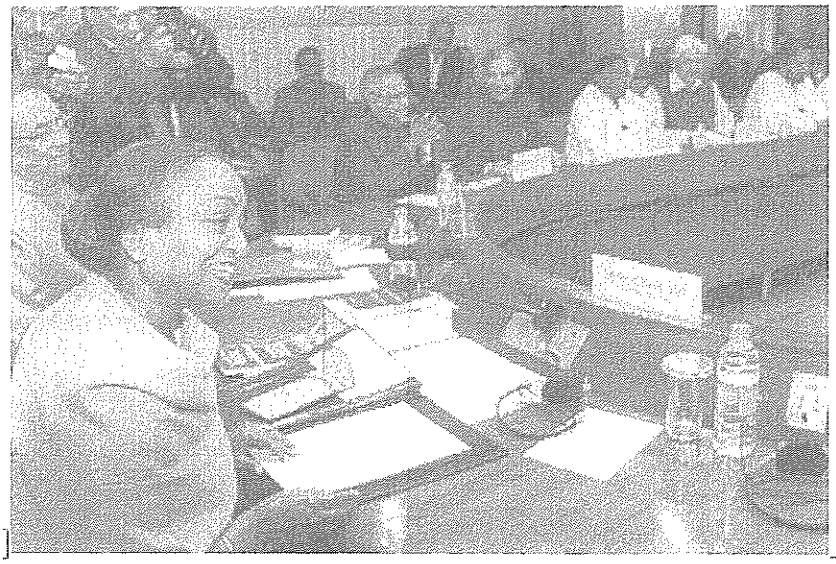
Share Comments

Aiming to lift the veil of secrecy from the funding sources of the country's political parties and their expenditure, the central information commission (CIC) ruled on Monday that the parties are public authorities, and therefore need to respond to RTI inquiries within six weeks.

Responses so far have ranged from wildly optimistic (RTI activists) to reserved, no-comment reactions (wary politicians); as well as a "been there, done that" tweet from Arvind Kejriwal. Here we compile the reactions from across the board for you.

BJP leader Mukhtar Abbas Naqvi

"Whether political parties should declare their assets to CIC is a decision for the Election Commission to take."



] height="255" /> Reuters

Shakeel Ahmed, Congress spokesperson

"If CIC has already put out a ruling, what more can we say to it?"

BJP spokesperson Meenakshi Lekhi

"We haven't seen the decision and we will respond to it after reading it."

Salman Khurshid, External Affairs Minister

"There is a logic of the RTI, which is periodically reflected in its orders. That logic of the RTI act would be gradually tested at all levels including at levels of the courts. But it is important to keep practical control of RTI objectives because they can't be allowed to run riot as the purpose is that people who hold public offices must be accountable to the world and to ordinary citizens.

There are other areas one can go and seek information, but for that one has to go through a procedure. It is an evolving process - a balance between public interest of one kind and of another kind must be maintained."

Anil Bairwal, leading member of the National Election Watch to the Wall Street Journal

"This is a landmark judgment because our political parties have been very resistant to becoming more transparent. This will make them more accountable. The CIC has done an excellent job by looking at the facts, including the huge amount of funding, direct and indirect, which parties receive. Parties will have to respond to requests for information about their funding streams, where they get their money from and how they select their candidates.

It would be much easier for them if they comply and make declarations on their websites rather than having to respond to individual requests. At the moment, all they have to declare to the Election Commission is income of over 20,000 rupees ($350.) A lot of parties receive millions of rupees but don't declare it."

Trilochan Sastry, leading member of the National Election Watch to the Wall Street Journal

"This is wonderful news; we have been fighting for it for two years. The RTI act was passed by Parliament in 2005 and nobody thought through all the implications of what would happen if different bodies, including political parties, were subject to it. It was neither prohibited nor mandated [for political parties to comply], it was left open.

Parties are going to get really jittery; they are going to be up against the wall with questions about funding and how they select their candidates. But the people of the country have a right to know."

Sports Authority of India (SAI) Director General, Jiji Thomson

"We don`t want match-fixing to take place in cricket. Cricket has such a good set-up and why to spoil the entire beauty of the game with such wrongdoings. The spirit of the game has suffered. I am of the view that BCCI should come under the RTI act."

Zoya Hasan, a political analyst and professor at the Centre for Political Studies at Jawaharlal Nehru University to Mint

"In principle and in the interest of transparency, it is important that political parties come under RTI. It would call for more transparency in an opaque political system where the masses know only what is put out to them. Political parties will certainly object to it."

Information Commission (CIC) through its full bench and it will [illegible] a citizen can inquire anything, which is not covered under exemption clauses of Section 81 with the political parties and they will have to respond like all other public authorities have to respond and it will bring transparency and accountability in their functioning."

Nikhil Dey, an RTI activist and member of the National Campaign for People's Right to Information

"It is a very important decision, but what remains to be seen is...how proactively do they (the parties) actually do it."

And here are some reactions from Twitter:

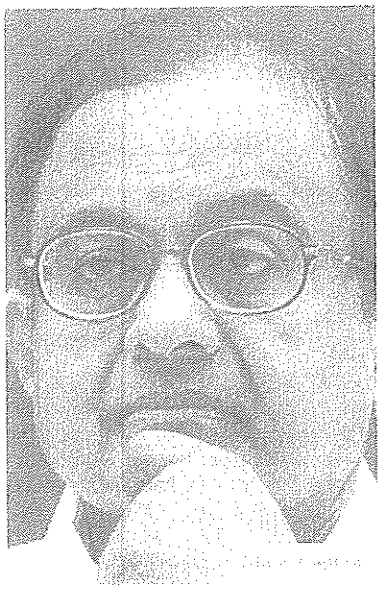
> We have implemented RTI in AAP, though we do not receive any benefit from govt.
>
> - Arvind Kejriwal (@ArvindKejriwal) June 3, 2013

> Landmark decision by CIC to bring political parties under RTI. If this includes sources of funds finally root of corruption being addressed
>
> - barkha dutt (@BDUTT) June 3, 2013

> Political parties in India are now under RTI! zeenews.india.com/news/nation/po... Let me start: Dear Sharad Pawar, where's the money?
>
> - Mahesh Murthy (@maheshmurthy) June 3, 2013

> Political parties are under the RTI Act: CICthehindu.com/news/national/...this is #BIG. will AAP use this successfully?
>
> - Dibang (@dibang) June 3, 2013

Parties cry foul



ALMOST all political parties have expressed their apprehensions about the impact of the Central Information Commission (CIC) order, if it goes unchallenged. The Communist Party of India (CPI), which had initially taken the stand that political parties were "public authorities" under the Right to Information Act, has changed its view, saying such an interpretation will undermine the object of the Act, which is to make the government accountable. Its national secretary, D. Raja, blamed the bureaucrats (who are members of the CIC) for this mischievous interpretation, which he said would result in diluting the object of the Act.

The Communist Party of India (Marxist) is equally apprehensive. It felt that opponents of a political party could now use the Act as a political tool. The CIC, however, said that the possibility of misuse of the Act could not be a ground for its non-application. The CPI(M) believes that the decision betrayed a fundamental misconception about the role of political parties in a parliamentary democracy and apprehends that it will hamper the functioning of a political party. The party asked the government to discuss the issues arising from the decision with all parties in order to preserve the integrity and role of parties in a democratic system.

Janata Dal (United) president Sharad Yadav felt the CIC order treated political parties as though they were retail shops. Union Finance Minister P. Chidambaram said it was an unusual interpretation of the Act and not based on credible argument. Information and Broadcasting Minister Manish Tewari had problems with what he saw as the CIC's attempts to stretch the scope of the Act. Arun Jaitley, the BJP's Leader of the Opposition in the Rajya Sabha, did not totally oppose the CIC order but hinted that other organisations that benefited from the government in many ways also had to be covered under the RTI Act. Another BJP leader, Mukhtar Abbas Naqvi, wondered whether political parties would now be accountable to both the Election Commission and the CIC and added that this confusion was not good for democracy. The party's spokesperson, Nirmala Sitharaman, wanted the E.C. to clear the confusion about the overlapping powers of the E.C. and the CIC with regard to the functioning of political parties.

The government seems likely to appeal against the order in the High Court or amend the Act itself to keep political parties outside the purview of the Act. The debate, therefore, is set to continue.

Complainant clarifies

In response to the apprehensions expressed by the political parties on the CIC's verdict, the complainant, Subhash Chandra Agrawal, made the following points.

•Section 8(1) with 10 sub-clauses under the RTI Act which mention exemptions from disclosure of information will provide sufficient powers to political parties for denying information.

•Political parties can also use Section 7(9) of the RTI Act, which empowers public authorities to decline any information.

•Political parties can *suo motu* declare maximum information on their websites under Section 4(1)(b) of the RTI Act to avoid a large number of RTI petitions coming to them. Even for future, they can update their websites accordingly on the basis of information most sought under the RTI Act.

•The RTI Act will make political parties accountable to the public and not to the Central Information Commission.

The CIC will have a role to play only when the petitioner files an appeal with the CIC after crossing two initial stages, including a first appeal filed with the appellate authority appointed by the political party against the response given by the public information officer of the party. There is no supervisory or disciplinary role of the CIC under the RTI Act.

•The RTI Act provides for only giving information that is materially available on record. Verbal deliberations within party forums cannot be termed material available on record unless there is a provision to get it recorded in audio or video. Since there is no practice of recording such deliberations within party forums, the apprehension about disclosure of strategic deliberations is baseless.

•The RTI Act does not provide for giving reasoning of any decisions taken or queries put in the form of "why". Therefore, doubts that questions will be asked on aspects like selection of candidates are misconceived.

•The RTI Act is not applicable to private retail shops; therefore, the comparison of political parties to retail shops is contrary to facts.

Deadline over, political parties choose not to come under RTI

by Jul 15, 2013

A Raja BJP CIC Congress CPI(M) parliament PoliticalPlay Right To Information RTI

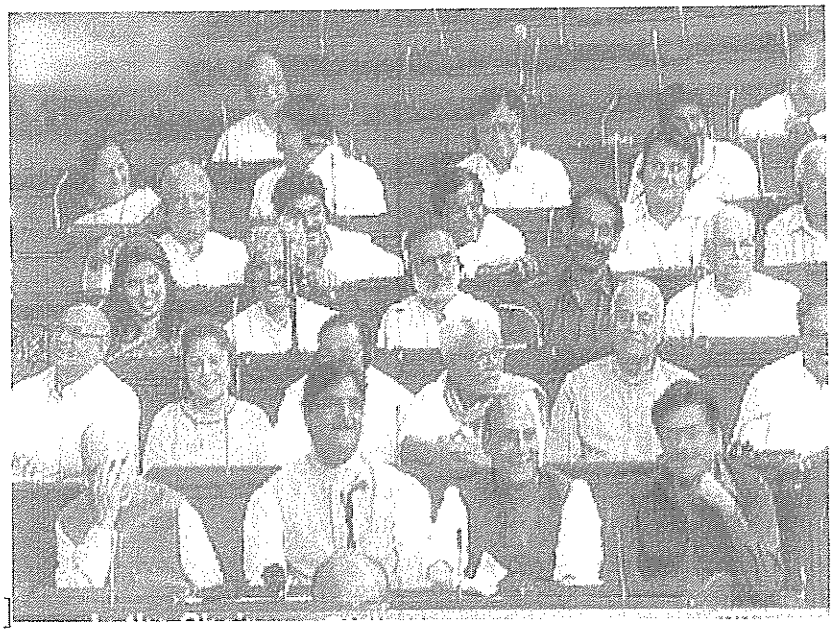
Email Print

Share Share Comments

Political parties have chosen to miss the six week deadline set by the central information commission (CIC) to implement steps that would bring them under the ambit of the Right to Information (RTI) Act.

In June, the CIC declared the six national political parties to be public authorities and gave them six weeks to appoint public information officers and appellate authorities to provide information under the transparency act.

The deadline ends on Monday, but none of the six parties have appointed staff to implement the RTI act.



Representational image

When asked if non-compliance with the CIC order amounted to demeaning a government institution, Ajay Maken, Congress spokesperson and general secretary told reports at a briefing in New Delhi, "We have full faith in the institutions under the RTI. We do not want to demean any institution under the RTI Act. We want to strengthen the institutions of RTI even more because it is the Congress party and the UPA government that brought the RTI Act."

Bharatiya Janata Party spokerperson, Nirmala Sitharaman told Firstpost that while her party was in favour of promoting transparency in finances of political parties, the CIC order, in particular, demands scrutiny. "It has to be discussed with all stakeholders and understood in the larger context," she said.

[embedalsosee]

An all party meeting to discuss the issue is expected to take place soon.

Communist Party of India (Marxist) member Nilotpal Basu said, "We are waiting for the government to act. We will give our views if an all party meeting is convened."

The CIC based its order on the argument that political parties were substantially funded by the government in multiple ways, including receiving land at concessional rates, as well as getting free air time on television and radio. Political parties maintained that these provisions cannot be categorised as 'substantial' funding by the government.

Communist Party of India general secretary D Raja said that the information commission crossed its mandate in this ruling as political parties already submit their income tax returns; criminal and educational backgrounds of their candidates with government bodies. "Do you want to internal matter of the party, like, why one person was chosen over another?" wondered.

Activists said political parties had enough time to decide on the matter and a consensus should have reached by now. "If they agree with the CIC order, they should have appointed the staff to address the RTI application. If they disagree with it, they should have moved court. There is no other way out. This is serious issue of non-compliance," said Anjali Bhardwaj, member, national campaign for people's right to information.

Congress, BJP, CPI, CPI (M), NCP and BSP yet to appoint PIOs under RTI Act

VINITA DESHMUKH | 17/12/2013 12:56 PM IST

Association for Democratic Reforms has filed a complaint to the Central Information Commission (CIC) to take action against Congress, BJP, CPI, CPI (M), NCP and BSP

Association for Democratic Reforms (ADR), which along with right to information (RTI) activist Subhash Chandra Agrawal has been campaigning for the six national political parties to come under RTI, after having procured sensational documents under RTI Act pointing that these parties are 'public authorities'. They are now asking the Central Information Commission (CIC) for action against these political parties since they have not abided by CIC's 3 June 2013 verdict (CIC/SM/C/2011/001386 & 000838 dated 3 June 2013) of directing all these parties to appoint Public Information Officers (PIOs) within six weeks.

On 11 December 2013, ADR and Mr Agrawal filed a complaint against six national political parties, Indian National Congress (Congress), Bharatiya Janata Party (BJP), Communist Party of India (Marxist)-CPI(M), Communist Party of India (CPI), Nationalist Congress Party (NCP) and Bahujan Samaj Party (BSP).

Their press release stated: "Central Information Commission in its full-bench verdict dated 3 June 2013 had held that six national political parties INC, BJP, CPI, CPI(M), NCP and BSP were public authorities under the Right to Information Act, 2005. The Commission further directed the six political parties to appoint Public Information Officers (PIOs/CPIOs) within six weeks of the order, to respond to existing RTI queries within the next four weeks. The six parties have not complied with the CIC even after more than six months. By doing this political parties are defying the decision of a statutory authority. The CIC had given its decision of 3 June 2013, after several hearings of similar complaints filed by the ADR and the well-known RTI activist, Mr Agarwal. Earlier, Mr Agarwal had filed a complaint for non-compliance on 29 August 2013 after 12 [illegible]."

[illegible] political parties should come under the ambit of RTI, considering that the Election Commission (EC) is the public

authority, which plays a crucial role in bringing any political party into existence and its control over them, subsequently. It also took into account the fact that political parties are substantially funded by the government, thus making them, public authorities under Section 2 (h)(ii).

A full bench comprising Chief Information Commissioner Satyananda Mishra, Information Commissioners ML Sharma and Annapurna Dixit based their judgment on the following grounds:

• Political parties are registered with the Election Commission of India (ECI) under Section 29A of the Representation of People Act, 1951
• For the purposes of elections, an association/body gets the status of a political party only on its registration with the ECI under Section 29A
• Para 16A of the Election Symbols (Reservation & Allotment) Order, 1968, empowers the ECI to suspend or withdraw the recognition of a political party if it refuses to follow the lawful directions and instructions of the Commission or if it refuses to observe the provisions of the Model Code of Conduct
• As per the Supreme Court judgment in Common Cause V/s Union of India (AIR 1996 SC-3081), the ECI is empowered under Article 324 of the Constitution to require the political parties to submit details of expenditure incurred by them in connection with elections
• The ECI has directed the political parties to submit their accounts within 90 days after general elections in case of Lok Sabha and within 75 days in the case of Assembly elections
• Under Section 29C of the RP Act, a political party is required to report to the ECI in respect of contributions received by it in excess of Rs20,000 from any person or company
• The contributions made to the political parties are exempt from the Income Tax, both for the donor and the donee
• Recognition of political parties is governed by the provisions of Election Symbols (Reservation and Allotment), 1968, which is an order issued by the ECI under Article 324 of the Constitution read with Rules 5 & 10 of the Conduct of Election Rules, 1961, to provide for specification, reservation & allotment of symbols and recognition of political parties and matters related thereto.)

Anil Bahirwal, one of the founders of ADR, said, "Non-compliance by the political parties is akin to contempt of court. Such nonconformity by these national parties can be precarious to our democracy and interest of the public at large."

Our earlier stories on this subject in Moneylife

Political parties asked to designate PIOs and Appellate Authorities within 6 weeks

Leading activists call for countrywide public action against amendment in RTI Act

Vociferous protests across country against political parties slipping out of RTI

Indian political parties fear RTI consequences; skip CIC hearing

Congress brags about bringing in the RTI Act but was the only party to skip the CIC hearing

READ COMMENTED SHARED

'Any Branch Banking' - For whose benefit?

With SBI joking lead, 'Any time banking' too is going for a toss

Fadnavis appoints BJP MLA accused in power theft as panel chief

Nifty, Sensex will try to head higher - Weekly closing report

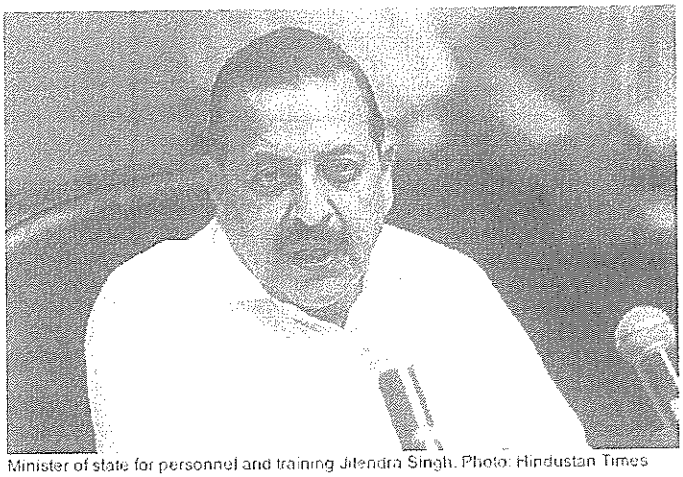
How Financially Savvy Are You?

How To Select Shares

FIRST PUBLISHED: FRI, AUG 01 2014, 12:18 AM IST

BJP reverses stand on bringingparties under RTI

BJP says bringing parties under RTI Act would hamper smooth functioning of parties, information could be misused by opponents



Minister of state for personnel and training Jitendra Singh. Photo: Hindustan Times

New Delhi: The Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA) government on Thursday said bringing political parties under the Right to Information (RTI) Act would hamper the smooth functioning of parties and the information could be misused by opponents, in a departure from BJP's earlier stance.

The ruling party's U-turn, after initially supporting bringing political parties under the purview of the RTI, may draw the ire of activists who have been advocating greater transparency in the political system.

"Declaring a political party as public authority under the RTI Act would hamper its smooth internal working, which is not the objective of the RTI Act," minister of state for personnel and training Jitendra Singh said in a written reply to the Rajya Sabha.

He said no representations from parties opposing the Central Information Commission (CIC) order seeking to bring six national parties under RTI, have been received by the government. In June last year, the CIC had issued an order putting the BJP, Congress, Communist Party of India-Marxist, Nationalist Congress Party, Samajwadi Party and Bahujan Samaj Party under the sway of the RTI Act. The political parties were asked to appoint an appellate mechanism to disclose their sources of funding as well as details of expenditure.

All political parties opposed the order and, instead, introduced the controversial Right to Information (Amendment) Bill, 2013, to overturn it. The Bill was later sent to a parliamentary standing committee which in December declared that political parties should not be brought under the transparency law because they are not public authorities created by

11:56 AM IST
Future Consumer completes acquisition of Nilgiri

11:54 AM IST
Gail to buy more LNG in 2015 as oil pushes price down

11:51 AM IST
SUV boom moves downscale as Honda, Jeep, Mazda woo Generation Y

10:41 AM IST
GMR claims Rs5,000 crore from Maldives govt for terminating airport contract

10:37 AM IST
anking shares surge on M&A buzz; Kotak Mahindra climbs 9%

Kotak Mahindra Bank to acquire ING Vysya in all-stock deal

Govt approves funds for power sector push

SBI to take care of many

of e-commerce firms' tax issues: IT minister

Parliament.

While the Congress, Left and others insisted that political parties cannot be brought under the purview of the act, the BJP initially backed a law to overrule the CIC order but later stated that it had no issues in being under the ambit of the law.

The need for a weaker rupee

BJP vice president Mukhtar Abbas Naqvi reiterated that the party wants transparency in financial transactions. "BJP is in favour of greater transparency and all political parties should be transparent in the financial dealings. Internal discussions of the party, ticket distribution are internal matters of the party. How can these decisions come under the RTI," Naqvi asked.

Govt issues draft rules for coal block reallotment

Activists, however, are adamant. "Our stand is very clear that the political parties play an important role in democracy. A lot of information they hold is in great public interest and so people have a right to know," said Anjali Bhardwaj of the National Campaign for People's Right to Information (NCPRI). "If at all the CIC's order is to be challenged, it should be done in a court of law and to our understanding no party has approached the courts till now."

Congress leader P.C. Chacko said, "On every issue, the BJP is taking a U-turn. The Congress and the Left had always maintained political parties cannot be brought under the Act because they function democratically and they have the right to keep their confidentiality," Chacko said.

Gyan Varma and PTI *contributed to this story.*

When self-styled godman Sant Rampal got busted

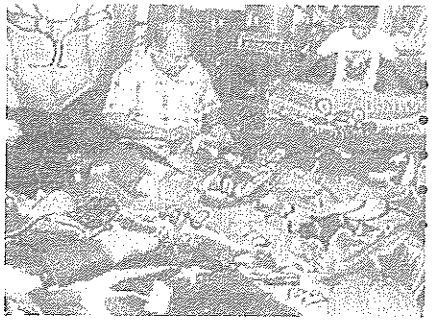
The Narendra Modi schmooze show

G20 summit: Energetic Modi, Drowsy Putin, and koalas

Mint CEO 30: Reviving business in the east

Congress terms it as an 'adventurist' approach that will harm democratic institutions

Press Trust of India | New Delhi



Flags of different political parties

Related News

No proposal to reshuffle ministry, says Gogoi
JD (U) opposes ordinance on food security Bill
Meghalaya farmers to get benefit from central project
Congress rejects CIC order on bringing political parties under RTI
JD(U) slams CIC ruling on political parties

The Central Information Commission (CIC) order on bringing parties under Right to Information (RTI) Act ambit on Tuesday divided the political class, with Congress and few others rejecting it while main Opposition BJP saw nothing wrong in such a move.

A day after the CIC gave its ruling, Congress termed it as an "adventurist" approach that would harm democratic institutions.

ALSO READ: JD(U) slams CIC ruling on political parties

Its view was echoed by CPI(M) and BJP's ally JD(U), which also rejected the order passed by the quasi-judicial body.

"It is not acceptable. We totally disagree with it. Such adventurist approach will create lot of harm and damage to democratic institutions," AICC General Secretary Janardan Dwivedi told reporters here.

"Getting political parties entangled in such unnecessary things will damage the democratic process. We simply cannot accept it," he said.

The CPI(M), in a statement, said it "cannot accept" the CIC order that political parties are to be treated as "public authorities" and brought under the purview of the Right to Information Act.

"This decision is based on a fundamental misconception about the role of political parties in a parliamentary democracy," it said, adding "This will interfere with and hamper the functioning of a political party."

Expressing "astonishment and shock", JD(U) chief Sharad Yadav said the order was "no way justified" as "political parties are not shops".

Asserting that "we are totally against this move", he wanted the central government to scuttle the CIC move.

will follow the law," said BJP spokesman [illegible]

The CIC held that six national parties -- Congress, BJP, NCP, CPI-M, CPI and BSP -- have been substantially funded indirectly by the central government and they have the character of public authority under the RTI Act as they perform public functions.

RTI is one of the historic measures of the Congress-led UPA government in its first term, introduced at the behest of Sonia Gandhi for greater transparancy and accountability in government and government-funded bodies.

Congress leader Dwivedi suggested that the CIC move would encroach upon the right to privacy of political organisations which don't receive any grants from the government and are voluntary organisations.

Underlining that political parties are the mainstay of democracy which "cannot and should not be weakened", he cautioned that such decisions would have long-lasting implications.

CPI(M) felt that opponents of a political party can utilise the RTI as an instrument to destabilise a party.

Given the serious implications of this order of the CIC for the political party system and parliamentary democracy, the matter should be discussed by the Government with all political parties so that suitable steps can be taken to preserve the integrity and the role of political parties in a democratic political system," it said. It termed as "untrue" the CIC observation that "six national parties are substantially financed by the Central Government and therefore they are held to be public authorities under the Act".

The party said "the bulk of the funding and finances for the parties do not come from the government or any State institution. In fact, the CPI(M) does not even accept funds from the corporates which is legally permissible."

The CPI(M) said one of the concerns of the CIC seems to be transparency of the funding and finances of political parties.

"At present, according to the law, all political parties are required to submit their accounts to the Income Tax department and the Election Commission.

"Already under the RTI, the statement of accounts and the finances of the parties are accessible to anyone from the Election Commission.

Any more details of the financing of the party can be sought for and has to be given. The CPI(M) has from the outset taken the stand that the financial statements and accounts of a party should be publicly available.

"But this does not mean that a political party has to be treated as a public authority," the CPI(M) said.

"To apply the Right to Information Act and demand access to the internal deliberations of the party whether it be on policy matters, organisational decisions or selection of candidates will constitute a serious infringement of the inner-party functioning, confidentiality of discussions and undermine the political party system itself," it said.

JD(U) chief Yadav wondered how it was possible for political parties to divulge information about inner matters.

"It is not practical to share resolutions of the parties, which are made in the executive committee meetings and also to share the process of selection of candidates for the party organisations," he said. "I fail to understand the logic behind the CIC order. There is already a Constitutional body - Election Commission - to which every political party is answerable and is bound to function under its directives.

"For any small or big deficiency in the conduct of political party, that political party receives immediate notice from the EC," he said, questioning, "Does the CIC order now mean that political parties will have two bosses- the EC and the CIC?"

Yadav also questioned why the CIC is only looking at political parties and not at cricket bodies like BCCI where

anomalies are happening.

He also hinted that his party will raise this issue in the Monsoon Session of Parliament.

Read more on:
Rti

Cic

Congress

Bjp

Cpm

Funding

Central Information Commission

Read More

Cannot accept CIC order on political parties: CPI(M)

The CPI(M) today slammed the CIC ruling on bringing political parties under the RTI ambit as a serious infringement on inner-party functioning and ...

Based on the declarations made by these six political parties in their income tax returns for the latest available five years (from 2008-09 to 2012-13), the average annual income of the six political parties and an amount equal to 5% (Five per cent) of the average annual income, are shown in the table below.

Party	Average Annual Income from 2008-09 to 2012-13 (Rupees)	**Compensation amount** (Five per cent of the Average Annual Income) (Rupees)
Indian National Congres (**INC**)	410.70 crores	**20.535 crores**
Bharatiya Janata Prarty (**BJP**)	255.93 crores	**12.797 crores**
Bahujan Samaj Party (**BSP**)	90.269 crores	**4.513 crores**
Nationalist Congress Party (**NCP**)	35.111 crores	**1.756 crores**
Communist Party of India (**CPI**)	1.442 crores	**0.072 crores**
Communist Party of India (Marxist) (**CPM**)	88.525 crores	**4.426 crores**
Total	**Rs 881.98 crores**	**Rs 44.10 crores**

- Five per cent of the average annual income over the last five years is being represented as an exemplary compensation required to be paid. The Commission would obviously uses its learned judgment on the amount of compensation to be paid.
- To reiterate that there is no element of profiteering or money making in this effort to "to promote transparency and accountability in the working of every public authority," as eloquently expressed in the Preamble to the RTI Act, 2005, that amount of compensation is not required to be paid to the complainants but should be paid in to the **Prime Minister's Relief Fund** so that it can be utilised for national well-being.
- If the due process requires notices to be issued for payment of compensation, it is suggested that notices may be issued to the Presidents/General Secretaries of the Political Parties to show cause why the compensation suggested above should not be awarded to the appellants herein, and paid into the Prime Minister's Relief Fund. The notice may be made returnable in three weeks' time so that the matter reaches finality without any further delay.

AMOUNT OF SUBSTANTIAL FUNDING RECEIVED BY POLITICAL PARTIES:

(Information was received through various RTIs filed with the Directorate of Estates (DOE), Doordarshan, All India Radio (AIR), ECI, Income Tax department, District Election Officers as well as various press reports)

A) State funding in the form of Offices/ Bungalows , VIP Houses, Suits etc at the prime locations, land allotment etc:

1) Accommodation allotted with its monetary value as well as its analysis: (Based on our RTI)

1.1) Allotment of prime Bungalows to the Political Parties:

Rationale for current Market Rental Rates

Current market rental rates are being arrived at on the basis of the consulting reports generated by the best companies in the domain of Real Estate Consulting/Investment. **(Jones Lang Lasalle, Cushman and Wakefield and Citigroup)**. These reports are primarily based on the principle of "*Comparative Valuation"* where the activity in the real estate market is tracked (in terms of how many properties in a particular area are rented out at what rental rates) and an average rental rate is being put forward as the current benchmark rate for a particular geographical region within a city. For example, one such report by the firm named Jones Lang Lasalle (JLL) writes that in March 2013 the rental rates for Offices in Barakhamba Road have been in the range of {Rs. 170 to Rs. 400 per sq. ft.} and rental rates for Retail spaces in South Delhi and West-North Delhi geographical zones have been in the range of {Rs. 180 - Rs. 280} and {Rs. 140 - Rs. 220} respectively. ***Therefore, if we take a Rs. 200 per sq. ft. rental rate for the posh Lutyen's Delhi it will be a very conservative figure to estimate the rental values in that area.***

Party	Office and Address	Area (in Square Meters) (A)	Total Rent being paid by the party for the office (Rs. per month) (B)	Market Rent per month (based on the very conservative rates for Lutyen's Delhi- @ Rs. 200 per sq ft) (Rs. In Lakhs) (C=A*10.76*200)	Effective state funding per month (Rs. In Lakhs) (D=C-B)	Effective state funding per year (Rs. in Crores) E=(D*12)	Total state funding for these political parties (Rs. In Crores per year) (F)	Total state funding for these political parties (Rs. In Crores per 5 years) (G=5*F)
INC	26, Akbar Road	623.85	5,167	13.43	13.37	**1.60**	**6.24**	**31.19**
	24, Akbar Road	936.97	48,785	20.16	19.68	**2.36**		
	5, Raisina Road	639.3	37,318	13.76	13.38	**1.61**		
	C II/109, Chanakyapuri	261.77	8,078	5.63	5.55	**0.67**		
BJP	11, Ashoka Road	1000.11	73,585	21.52	20.79	**2.49**	**4.67**	**23.33**

Party	Office and Address	Area (in Square Meters) (A)	Total Rent being paid by the party for the office (Rs. per month) (B)	Market Rent per month (based on the very conservative rates for Lutyen's Delhi- @ Rs. 200 per sq ft) (Rs. In Lakhs) (C=A*10.76*200)	Effective state funding per month (Rs. In Lakhs) (D=C-B)	Effective state funding per year (Rs. in Crores) E=(D*12)	Total state funding for these political parties (Rs. In Crores per year) (F)	Total state funding for these political parties (Rs. In Crores per 5 years) (G=5*F)
	14, Pandit Pant Marg	848.56	16,403	18.26	18.10	**2.17**		
BSP	16, G.R.G. Road	419.78	935	9.03	9.02	**1.08**	**1.08**	**5.41**
NCP	10, B.D. Marg	-	935	-	-	**-**	**-**	-
CPIM	8, Teen Murti Lane	512.57	2519	11.03	11.01	**1.32**	1.32	**6.60**
Total state funding for these political parties (*for the above offices only*) per 5 years in Crore Rs.								**66.53**

**1 Sq. M. = 10.76 Sq. Ft.*

*Political parties are also allotted accommodation in V.P. House a list of which is given below.

1.2)Allotment of V.P Houses to the Political Parties:

Party	Accommodation and Address	Area (in Square Meters) (A)	Market Rent per month (based on Real Estate Consulting Reports @ Rs. 200 per sq ft) (Rs.) (B= A*10.76*200)	Total Rent paid by the party for the accommodation (Rs. per month) (C)	Effective state funding per month (Rs.) (D= C-B)	Effective State Funding per year (Rs. In Lakhs) (E= D* 12)	Effective State Funding per year per party (Rs. In Lakhs) (F)	Effective State Funding per 5 years per party (Rs. Crores) (G=F*5)
INC	1, V.P.House	45.26	**97399.52**	352	97047.52	11.65	93.17	**4.66**
	15, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	16, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	104, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	112, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	211, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	411, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	416, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
BJP	24, V.P.House	45.26	**97399.52**	352	97047.52	11.65	93.16	**4.66**
	115, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	122, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	301, V.P.House	45.26	**97399.52**	382	97017.52	11.64		
	302, V.P.House	45.26	**97399.52**	352	97047.52	11.65		

Party	Accommodation	Area	Market Rent	Total Rent paid	Effective	Effective	Effective	Effective
	317, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	417, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
	503, V.P.House	45.26	**97399.52**	352	97047.52	11.65		
RJD	13, V.P.House	67.28	**144786.56**	508	144278.56	17.31	17.31	**0.87**
Total state funding for these political parties (for the V.P House Only) per 5 year (Rs. In crores)								**10.19**

2) Accommodation allotted with its monetary value and analysis:

(Based on RTI information received by Mr. Subhash Chandra Aggarwal)

Rationale for current Market Values (Capital Values)

- The Real Estate (property) consulting reports generated by **Cushman and Wakefield and Citigroup** for the first quarter of 2013, also provides current market rates for the various areas in Delhi. Both these reports mention that the current prevailing market rate per sq ft in the Central Delhi Area is in the range of {Rs. 60,000 per sq ft. - Rs. 90,000 per sq ft.}
- In addition to relying on the above mentioned research reports of Real Estate Consulting Giants, the market value of the properties can also be assessed by tracking the recent popular real estate deals in and around the (Central) Lutyen's Delhi Area.

Recent Sales in Lutyen's Delhi Area as reported by Media (in 2012 & 2013 reports)

S. No.	Address	Area (A)	Market Value (Rs. In crores) (B)	Effective Rate per sq. ft. (Rs.) C=B/A
1.	11 A/C Prithviraj Road	3171 sq yd.	300	**1,05,119.3**
2.	13 Pritviraj Road	8543 sq yd.	590	**76,735.99**
3.	13, Amrita Shergill Marg	2950 sq. yd.	300	**1,12,994.4**
4.	38, Amrita Shergill Marg	3450 sq. yd.	165	**53,140.1**
4.	45, Prithviraj Road	4840 sq. yd.	480	**1,10,192.8**
5.	17, Tughlaq Road	8000 sq. yd.	600	**83,333.33**
6.	Leela Palace Hotel, Chanakyapuri	3 Acres	610	**46,678.91**
Current Average Market rate per sq feet				**84,027.83**

* ***Conversions Used: 1 Sq. yd. = 9 Sq. ft. & 1 Acre= 4840 Sq. Yd.***

*** Based on Press Reports**

- http://indiatoday.intoday.in/story/realty-rates-lutyens-delhi-tughlaq-road-prithviraj-road/1/226253.html
- http://www.indianexpress.com/news/power-elite-used-land-sale-to-give-themselves-a-new-new-delhi/1115056/0
- http://www.financialexpress.com/news/in-realty-rates-lutyens-delhi-beats-ny-london-hands-down/1082578

- http://www.firstpost.com/real-estate/dilapidated-bungalows-in-lutyens-delhi-costlier-than-ny-condos-730239.html
- http://articles.economictimes.indiatimes.com/2013-04-26/news/38843472_1_bungalows-rs-600-crore-property-prices

2.1) Allotment of Plots of Land that have been allotted to the political parties:

Therefore, if we take Rs. *60,000 as a representative rate for Lutyen's Delhi it will be a very* conservative figure to estimate the capital values in that geographical area.

Party	Office and Address (with Allotted Dates)	Area (A)	Area in Sq. Fts. (1 sq. m. = 10.76 sq fts, 1 sq. yd. = 9 sq. fts., 1 Acre= 4840 sq. yds.) (B)	Current Market Value of the Allotted Plots of Land (based on Real Estate Consulting Reports @ Rs. 60,000 per sq ft (Rs. In Crores) (C= B* 60,000)	Current Market Value of these Allotted Plots (Party-wise) (Rs. In Crores)
INC	Plot at Dr. Rajinder Prasad Road, New Delhi (*Allotted on 08-09-1975*)	9518.42 sq. yds.	85665.78	**513.99**	**1097.27**
	Pocket 9A, Kotla Road, New Delhi (*Allotted on 19-11-2007*)	8092 sq. m.	87069.92	**522.42**	
	Plot No. 2, Rouse Avenue Institutional Area (Allotted on 15-5-1987)	1127 sq. yds.	10143	**60.86**	
BJP	Between Dr. Rajendra Prasad Road and Raisina Road (*Allotted on 08-03-2001*)	1.87 Acres	81457.20	**488.74**	**618.13**
	Plot No. 4 & 5 Kotla Road New Delhi (*Allotted on 12-05-2010*)	1060.80 sq. m.	11414.21	**68.49**	
	Plot No. 1, Rouse Avenue (Allotted on 25-04-2001)	.233 Acres	10149.48	**60.90**	
CPI(M)	Plots No. 27, 28 & 29 at Market Road Institutional Area, New Delhi (*Allotted on 11-04-1967*)	1197 sq. m.	12879.72	**77.28**	**240.94**
	Plot No. 10, 11, 12 & 13 Kotla Road, New Delhi (*Allotted on 11-12-2008*)	2535 sq. m.	27276.60	**163.66**	
CPI	Plot No. 15 Kotla Marg, New Delhi (*Allotted on*	. 3 acres	13068.00	**78.41**	**78.41**

Party	Office and Address (with Allotted Dates)	Area	Area in Sq. Fts. (1 sq. m. = 10.76 sq	Current Market Value of the Allotted Plots	
	2-12-1967)				
RJD	Plots No. 34, 57, 58 & 59 at Kotla Road, New Delhi (*Allotted on 03-07-2007*)	1904 sq. m.	20487.04	**122.92**	**122.92**
SP	Plot No. 1, Vasant Kunj Institutional Area, New Delhi (*Allotted on 21-01-2009*)	1 Acre	43560.00	**261.36**	**261.36**
JD	Plot No. 4, Vasant Vihar Institutional Area, New Delhi (*Allotted on 24-10-2010*)	2000 sq. m.	21520.00	**129.12**	**129.12**
AIADMK	Plot No. 13 & 25, Pushp Vihar, MB Road Saket, New Delhi (*Allotted on 30-07-2010*)	1008 sq. m.	10846.08	**65.08**	**65.08**
AITC	Plot Nos. 2 and 3 at DDU Marg, New Delhi (*Allotted on 01-03-2011*)	1000 sq. m.	10760.00	**64.56**	**64.56**
Total of Current Market Values of the plots of land allotted to the Political Parties (Rs. In Crores)				**2677.78**	**2677.78**

3) Total summary of State Funding of Political Parties in the form of renting out offices at subsidized rates and allotment of plots of land

S. No.	Type of State Funding	Total Amount of State Funding (Rs. In Crores)
1.	Renting out Offices to Political Parties at Subsidised Rates	**66.53** (every 5 years)
2.	Renting out Accommodations to Political Parties in V.P. House at Subsidised Rates	**10.19** (every 5 years)
3.	Allotment of Plots of Land to Political Parties in New Delhi	**2677.78** (One time Cost, Current Market Value)

*Similarly properties are also allotted to Political Parties in different states **(**Uttar Pradesh Estate Office Document, - Andhra Pradesh Revenue Department Document)

B) State funding in the form of free airtime in Doordarshan and AIR:

(Information was received through Doordarshan and AIR by the way of RTIs filed with them. The same information is also available on the website of ECI.)

1) Amount spend by State on free airtime in Doordarshan

1.1) Buy rate for the time in Doordarshan :

For National Network

i. Prime –Time ₹ 60,000/- per 10 second
ii. Mid- Prime – Time ₹ 15,000/ per 10 second
iii. Non-Prime- Time ₹ 15,000/- per 10 second

For the regional Kendras

i. Prime –Time ₹ 20,000/- per 10 second
ii. Mid- Prime – Time ₹ 15,000/- per 10 second
iii. Non-Prime- Time ₹ 10,000/- per 10 second

1.2) Total telecast time allotted to a few Political Parties on National Channel and Regional Kendras during 2009 Lok Sabha election with analysis:

State Funding by DD through National Network					**State Funding by DD through Regional Kendras**			
S. No	Name of the Party	Time allotted for telecast at the national network of DD during LS '09 (Min) (A)	Minimum Rate charged by national network of DD at non prime time every 10 seconds (B)	**Amount spend by the state for the national network during LS '09 (₹ crores) (C)=[{A*60)/10}*B]**	Time allotted for telecast at the regional network during LS '09 (Min) (D)	Minimum Rate charged by regional network at non prime time every 10 seconds (E)	**Amount spent by State for the regional network during LS '09 (₹ crores) F=[{(D*60)/10}*E]**	**Total Amount spend by the state on political parties for both the national and regional network during LS '09 (₹ crores) G=(C+F)**
1	BJP	140	15,000	**1.26**	215	10,000	**1.25**	**2.51**
2	INC	160	15,000	**1.44**	240	10,000	**1.44**	**2.88**
3	BSP	70	15,000	**0.63**	100	10,000	**0.60**	**1.23**
4	CPI	50	15,000	**0.45**	75	10,000	**0.45**	**0.90**
5	CPI(M)	70	15,000	**0.63**	105	10,000	**0.63**	**1.26**
6	NCP	50	15,000	**0.45**	80	10,000	**0.48**	**0.93**
7	RJD	55	15,000	**0.49**	85	10,000	**0.51**	**1.00**
	Total	**595**		**5.35**	**900**		**5.40**	**10.75**

Table: Amount spent by state on political parties during Lok Sabha 2009 elections

As can be seen from the table above, Doordarshan spent a minimum of Rs. 10.75 crores just on 7 Political Parties during Lok Sabha 2009 elections

2) Amount spend by State on free airtime in All India Radio(AIR):

2.1) Buy rate for the time in All India Radio:

i. Time- Category – 1, 1900-2200: ₹ 1,200/- per 10 second
ii. Time- Category – 2, 2200-0100: ₹ 1,000/- per 10 second
iii. Time- Category – 3, 0100-0600: ₹ 800/- per 10 second

2.2) Total broadcast time allotted to a few Political Parties during Lok Sabha 2009 elections with analysis:

S. No	Name of the Party	Time allotted for broadcast at the AIR during LS '09 (Min) for political parties (A)	Minimum Rate charged by AIR in time-category – 3 for every 10 seconds (B)	**Amount spent by the state for AIR (₹ lakhs) (C)=[{(A*60)/10*B]**
1	BJP	140	800	**6.72**
2	BSP	70	800	**3.36**
3	CPI	50	800	**2.40**
4	CPI(M)	70	800	**3.36**
5	INC	160	800	**7.68**
6	NCP	50	800	**2.40**
7	RJD	55	800	**2.64**
	Total	**595**	**800**	**28.56**

Regional Channels Rate Card was not available for All India Radio

All India Radio spent a minimum of Rs. 28.56 lakhs just on 7 Political Parties

2.3) Amount spent on a few Political Parties by DD and AIR in Lok Sabha 2009

S. No	Name of the Party	Amount spent on a few Political Parties by the state for the national network during LS '09 (Rs. In Crores) (A)	Amount spent on a few Political Parties by the state for the regional network during LS '09 (Rs. In Crores) (B)	Amount spent on a few Political Parties by the state for the All India Radio (Rs. In crores) (C)	Total Amount spend by the state on political parties for both the national and regional network during LS '09 (Rs. In crores) (D= A+B+C)
1	BJP	1.26	1.25	0.067	2.58

S. No	Name of the Party	Amount spent on a few Political Parties by the state for the national network during LS '09 (Rs. In Crores) (A)	Amount spent on a few Political Parties by the state for the regional network during LS '09 (Rs. In Crores) (B)	Amount spent on a few Political Parties by the state for the All India Radio (Rs. In crores) (C)	Total Amount spend by the state on political parties for both the national and regional network during LS '09 (Rs. In crores) (D= A+B+C)
2	INC	1.44	1.44	0.077	2.96
3	BSP	0.63	0.6	0.034	1.26
4	CPI	0.45	0.45	0.024	0.92
5	CPI(M)	0.63	0.63	0.034	1.29
6	NCP	0.45	0.48	0.024	0.95
7	RJD	0.49	0.51	0.026	1.03
	Total	**5.35**	**5.4**	**0.286**	**11.04**

The table above provides the aggregate of the money spent by DD and AIR on just 7 Political Parties during Lok Sabha 2009 elections. On 7 Political Parties DD & AIR collectively spend Rs. 11.04 crores, during Lok Sabha 2009 elections.

2.4) Total State Funding by Doordarshan (DD) and All India Radio (AIR) on all Political Parties during Lok Sabha 2009 Elections

The following computations are based on the ECI order, during Lok Sabha 2009 elections, where the total time slots have been mentioned that were supposed to be dedicated to Political Parties on DD & AIR. The amount spent by DD & AIR during elections is calculated based on the minimum rates offered (by them).

	Allocation of Telecasting/Broadcasting time in LS 2009 (A)	Number of Hours (B)	Lowest Rate charged by national network of DD at non prime time every 10 seconds (C)	Total State Funding in LS 2009 (in crores) [D={(B*3600)/10*C}]
Doordarshan	National Channel of the Doordarshan for telecasts by National Parties	10	10,000	3.60
	Regional Doordarshan Kendras for telecasts by the National Parties	15	10,000	5.40
	Regional Doordarshan Kendras for telecasts by the State Parties	30	10,000	10.80
	Regional Satellite	7.5	10,000	2.70

	Services to viewers across the whole country			
All India Radio	National Hookup of the All India Radio for broadcasts by National Parties	10	800	0.28
	Regional AIR Stations for broadcasts by the National Parties	15	800	0.43
	Regional AIR Stations for broadcasts by the State Parties	30	800	0.86
	National Hookup of the All India Radio for broadcasts by State Parties	7.5	800	0.21
Total		**125**		**24.28**

Overall, the total state funding of all Political Parties by Doordarshan and All India Radio on Lok Sabha 2009 Elections was **Rs. 24.28 crores**

2.5) Amount Spent by Doordarshan and All India Radio on Political Parties in the 2012 Assembly Elections in 7 states

The following calculations are based on the ECI orders during state assembly elections in 2012 where party-wise time slots on DD & AIR have been provided. The amount spent by DD & AIR during elections is calculated based on the minimum rates offered (by them).

State Funding by DD through Regional (State Capital Kendras) Network				**State Funding by All India Radio**		
Elections to State Assembly	**Political Parties**	**Doordarshan time slots allocated to party (in mins) (A)**	**Amount spent by the state (in lakhs) @ Rs. 10,000 per 10 secs [B = {(A*60)/10}*10000]**	**All India Radio time slots allocated to party in mins (C)**	**Amount spent by the state (in lakhs) @ Rs. 800 per 10 secs [D= {(C*60)/10}*800]**	**Aggregate of Doordarshan and AIR, value spent by state on political parties (in lakhs) (E = B+D)**
Uttar Pradesh (2012)	BSP	178	106.80	178	8.544	115.344
	BJP	119	71.40	119	5.712	77.12
	CPI	45	27	45	2.16	29.16
	CPI(M)	46	27.60	46	2.208	29.808
	INC	83	49.80	83	3.984	53.784
	NCP	45	27	45	2.16	29.16
	RLD	46	27.60	46	2.208	29.808
	SP	156	93.60	156	7.488	101.388
	Total	720	432	720	34.56	466.56
Punjab	BSP	59	35.40	59	2.832	38.232

State Funding by DD through Regional (State Capital Kendras) Network				State Funding by All India Radio		
Elections to State Assembly	**Political Parties**	**Doordarshan time slots allocated to party (in mins) (A)**	**Amount spent by the state (in lakhs) @ Rs. 10,000 per 10 secs [B = {(A*60)/10}*10000]**	**All India Radio time slots allocated to party in mins (C)**	**Amount spent by the state (in lakhs) @ Rs. 800 per 10 secs [D= {(C*60)/10}*800]**	**Aggregate of Doordarshan and AIR, value spent by state on political parties (in lakhs) (E = B+D)**
(2012)	BJP	73	43.80	73	3.504	47.304
	CPI	48	28.80	48	2.304	31.104
	CPI(M)	46	27.60	46	2.208	29.808
	INC	186	111.60	186	8.928	120.528
	NCP	45	27	45	2.16	29.16
	SAD	173	103.80	173	8.304	112.104
	Total	630	378	630	30.24	408.24
Uttarakhand (2012)	BSP	91	54.60	91	4.368	58.968
	BJP	169	101.40	169	8.112	109.512
	CPI	46	27.60	46	2.208	29.808
	CPI(M)	46	27.60	46	2.208	29.808
	INC	160	96	160	7.68	103.68
	NCP	52	31.20	52	2.496	33.696
	UKD(P)	33	19.80	33	1.584	21.384
	JUKD	33	19.80	33	1.584	21.384
	Total	630	378	630	30.24	408.24
Manipur (2012)	BSP	45	27	45	2.16	29.16
	BJP	50	30	50	2.40	32.4
	CPI	76	45.60	76	3.648	49.248
	CPI(M)	45	27	45	2.16	29.16
	INC	230	138	230	11.04	149.04
	NCP	91	54.60	91	4.368	58.968
	MPP	128	76.80	128	6.144	82.944
	RJD	81	48.60	81	3.888	52.488
	NPP	64	38.40	64	3.072	41.472
	Total	810	486	810	38.88	848.88
Goa (2012	BSP	45	27	45	2.16	29.16
	BJP	175	105	175	8.40	113.4
	CPI	46	27.6	46	2.208	29.808
	CPI (M)	45	27	45	2.16	29.16
	INC	183	109.80	183	8.784	118.584
	NCP	66	39.60	66	3.168	42.768
	MAG	82	49.20	82	3.936	53.136
	SGF	78	46.80	78	3.744	50.544
	Total	720	432	720	34.56	466.56
Himachal Pradesh (2012)	BSP	67	40.2	67	3.2	43.4
	BJP	175	105.0	175	8.4	113.4
	CPI	46	27.6	46	2.2	29.8
	CPI (M)	47	28.2	47	2.3	30.5
	INC	161	96.6	161	7.7	104.3

State Funding by DD through Regional (State Capital Kendras) Network				State Funding by All India Radio		
Elections to State Assembly	**Political Parties**	**Doordarshan time slots allocated to party (in mins) (A)**	**Amount spent by the state (in lakhs) @ Rs. 10,000 per 10 secs [B = {(A*60)/10}*10000]**	**All India Radio time slots allocated to party in mins (C)**	**Amount spent by the state (in lakhs) @ Rs. 800 per 10 secs [D= {(C*60)/10}*800]**	**Aggregate of Doordarshan and AIR, value spent by state on political parties (in lakhs) (E = B+D)**
	NCP	45	27.0	45	2.2	29.2
	Total	541	324.6	541	26.0	350.6
Gujarat (2012)	BSP	53	31.8	53	2.5	34.3
	BJP	191	114.6	191	9.2	123.8
	CPI	45	27.0	45	2.2	29.2
	CPI (M)	45	27.0	45	2.2	29.2
	INC	158	94.8	158	7.6	102.4
	NCP	48	28.8	48	2.3	31.1
	Total	540	324.0	540	25.9	349.9

2.6) Party-wise Distribution of State Funding of a few Political Parties by Doordarshan (DD) and All India Radio (AIR) during State Assembly Elections of 2012

Major Political Parties	**Amount spent by DD & AIR on UP elections of 2012 (in Rs. Lakhs)**	**Amount spent by DD & AIR on Pujab elections of 2012 (in Rs. Lakhs)**	**Amount spent by DD & AIR on Uttrakhand elections of 2012 (in Rs. Lakhs)**	**Amount spent by DD & AIR on Manipur elections of 2012 (in Rs. Lakhs)**	**Amount spent by DD & AIR on Goa elections of 2012 (in Rs. Lakhs)**	**Amount spent by DD & AIR on Himachal Pradesh elections of 2012 (in Rs. Lakhs)**	**Amount spent by DD & AIR on Gujarat elections of 2012 (in Rs. Lakhs)**	**Amount spent by State in 7 state elections of 2012 (in Rs. Crores)**
BSP	115.34	38.23	58.97	29.16	29.16	43.4	34.3	3.48
BJP	77.12	47.30	109.51	32.4	113.4	113.4	123.8	6.17
CPI	29.16	31.10	29.80	49.25	29.81	29.8	29.2	2.29
CPI(M)	29.80	29.80	29.80	29.16	29.16	30.5	29.2	2.08
INC	53.78	120.52	103.68	149.04	118.58	104.3	102.4	7.53
NCP	29.16	29.16	33.69	58.97	42.77	29.2	31.1	2.54
SP	101.38	-	-	-	-	-	-	1.01
SAD	-	112.10	-	-	-	-	-	1.12
RJD	-	-	-	52.4	-	-	-	0.52
Total Value of State Funding by DD & AIR on Political Parties by (Doordarshan and AIR) in 7 state elections of 2012				**Rs. 26.74 crores**				

2.7) Summary of State Funding of Political Parties by Doordarshan (DD) and All India Radio (AIR) during State Elections

State Funding of a few Political Parties by Doordarshan and AIR during State Assembly Elections of 2012 in 7 states	**Rs. 26.74 crores**
Average State Funding of Political Parties by Doordarshan and AIR per State Assembly Elections	**Rs. 3.82 crores**
Therefore, for every election conducted in **5 years for the 30 states, the state funding of Political Parties by Doordarshan (DD) and All India Radio (AIR)**	**Rs. 114.6 crores**

C) State funding in the form of electoral rolls:

(Information was received by filing RTIs with the District Election Officers of the various states)

1) Constituency- wise amount spent by ECI on free supply of electoral rolls for LOK Sabha 2009 elections:

Under the provisions of rules 11 and 12 of the Registration of Electors Rules, 1960 two copies of the Electoral roll, one printed copy and another in CD is supplied to recognized political parties, free of cost, after draft and final publications. RTIs were filed to know the amount spent by the Election Commission on electoral rolls for recognized political parties at various constituencies. The information received from these RTIs is provided below:

S. No	Constituency	State	Data given by various Government of India offices under RTI	Cost for 1 roll
1	Bangalore North	Karnataka	Cost per roll is ₹97000 for 4 candidates.	₹97,000
2	Shillong	Meghalaya	Total Cost for 3 sets given to 3 candidates contesting from recognized parties is ₹3,01,660	₹1,00,553
3	Tura	Meghalaya	Total Cost for 2 candidates from recognized political parties is ₹1,74,468	₹87,234
4	Howrah	West Bengal	Total Cost for candidates of recognized political parties is ₹1,98,604	₹49,651
5	Uluberia	West Bengal	Total Cost for candidates of recognized political parties is ₹1,85,553	₹46,388
6	Namakkal	Tamil Nadu	Total cost for 4 candidates of recognized parties is ₹79,896	₹19,974
7	Fatehpur Sikri	Uttar Pradesh	Total cost is ₹1,96,712 for candidates of recognized political parties	₹49,178
8	Deoria	Uttar Pradesh	Cost for each candidate from recognized party is ₹ 33,319.50	₹33,319
9	Salempur	Uttar Pradesh	Cost for each candidate from recognized party is ₹ 22,321.50	₹22,321

S. No	Constituency	State	Data given by various Government of India offices under RTI	Cost for 1 roll
10	Amravati	Maharashtra	Total Cost for 2 candidates of recognized political parties is ₹1,19,266	₹59,633
Average cost for 1 electoral roll= Sum of cost for 1 roll/No. of Constituencies				**₹56,525**

2) Total amount spent by the State on supplying electoral rolls to the political parties for Lok Sabha 2009:

If we calculate the average cost of 1 electoral roll for a candidate from recognized party from the information attained we find it to be approximately ₹ **56525**. (The formula undertaken to obtain this amount is sum of cost of 1 electoral roll for all constituencies / total number of constituencies.)

Using this average and based on the number of candidates that contested from recognized parties we can find the approximate amount spend by the state for giving free electoral rolls to political parties. The amount spent on each national political party is as given below:

Party	Total no. of Contesting Candidates in LS '09	Average calculated of 1 electoral roll per candidate from recognized party in LS '09	Total amount spend by the state on free supply of electoral rolls in LS '09 (₹ crores)
BSP	500	₹ 56,525	**₹ 2.82**
BJP	433	₹ 56,525	**₹ 2.45**
INC	440	₹ 56,525	**₹ 2.48**
CPI	56	₹ 56,525	**₹ 0.31**
CPI (M)	82	₹ 56,525	**₹ 0.46**
NCP	68	₹ 56,525	**₹0.38**
RJD	44	₹ 56,525	**₹0.25**
Total Amount Spent while providing Electoral Rolls (Rs. In Crores)			**9.15**

D) State funding in the form of Tax exemption:

1. Step-wise Computation of Tax-Payable from which Political Parties are exempted

As per section 13A of the Income Tax Act large amount of money is exempted under tax exemption on the income of political parties. Income Tax returns filed by political parties were analysed with expert help and on the basis of this analysis we have been able to calculate tax payable, which is exempted for the national parties.

Computation of Total Income based on the IT returns filed by political parties received through RTI (FY 2008-09)			
	BJP	**INC**	**BSP**
Income from House Property (as declared in IT Returns Filed)	20,18,786	Nil	Nil
Profits and Gains from Business and Profession	-2,94,13,325	496,87,62,060	181,84,84,774
Income from Other Sources	219,64,07,142	Nil	Nil
Gross Total Income (as declared in the IT returns filed)		**496,87,62,060**	**181,84,84,774**

Computation of Total Income based on the IT returns filed by political parties received through RTI (FY 2008-09)			
	BJP	**INC**	**BSP**
	216,90,12,603		
Total Income Rounded Off U/S 288A (A)	**216,90,12,603 (216.90 crore)**	**496,87,62,060 (496.87 crore)**	**181,84,84,770 (181.84 crore)**
Computation of Tax on Total Income (FY 2008-09)			
Tax on ₹ 1,50,000	Nil	Nil	Nil
Tax on ₹ 1,50,000 (3,00,000-1,50,000) @ 10%	15,000	15,000	15,000
Tax on ₹ 2,00,000 (5,00,000-3,00,000) @ 20%	40,000	40,000	40,000
Tax on Total Income declared (Total Income-5,00,000)@ 30% B=[{A-5,00,000}*30%]	**65,06,08,781**	**149,05,33,618**	**54,54,50,431**
Add: Surcharge @ 10% **C=[B*10%]**	6,50,60,878	14,90,53,362	5,45,45,043
Sum D=B+C	71,56,69,659	163,95,86,980	59,99,95,474
Add: Education Cess @ 2% **E=[D*2%]**	1,43,13,393	3,27,91,740	1,19,99,909
Sum (F=D+E)	72,99,83,052	167,23,78,720	61,19,95,383
Add: Secondary and Higher Education Cess @ 1% **G=[D*1%]**	71,56,697	1,63,95,870	59,99,955
Sum H=F+G	73,71,39,749	168,87,74,590	61,79,95,338
Tax Payable	**73,71,39,749 (73.71 crore)**	**168,87,74,590 (168.87 crore)**	**61,79,95,338 (61.79 crore)**

2. **Income Tax Exemption given to Political Parties for 5 years**

The table below aggregates the tax exemptions given to 6 National Political Parties for 5-years

Party	Tax payable exempted in FY 2006-07 (Rs in Crores)	Tax payable exempted in FY 2007-08 (Rs in Crores)	Tax payable exempted in FY 2008-09 (Rs in Crores)	Tax payable exempted in FY 2009-10 (Rs in Crores)	Tax payable exempted in FY 2010-11 (Rs in Crores)	Tax Payable exempted in 5 years (Rs in Crores)
BJP	26.86	40.68	73.71	78.52	50.25	**270.02**
INC	57	75.05	168.88	144.47	94.88	**540.28**
BSP	15.44	23.61	61.8	17.49	30.83	**149.17**
CPI(M)	6.98	4.63	6.53	6.9	7.17	**32.21**
CPI	0.01	0.21	0.02	3.3	0.26	**3.8**
NCP	0.9	0.68	8.07	NIL	NIL	**9.65**
Total tax exemption given to 6 Political Parties in 5 years (Rs. In Crores)						**1005.13**

E) Summary of all the above mentioned forms of State Funding given to Political Parties

The table below assembles all the 7 forms of State Funding of Political Parties that are elaborated upon in the report above:

S. No.	Form of State Funding	State Funding (Rs. In Crores)
1	Offices/Bunglows allotted to a few Political Parties	**66.53 (every 5 Years)**
2	V.P House Accommodation to a few Political Parties	**10.19 (every 5 Years)**
3.	Plots of Land Allotted to a few Political Parties in New Delhi	**2677.78 (One Time, Current Market Value)**
4	Broadcast and Telecast Time Allotted on DD & AIR on Lok Sabha Elections 2009	**24.28 (every 5 years)**
5	Broadcast and Telecast Time Allotted on DD & AIR to Political Parties on State Assembly Elections	**114.6 (every 5 Years)**
6	Electoral Rolls (just for Lok Sabha elections)	**9.15 (every 5 Years)**
7	Value of Tax Exemptions given to Political Parties (6 Parties) (for 5 years)	**1005.13 (aggregate of only 5 years)**

Other facilities that state provides to political parties but not accounted here:

1. Allotment of offices and accommodation to the political parties by various state governments. *Policies of two states governments (Uttar Pradesh and Andhra Pradesh) are attached as examples .*
2. Land may also have been allotted to political parties in some states by state governments.
3. Free supply of electoral rolls to recognized state and national political parties in state assembly elections by CEO of the state. *ECI letter to CEOs of various states and UTs.*
4. Several local body elections also take place on party lines. Electoral rolls may be being supplied by the State Election Commission to the political parties. *Guidelines of Tamil Nadu, Andhra Pradesh and West Bengal state assembly elections.*

There are possibly other ways also through which political parties get direct and indirect funding from the state which we are not aware of as political parties do not have to declare them to anyone. The true picture on total funding that they receive will only emerge when political parties are brought under RTI.

Communist Party of India (Marxist)
Central Committee

General Secretary : **Prakash Karat**

September 25, 2014

Dr. M. K. Sharma
Registrar
Central Information Commission
New Delhi

868 – d/RTI/14
26/9/14

Sub: **Reply to notice issued by the Central Information Commission** (Reference No. F. No. CIC/SM/C/2011/001386 dated September 10, 2014)

26.9.14

Dear Sir,

The order of the Central Information Commission dated June 3, 2013 is wrong before law and facts. It was based on a wrong interpretation of the term "substantially financed" used in 2(h) of the Right to Information Act. The order of the Central Information Commission stated as follows:

"The gravamen of the above judgements is that for a private entity to qualify to be a public authority, substantial financing does not mean majority financing. What is important is that the funding by the appropriate Government is achieving a "felt need of a section of the public or to secure larger societal goals". The ratio of the above judgements, particularly of Delhi High Court, applies to the present case. Large tracts of land in prime areas of Delhi have been placed at the disposal of the Political Parties in question at exceptionally low rates. Besides, huge Government accommodations have been placed at the disposal of Political Parties at hugely cheap rates thereby bestowing financial benefits on them. The Income Tax exemptions granted and the free air time at AIR and Doordarshan at the time of elections also has substantially contributed to the financing of the Political Parties by the Central Government. We have, therefore, no hesitation in concluding that INC/AICC, BJP, CPI(M), CPI, NCP and BSP have been substantially financed by the Central Government and, therefore, they are held to be public authorities under section 2(h) of the RTI Act."

The Supreme Court decision in Thalappalam Service Cooperative Bank Ltd and Others vs. State of Kerala and Others 2013 STPL (Web) 818 SC discussed the meaning of "substantially financed" and stated as follows:

"36. The words "substantially financed" have been used in Sections 2(h)(d)(i) & (ii), while defining the expression public authority as well as in Section 2(a) of the Act, while defining the expression "appropriate Government". A body can be

A.K. Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi 110001
Tel. 23344918, 23364165, 23363692, 23747435, 23747436, Fax: 23747483
email: cc@cpim.org website: http://www.cpim.org

substantially directly or indirectly by funds provided by the appropriate Government. The expression "substantially financed", as such, has not been defined under the Act. "Substantial" means "in a substantial manner so as to be substantial". In Palser v. Grimling (1948) 1 All ER 1, 11 (HL), while interpreting the provisions of Section 10(1) of the Rent and Mortgage Interest Restrictions Act, 1923, the House of Lords held that "substantial" is not the same as "not unsubstantial" i.e. just enough to avoid the de minimis principle. The word "substantial" literally means solid, massive etc. Legislature has used the expression "substantially financed" in Sections 2(h)(d)(i) and (ii) indicating that the degree of financing must be actual, existing, positive and real to a substantial extent, not moderate, ordinary, tolerable etc.

37. We often use the expressions "questions of law" and "substantial questions of law" and explain that any question of law affecting the right of parties would not by itself be a substantial question of law. In Black's Law Dictionary (6th Edn.), the word 'substantial' is defined as 'of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real: not seeming or imaginary; 2013 STPL(Web) 818 SC 11 Thalappalam Ser. Coop. Bank Ltd. and Others Vs. State of Kerala and Others Supreme Court Judgements @ www.stpl-india.in not illusive; solid; true; veritable. Something worthwhile as distinguished from something without value or merely nominal. Synonymous with material.' The word 'substantially' has been defined to mean 'essentially; without material qualification; in the main; in substance; materially.' In the Shorter Oxford English Dictionary (5th Edn.), the word 'substantial' means 'of ample or considerable amount of size; sizeable, fairly large; having solid worth or value, of real significance; sold; weighty; important, worthwhile; of an act, measure etc. having force or effect, effective, thorough.' The word 'substantially' has been defined to mean 'in substance; as a substantial thing or being; essentially, intrinsically.' Therefore the word 'substantial' is not synonymous with 'dominant' or 'majority'. It is closer to 'material' or 'important' or 'of considerable value.' 'Substantially' is closer to 'essentially'. Both words can signify varying degrees depending on the context.

38. Merely providing subsidiaries, grants, exemptions, privileges etc., as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from NABARD etc., but those facilities or assistance cannot be termed as "substantially

A.K. Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi 110001
Tel. 23344918, 23364165, 23363692, 23747435, 23747436, Fax: 23747483
email: cc@cpim.org website: http://www.cpim.org

Communist Party of India (Marxist)
Central Committee

General Secretary : Prakash Karat

financed" by the State Government to bring the body within the fold of "public authority" under Section 2(h)(d)(i) of the Act. But, there are instances, where private educational institutions getting ninety five per cent grant-in-aid from the appropriate government, may answer the definition of public authority under Section 2(h)(d)(i). NON-GOVERNMENT ORGANISATIONS:"

The judgement of the Supreme Court makes it clear that political parties cannot be considered as an organisation "substantially financed" by the government. Hence a political party cannot be treated as a public authority as defined under Section 2(h) of the Right to Information Act 2005. As the order of the Central Information Commission was based on a wrong interpretation of the term "substantially financed" we request that the order of the Central Information Commission dated June 3, 2013 has to be re-opened and revised.

A Bill (Bill No. 112 of 2013), the Right to Information (Amendment) Bill 2013, was introduced in the Parliament to amend the Right to Information Act to keep political parties out of the purview of the RTI Act with a view to remove the adverse effects of the decision of the Central Information Commission on June 3, 2013. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice considered the Bill and submitted its report to the Parliament. The Parliament is yet to take a final decision on the matter.

The Central Information Commission has no right to proceed against the Communist Party of India (Marxist) as it is not a public authority as defined by 2(h) of the Right to Information Act.

Hence it is requested that the matter may be closed.

Yours sincerely

(Prakash Karat)

A.K. Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi 110001
Tel. 23344918, 23364165, 23363692, 23747435, 23747436, Fax: 23747483
email: cc@cpim.org website: http://www.cpim.org

23792375
Phone : 23017137
23019080
Ext. 432
Website : www.aicc.org.in

121

ALL INDIA CONGRESS COMMITTEE

MOTILAL VORA, MP
TREASURER

24, Akbar Road
New Delhi-110011

October 8, 2014

To,

Dr. M. K. Sharma,
Registrar,
Central Information Commission
2nd Floor,, August Kranti Bhavan,
Bhikaji Cama Place,
New Delhi - 110066

898-d/Rg/14
9/X/14

Subject : Reply to your Show Cause Notice dated 10th September 2014, regarding alleged "Non-compliance of Commission's order dt. 3-6-2014 regarding declaring Political Parties as "Public Authority"

Sir,

With reference to you aforesaid letter, kindly note as under:

We had been unable to respond to your earlier notice dated 7th February, 2014 and take appropriate measures to challenge the order of the Commission dated 3.6.2013 on account of the preparations for the general elections that were then in progress.

We do not accept the findings of the Commission recorded in its order dated 3.6.2013 that we are a 'public authority' within the meaning of Section 2(h) of the Right to Information Act, 2005. We therefore believe that the directions contained in the said order to designate a Central Public Information Officer and an Appellate Authority and to give effect to the provisions of Section 4(1)(b) of the Right to Information Act by way of making voluntary disclosures on the subjects mentioned therein are ill founded and contrary to law.

We believe that the order of the Commission bringing political parties under the ambit of the Right to Information Act and clothing itself with jurisdiction is contrary to the letter and spirit of that Act. Such a dramatic alteration of the law can and should be made only by the legislature by way of amendment to the Right to Information Act, 2005 and not by way of a strained and ill-founded reading of the Act by a quasi-judicial authority given contrary to eh stature and its legislative intent.

Any inquiry of action contemplated in your letter dated 10th September, 2014 or otherwise may therefore kindly be put on hold in light of what is stated above.

Thank you,

Yours sincerely,

(Motilal Vora)

NCP/SRK/3772/2014

122

Nationalist Congress Party

10, Dr. Bishambhar Das Marg, New Delhi - 110 001 Tel. : 23314414, 23359218, 23752938 Fax : 23318075
E-mail : srkohli@hotmail.com Website : www.ncp.org.in

S. R. Kohli
Hony. Permanent Secretary &
Member Working Committee

BY SPEED POST
New Delhi, 8th October 2014

17429
13/10/14

To
Dr. M. K. Sharma, Registrar
Office of the Central Information Commission
2nd Floor, August Kranti Bhawan
Bhikaji Cama Place
New Delhi-110066.

903-d/Rgr/14
14/X/14

14.10.14

Sir,

Please refer your Show Cause Notice dated 10th September 2014, asking all National Political Parties including ours to show cause as to why an inquiry should not be initiated in the matter of non-compliance of CIC's order dated 3rd June 2013.

In this regard, we would like to submit that because of the forthcoming assembly elections in Maharashtra and Haryana, all our leaders are busy and are out of station.

Hence, in view of the above, we request you to please give us a month's time to respond for which we shall be highly obliged.

Yours sincerely,

(S. R. Kohli)
Hony. Permanent Secretary

H. No. 427, (1st Floor) Sector-15A, Noida Tel.: 0120-4231662

COMMUNIST PARTY OF INDIA

CENTRAL OFFICE

Ajoy Bhavan, 15 Com. Inderjit Gupta Marg, New Delhi - 1100 02

E-mail : cpiofindia@gmail.com,nationalcouncil@communistparty.in Web : www.communistparty.in

Tele. : 2323280
2323554
2323505
2323509
Fax : 2323554

S. Sudhakar Reddy
General Secretary

September 25, 2014

Dr. M. K. Sharma
Registrar, Central Information Commission
2nd Floor, August Kranti Bhawan
Bhikaji Cama Place
New Delhi

Sub: **Reply to notice issued by the Central Information Commission**
(Reference No. F. No. CIC/SM/C/2011/001386 dated September 10, 2014)

Dear Sir,

The order of the Central Information Commission dated June 3, 2013 is wrong before law and facts. It was based on a wrong interpretation of the term "substantially financed" used in 2(h) of the Right to Information Act. The order of the Central Information Commission stated as follows:

"The gravamen of the above judgments is that for a private entity to qualify to be a public authority, substantial financing does not mean majority financing. What is important is that the funding by the appropriate Government is achieving a "felt need of a section of the public or to secure larger societal goals". The ratio of the above judgments, particularly of Delhi High Court, applies to the present case. Large tracts of land in prime areas of Delhi have been placed at the disposal of the Political Parties in question at exceptionally low rates. Besides, huge Government accommodations have been placed at the disposal of Political Parties at hugely cheap rates thereby bestowing financial benefits on them. The Income Tax exemptions granted and the free air time at AIR and Doordarshan at the time of elections also has substantially contributed to the financing of the Political Parties by the Central Government. We have, therefore, no hesitation in concluding that INC/AICC, BJP, CPI(M), CPI, NCP and BSP have been substantially financed by the Central Government and, therefore, they are held to be public authorities under section 2(h) of the RTI Act."

In Thalappalam Service Cooperative Bank Ltd and Others vs. State of Kerala and Others 2013 STPL (Web) 818 case, Supreme Court discussed the meaning of "substantially financed" and stated as follows:

"*36. The words "substantially financed" have been used in Sections 2(h)(d)(i) & (ii), while defining the expression public authority as well as in Section 2(a) of the Act, while defining the expression "appropriate Government". The expression "substantially financed", as such, has not been defined under the Act. In Palser v. Grimling (1948) 1 All ER 1, 11 (HL), while interpreting the provisions of Section 10(1) of the Rent and Mortgage Interest Restrictions Act, 1923, the House of Lords held that "substantial" is not the same as "not unsubstantial" i.e. just enough to avoid the de minims principle. The word "substantial" literally means solid, massive etc. Legislature has used the expression "substantially financed" in Sections 2(h)(d)(i) and (ii)*

indicating that the degree of financing must be actual, existing, positive and real to a substantial extent, not moderate, ordinary, tolerable etc.

37. We often use the expressions "questions of law" and "substantial questions of law" and explain that any question of law affecting the right of parties would not by itself be a substantial question of law. In Black's Law Dictionary (6th Edn.), the word 'substantial' is defined as 'of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real: not seeming or imaginary; 2013 STPL(Web) 818 SC 11 Thalappalam Ser. Coop. Bank Ltd. and Others Vs. State of Kerala and Others Supreme Court Judgments @ www.stpl-india.in not illusive; solid; true; veritable. Something worthwhile as distinguished from something without value or merely nominal. Synonymous with material.' The word 'substantially' has been defined to mean 'essentially; without material qualification; in the main; in substance; materially.' In the Shorter Oxford English Dictionary (5th Edn.), the word 'substantial' means 'of ample or considerable amount of size; sizeable, fairly large; having solid worth or value, of real significance; solid; weighty; important, worthwhile; of an act, measure etc. having force or effect, effective, thorough.' The word 'substantially' has been defined to mean 'in substance; as a substantial thing or being; essentially, intrinsically.' Therefore the word 'substantial' is not synonymous with 'dominant' or 'majority'. It is closer to 'material' or 'important' or 'of considerable value.' 'Substantially' is closer to 'essentially'. Both words can signify varying degrees depending on the context.

38. Merely providing subsidiaries, grants, exemptions, privileges etc., as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from NABARD etc., but those facilities or assistance cannot be termed as "substantially financed" by the State Government to bring the body within the fold of "public authority" under Section 2(h)(d)(i) of the Act. But, there are instances, where private educational institutions getting ninety five per cent grant-in-aid from the appropriate government, may answer the definition of public authority under Section 2(h)(d)(i). NON-GOVERNMENT ORGANISATIONS:"

The judgment of the Supreme Court makes it clear that political parties cannot be considered as an organisation "substantially financed" by the government. Hence a political party cannot be treated as a public authority as defined under Section 2(h) of the Right to Information Act 2005. As the order of the Central Information Commission was based on a wrong interpretation of the term "substantially financed" we request that the order of the Central Information Commission dated June 3, 2013 has to be reviewed opened and revised.

A Bill (Bill No. 112 of 2013), the Right to Information (Amendment) Bill 2013, was introduced in the Parliament to amend the Right to Information Act to keep political parties out of the purview of the RTI Act with a view to remove the adverse effects of the decision of the Central Information Commission on June 3, 2013. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice considered the Bill and submitted its report to the Parliament. The Parliament is yet to take a final decision on the matter.

The Central Information Commission has no right to proceed against the Communist Party of India (CPI) as it is not a public authority as defined by 2(h) of the Right to Information Act.

Hence it is requested that the matter may be closed.

Yours sincerely

S. Sudhakar Reddy

(S.Sudhakar Reddy)
General Secretary

Communist Party of India (Marxist)
Central Committee

(67)

March 3, 2014

Dr. M. K. Sharma
Registrar
Central Information Commission
New Delhi

Dear Sir,

Sub: Reply to notice issued by the Central Information Commission
Ref: F. No. CIC/SM/C/2011/001386 dated 7th February 2014

The Communist Party of India (Marxist) considers that the order of the Central Information Commission dated June 3, 2013 is wrong before facts and law. The finding of the Supreme Court decision in Thalappalam Service Cooperative Bank Ltd and others versus state of Kerala 2013 STPL(web)818SC and others also makes it clear that political parties cannot be treated as "public authorities" as per Right to Information Act 2005.

The issue whether political parties are "public authorities", as defined by the Right to Information Act, is under the consideration of Parliament. A Bill (Bill No. 112 of 2013), the Right to Information (Amendment) Bill 2013, was introduced in the Parliament to amend the Right to Information Act to keep political parties out of the purview of the RTI Act with a view to remove the adverse effects of the decision of the Central Information Commission on June 3, 2013. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice considered the Bill and submitted its report to the Parliament. The Parliament was not able to take a final decision on the matter. Now a final decision on the matter can be taken by the Parliament only after the Lok Sabha elections.

3.3.14

Hence, it is requested that six months time may be given for filing a reply to the notice issued to us.

With regards,

252-d/Rgr/14
3/3/14

Yours sincerely

(Prakash Karat)
General Secretary

A.K. Gopalan Bhawan, 27-29, Bhai Vir Singh Marg, New Delhi 110001
Tel: 23344918, 23364165, 23363692, 23747435, 23747436, Fax: 23747483
email: cc@cpim.org website: http://www.cpim.org

COMMUNIST PARTY OF INDIA

CENTRAL OFFICE

Ajoy Bhavan, 15 Com. Inderjit Gupta Marg, New Delhi - 1100 02

Tele. : 232328
232355
232350
232350
Fax : 232355

E-mail : cpiofindia@gmail.com,nationalcouncil@communistparty.in Web : www.communistparty.in

S. Sudhakar Reddy
General Secretary

(85

Registrar (CIC)

118573
5/3/14

March 3rd, 2014

Dr. M. K. Sharma
Registrar
Central Information Commission
New Delhi

300-d/Reg/14
14/3/14

Dear Sir,

Sub: Reply to notice issued by the Central Information Commission
Ref: F. No. CIC/SM/C/2011/001386 dated 7th February 2014

The Communist Party of India considers that the order of the Central Information Commission dated June 3, 2013 is wrong before facts and law. The finding of the Supreme Court decision in Thalappalam Service Cooperative Bank Ltd and others versus state of Kerala 2013 STPL(web)818SC and others also makes it clear that political parties cannot be treated as "public authorities" as per Right to Information Act 2005.

14.3.14

The issue whether political parties are "public authorities", as defined by the Right to Information Act, is under the consideration of Parliament. A Bill (Bill No. 112 of 2013), the Right to Information (Amendment) Bill 2013, was introduced in the Parliament to amend the Right to Information Act to keep political parties out of the purview of the RTI Act with a view to remove the adverse effects of the decision of the Central Information Commission on June 3, 2013. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice considered the Bill and submitted its report to the Parliament. The Parliament was not able to take a final decision on the matter. Now a final decision on the matter can be taken by the Parliament only after the Lok Sabha elections.

Hence, it is requested that six months time may be given for filing a reply to the notice issued to us.

With regards,

Yours sincerely

S Sudhakar Reddy

(S.Sudhakar Reddy)
General Secretary

N.B. : However we are putting all our income-Expenditure Accounts, and Donors' lists on the CPI website www.communistparty.in to make the information available to public. We are also replying to all enquiries addressed to us from our office. We are regularly submitting the Accounts & the Donors list to Election Commission of India and the Income Tax Authority

S Sudhakar Reddy

(S.Sudhakar Reddy)

Ph. : 23018492
23019080

91

INDIAN NATIONAL CONGRESS

24, AKBAR ROAD, NEW DELHI-110011

Motilal Vora
Treasurer

14428

March 21, 2014

To,

Dr. M. K. Sharma,
Registrar,
Central Information Commission
Second Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi - 110066

333-d/Rgr/14
24/3/14

Sub: Non-compliance of Commission's order dated 3.6.2013 in complaint case No. CIC/SM/C/2011/000838 dated regarding Political Parties as "Public Authority".

Ref: Your Notice F. No. CIC/SM/C/2011/001386 dated 7th February, 2014

Sir,

With reference to your above notice, you must be aware that the Right to Information (Amendment) Bill, 2013 has already been moved in the Parliament and the report of "Department – related parliamentary standing committee on personnel, public grievances, law and justice" has also submitted. The Parliament has yet to take a final decision on the amendment of the RTI Act in view of the recommendations of the Standing Committee, as such it would be appropriate to await the final outcome on the issue.

You would also appreciate that legally also, it may not be permissible for the CIC to decide on its' own jurisdiction, since the political parties are not covered within the definition of "public authority" under the Act. It is also noticed that Commission has taken different views on the subject. In any case, there is no judicial pronouncement on the issue so far and since the recommendations of the Parliamentary Standing Committee has already been submitted and the RTI Act is to be amended, at a time when process for holding general election has already commenced, it would be advisable to await the final outcome, as a propriety. It may also be pointed out that no copy of the order has been received by us from the CIC.

OK
24.3.14

In this view of the matter, it is therefore requested that the Commission may await the final outcome on the issue.

Yours sincerely,

Motilal Vora

(Motilal Vora)

Read at
12.00 Noon
today (24.3.14).

24/3/14
(DS NEGI)

NATIONALIST CONGRESS PARTY

10, Dr. Bishambhar Das Marg, New Delhi - 110 001 Tel. : 23314414, 23359218, 23752938 Fax : 23318075
Email : srkohli@hotmail.com * website : www.ncp.org.in

S. R. Kohli
Hony. Permanent Secretary &
Member Working Committee

New Delhi, 8th April 2014

BY SPEED POST

To,
Dr. M. K. Sharma, Registrar,
Central Information Commission,
Second Floor, August Kranti Bhawan,.
Bhikaji Cama Place,
New Delhi – 110066

Sub: Notice F. No. CIC/SM/C/2011/001386 dated 7th February, 2014.

Sir,

As you are aware that a bill (bill No. 112 of 2013), namely The Right to Information (Amendment) Bill, 2013 has already been moved in the Parliament. The said bill is being brought to re-emphsise that the 'political parties' are outside the purview of the RTI Act and thereby removing the basis of decision of the Hon'ble CIC. A report has also been submitted by "Department-related parliamentary standing committee on personnel, public grievances, law and justice". The bill is pending before the Parliament and therefore, it would be appropriate to await the final decision on the issue.

It is pertinent to note that the CIC do not possess the power to look into, and decide on its own jurisdiction. It is admitted view and fact that the political parties are not within the definition of "public authority". On several occasions the commission itself has taken different views on the aforesaid. Furthermore, in view of latest decision of the Hon'ble Supreme court as held in Thalappalam Service Cooperative Bank Ltd. and Ors. v. State of Kerala in Civil Appeal No. 9071 of 2013 (decided on 07.10.2013). The political parties are not covered by RTI Act.

In this view of the matter, it is therefore requested that the Commission may await the final outcome on the issue.

Yours Sincerely,

(S. R. Kohli)
Hony. Permanent Secretary

H. No. 427, (1st Floor) Sector-15A, Noida, Tel.: 0120-4231662

SHARAD YADAV
Member of Parliament
(Rajya Sabha)

PRESIDENT
Janata Dal (United)

सत्यमेव जयते

7, TUGHLAK ROAD,
NEW DELHI-110011
TELEPHONE : 23017405
23792738
FAX : 23017405

October 21, 2014

Registrar,
Central Information Commission,
2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi 110066

Do.MP.(RS)...9.12.....2014

Sub: Declaring Political Parties as "Public Authority"

Sir,

We do not accept the findings of the Commission that the Political Party is a Public Authority within the meaning of Section 2(h) of the Right to Information Act, 2005. To designate the Central Public Information Officer and an Appellate Authority and to give effect to the provisions of Section 4(1) (b) of the Right to Information Act by way of making voluntary disclosures on the subjects mentioned therein are ill founded and contrary to law. We believe that the order of the Commission bringing political parties under the ambit of the Right to Information Act is contrary to law, and such an alteration can and should only be made by the legislature by way of amendment in the Act.

In view of the above, we would request you to keep your above action on hold.

Thanking you,

Yours faithfully,

(SHARAD YADAV)

OFFICE : JANATA DAL (UNITED)
7, JANTAR MANTAR ROAD, NEW DELHI-110001 PH.: 01123368833-36, FAX : 23368138
EMAIL: sharadyadav.1947@gmail.com