

## Press Release

Date: 20.05.15

### ADR files plea in SC to bring political parties under RTI

**New Delhi, May 20:** Urging the Supreme Court to declare all the national and regional political parties as "public authorities" and bring them within the ambit of the Right to Information (RTI) Act, the Association for Democratic Reforms (ADR) and RTI activist Mr. Subhash Chandra Agrawal yesterday filed a petition in the Apex court.

Seeking transparency and accountability in the functioning of recognised national and regional political parties, the plea, filed through advocate Prashant Bhushan, also urged the court to direct all such parties to disclose details regarding their income and expenditure. The petitioners also sought the entire details of donations and funding received by the political parties, irrespective of the amount donated as well as the full details of the donors making donations to them and to the electoral trusts.

It is to be noted that currently, political parties are required to disclose information of only those donors who donate above Rs 20,000. As this is required only to enjoy tax exemption, those parties who do not submit their contribution reports are not penalised. *To read the full petition, please click here:*

<http://adrindia.org/sites/default/files/PIL%20filed%20by%20ADR%20in%20the%20Supreme%20Court%20to%20bring%20Political%20Parties%20Under%20RTI.pdf>

"This petition has been necessitated by the arrogant defiance of the lawful decision of the Central Information Commission by six national political parties. The decision of the Supreme Court will determine whether the law of the land applies to political parties or are political parties above the law. We certainly hope the Supreme Court will uphold the law," said Prof. Jagdeep Chhokar, Founder Trustee, ADR.

Central Information Commission (CIC), on June 3, 2013, had declared six national political parties, namely the INC, BJP, CPI(M), CPI, NCP and BSP to be "public authorities" under Section 2(h) of the RTI Act, on a complaint filed by ADR and Mr. Agrawal. *For more information on the order, please click here:*

[http://www.rti.india.gov.in/cic\\_decisions/CIC\\_SM\\_C\\_2011\\_000838\\_M\\_111223.pdf](http://www.rti.india.gov.in/cic_decisions/CIC_SM_C_2011_000838_M_111223.pdf)

However, none of the six political parties complied with the said order. After 22-month-long wait on non-compliance, the CIC on March 16, 2015 declared that its June 3, 2013 order was "legally correct" and "final". The CIC lamented that the RTI Act does not provide the Commission with adequate powers to deal with the contempt and non-compliance of its orders by the political parties. *For more information on the order, please click here:* <http://adrindia.org/sites/default/files/CIC%20order%20dated%2016th%20March%2C%202015.pdf>

### Grounds for filing of petition:

- Under 10th Schedule of the Constitution, political parties enjoy a stron-ghold over their elected MPs/MLAs and this power is not only confined to the manner of voting but it also extends to their conduct.
- Under Section 29A of the Representation of People Act, 1951 all political parties specifically affirm to bear true faith and allegiance to the Constitution and such allegiance is made compulsory for the purpose of registration.
- Political Parties enjoy a total tax exemption under Section 13A of the Income Tax Act.
- Political parties receive huge sums of money in the form of donations and contributions from corporate, trusts and individuals.
- Political parties also adopt the coupon system for the purposes of collecting funds and majority of the cash donations received by them remain unaccounted.
- Information about political parties, their income, expenditure and details of donors is not disclosed by political parties for public scrutiny.
- Law Commission of India had in its 170th Report on 'Reform of the Electoral Laws' dated May 29, 1999 as well as in its 255th Report on 'Electoral Reforms' dated March 12, 2015 recommended for transparency and accountability in the functioning of political parties.
- Election Commission of India had also in its report on 'Proposed Electoral Reforms' (2004) made recommendations for compulsory maintenance and auditing of accounts of political parties.

It is an undisputed fact that the Right to Information is a part of the Fundamental Rights in terms of Article 19(1)(a) of the Constitution of India. Because of the criticality of the role being played by these political parties in our democratic set up and the nature of duties performed by them, these parties must furnish information to the public. It is the right of the common voters to have all the requisite information about a political party before exercising their right to vote. To achieve this purpose, political parties must come within the purview of the RTI Act.

Regards,

Media and Journalist Helpline  +91 80103 94248 Email: <a href="mailto:adr@adrindia.org">adr@adrindia.org</a>	Maj. Gen. Anil Verma (Retd.) Head National Election Watch, Association for Democratic Reforms 011 4165 4200, +91 88264 79910 <a href="mailto:adr@adrIndia.org">adr@adrIndia.org</a> , <a href="mailto:anilverma@adrindia.org">anilverma@adrindia.org</a>	Prof Jagdeep Chhokar IIM Ahmedabad (Retd.) Founder Member, National Election Watch, Association for Democratic Reforms +91 99996 20944 <a href="mailto:jchhokar@gmail.com">jchhokar@gmail.com</a>	Prof Trilochan Sastry IIM Bangalore Founder Member, National Election Watch, Association for Democratic Reforms +91 94483 53285 <a href="mailto:trilochans@iimb.ernet.in">trilochans@iimb.ernet.in</a>
---	---	---	--