

Press Note

The full bench, comprising Chief Information Commissioner Satyanand Mishra and Commissioners M L Sharma and Annapurna Dikshit, of Central Information Commission (CIC) conducted the second hearing (first hearing was on 26th August, 2012) on Thursday 1st November, 2012 on the matter whether “political parties should be declared as public authorities and brought under the purview of RTI”. Except Indian National Congress (INC), all recognized national political parties i.e. CPI(M), NCP, BSP and BJP sent their representatives to argue their respective cases. CPI’s view had already been presented in the first hearing by Mr. D. Raja, the Rajya Sabha member.

Vehement Opposition from all political parties

- **Disclosure of donors’ information dangerous for them:** NCP said that the information regarding the donors to the political parties might be used to threaten the donors. The donor would be intimidated by the rival political parties.
- **RTI will add burden to the political party:** NCP also feared that huge machinery involving lots of manpower would be needed to cater the responses of RTIs, if political parties are made public authorities.
- **No funding whatsoever:** BSP deposed that no amount of funding direct or indirect is provided to the party from the government. The party’s representative said the facilities such as income tax exemptions, plots of land, properties and buildings at concessional rents, free air time and other facilities don’t constitute funding.
- **No substantial funding:** NCP expressed in front of the commission that the value of financing provided by the government to the political party is just a minute percentage of the overall income of the party.
- **Inner party discussions can’t be revealed:** CPI(M) expressed its worry over making public the information pertaining to the inner party discussions. The party said that this type of information if goes outside the party will be detrimental to the party’s interests.
- **Government’s notification needed:** BSP contended that for a body or an organization to be brought under RTI that body or organization has to be created by a government’s notification.
- **Political parties were never supposed to be under RTI:** BJP and CPI(M) came up with a curious argument that intent of legislature while legislating the RTI ACT was never to bring political parties under the jurisdiction of the act.

ADR's arguments

- **Democracy and opaqueness can't go hand in hand:** Association for Democratic Reforms (ADR) said that the political parties are supposed to be the democratic institutions and there is should be no information with the parties that can't be revealed to public at large. He also said that democracy and transparency are synonymous. He also said that political parties have a lot to hide and that's why they are dodging from coming under RTI.
- **No notification required:** ADR stated that even those bodies can be brought under RTI which have been created without any government's notification. He gave the specific example of NGOs that are created without any notification but have been brought under RTI in cases where they receive substantial government funding.
- **RTI burden on political parties? :** ADR also said that if political parties are opposing from coming under RTI because they would need to put in place a machinery to respond to the RTIs then by that logic this RTI Act would not have been applied to any organization or body.
- **Substantial financing is just 'non-trivial':** ADR said that there are several judgments by various Courts and Information Commissions that have made this tenet that substantial financing is not judged by a quantum or percentage, but is seen in a barometer whether its pittance or not.
- **Political parties receive huge funds:** ADR also revealed that political parties get enormous financing from the government in the form of tax-exemptions, plots of land, properties and buildings etc. Even all the possible kinds of government financing of political parties are unknown.
- **Political parties get foreign funding:** ADR also stated that in the RTI's responses from the Income Tax Department it has been observed that political parties have also been getting foreign funding. Recently, Election Commission of India took observation of such cases.

Judgment Reserved

The hearing in the matter has ended and judgment has been reserved by the full bench of Central Information Commission.