

## **1. Making Political Parties Accountable**

### **Why in News?**

- ▶▶ Recently, the Supreme Court in **D.A.V. College Trust and Management Society Vs. Director of Public Instructions** held that **non-governmental organisations which were substantially financed by the appropriate government fall within the ambit of ‘public authority’ under Section 2(h) of the Right to Information Act, 2005.**
- ▶▶ Owing to the reasoning given by the court, the judgment can potentially have wide ramifications in the discourse pertaining to the ambit of the RTI regime on national political parties.

### **Right to Information Act:**

- ▶▶ As per the **RTI Act 2005, every citizen has the right to receive a timely response from the government for Any Information** that is sought by them with respect to the functioning of the Government.

### **Objective of RTI Act:**

- ▶▶ Empowerment of the citizens
- ▶▶ Promotion of transparency and accountability in the functioning of the government
- ▶▶ Prevention and elimination of corruption
- ▶▶ Making the democracy work FOR the people in its real sense.

### **What is Public Authority?**

- ▶▶ Under the section of the RTI Act, ‘public authority’ means “any authority or body or institution of self-government established or constituted by or under the Constitution and included... any non-government organisation substantially financed directly or indirectly by funds provided by the appropriate government.”

### **Why Political Parties should be brought under RTI?**

- ▶▶ To contain corruption
- ▶▶ Huge donations from corporate which lead to favouritism or crony capitalism
- ▶▶ Illegal foreign contribution
- ▶▶ They enjoy multiple benefits like concessional office spaces, free airtime on DD & AIR from government.

## Why Political Parties are Reluctant to be under RTI?

- ▶▶ PP's are not public authorities, hence cannot be brought under RTI Act.
- ▶▶ Disclosed information can be misused.
- ▶▶ Can disclose financial information under the IT Act.
- ▶▶ These are the reasons stated by the political parties. In 2013, The **Right to Information** (Amendment) Bill was introduced in Parliament to keep political parties explicitly outside the purview of RTI that lapsed after the dissolution of the 15th Lok Sabha.

## Various Judgments Regarding RTI:

- ▶▶ In 2013, a full bench of the Central Information Commission delivered a historic judgment by declaring that all national parties came under 'public authorities' and were within the purview of the RTI Act.
- ▶▶ Notwithstanding the binding value of the CIC's order under Section 19(7) of the Act, none of the six political parties complied with it.
- ▶▶ In D.A.V., the top court held that 'substantial' means a large portion which can be both, Direct or Indirect. It need not be a major portion or more than 50% as no straitjacket formula can be resorted to in this regard.
- ▶▶ For instance, if land in a city is given free of cost or at a heavily subsidised rate to hospitals, educational institutions or other bodies, it can qualify as substantial financing. The court resorted to 'purposive' interpretation of the provisions by underscoring the need to focus on the larger objective of percolation of benefits of the statute to the masses.
- ▶▶ If an entity gets substantial finance from the government, there is no reason why any citizen cannot ask for information to find out whether his/her money which has been given to the entity is being used for the requisite purpose or not.

## Accountability of Political Parties:

- ▶▶ From the preamble of the RTI Act, The ultimate aim is the creation of an 'informed' citizenry, containment of corruption and holding of government and its instrumentalities accountable to the governed. The Law Commission opines that Political Parties are the lifeblood of our entire constitutional system. Political parties act as a conduit through which interests and issues of the people get represented in Parliament. Since elections are predominantly contested on party lines in our parliamentary democratic polity, the agenda of the potential government is set by them.

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**Conclusion:**

- ▶▶ As noted by Dr. B.R. Ambedkar in his famous Constituent Assembly speech, **“The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State...The factors on which the working of those organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics.”**
- ▶▶ So in this context, it is important for the political parties to be accountable for the people.

