



## SC Judgement on NGOs and RTI

### What is the issue?

- The Supreme Court gave its judgment in the D.A.V. College Trust and Management Society Vs. Director of Public Instructions case.
- The ruling on non-governmental organisations (NGOs) throws light on the powers of an undiluted RTI (Right to Information).

### What is the judgment?

- The Court held that NGOs which were substantially financed by the appropriate government fall within the ambit of 'public authority' under Section 2(h) of the RTI Act, 2005.
- Under the Act, 'public authority' means any authority or body or institution of self-government established or constituted by or under the Constitution.
- In the judgement, '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.
- E.g. if land in a city is given free of cost or at a heavily subsidised rate to hospitals/educational institutions/other bodies, it can qualify as substantial financing.

### What is the significance of the judgement?

- The court resorted to 'purposive' interpretation of the provisions.
- It thus underscored the need to focus on the larger objective of percolation of benefits of the statute to the masses.
- Applying the purposive rule of interpretation, the ultimate aims are -
  - i. creation of an 'informed' citizenry
  - ii. containment of corruption
  - iii. holding of government and its instrumentalities accountable to the governed
- Besides this, the judgment can potentially have wider ramifications in terms of the ambit of the RTI regime on national political parties.

## Why should national parties be brought under RTI Act?

- National political parties are 'substantially' financed by the Central government.
- The various concessions for them include -
  - i. land allocation
  - ii. accommodation
  - iii. bungalows in the national and State capitals
  - iv. tax exemption against income under Section 13A of the Income Tax Act
  - v. free air time on television and radio, etc
- These can easily satisfy the prerequisite of Section 2(h) of the RTI Act, to be called a 'public authority'.

## What were the earlier developments in this regard?

- **ADR** - In 2010, the Association for Democratic Reforms (ADR) filed an application under the RTI to all national parties.
- It sought information about the "10 maximum voluntary contributions" received by them in the past 5 years.
- None of the national political parties volunteered to disclose the information.
- Consequently, ADR and RTI activist Subhash Agarwal filed a petition with the Central Information Commission (CIC).
- **CIC** - In 2013, a full bench of the CIC delivered a historic judgment.
- It declared that all national parties came under 'public authorities' and were within the purview of the RTI Act.
- Accordingly, they were directed to designate central public information officers (CPIOs) and the appellate authorities at their headquarters within 6 weeks.
- Notwithstanding the binding value of the CIC's order, none of the 6 national political parties complied with it.
- All the parties were absent from the hearing when the commission issued show-cause notices for non-compliance.
- **Bill** - In 2013, The Right to Information (Amendment) Bill was introduced in the Parliament; it lapsed after the dissolution of the 15th Lok Sabha.
- The Bill aimed at keeping the political parties explicitly outside the purview of RTI.
- **2019 PIL** - In 2019, a PIL was filed in the Supreme Court seeking a declaration of political parties as 'public authority', and the matter is under judicial consideration.



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