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.

Source: The Hindu



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