

# SHOULD GOVERNMENT MEETINGS COME WITHIN THE AMBIT OF RIGHT TO INFORMATION?

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## INTRODUCTION

India, being a democratic nation has achieved many praises, but the feud between the openness of a democratic nation and the preservation of secrecy has been a longstanding issue. Some see preservation of secrecy as an imperative aspect of maintaining the respect and trust in the government, while others see transparency as an aspect of fairness to the citizens of a nation. Transparency makes citizens aware about the working of the government and its functioning. One of the pillars of a democratic nation is the wellness of people and a democratic government moulding their ways of ruling according to the people of the nation. Sensitivity of public opinion is primitive in deciding the success of the government in ruling the nation. The conflict has seen a surge in recent times. As a result, the government has received major criticism from the people and media. Questions have been raised on the transparency of the government. Voices of bringing political parties under Right to Information Act, 2005<sup>[1]</sup> have been raised to which every government has been reluctant to address the issue at large. Governments act as an intricate link between the citizens of the country and the transparency in thriving of the nation. Hence, the question of bringing government meetings under the ambit of Right to Information is subject to discussion.

## AN OVERVIEW OF THE ISSUE

Right to Information Act, 2005 is an act passed by the Parliament of India that regulates the policy of citizens "right to information (RTI)". Under this act, citizens can request for information from a public authority i.e. a body of government. The act mandates the public authorities to reply within 30 days<sup>[2]</sup>. The Right to Information Act was enacted on the ideology of maintaining the transparency of the public authorities and their prospective approach towards the future. The idea was to make people confide in the working of the public authorities, empowering citizens and having accountability in the working of the Government. It has proven as a tool of ensuring the benefit of the citizens by keeping transparency in the majority of Governmental institutions. In June 2013, the Central Information Commission (CIC)<sup>[3]</sup> ruled that the political parties will come under the ambit of public authorities. The judgement was subjected to a lot of discussions. CIC stated that the working of political parties affect the day to day life of the citizens. Furthermore, fund

allocations and policy making of the parties have no transparency at all. Political parties are vital in the optimization of the democratic machinery of the nation and hence, they are accountable for providing the information to the people of this country. CIC named six parties namely, Communist Party of India, National Congress Party, Bahujan Samaj Party, Indian National Congress, Bharatiya Janata Party and Communist Party of India- Marxist<sup>[4]</sup> to be under RTI's ambit. Political parties neither complied with the order nor challenged it in the court. CIC reiterated its decision on political parties ignoring and not replying to its decisions. The Department of Personnel and Training<sup>[5]</sup> submitted an affidavit and termed CIC's decision as an erroneous conclusion. It was said that a very liberal representation was made by the CIC of the RTI Act. A plea in the Supreme Court<sup>[6]</sup> to bring political parties under the ambit of Right to Information Act was opposed by the Government stating that it would hinder their smooth internal functioning. They further stated that hindrance of the political functioning of a body is not the motive of RTI. It was under the RTI Act, that political parties do not fall under the category of public authorities. They stated that their finances are also subject to transparency under Income Tax Act, 1961. They submit their income tax returns to the IT department and their contribution reports, that only consist of donations above 20,000 rupees, to the Election Commission of India.

### CASE STUDIES

On August 1, an amendment to the RTI Act was passed by the Union Cabinet stating that political parties will not come under the ambit of the RTI act. It also stated that following CIC's order is not binding on the parties and was termed as something that would kill the spirit of the act by the activists. Central Information Commissioner Shailesh Gandhi said that there is no exact definition of Section 2(h) of the RTI Act, rather the explanation is based on "*humara paisa, humara hisaab*" which was coined 8 years ago during the implementation of RTI Act.

Another instance was the Pension Trust<sup>[7]</sup> was brought under the RTI Act by an order in June 2010. It was ruled by the Central Information Commission that the trust was given rupees 1,303 crore by the Delhi High Court in the year 2002-2003. On hearing of the case, it was found out by the CIC that the total fund was more than 66% of the total amount that was available with the Pension Trust.

In January 2010, the Hon'ble High Court of Delhi declared Indian Olympic Association<sup>[8]</sup> as the public authority and was brought under the ambit of RTI Act. Indian Olympic Association was an autonomous body in its functioning and management from the Central Government but its dependency on the funds to regulate and assist the travelling of

sportspersons and managers made it fall under the ambit of public authority.

The same judgement was followed in which the High Court of Delhi declared Sanskriti School<sup>[9]</sup> as a public authority owing to the reason for its substantial funding from the government.

In January 2011, another decision passed by CIC held that Chandigarh Club was a public authority because the rent of the land of 3.85 lakh square feet<sup>[10]</sup> was not at a par with the market rate and was leased to the club.

## ANALYSIS

With the passage of time, the debate between the constant declination of political parties to be under the ambit of RTI Act and the criticism from the RTI activists of political parties for not being included in public authorities has been in the news more than ever. Keeping political parties come under the ambit of the RTI Act will hinder their internal functioning and strategies. From government meetings to the allocation of finances, everything will be under the cover of transparency. Though political parties have been adamant in submitting a report of tax returns and donations to the Election Commission of India, the report of only donations above ₹20,000 gets submitted. According to a report<sup>[11]</sup>, three-fourth of the donations are below ₹20,000 and there has been no record with the Election Commission of the same. On one hand, covering them under the RTI act will have utmost transparency, while on the other, it will expose the government's plan of action to the rivals and other political parties. If government meetings would be covered under the RTI act, the party's futuristic planning for their own benefit would also be revealed. The Government will not have any kind of privacy and everything would be transparent. There is no doubt that in every Government meeting, apart from the general discussions, party planning and vision for the upcoming campaign is too discussed, covering them under RTI would leave no room for Government to openly discuss their plans within the party members. In a recent incident, Prime Minister Narendra Modi was having a meeting with the Chief Minister of different states. It was a behind the door meeting related to the further plan of tackling COVID-19 in the nation. During the meeting, Mr. Arvind Kejriwal, on his chance to speak, started recording the meeting. Prime minister got furious about this and told him not to break the protocols. The whole incident was recorded on National television. Public made fun of the whole incident and social media was flooded with memes on this issue. This is an added disadvantage of covering government meetings under RTI Act. Every person has a different understanding of things, some will interpret the meeting discussions in a constructive way while some will heavily oppose them, this will create chaos among the nation. Memes will trend all around social media, and it will hinder the harmony of both

meetings and the government. In another event, a RTI application was filed by a student of a University in Bengaluru stating that PM Care Fund<sup>[12]</sup> is a public authority and it should be covered under the RTI Act. He stated that the Prime Minister is the ex-officio chairman of the committee of three cabinet ministers and its substantive funding is given by the Government, so it comes under the definition of public authority. He received a reply from PMO after thirty days stating that PM Cares fund is not a public authority and the relevant information is already available on the website, pmcares.gov.in. The following examples clearly show how governments have always criticised the move of bringing them under the public authorities. On the other hand, bringing them under the ambit of RTI<sup>[13]</sup> will lead to transparency since the center is responsible for democracy and empowering citizen's goodwill, this move will make citizens feel more equipped with the information.

### CONCLUSION

The debate between the issue has been a longstanding one, where on one side, the activists support the idea of bringing government meetings and political parties under the ambit of RTI Act, on the other, the reluctance of the government to abide by it is clearly visible. The debate leads to questioning the transparency of the Government. Question on governments working has been ardently raised. The issue of government meetings coming under the ambit of RTI needs to be decided. The end of this debate will expose the Union to adopt transparency in their working, which has been non-transparent for a very long time. RTI works for empowering the citizens and bringing transparency in the working of bodies and it will keep on doing that till the final and unambiguous answer to this issue settles.

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### REFERENCES

1. University Grants Commission, <https://www.ugc.ac.in/subpage/RTI-Act.aspx>, (last visited, Apr. 26, 2021) ↑
2. LAWYERclubindia, <https://www.lawyersclubindia.com/articles/right-to-information-act-11878.asp> , (last visited, Apr.26, 2021) ↑
3. Association for Democratic Reforms, <https://adrindia.org/content/political-parties-under-rti>, (last visited Apr. 26, 2021) ↑
4. DNA, <https://www.dnaindia.com/pune/report-should-political-parties-come-under-the-ambit-of-rti-1844504>, (last visited, Apr.26, 2021) ↑

5. Joydeep, MyIndia, [The Central Information Commission's Decision to Bring the Political Parties Under RTI Mandates - Government](#), (last visited, Apr. 26, 2021) [↑](#)
6. Utkarsh Anand, The Indian Express, <https://indianexpress.com/article/india/india-others/political-parties-cant-be-under-rti-act-centre-tells-sc/>, (last visited, Apr. 27, 2021) [↑](#)
7. Timesnownews.com, <https://www.timesnownews.com/india/video/should-political-parties-too-be-brought-under-the-ambit-of-rti/52395>, (last visited, Apr. 27, 2021) [↑](#)
8. Krishnadas Rajgopal, The Hindu, <https://www.thehindu.com/news/national/govt-funded-ngos-come-under-rti-ambit-says-sc/article29444279.ece>. [↑](#)
9. Kiran Prasad, *E-Governance Policy for Modernizing Government through Digital Democracy in India* *Journal of Information Policy*, vol. 2, 2012, pp. 183-203 JSTOR, [www.jstor.org/stable/10.5325/jinfopoli.2.2012.0183](http://www.jstor.org/stable/10.5325/jinfopoli.2.2012.0183). [↑](#)
10. Anshu Jain. "GOOD GOVERNANCE AND RIGHT TO INFORMATION: A PERSPECTIVE." *Journal of the Indian Law Institute* 54, no. 4 : 506-19, (JSTOR), <http://www.jstor.org/stable/43953611>. [↑](#)
11. Press Trust Of India, The Hindu, <https://www.thehindu.com/news/national/cji-under-rti-ambit-no-one-is-above-law-say-transparency-activists/article29964007.ece>. [↑](#)
12. Priscila Jebaraj, The Hindu, <https://www.thehindu.com/news/national/coronavirus-pm-cares-is-not-a-public-authority-under-rti-act-pmo/article31712146.ece>, (last visited, Apr. 2021) [↑](#)
13. Prabodh Saxena, *Public Authority and the RTI.* *Economic and Political Weekly* 44, no. 16 (2009): 13-16, (JSTOR), <http://www.jstor.org/stable/40279148>. [↑](#)

