

# **RTI does not hamper, it is best bet for Political Parties**

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The affidavit submitted to Supreme Court last week by Department of Personal and Training of NDA Government should not put an end the ongoing public debate on whether political parties come under RTI Act or not. Given the wooly nature of the argument, it should ignite the discourse. Why should bringing political parties under the ambit of RTI Act cause a rage? How come every one concerned except political parties described that CIC's order as land mark? The Government's argument that RTI will affect the functioning of political parties, if Central Information Commission's order is implemented is imaginary. This retrograde step is same as UPA Government's. UPA Government even considered of an Ordinance to bail out political parties from RTI. Such a view is nothing short of depriving democracy of its credible credentials. But, thanks to increased activism of civil society, political parties no longer could escape from transparency wave sweeping the country. In 2005 when RTI Act came into force, most bureaucrats too had similar apprehensions as political parties now. But, after Service Guarantee Act was adopted by state after state, no such reservations were there. I said then that once after an initial period, political parties too stand to benefit.

The CIC order meant that political parties are answerable to citizens of the country. Are they not expected even otherwise? But parties have been under constant scrutiny about their funds, sources as well as expenditure? Even those contributing to political parties could be in public purview without even their knowledge and consent. Information seekers could be of an opposing party or opponents from within. Contrary to what is feared, functioning of the parties will be streamlined much sooner than otherwise. In a competitive politics who does not like to gear up better for the future and consolidate. This is what adopting to RTI provisions amounts to. This opportunity is not possible for political parties any other way.

## **What is new?**

As it is, it is already mandatory for the political parties to file their income tax returns (although exempted from paying such a tax) and also to the Election Commission (EC). Their accounts are expected to be audited by a registered Chartered Accountant. Apart, the contesting candidates, irrespective of the poll outcome, have to file affidavits on poll expenditure to the EC within a specified period. And, candidates are obligated to file affidavit as to their assets, finances and give details of criminal background. As such there is no justification for knee jerk reactions to the Supreme

Court's enquiry on non-compliance of CIC's Order by parties. The sooner political parties get to adopt to RTI, the more credible they could become. To that extent our democracy will be robust and responsive.

Has the declaration of finances and criminal background by contesting candidates in the case of Assembly and Lok Sabha made any difference? Most states had at least two elections since such a declaration was made an obligation. Voters were expected to choose the candidate based on such information declared. And parties are expected to select those with no or least criminal background. And yet the percent of those with criminal background in the Lok Sabha, for example, has hardly declined. Assets and finances of many have increased unusually between elections going by their own declaration. With RTI in force, scope for "conflict of interest" in political donations could perhaps be exposed and minimized. Ultimately it is the voters who could make the difference. With parties under RTI, the much expected change in the functioning of peoples reps could come faster. RTI now offers a way out for political parties stuck in a *chakra vyooth* like situation. They are otherwise not able to get out of a vicious syndrome, however they wish to get out. RTI provides them an opportunity.

### **Avail suo-moto clause**

Initially there would be all kind of queries for information and almost in a deluge. But that is something parties need to gear up and get used to in an inclusive spirit rather than getting panicky. A provision in RTI Act is Section 4 with suo-moto clause. Under this parties could put out information on vital decisions and operations on their own for public purview in a pre-emptive way. If parties put out on their own what their finances are and the source most suspense is over. Lok Satta did that in AP and AAP too did that initially in Delhi. Some of the recent scams would not have hogged headlines had the concerned leaders bared the facts in a suo-moto way.

However there is one area that could be a concern to political leaders. That is to do with poll strategies which parties tend to evolve to score over adversaries. Leaders do not like opponents know such competitive information. But this is only a short term problem. Given the kind of competing news media we have and political parties themselves owning news media, they are already at that game of snooping for tactical information. In the last couple of national polls, parties have coped with such a reality, including bringing to book "quid-pro transactions". So, the apprehensions the affidavit of the Government argues could only be short-lived, but the benefits in the long run would be all round and to all stakeholders. We need to see that political parties stand the litmus test by coming under RTI.

The CIC's order should be welcomed and adopted fast by parties even at this stage as AAP did this week.

Considering the far reaching implications of RTI regime for consolidating the democratic practices we should not look at CIC order in legal terms. The issue is not so much whether our political parties should be considered as "public authorities" or not. If a political party does not take any benefits from the Government but active in electoral politics of the country, is that going to be exempted from RTI? More important issue is should they come out of a syndrome scenario and function responsively. RTI has immense potential to help everyone in a win-win way particularly the political parties. In a spirit of "checks and balance", parties need to gear up, adopt and move into better systems and practices and come out of current gloom political parties generally are today.

I even suggest it will be graceful on the part of political parties to come together and welcome the opportunity to come under RTI and indicate their anxiety to move on to the next level of our Parliamentary democracy. They could also come to an understanding and reflect their determination to put information on a suo- moto basis particularly wherever conflict of interest potential exist. They could even come up with proposals for consideration of CIC for certain exemptions. For example access to files or minutes of party meetings or giving information beyond a five year time reference. And giving information pertaining to specifics about regional units of national parties could be exempted. They could even appeal citizens not to seek information which is already put in public domain and not to expect replies individually as they are not geared up to respond to every applicant.

Transparency should be seen as part of public culture, a movement for good governance and in an inclusive way. RTI should not be seen merely as a tool against corruption. It could also help free and fair elections, representative functioning of legislatures, a more responsive administration and political parties. That is why CIC's order need to be seen much beyond a legal scope. This Government affidavit before Supreme Court should not cold shoulder the initiatives of CIC and Supreme Court. The issue is not whether political parties are public authorities or not but how well they could play their role and how even better they could function to take the country much beyond the present level of free and fairness of polls and pride of place in the comity of nations.

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