

Bill No. 112 of 2013

THE RIGHT TO INFORMATION (AMENDMENT) BILL, 2013

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BILL

to amend the Right to Information Act, 2005.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Information (Amendment) Act, 2013.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 3rd day of June, 2013.

22 of 2005.

5 2. In section 2 of the Right to Information Act, 2005 (hereinafter referred to as the principal Act), in clause (h), the following *Explanation* shall be inserted, namely:—

Amendment
of section 2.

43 of 1951.

‘*Explanation.*—The expression “authority or body or institution of self-government established or constituted” by any law made by Parliament shall not include any association or body of individuals registered or recognised as political party under the Representation of the People Act, 1951.’.

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3. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section 32.

“32. Notwithstanding anything contained in any judgment, decree or order of any court or commission, the provisions of this Act, as amended by the Right to

Validation.

Information (Amendment) Act, 2013, shall have effect and shall be deemed always to have effect, in the case of any association or body of individuals registered or recognised as political party under the Representation of the People Act, 1951 or any other law for the time being in force and the rules made or notifications issued thereunder.” 43 of 1951.

STATEMENT OF OBJECTS AND REASONS

The Right to Information Act, 2005 was enacted by the Government for setting out a framework for effectuating the right to information for citizens and to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

2. The Central Information Commission in one of its decision dated 03.06.2013 has held that the political parties namely AICC/INC, BJP, CPI (M), CPI, NCP and BSP are public authorities under section 2(h) of the said Act. The Government considers that the CIC has made a liberal interpretation of section 2(h) of the said Act in its decision. The political parties are neither established nor constituted by or under the Constitution or by any other law made by Parliament. Rather, they are registered or recognised under the Representation of the People Act, 1951 and the rules/orders made or issued thereunder.

3. It has also been observed that there are already provisions in the Representation of the People Act, 1951 as well as in the Income-tax Act, 1961 which deals with the transparency in the financial aspects of political parties and their candidates.

4. Declaring a political party as public authority under the RTI Act would hamper its smooth internal working, which is not the objective of the said Act and was not envisaged by Parliament under the RTI Act. Further, the political rivals may misuse the provisions of RTI Act, thereby adversely affecting the functioning of the political parties.

5. In view of above, the Government has decided to amend the RTI Act to keep the political parties out of the purview of the RTI Act, with a view to remove the adverse effects of the said decision of the CIC. It is also necessary to give retrospective effect to the proposed amendment with effect from the date of the said decision of CIC, that is, 3rd day of June, 2013.

6. The Bill seeks to achieve the above objects.

V. NARAYANASAMY

NEW DELHI;
The 5th August, 2013.

ANNEXURE

EXTRACT FROM THE RIGHT TO INFORMATION ACT, 2005

(22 OF 2005)

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Definitions. 2. In this Act, unless the context otherwise requires, —

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(h) “public authority” means any authority or body or institution or self-government established or constituted—

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government,

and includes any—

- (i) body owned, controlled or substantially financed;
- (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

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LOK SABHA

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BILL

to amend the Right to Information Act, 2005.

*(Shri V. Narayanasamy, Minister of State in the Ministry of Personnel,
Public Grievances and Pensions)*