

**Designated Appellate Authority** : First Appellate Authority

**Postal Address** : Chief Commissioner – I, Chennai  
Room No C105, Main Building, Aayakar Bhawan,  
121, M.G.Road, Nungambakkam, Chennai – 600 034

**Date** : 26/11/2012

**Name and Address of the appellant** : **Anil Bairwal**,  
National Coordinator,  
Association for Democratic Reforms

**Name and address of the CPIO** : **DCIT, Circle - 1**  
Main Building, Aayakar Bhawan,  
121, M.G.Road, Nungambakkam, Chennai – 600 034

**Date of submission of RTI request** : 13/08/2012

**Date of payment of Additional fee (if any)** : **None**

**Brief facts of the case:** The applicant had sought information on the following points:

**Income Tax Returns of Desiya Murpokku Dravida Kazhagam (DMDK) (FOR Assessment Years 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11 and 2011-2012)**

1. **Whether the political party Desiya Murpokku Dravida Kazhagam (DMDK) has filed their complete Income Tax Returns?**
2. **Whether their Annual Income Tax Returns contains the following documents-**
  - **Income and Expenditure Account**
  - **Balance Sheet**
  - **Auditors Report**
  - **Schedules**
  - **Contribution Reports**
  - **Copy of the Assessment Order**
3. **If yes, kindly provide the full Income Tax Returns including all the mentioned documents for the above mentioned assessment years.**
4. **If no, whether any notice has been sent or any action taken against Desiya Murpokku Dravida Kazhagam for filing of incomplete Income Tax Returns (i.e. without the Balance Sheet and Income and Expenditure account) for any assessment year, if any?**

**About the Appellant:**

Anil Bairwal is part of Association for Democratic Reforms (ADR) which works for improving governance, democratic, political and electoral process in the country. Earlier also, ADR had filed a Public Interest Litigations (PIL) in Delhi High Court which resulted in the landmark and historic judgment of Supreme Court (March 13, 2003) making it mandatory

for candidates contesting elections of State Assemblies and Parliament to disclose their criminal and financial antecedents, by way of a sworn affidavit to be filed as an essential part of the nomination form.

Also, based on a RTI application filed by it to get Income Tax details of the Political Parties, the Information Commission vide its order number *CIC/AT/A/2007/01029 & 1263-1270; Date of Decision: 29.04.2008* directed the public authorities (Income Tax Departments) holding Income Tax returns of the political parties to make them available to the appellant. (Annexure-2)

**Grounds for appeal:**

1. As there was no reply from the Office of the Deputy Commissioner of Income Tax, Circle – 1, Chennai for the RTI letter dated 13/08/2012 within 30 days of the RTI being sent, an appeal should be preferred against the concerned Public Information Officer under the section 19(1) of the *Right to Information Act, 2005*.  
**(Annexure 1)**

Section 139 (4B) of the IT Act stipulates provision for filing of Income Tax returns by Political parties as quoted below  
*The chief executive officer (whether such chief executive officer is known as Secretary or by any other designation) of every political party shall, if the total income in respect of which the political party is assessable (the total income for this purpose being computed under this Act without giving effect to the provisions of section 13A) exceeds the maximum amount which is not chargeable to income-tax, furnish a return of such income of the previous year in the prescribed form and verified in the prescribed manner and setting forth such other particulars as may be prescribed and all the provisions of this Act, shall, so far as may be, apply as if it were a return required to be furnished under sub-section (1).*

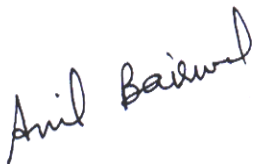
2. Also, in April 2008, CIC, on ADR's second appeal, passed the judgement, with order number ***CIC/AT/A/2007/01029 & 1263-1270; Date of Decision: 29.04.2008***, stating that the **tax returns of political parties were to be made public and also directed the authorities to furnish copies of the IT returns of the parties to the public.**

Hence it proves that the RTI and this First Appeal is in the larger public interest

I appeal to you to kindly direct the CPIO concerned to provide the requested information to the undersigned at the earliest.

I hereby declare that the aforementioned facts are true to the best of my knowledge.

Yours sincerely



Anil Bairwal  
National Coordinator  
Association for Democratic Reforms  
Table no. 04, B-1/6, Hauz Khas  
New Delhi- 110016  
Phone – 011-40817601

**Enclosures:**

**Annexure 1:** Copy of the original RTI Application.

**Annexure 2:** Copy of the CIC Judgement



Telegram: 'AAYAKAR'  
Chennai  
Post Box: 3308

Telephone No : 2833 8012  
2833 8312  
Fax : 2833 8312

**GOVERNMENT OF INDIA,  
INCOME-TAX DEPARTMENT,  
OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX, CHENNAI  
121, Mahatma Gandhi Road, Chennai 600 034.**

CHE/Coord/101(27)/RTI/2012-13  
To

Date : 30.11.2012

The Commissioner of Income tax - VI  
121, Nungambakkam High Road,  
Chennai - 34.

Sir,

Sub: Right to Information Act 2005 - reg.

\*\*\*

Please find enclosed the appeal under section 19 of the RTI Act, filed by Sri Anil Bairwal, seeking information under the RTI Act, along with its enclosures. The appellant has stated that his petition under the RTI Act, seeking information about Desiya Murpokku Dravida Kazhagam (DMDK), addressed to DCIT, Circle I, Chennai, was not replied to.

Accordingly, I am directed by the CCIT to request you to issue directions to the Appellate Authority concerned to dispose of the appeal in accordance with law, if the above party (DMDK) is assessed in your charge. A copy of the appeal has also been forwarded to the CIT (Central), Chennai, with a request to dispose of the appeal, if the above party is still assessed in his charge.

Encl : as above.

Yours faithfully,

AK 

**(A.K.SUBRAMANIAN)**

Income tax Officer (Hqrs) (Coord)  
Chennai 34  
(Nodal Officer under RTI Act)

Copy to:

✓ Shri Anil Bairwal, National Coordinator, Association for Democratic Reforms, Table No.04, B 1/6, Hauz Khas, New Delhi - 110 016, for information.