

CIC hears RTI application for making IT returns of MPs public.

Reserves judgement

- **ADR had filed RTI for IT returns of 22 MPs and 20 MLAs (List attached). The cases heard today were that of Sachin Pilot, Kumari Selja, Ajit Singh**
- **IT department had refused to give information citing lack of public interest**
- **RTIs were filed to corroborate the asset increases of these 42 MPs/MLAs with their asset delcarations to ECI between two elections (their asset increases shown in the table below)**

New Delhi, 22nd November, 2012: Hearing of the CIC on the appeal filed by Association for Democratic Reforms (ADR) on making Income Tax Returns of MPs public was held today at the CIC premises situated in Old JNU Campus. The hearing was on disclosing the Income Tax returns of Shri Sachin Pilot, Ms Selja Kumari and Shri Ajit Singh. RTIs were filed by ADR in February, 2010 to various Income Tax authorities to sought information regarding Income Tax Returns of 22 MPs and 20 MLAs and later to the concerned Appellate Authorities, all of whom had held the opinion that the information was covered under Sections 8(1)(j), 8(1)(e) and 8(1)(d) of the RTI Act and hence cannot be provided.

Notices from the CPIO were sent to Kumari Selja and Shri Ajit Singh regarding disclosure of their Income Tax returns, under Section 11 of the RTI Act for which the third parties stated that the information sought under the said RTI related to personal information, disclosure of which had no relationship to any public activity or interest and would cause unwarranted invasion of privacy, whereas no such notice was sent to Shri Sachin Pilot regarding disclosure of his IT Returns.

Representatives of the Circles/ Wards where the ITR of Shri Sachin Pilot, Ms Selja Kumari and Shri Ajit Singh are filed attended the hearing and stated that ADR had not proved larger public interest which is mandatory to provide IT Returns of individuals which consists their personal information regarding their assets and PAN number in their IT Returns. On their behalf, the representatives had submitted a Supreme Court order which denied providing the IT Returns of a public servant to an appellant as larger public interest was not proved. Also, Sections 8(1)(d), 8(1)(j) and 8(1)(e) of the RTI Act were discussed wherein personal information cannot to divulged unless larger public interest was proved.

The Association for Democratic Reforms through its National Co-ordinator Anil Bairwal and Shri Ashok Aneja, Retd Chief Commissioner (Income Tax) presented arguments supporting the fact that the appeal had larger public interest. The argument began by re-iterating that the RTIs and the subsequent appeal with the CIC that ADR was not targetting any single MP/ MLA but the entire class. It was also argued that parliamentarians are in public domain by their own choice and transparency in their working and financial operation was essential in larger public interest.

ADR also argued that Election Commission of India (ECI), vide its order No 3/ER/2011/SDR, dated 25th Feb, 2011, has added a new section in the affidavit for contesting candidates which makes it mandatory for them to disclose various information about the last Annual Income Tax filed by them along with their

dependents and spouse. It also asks them to disclose the total income that they reported in the last income tax that they filed. Thus the information that ADR was asking for is already in public domain.

ADR also quoted the the Supreme Court order of March 13, 2003 which made 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. **Supreme Court in writ petition no. 490/509/515 of 2002** observed what was held in **P.V. Narasimha Rao Vs. State(1998) 4 SCC 626**); *“They are the repositories of public trust. They have public duties to perform. It is borne out by experience that by virtue of the office they hold there is a real potential for misuse. The public awareness of financial position of the candidate will go a long way in forming an opinion whether the candidate, after election to the office had amassed wealth either in his own name or in the name of family members viz., spouse and dependent children. At the time when the candidate seeks re-election, the citizens/voters can have a comparative idea of the assets before and after the election so as to assess whether the high public office had possibly been used for selfaggrandizement. Incidentally, the disclosure will serve as a check against misuse of power for making quick money--a malady which nobody can deny, has been pervading the political spectrum of our democratic nation”*

Documents such as various press clippings showing high increase in assets of politicians, reports by ADR of Lok Sabha Elections showing disproportionate asset increase of re-contesting and re-elected candidates were submitted to support the above arguments proving larger public interest. Also copies of the Income Tax Returns voluntarily filed by the four Ministers viz. Ms Ambika Soni, Shri Subodh Kant Sahay, Shri Ajay Maken, Shri Pratik Prakashbapu Patil to the Prime Minister’s Office were submitted.

In the report submitted to the CIC, it was highlighted that from the affidavits filed by Naveen Jindal of INC, it can be seen that his assets increased from Rs 121,295,000 (~12cr) during Lok Sabha 2004 elections to Rs 1,189,435,000 (~118cr) during the Lok Sabha 2009 elections. Similarly, an asset increase of Rs 38 crore between Lok sabha 2004 and Lok sabha 2009 Elections was declared by the BJP MP, Uday Singh and Ms Maneka Gandhi had shown an increase of approximately Rs 10 crores between the two Lok Sabha Elections. Of the MLAs, H. Vasanth Kumar of INC had shown an increase of Rs 97 crores between his Tamil Nadu elections in 2006 and 2011, followed by Mr Nand Gopal of BSP with an asset increase of Rs 79 crores between his Uttar Pradesh Elections in 2007 and 2012. There are many crorepati MLAs who have never filed their Income Tax Returns according to their affidavits submitted to the ECI. Topping the crorepati list with no ITR filed is Karan Kaur of INC with asset value of approximately Rs 128 crores, followed by Ramanjit Singh Sikki of INC with Rs 20 crores.

The CIC has said that he would go through the arguments of both sides before deciding next steps.

List of Politicians whose IT Returns have been requested:

- List of MPs whose Income Tax Returns have been requested for

S.No	Candidate Name	Election 1		Election 2			Increase	% Increase
		Election & Year	total Asset	Party	Election & Year	Total Asset		

S.No	Candidate Name	Election 1		Party	Election 2		Increase	% Increase
		Election & Year	total Asset		Election & Year	Total Asset		
1	Naveen Jindal	Lok Sabha 2004	121,295,000 (~12cr)	INC	Lok Sabha 2009	1,310,730,000 (~131cr)	1,189,435,000 (~118cr)	981%
2	Usha Verma	Lok Sabha 2004	976,000 (~9lacs)	SP	Lok Sabha 2009	10,111,699 (~101lacs)	9,135,699 (~91lacs)	936%
3	Dushyant Singh	Lok Sabha 2004	7,082,067 (~70lacs)	BJP	Lok Sabha 2009	64,110,900 (~6cr)	57,028,833 (~5cr)	805%
4	Selja	Lok Sabha 2004	8,076,087 (~80lacs)	INC	Lok Sabha 2009	46,711,386 (~4cr)	38,635,299 (~3cr)	478%
5	Jyotiraditya Madhavrao Scindia	Lok Sabha 2004	28,087,039 (~2cr)	INC	Lok Sabha 2009	149,094,212 (~14cr)	121,007,173 (~12cr)	431%
6	Beni Prasad Verma	Lok Sabha 2004	4,112,560 (~41lacs)	INC	Lok Sabha 2009	19,913,574 (~1cr)	15,801,014 (~1cr)	384%
7	Ajit Singh	Lok Sabha 2004	13,423,683 (~1cr)	RLD	Lok Sabha 2009	58,232,462 (~5cr)	44,808,779 (~4cr)	334%
8	Baju Ban Riyan	Lok Sabha 2004	1,188,586 (~11lacs)	CPM	Lok Sabha 2009	3,695,981 (~36lacs)	2,507,395 (~25lacs)	211%
9	Uday Singh	Lok Sabha 2004	30,654,143 (~3cr)	BJP	Lok Sabha 2009	419,030,669 (~41cr)	388,376,526 (~38cr)	1266%
10	Maneka Gandhi	Lok Sabha 2004	66,693,705 (~6cr)	BJP	Lok Sabha 2009	176,010,979 (~17cr)	109,317,274 (~10cr)	163%
11	Sachin Pilot	Lok Sabha 2004	2,519,000 (~25lacs)	INC	Lok Sabha 2009	46,489,558 (~4cr)	43,970,558 (~4cr)	65%
12	Dip.Gogoi	Lok Sabha 2004	342,751 (~3lacs)	INC	Lok Sabha 2009	2,539,058 (~25lacs)	2,196,307 (~21lacs)	640%
13	Navjot Singh Sidhu	Lok Sabha 2004	64,211,374 (~6 cr)	BJP	Lok Sabha 2009	145,037,236 (~14cr)	80,825,862 (~8cr)	125%
14	Dr Shafiqurr Ahman Barq	Lok Sabha 2004	1,349,151 (~13lacs)	BSP	Lok Sabha 2009	7,059,763 (~70lacs)	5,710,612 (~57lacs)	423%
15	Lalu Prasad Yadav	Lok Sabha 2004	8,669,342 (~86lacs)	RJD	Lok Sabha 2009	30,187,693 (~3cr)	21,518,351 (~2cr)	248%
16	Mohan Jena	Lok Sabha 2004	870,000 (~8lacs)	BJD	Lok Sabha 2009	3,046,404 (~30lacs)	2,176,404 (~21lacs)	250%
17	Paramjit Kaur	Lok Sabha 2004	6,387,661 (~63lacs)	SAD	Lok Sabha 2009	14,208,609 (~1cr)	7,820,948 (~78lacs)	122%
18	T.R.Baalu	Lok Sabha 2004	2,744,755 (~27lacs)	DMK	Lok Sabha 2009	76,971,478 (~7cr)	74,226,723 (~7cr)	2704%
19	Sharad Pawar	Lok Sabha 2004	32,717,582 (~3cr)	NCP	Lok Sabha 2009	87,238,434 (~8cr)	54,520,852 (~5cr)	166%
20	Shivaji Adhal Rao Patil	Lok Sabha 2004	52,228,181 (~5cr)	SHS	Lok Sabha 2009	127,113,134 (~12cr)	74,884,953 (~7cr)	143%
21	A.Raja	Lok Sabha 2004	5,816,434 (~58lacs)	DMK	Lok Sabha 2009	14,251,669 (~1cr)	8,435,235 (~84lacs)	145%
22	Kanimozhi	DMK	Rajya Sabha MP, TN	62,228,706 (~6cr)	Member of the Rajya Sabha Secretariat			

Table: List of MPs whose Income Tax Returns have been requested for

- List of MLAs with high asset increase between two successive elections, based on their affidavits filed to the ECI

S No	Candidate Name	Election – 1				Election - 2				Increase	% Increase
		Party	Election & year	Total Asset	Won/ Lost	Party	Election & year	Total Asset	Won / Lost		
1	H. Vasanthakumar	INC	T.N. 2006	361,752,933 (~36cr)	W	INC	T.N. 2011	1,333,634,190 (~133cr)	L	971,881,257 (~97 cr)	269%
2	Nand Gopal	BSP	U.P. 2007	153,268,727 (~13cr)	W	BSP	U.P. 2012	952,619,000 (~95cr)	L	799,350,273 (~79cr)	522%
3	Venod Sharma	INC	Haryana 2005	93,682,806 (~9cr)	W	INC	Haryana 2009	874,010,452 (~87cr)	W	780,327,646 (~78cr)	833%
4	Siddharam Satlingappa Mhetre	INC	Maharashtra 2004	21,831,070 (~2cr)	W	INC	Maharashtra 2009	765,192,548 (~76cr)	L	743,361,478 (~74cr)	3,405%
5	Mangal Prabhat Lodha	BJP	Maharashtra 2004	78,995,000 (~7cr)	W	BJP	Maharashtra 2009	686,433,265 (~68cr)	W	607,438,265 (~60cr)	769%
6	Jain Suresh Kumar Bhikam Chand	NCP	Maharashtra 2004	263,935,031 (~26cr)	W	SS	Maharashtra 2009	827,897,782 (~82cr)	W	563,962,751 (~56cr)	214%
7	Nawab Kazim Ali Khan	SP	U.P. 2007	91,840,573 (~9cr)	W	INC	U.P. 2012	568,933,381 (~56cr)	W	477,092,808 (~47cr)	519%
8	Sarabjit Singh Makkar	SAD	Punjab 2007	146,215,172 (~14cr)	W	SAD	Punjab 2012	451,485,303 (~45cr)	L	305,270,131 (~30cr)	209%
9	Anil Kumar	INC	H.P. 2007	31,129,008 (~3cr)	W	INC	H.P. 2012	297,094,970 (~29cr)		265,965,962 (~26cr)	854%
10	D Rajendra Jawaharlal	INC	Maharashtra 2004	63,326,000 (~6cr)	W	INC	Maharashtra 2009	321,777,000 (~32cr)	W	258,451,000 (~25cr)	408%

Table: List of MLAs with high asset increase between two successive elections, based on their affidavits filed to the ECI

Top 10 MLAs who have declared the highest assets but not declared Income Tax

Return:

S.No.	Name	Constituency	Party	Movable Assets (Rs)	Immovable Assets (Rs)	Total Assets (Rs)	Self Income shown in ITR
1	Karan Kaur	Punjab 2012: Muktsar	INC	93,78,782	1,27,50,00,000	1,28,43,78,782 128 Crore+	ITR Never filed
2	Ramanjit Singh Sikki	Punjab 2012: Khadoor Sahib	INC	18,26,25,551	1,86,25,935	20,12,51,486 20 Crore+	ITR Never filed
3	Zakir Ali	Uttar Pradesh 2012: Loni	BSP	1,08,97,273	15,86,84,000	16,95,81,273 16 Crore+	ITR Never filed
4	Gurpartap Singh Wadala	Punjab 2012: Nakodar	SAD	21,13,000	13,50,00,000	13,71,13,000 13 Crore+	ITR Never filed
5	Brahm Mohindra	Punjab 2012: Patiala Rural	INC	2,24,40,972*	4,24,71,000*	6,49,11,972 6 Crore+	ITR Never filed

S.No.	Name	Constituency	Party	Movable Assets (Rs)	Immovable Assets (Rs)	Total Assets (Rs)	Self Income shown in ITR
6	Vinay Tiwari	Uttar Pradesh 2012:Gola Gokranath	SP	22,77,565	5,24,15,000	5,46,92,565 5 Crore+	ITR Never filed
7	Charanjit Kaur	Punjab 2012:Qadian	INC	2,45,79,426	2,55,00,000	5,00,79,426 5 Crore+	ITR Never filed
8	Kunwar Sarvesh Kumar	Uttar Pradesh 2012:Thakurdwara	BJP	1,04,60,956	3,30,00,000	4,34,60,956 4 Crore+	ITR Never filed
9	Ashish Yadav	Uttar Pradesh 2012:Shekhupur	SP	39,37,945	3,71,63,800	4,11,01,745 4 Crore+	ITR Never filed
10	Dharmesh Singh Tomar	Uttar Pradesh 2012:Dhaulana	SP	33,46,455	3,54,00,000	3,87,46,455 3 Crore+	ITR Never filed

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