



PM-CARES Not Under RTI

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Why in News

The **Prime Minister's Office (PMO)** has clarified that the **Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM-CARES Fund)** is **not a public authority under the ambit of the Right to Information Act (RTI), 2005.**

- PM-CARES Fund was **set to accept donations and provide relief** during the **Covid-19 pandemic**, and other similar emergencies.
- The PMO's response came in the backdrop of the RTI query filed to know the Fund's trust deed and all government orders, notifications and circulars relating to its creation and operation.

PM-CARES Fund

- **Description:**
 - PM-CARES was set up as a **public charitable trust** with the trust deed registered on March 27, 2020.
 - It can avail donations from the foreign contribution and donations to fund can also avail **100% tax exemption.**
 - PM-CARES is **different** from the Prime Minister's National Relief Fund (PMNRF).
- **Purpose:**
 - It is meant for **supporting relief or assistance** of any kind relating to a public health emergency or any other kind of emergency, calamity or distress, either man-made or natural.
 - It includes the creation or upgradation of healthcare or pharmaceutical facilities, funding relevant research or any other type of support.

- **Composition:**
 - **Prime Minister as chairperson**
 - Defence Minister, Home Minister, Finance Minister
 - Three trustees nominated by the Prime Minister “who shall be eminent persons in the field of research, health, science, social work, law, public administration and philanthropy”.

Prime Minister’s National Relief Fund (PMNRF)

- **Description:**
 - PMNRF was instituted in **1948** by then Prime Minister Jawaharlal Nehru, to **assist displaced persons from Pakistan.**
 - The fund is recognized as a **Trust under the Income Tax Act** and the same is managed by the Prime Minister or multiple delegates for national causes.
 - The contributions towards PMNRF are notified for **100% deduction** from taxable income under section 80(G) of the **Income Tax Act, 1961.**
- **Purpose:**
 - The fund is currently used primarily **to tackle natural calamities** like floods, cyclones and earthquakes.
 - The fund is also used to help with medical treatment like kidney transplantation, cancer treatment and acid attack.
- **Contributions:**
 - The fund consists **entirely of public contributions** and **does not get any budgetary support.** It accepts voluntary contributions from Individuals, Organizations, Trusts, Companies and Institutions etc.
 - The corpus of the fund is also invested in various forms with scheduled commercial banks and other agencies. Disbursements are made **with the approval of the Prime Minister.**

Key Points

- **PM-CARES Not a Public Authority:**
 - It has been stated that the PM-CARES Fund is **not a Public Authority** under the ambit of **Section 2(h) of the RTI Act, 2005.**
 - However, relevant information in respect of PM-CARES Fund may be seen on the website pmcares.gov.in.

- **Ambiguous Nature of PMNRF Under RTI:**
 - There is **ambiguity** regarding whether the PMNRF (Prime Minister's National Relief Fund) is subject to the RTI Act.
 - The **Central Information Commission (CIC)** has **directed PMNRF to disclose** information as a **result of the Delhi High Court's split opinion** on the question of whether PMNRF is a public authority under the Act.
 - The split opinion signifies that some Justices from the Delhi High Court Bench held PMNRF as a public authority, whereas some Justices held that PMNRF is not a public authority.
- **Audit of PM-CARES and PMNRF:**
 - Earlier, the **Comptroller and Auditor General's (CAG)** office had clarified that it **wouldn't audit the PM-CARES Fund** as it is **'a charitable organisation'** and is also based on donations from individuals and organisations.
 - The PMNRF too is **not audited by CAG** but it is **audited by an independent auditor outside of the government.**

Section 2 (h) of the RTI Act

- Under **section 2(h) of the RTI Act "Public authority"** means any authority or body or institution of self government established or constituted—
 - by or under the Constitution;
 - by any other law made by Parliament/State Legislature.
 - by notification issued or order made by the appropriate Government, and includes any—
 - body owned, controlled or substantially financed;
 - non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.
- Earlier in 2019, the Supreme Court ruled that the **office of the Chief Justice of India (CJI) is a public authority** under the Right to Information (RTI) Act, 2005.

Source:TH