



## RTI on PM-CARES Fund

---

 [drishtias.com/printpdf/rti-on-pm-cares-fund](https://drishtias.com/printpdf/rti-on-pm-cares-fund)

### Why in News

---

The **Prime Minister's Office (PMO)** has denied a **Right to Information** request related to the **Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM-CARES Fund)**.

### Key Points

---

- **Denied Information:** The PMO denied information on the **number of applications and appeals** related to PM-CARES and the Prime Minister's National Relief Fund.
- Reason for denial: The information was denied by the PMO on the grounds that providing it would “**disproportionately divert the resources of the office**” under **Section 7(9)** of the **Right to Information Act, 2005**.

According to the Section 7 (9) of the RTI Act, “an information shall ordinarily be provided in the form in which it is sought unless **it would disproportionately divert the resources** of the public authority or **would be detrimental to the safety or preservation** of the record in question.”
- **Criticism:**
  - **Misuse:** The move has been criticized by the **Central Information Commission (CIC)** as **misuse of Section 7(9) by the PMO**.
  - **Kerala HC Judgement:** According to the judgment by the **Kerala High Court in 2010**, Section 7(9) does not exempt any public authority from disclosing information.

It only gives discretion to the public authority to provide the information **in a form other than the form in** which the information is sought for.
  - **Section 8 (1)** lists the various valid reasons for exemption against furnishing information under the Act and not Section 7(9).

- **Concerns around PM CARES Fund:**

- Concerns have been raised around **the opaqueness** of PM CARES Fund's trust deed against public scrutiny of the expenditure of the fund.
- The need for a new PM CARES Fund, given that a **PM National Relief Fund (PMNRF)** with similar objectives exists.
- The decision to allow **uncapped corporate donations** to the fund to count as **CSR expenditure**, a facility not provided to PMNRF or the CM's Relief Funds, goes against previous guidelines stating that CSR should not be used to fund government schemes.
  - A government panel had previously advised against allowing CSR contributions to the PMNRF on the grounds that the **double benefit of tax exemption** would be a **"regressive incentive"**.
  - Donations to PMCARES have been made tax-exempt, and can be counted against a company's Corporate Social Responsibility (CSR) obligations. It is also exempt from the Foreign Contribution (Regulation) Act, 2010, and **accepts foreign contributions**.

- **Background:**

- Earlier, the Prime Minister's Office (PMO) had said that the PM-Cares Fund is **not a public authority** under the ambit of **Section 2(h)** of the RTI Act, 2005.
- A **Public Interest Litigation (PIL)** petition has been moved before the Delhi High Court asking to bring PM-CARES Fund under the ambit of the Right to Information (RTI) Act.
- A Petition seeking transfer of contributions made to PM-CARES Fund To the **National Disaster Response Fund (NDRF)** has also been made in the Supreme Court of India.

The government maintained that statutory funds like NDRF, formed under Section 46 of the Disaster Management Act of 2005, are provided for by central and State budgets. These statutory funds **do not take private contributions**, unlike PM-CARES Fund.

## **Section 2(h) of the RTI Act, 2005**

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.
- Recently, The Supreme Court has ruled that the office of the **Chief Justice of India (CJI) is a public authority** under the Right to Information (RTI) Act, 2005.

### **Section 8 of the RTI Act, 2005**

This provides for exemption from disclosure of information such as-

- Which would affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State;
- Which has been expressly forbidden to be published by any court of law or tribunal;
- Which would cause a breach of privilege of Parliament or the State Legislature;
- Information including commercial confidence, trade secrets or intellectual property;
- Information received in confidence from foreign government;
- Information which would endanger the life or physical safety of any person; etc.

**Source: TH**