



## CIC Jurisdiction over MPLADS Funds

**For Prelims:** [Right to Information Act \(RTI Act\)](#), [Central Information Commission \(CIC\)](#), [State Information Commission \(SIC\)](#), [MPLADS Scheme](#).

**For Mains:** Jurisdiction and powers of Central and State Information Commission, Reforms in CEC, Impact of ineffective Right to Information Act, 2005 on good governance and transparency and accountability in the country.

[Source: IE](#)

### Why in News?

Recently, the Delhi **High Court** has ruled that the [Central Information Commission \(CIC\)](#) has **no jurisdiction** to comment on the utilisation of funds under the [Members of Parliament Local Area Development Scheme \(MPLADS\)](#).

### What is the Background of the Court's Ruling?

#### ▪ Key Events:

- In 2018, an order by the **Central Information Commission (CIC)** raised concerns about some MPs strategically saving their MPLADS funds until the last year of their term. The CIC suspected this tactic was used to gain an unfair advantage during elections.
- It had suggested to the **Ministry of Statistics and Programme Implementation (MoSPI)** that this “**abuse**” of the funds be prevented and guidelines be implemented for **distributing the money equally for each year of the five-year term**.
- The **Ministry of Statistics and Programme Implementation (MoSPI)** then filed a legal challenge in the Delhi [High Court](#) against a ruling by the CIC on a [Right to Information \(RTI\)](#) application.

#### ▪ Court's Ruling:

- Delhi High Court held that the **CIC has no jurisdiction to comment upon the utilisation of funds by the MPs under the MPLADS**.
- The scope of the **RTI Act** is limited to providing access to information under the control of public authorities.
  - Court said that as per **Section 18 of the RTI Act**, the CIC can “only deal with issues relating to the information sought for under the RTI Act or any other issue which leads to dissipation of information as sought for by the applicant”
- The Court however retained the portion of the order of CIC where it has instructed the public authority to publish details of the funds MP-wise, Constituency-wise, and work-wise under **the RTI Act**.

### What is the MPLADS Scheme?

#### ▪ About:

- It is a **Central Sector Scheme** announced in **1993**.

## ▪ Objective:

- It enables **Members of Parliaments (MPs)** to recommend works of a developmental nature with a focus on the creation of durable community assets in the areas of **drinking water, primary education, public health, sanitation and roads**, etc. primarily in their Constituencies.
  - Since June 2016, the MPLAD funds can also be used for implementation of the schemes such as **Swachh Bharat Abhiyan, Accessible India Campaign (Sugamya Bharat Abhiyan)**, conservation of water through rainwater harvesting and **Sansad Aadarsh Gram Yojana**, etc.

## ▪ Implementation:

- The process under MPLADS starts with the MPs recommending works to the **Nodal District Authority**.
- The Nodal District Authority concerned is **responsible for implementing the eligible works recommended** by the Members of Parliament and maintaining the details of individual works executed and the amount spent under the Scheme.

## ▪ Functioning:

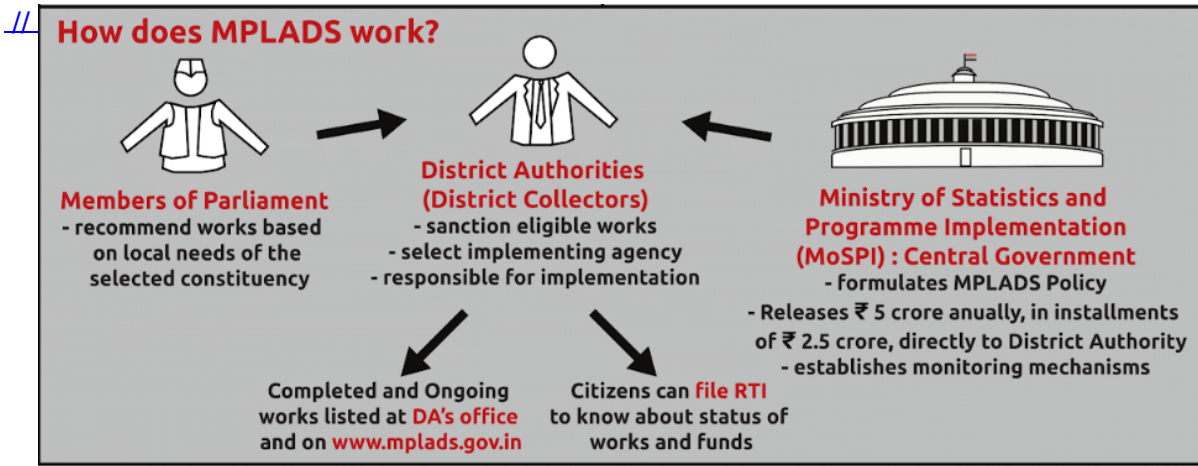
- Each year, MPs receive **Rs. 5 crore** in two instalments of Rs. 2.5 crore each. Funds under MPLADS are **non-lapsable**.
- **Lok Sabha** MPs have to recommend the district authorities projects in their Lok Sabha constituencies, while **Rajya Sabha** MPs have to spend it in the state that has elected them to the House.
- **Nominated Members** of both the Rajya Sabha and Lok Sabha can recommend works anywhere in the country.

## ▪ Concerns:

- **Breach of Federalism:** The MPLADS encroaches upon the domain of **local self-governing institutions**, thereby violating the principles laid out in Part IX and IX-A of the Constitution.
- **Implementation Lapses:** The MPLAD Scheme allows MPs to **utilise funds as a source of patronage**, which they can dispense at their discretion.
  - The **Comptroller and Auditor General (CAG)** has highlighted instances of **financial mismanagement and artificial inflation of expenditure**.
  - The scheme is also criticised for **fostering a nexus between MPs and private firms**, leading to the **misuse of funds for private projects**, allocation to **ineligible agencies**, and **diversion of funds** to private trusts.
- **No Statutory Backing:** The MPLAD Scheme is **not governed by any statutory law**, making it susceptible to arbitrary changes by the government of the day.
- **Criticism:** Both the **National Commission to Review the Working of the Constitution (2002)** and the **2nd Administrative Reforms Commission (2007)** recommended its termination.
  - Their argument centres on the **scheme's incompatibility with the division of power between the central and state governments**.

## ▪ Way Forward:

- **Enhancing Transparency and Accountability:** A robust **online tracking system for project proposals, sanctions, and fund utilisation** should be implemented. **Regular audits and public reports should be done**.
- **Empowering Citizen Participation:** By fostering participatory budgeting mechanisms, involving community forums where citizens can identify and prioritise development needs within the constituency.
- **Promoting Evidence-Based Decision Making:** Encouraging MPs to conduct needs **assessments and use data to identify the most impactful projects** for their constituencies.
- **Enhancing Convergence:** The process for converging MPLADS funds with other central and state government schemes should be streamlined which can help create larger, more sustainable projects.
  - The capacity of local implementing agencies should be strengthened to ensure efficient project execution.
- **Addressing Lapsing Funds:** Alternative **approaches to lapsable funds should be considered**. Funds could be rolled over to the next year or directed to a national pool for distribution in constituencies with greater needs.



## What is the Central Information Commission (CIC)?

- It was **established in 2005** under the **Right to Information Act**.
- It is a **non-constitutional body** overseeing **access to information held by central government agencies**.
- It comprises a **CIC and up to 10 Information Commissioners (ICs)**, serving **terms set by the central government** (with a maximum age limit of 65) and **ineligible for reappointment**.
- **The CIC's key functions include:**
  - Receiving and investigating complaints regarding information requests submitted under the RTI Act.
  - Launching **inquiries into relevant matters** based on reasonable grounds (suo moto power).
  - Exercising **powers similar to a civil court to summon individuals** and request documents during investigations.
- Each state in India has a **State Information Commission (SIC)** with a similar structure.

## Right to Information (RTI) Act 2005

- Under the RTI Act of 2005, Public Authorities are required to make **suo moto disclosures** on various aspects of their structure and functioning. This includes:
  - The disclosure of their **organisation, functions, and structure**.
  - The powers and **duties of its officers** and employees.
  - The **financial information**.
- The intent of such disclosures is that the **public should need minimum recourse through the Act** to obtain such information.
- If such information is **not made available, citizens have the right to request** it from the Authorities.
- The intent behind the enactment of the Act is to promote transparency and accountability in the working of Public Authorities.

## Meaning of the Term 'Public Authorities':

- **'Public Authorities' include** bodies of **self-government** established under the Constitution, or under any law or government notification, such as **Union Ministries, Public Sector Undertakings, and Regulators**.
- It also includes any entities **owned, controlled or substantially financed and non-government organisations** substantially financed directly or indirectly by funds provided by the government (this was pronounced by the **Supreme Court** in its judgement in **D.A.V. College Trust and Management Society v. Director of Public Instructions Case, 2019**).

## What are the Concerns Related to Autonomy of CIC?

- **Appointment Process:**
  - The CIC and Information Commissioners (ICs) are appointed by a committee comprising politicians, which potentially allows political considerations to influence the selection, thereby compromising the CIC's impartiality
- **Tenure and Removal:**
  - The **RTI Act** originally guaranteed a fixed 5-year term for Information Commissioners. However, the **RTI (Amendment) Act, 2019** removed this, giving the central government control over their terms.
    - This has raised concerns that the government might influence these officials, impacting their independence.
- **Salaries, Wages and Allowances to CEC:**
  - The **RTI Act (2005)** linked the salaries of the CIC and ICs to those of the [Chief Election Commissioner and Election Commissioners](#).
    - However, the 2019 amendment removed this link, giving the **central government the power to decide their pay and benefits**. This shift raises concerns about potential government influence.
- **Funding and Resources:**
  - The CIC relies on the central government for its **budgetary allocations and administrative support**, which can limit the CIC's autonomy and effectiveness.
- **Enforcement Powers:**
  - The CIC has the power to order the disclosure of information and impose penalties on non-compliant officials, but the **lack of a robust enforcement mechanism** hampers the effectiveness of these powers, making it difficult to ensure compliance.

## What are the Reforms Proposed to Strengthen the Central Information Commission?

- **Establishment of an Independent Selection Committee:**
  - The selection committee should include representatives from the **judiciary, civil society, and other independent bodies**, which will help reduce political influence and ensure that competent and unbiased individuals lead the CIC.
- **Fixed and Non-Renewable Tenures:**
  - **A fixed term (e.g., 5 years) without the possibility of renewal** should be proposed. Also, there should be robust safeguards against premature removal, ensuring that CIC officials can function independently.
- **Financial and Administrative Autonomy:**
  - CIC should be provided with **financial autonomy** by allocating a **separate budget** for it and ensuring its timely disbursement.
  - **They should also be empowered to manage its administrative affairs, including staff recruitment and infrastructure.**
- **Enhanced Enforcement Powers:**
  - They can be provided with **contempt powers** to hold individuals or organisations in contempt for non-compliance, the **power to impose fines** on public authorities that fail to comply with CIC orders and an **execution mechanism** to enforce its decision effectively.

### Drishti Mains Question

Discuss the relevance of the Member of Parliament Local Area Development Scheme in present times.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

**Q. With reference to the funds under the Members of Parliament Local Area Development Scheme (MPLADS), which of the following statements are correct? (2020)**

1. MPLADS funds must be used to create durable assets like physical infrastructure for health,

education, etc.

2. A specified portion of each MP's fund must benefit SC/ST populations.
3. MPLADS funds are sanctioned on a yearly basis and the unused funds cannot be carried forward to the next year.
4. The district authority must inspect at least 10% of all works under implementation every year.

**Select the correct answer using the code given below:**

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 1, 2 and 3 only
- (d) 1, 2 and 4 only

**Mains:**

**Q.** The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability." Discuss. **(2018)**

PDF Reference URL: <https://www.drishtias.com/printpdf/cic-jurisdiction-over-mplads-funds>

