**PMO REFUSES TO REVEAL HOW “PM-CARES” WORKS**

Behind the PM CARES fund:

From the official website of the Prime Minister of India, the Prime Minister’s Citizen Assistance and Relief in Emergency Situations (PM-CARES) fund aims to fill the void of an emergency distress national funding program.

It is posed with an objective to deal with any sort of emergency or distressing situation occurring in any geographical area located within the borders of India, aiming to provide relief to anybody affected by any such unforeseeable incidents.

The Prime Minister of India is the ex officio Chairman of the PM CARES fund during his or her term of service, while the ministers of Defence, Home Affairs, and Finance are the ex officio Trustees of the aforementioned Fund.

The objectives of the Fund are three-fold:

* to undertake and support relief or assistance of any kind relation to public emergencies, calamities, or distresses, be they natural or man-made;
* to render financial assistance and grant payments of money as deemed necessary by the Board of Trustees to the affected population;
* to undertake activities consistent with the above objectives;

PM-CARES fund is said to solely and entirely consist voluntary contributions from any individual(s) and/or organization(s), and does not receive budgetary support to further the cause. Donations are completely exempt from Income Tax, and count as Corporate Social Responsibility expenditure in all records.

PM-CARES now works in tandem with the Prime Minister’s National Relief Fund (PMNRF), and has also received an FCRA exemption with a separate account for foreign donations.

A petition to consider:

A petition was filed in the Delhi High court seeking that the PM-CARES Fund be declared a public authority, under the Right To Information (RTI) Act. The Prime Minister’s Office (PMO) Solicitor General, Tushar Metha, sought time from Delhi High Court’s Justice Navin Chawla in order to submit a reply explaining why the petition should not be entertained.

The case has been furthered by a solid eight weeks’ time, and the hearing has been scheduled on August 28. This has stirred a lot of controversy among the general public.

On May 1, Advocate Samyak Gangwal had filed an online RTI application, seeking various details about the PM CARES Fund, along with its trust deed. When the PMO failed to respond within the statutory 30-day time limit, he filed an online RTI appeal, to which the PMO had responded that the PM CARES Fund is not a public authority, as per the ambit of Section 2[h] of the RTI Act, 2005.

The advocate has since filed a petition in the high court under the argument that the directions of government domains and government officials, as high state functionaries, cannot be considered to act in their personal capacities and interests.

“The reluctance of the trustees of the fund in divulging information as to the management of the fund raises a profoundly serious apprehension, since the fund has been set up to fight COVID-19, which a public cause [sic]”, Advocate Gangwal stated.

Consequences of the PMO’s statement:

Various reports have been made on the issue since the day the PMO declared that PM-CARES Fund, a financial service set up to exclusively help people who are struck by devastating and unforeseen disasters, is not being considered under the public domain.

In a separate case, an RTI application was filed by Sri Harsha Kandukuri, an LLM student hailing from Bangalore’s Azim Premji University, seeking copies of the trust deed and document history of the same. On May 29, the PMO responded the same to him, stating that the Fund is exempted from being under public domain.

“By denying PM-CARES Fund the status of public authority, it is only reasonable to infer that it is not controlled by the government. If that is the case, who is controlling it? The name, composition of the trust, control, usage of emblem, government domain name – everything signifies that it is a public authority. By simply ruling that it is not a public authority and denying the application of RTI Act [sic], the government has constructed walls of secrecy around it”, Mr. Kandukuri reported.

An unforeseen controversy:

The PM-CARES Fund now has an independent auditor, with the PMO now being its head office, where two allocated PMO officials administer the fund on an honorary basis.

In plain words, a supposedly non-public trust fund is now being managed by the apex government office, and an auditor.

As of the second meeting held on the 23rd of April, 2020, the trustees of the Fund decided to appoint M/s SARC Associates, Chartered Accountants, New Delhi, as the auditors of PM-CARES Fund for three years. The same firm has been found to audit the Prime Minister’s National Relief Fund.

The audit will be conducted at the end of every financial year, as per the Frequently Asked Questions section of the PM CARES Fund. Since charitable trusts are exempt from Income Tax, they are required to be audited by chartered accountants and report the findings to the tax department.

The Income Tax Department of India has also tightened the noose around charitable trusts, ruling to ensure that the funds received are utilized for their intended objectives, and to boost compliance of the trusts. They have also stepped up the disclosure requirement of trusts in all audit reports received.

Concluding on the controversy:

The PMO is on trial now. They must watch their actions and choose their words carefully.

Various independent critics have questioned the rationale behind the existence of a charity as obscure as PM CARES in tandem with the existence of more transparent funds with the same mission to accomplish, such as the PMNRF. Continuous questions about the utilization of the funds of PM CARES have hit the PMO, yet they seem to string it along.

The hearing on June 10 resulted in the future action of the PMO filing an affidavit to challenge the various petitions filed for PM CARES to be a public authority – under the given circumstances, such a delay is only increasing tensions and stirring various controversial opinions.

Until the hearing on August 28, nothing is confirmed about PM CARES, the PMO, and the role of the auditor in this process. Faulty assumptions are the fall of civilisation – blaming the government is futile until the smoke clears up.