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# **PM CARES- A Saga of Deceit and Deception**

**Anusha Bhatt**

## PM CARES- A SAGA OF DECEIT AND DECEPTION

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### *PM CARES Fund- 'for' the people, 'by' the people but is it really 'of' the people?*

A week after the Janta Curfew, Prime Minister Narendra Modi announced a national fund with the objective of dealing with an emergency situation as posed by the COVID-19 pandemic. A public charitable trust under the name of Prime Minister Citizen's Assistance and Relief in Emergency Situations (PM CARES) Fund has been set to provide support and financial assistance to the public health emergency. The Prime Minister is the ex-officio Chairman of the PM CARES Fund and Ministers of Defence, Home Affairs and Finance have been appointed as the ex-officio Trustees of the fund.<sup>1</sup> However, in 1948 a Prime Minister National Relief Fund (PMNRF) was set up with the assistance of public contributions by the then Prime Minister, Jawaharlal Nehru. The PMNRF was initially set up to provide relief to the displaced persons from Pakistan. However, over the years, its primary objective was turned into rendering relief to people affected with natural calamities, accidents, or riots.<sup>2</sup> It is odd how the government felt the need to set up a new fund when there was one already available. In November 2019, the PMNRF fund had an unspent amount of ₹ 3,800 crores.<sup>3</sup> Thereby, the suspicion and the speculation arise.

## DONATIONS SO FAR

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Despite being under the scrutiny of the opposition, the PM CARES fund has attracted a large number of donations. A ₹ 1,500 crores and ₹ 1,000 crores donation was made by the Tata Trust Group and Aziz Premji Foundation respectively. Other donations have come from various public and private companies, prominent public figures and other individuals. Companies like Reliance Limited have faced protests against the donations due to cut in salaries of their employees whilst donating large amount of sum towards the fund. Ironically, the Railway Department also donated ₹ 151 crores towards the same fund but could not provide free train rides to helpless migrant workers ₹ Employees of various public and private companies also donated one day's salary, however a lot of them complained that it was done without receiving their due consent. The image published by Times of India depicts the donations received so far.<sup>4</sup>

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<sup>1</sup> <https://www.pmindia.gov.in/en/about-pm-cares-fund/>

<sup>2</sup> <https://pmnrf.gov.in/en/about>

<sup>3</sup> <https://bit.ly/3eqpste>

<sup>4</sup> <https://bit.ly/2TKqqZo>

Contribution to PM Cares	Amount (Rs* crore)
Private companies	5,565
Private companies employees	25
Foreign entities	16.2
Public companies	3,249
Public companies employees	1,191.40
Political contribution/MP Funds	412
Other contributions	39.5
Individuals	107
<b>Total Count</b>	<b>10,606</b>

## SPECULATION AND OPPOSITION

The opposition has been fiercely ridiculing the PM CARES Fund for its lack of accountability. Last week Rahul Gandhi, former President of the Indian National Congress, also tweeted regarding the accountability of the fund. “It’s important that PM ensures the fund is audited and that the record of money received and spent is available to the public”, he tweeted.<sup>5</sup> Gandhi urged that the citizens should know where their hard earned money is being utilized during the pandemic. The lack of transparency stems out further as the details of the donors and their utilization is also missing from the PMO website.

## DEVIOUS AMENDMENTS

On 1<sup>st</sup> April 2020, the Modi Government announced an amendment in Section 80G of the Income Tax Act which allowed the donations made under the PM CARES fund eligible for 100 percent deduction. The amendment further stated that the 10 percent deduction on the gross income will also not be applicable to the donations made to the PM CARES fund.<sup>6</sup> Such an amendment would clearly attract huge amount of donations from prominent figures as well as individuals.

Again on 27<sup>th</sup> March 2020, the Narendra Modi Government in a gazette amended Section 467 (1) of the Companies Act, 2013 that will allow PM CARES Fund to receive Corporate Social Responsibility from companies. This amendment will be applicable in retrospective effect which means that the large amount of donations made by corporates till now would be eligible as the

<sup>5</sup> <https://bit.ly/2B8ni31>

<sup>6</sup> <https://bit.ly/2XB7Wvj>



CSR contributions. A senior minister reacting to the amendment stated that, “The battle against Covid-19 needs large amount of money. If corporates can contribute to the PM CARES fund, the corpus would allow assistance to meet immediate needs like helping the migrants.” This amendment will have a fatal impact on non-governmental organizations and other public service organization that works on the ground level operation. The NGOs that are mostly dependent on the CSR contributions will suffer in eradicating the ground root problems.<sup>7</sup>

## **VIOLATION OF RIGHT TO INFORMATION**

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The PM CARES fund has also been exempted from the provisions of the RTI act. The exemption from the Right to Information Act means utter and complete violation of the law. The RTI filed by Vikrant Tongad on April 21<sup>st</sup> was disposed of within six days of filing on the ground that it lacked technicalities. Mr. Praveen Kumar, the CPIO of the PMO wrote, “It is not open to the applicant under the RTI Act to bundle a series of requests into one application unless these requests are treated separately and paid for accordingly”.<sup>8</sup> Unless the PM CARES fund is protected from Section 8 of the RTI Act, the act of PMO to refuse to furnish documents and other relevant information violates the rule of law.

The Supreme Court also dismissed a petition filed by Manohar Lal Sharma in *Manohar Lal Sharma v. Narendra Damodardash Modi & Ors.* (2020) which challenged the constitutionality of the PM CARES Fund. The petitioner stated that the fund neglected the constitutional procedures that dealt with the Consolidated Fund of India and the Contingency Fund.

The public fund has also been protected against the audit from the Comptroller and Auditor-General under Article 151 of the Constitution. The clause for using an external auditor for a public fund escalates the speculation and doubt in the eyes of the citizens.

## **WHO SUFFERS?**

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The information regarding the public fund should be voluntarily published by the PMO. The denial of the same is illegal and unconstitutional. The mistrust against the fund increased when the government failed to address the plight of migrant workers and slum dwellers. Since the past few months, slum dwellers have been suffering from lack of food and water services, sanitation and medical health services as well. A petition was filed in the Bombay High Court addressing the same issue. The issue of lack of facilities is not restricted to the slum dwellers, but it further extends to

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<sup>7</sup> <https://bit.ly/2THv9ee>

<sup>8</sup> <https://bit.ly/2ZKe8Uy>

the marginalized groups including sex workers, the transgender community and homeless people.<sup>9</sup> These communities as always have been neglected in the pandemic and are facing a hard time to make ends meet.

Thousands and thousands of migrant workers have been left stranded on the highway and the only thing the Government did was to further worsen their condition by charging increased railway fare for the journey to their homes.<sup>10</sup> The migrant workers from different parts of the country have been walking day and night due to lack of public transportation. However, the PMO chooses to stay tight-lipped at the sight of the penniless workers. The country has been struggling with the pandemic since the past three months and the promises made by the Prime Minister as always have been purposeless and worthless. Is “*atmanirbhar*” just another baseless promise like “*acche din*”?

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<sup>9</sup> <https://bit.ly/2MgcimF>

<sup>10</sup> <https://bit.ly/2XzPnaT>