

CHAPTER III

PMNRF V. PM Cares Fund

"Authored By - Vishal Gupta"

Natural disaster or calamities takes place as the repercussion of injustice done by the people to nature. When nature injustice took place, it is difficult to get rid of it. The life cycle of humans got ruined by these calamities. It took a long time to get all things normal as prior to. In the duration of this long time, the Government, whether centre or state is responsible to look after its citizen as these citizens, have chosen them as their representatives. To help the affected people, government form certain kinds of fund as to get donations from wealthy persons, NGO's, celebrities etc. Donation given to these funds is totally voluntarily.

- **PRIME MINISTER NATIONAL RELIEF FUND (PMNRF)**

PMNRF was formed by Pt. Jawahar Lal Nehru in 1948, to provide assistance to people who were disbursed from Pakistan. This fund inculcated the contribution which was done by Public on voluntary basis.

The current objectives behind creating this fund is to render immediate relief to families of those killed in natural calamities like floods, cyclones and earthquakes and to render partial cost of the expenses for medical treatment like heart surgeries, kidney transplantation, cancer treatment and acid attack etc.

- **SALIENT FEATURES OF THE PMNRF**

(i) Chairman of PMNRF is the Prime Minister and is assisted by Officers/ Staff on honorary basis.

(ii) Disbursement of fund is done by prior consent of Prime Minister.

(iii) It has not been constituted by the Parliament.

(iv) It is exempted under Income Tax Act under Section 10 and 139 for return purposes.

(v) These contributions also qualify as CSR (corporate social responsibility) spend for companies.

- **PRIME MINISTER CITIZEN ASSISTANCE AND RELIEF IN EMERGENCY SITUATION FUND (PM CARES FUND)**

The government has set up the Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM-CARES Fund) to deal with any kind of emergency or distress situation like Covid-19. The fund will be used for combating, containment and relief efforts against the Covid-19 outbreak and similar pandemic like situations in the future. The fund consists entirely of voluntary contributions from individuals/organizations and does not get any budgetary support.

- **SALIENT FEATURES OF PM CARES FUND**

(i) The Fund is a public charitable trust with the Prime Minister as its Chairman. Other Members include Minister of Defense, Minister of Home Minister and Minister of Finance.

(ii) The Chairperson of the Board of Trustees (Prime Minister) shall have the power to nominate three trustees to the Board of Trustees who shall be eminent persons in the field of research, health, science, social work, law, public administration and philanthropy.

(iii) The Fundenables micro-donations i.e. 10 Rs, 20 Rs which result a large number of people will be able to contribute with the smallest from their penny.

(iv) These contributions will also qualify as CSR (corporate social responsibility) spend for companies' vis-à-vis PMNRF.

(v) It is exempted under Income Tax Act under Section 10 and 139 for return purposes.

- **RISING CONTROVERSY AGAINST PM CARES FUND**

There are several controversies which took place pertaining to these funds. Some of them are as follows:

1- Petitions filed in Apex Court as PM CARES Fund is unconstitutional and ambiguous in its working procedure

On April 14, 2020, Advocate M L Sharma , on the behalf of petitioner, argued that this fund has been created without following schemes under Articles 266 and 267 (which deals with contingency and Consolidate Funds) of the Constitution. However CJI of India declared this petition "misconceived" and didn't agree with the submission.

One more petition was filed by a law student with his lawyer arguing that the money received in PM CARES Fund should be transferred to the National Disaster Response Fund (NDRF) and State Disaster Response Fund (SDRF) which are funds created under the Disaster Management

Act as promoting the NDRF which is the statutory fund, under the 2005 Act needed to combat the COVID-19 crisis. But, after animosity shown by Judges, petitioner had withdrawn his petition. Court said that this petition is somehow leading to political propaganda.

2- Auditing

A news report regarding to the auditing of PM CARES Fund said that audit of this fund should be done by third Independent agency not by Comptroller and Auditor General of India. However PMNRF is also audited by an independent agency named Sarc & Associates, Chartered Accountants. It is opined by many scholars and experts that when we have a constitutional auditing body named CAG, then why there is involvement of any third party for the sake of Auditing. However, contrary to this it is said that if any trustee asked then audit will be done by CAG.

3- Exemption under RTI Act, 2005

No RTI information will be furnished which will be pertaining to PM CARES Fund. Government defines rationale behind not inclusion of this fund under the purview of RTI Act as PMNFR and PM CARES Fund is *mutatis mutandis* and said that both are private trust rather than public authority.

But it was argued that Section 19 of Indian Trust Act mandates the trustees to present full fledge information of the amount and state of the trust property to the beneficiaries. And any 'private trusts' in which the prime minister is head, are created for the benefit of the public at large, every citizen is a constructive beneficiary; hence the private trust is a public charity under Section 92 of the Code of Civil Procedure.

In *Asecm Takyar v. PMNRF*¹, petitioner claimed that PMNRF is a Public Authority so it should come under the

jurisdiction of RTI. A Division bench of Delhi High Court split into this plea and matter refer to the higher bench. So it was not fully titled to say PMNRF is a Public Authority.

- **CONCLUSION**

Funds are established for the benefit and welfare of the people. Voluntary contribution strengthens the unity and integrity of India as people by their contribution wants to help other. Maintaining proper account and rendering accurate information will encourage the people to contribute more and more.

- **REFERENCE**

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3. <https://pmnrf.gov.in/en/faqs/pmnrf>
4. <https://www.pmindia.gov.in/en/about-pm-cares-fund/>
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