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"Power

tends to corrupt and absolute power corrupts absolutely."

- Baron Acton

The mentioned quote is appropriate for the recent amendment bill passed by both the houses of the Parliament of India. RTI Amendment Bill 2019 was introduced in the Lok Sabha by the Minister of State for Personnel, Public Grievances and Pensions on July 19, 2019 and passed on July 22, 2019. It was passed by the Rajya Sabha on July 25, 2019.

RTI Act is one of the instruments which

has empowered the citizens of India. It is one of the most successful laws of independent India in empowering the ordinary citizens

and bringing in the confidence amongst the citizens to question the governmental authorities and machinery. This act aims at the accountability and

citizen-centric approach of the government. It also acts as a deterrent factor

for the government servants and bureaucrats that they cannot act and work arbitrarily and thus keeping in place the *doctrine of checks and balances*.

Recently, the Supreme Court of India in the case of *Anjali Bhardwaj & Ors. Versus UOI*^[1] held that the RTI Act is enacted not only to sub-serve but also to ensure freedom of speech.

Good governance, which is an essential component of any vibrant democracy, can be achieved if the act is properly implemented. Attaining good governance is also one of the visions of the constitution. It also has a vital connection with the development of the nation.

Key

highlights of the proposed RTI Amendment Bill, 2019:

- **Term:**

Firstly, the bill aims at amending Section 13 and 16 of the RTI Act, 2005. In 2005 Act, the term for the Central Chief Information Commissioner, State-level Chief Information Commissioner and Information Commissioners was fixed for the term of 5 years (or until the age of 65 years whichever is earlier). But the amendment specifies that the appointment will be

for such term as may be prescribed by the central government.

- **Salary:**

In the RTI Act, 2005 the salary of the Central Information Commissioner (CIC) was

equivalent to the salary of the Chief Election Commissioner, salary of the State Chief Information Commissioner (SCIC) and the Information Commissioners (ICs) was equivalent to the salary of the Election Commissioners and at the state

level, State Information Commissioner (SIC) the salary was equivalent Chief Secretary to the state. In this proposal, however, it is suggested that the provisions of the RTI Act, 2005 be amended so as to provide that the term of office and the

salaries, allowances and other terms and conditions of service of, the Chief Information Commissioner and Information Commissioners and the State Chief Information Commissioner and the State Information Commissioners, shall be such

as may be prescribed by the central government.

- Deductions:

The proposed amendment bill also

removes the provision that when appointed, if CIC and ICs are receiving the pension or any other retirement benefits from the previous government service,

their salaries will be reduced by an amount equal to that pension.

Negative

aspects of the bill:

1. It would grant greater powers to the centre as everything will be decided by the government. Thus, the neutrality of information commissioners would be crippled and make information commissioners "More Loyal" to the government. They will behave like the employees of the government and if they so wish, they can decide to withhold information that can support the government.
2. The original act had defined terms tenures, salaries, appointment, etc. The amendment is viewed as the tenure, salaries, appointment to be decided on a case to case basis by the government.
3. The proposed amendment diminishes the status of the CIC, SCIC and IC from that of the Supreme Court Judge and thus, this would lower their authority to issue the directives to the senior government officers.
4. The proposed amendment would adversely affect the independence of the CIC, SCIC and ICs as the Centre will now have the authority to decide the tenure, terms and salaries of these officials. Thus, this is a threat to independence.
5. The proposed bill was introduced and passed without the public consultation which hampers the citizens' right to information as a public consultation is necessary for laws to become successful and drafting of the legislation cannot be left to the elected representatives alone.
6. On issues like NPAs, demonetisation,

RBI, etc., the information commission got the government to reveal significant information- something it can do only if it has both authority and independence.

7. It appears as an effort to bring the Central Information Commission under the absolute control of the central government. The CIC and ICs deal with huge vested interests, especially in the senior bureaucracy. It is important for them to be independent.
8. This amendment will take away the transparency as it will empower the central government to unilaterally decide which will fundamentally weaken the whole basic idea and structure of the RTI. Government's justification in bringing the amendment to the act:
 1. The government claims that the equivalence drawn between the Election Commission of India and the Central & State Information Commissioners are flawed through these amendments. It attempts to streamline and reinforce the Act, and also bringing greater transparency.
 2. The Election Commission of India is a constitutional body established under Article 324 of the Constitution of India while on the other hand Central and State Information Commissioners are the statutory bodies established under the provisions of the RTI Act, 2005. Thus, their status needs to be rationalized accordingly.
 3. CIC has been given equal status as that of the Judge of the Supreme Court, but the judgments of the CIC can be challenged in the High Courts.
 4. These amendments are brought to strengthen the overall RTI structure.

Conclusion:

The main aim

of the RTI Act, 2005 which was to promote transparency, accountability in the working of every public authority and the citizens' right to secure the access

to information is being crippled by this amendment bill, 2019. This is an attempt to take away the free flow of unbiased information and place before the general public, the filtered information by the public authorities in order to

please the government. The government has weakened the sunshine law without providing any

credible rationale for bringing an amendment as this will definitely

hamper the independent working of the Information Commissioners. They are now no more vested with the independence, transparency, status and authority but will now be functioning as one of the departments answerable ultimately to the central government.

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