Concerns over Information Commission

Why in news?

Supreme Court has cautioned the government that the Right to Information (RTI) Act, 2005 would be reduced to a dead letter if Information Commissions are not staffed.

What is RTI Act, 2005 about?

RTI Act 2005

• Section 2(j) of the RTI Act defines "right to information," as the right to information accessible under this Act which is held by or under the control of any public authority.
• **Fundamental right**- RTI is a part of the fundamental right of
  - **Article 19(1)-** Freedom of speech and expression
  - **Article 21-** Right to life and Personal liberty
• **Nodal agency-** Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions
• **Objective**-
  - To provide for a practical framework that allows the citizens to access the information under the control of public authorities
  - To promote transparency and accountability in the working of governments and their instrumentalities
  - To develop an informed citizenry
  - To contain corruption
  - To lay down exemptions to disclosure of information when such disclosure is likely to conflict with other public interests
• **Information Commissions-** It is constituted as the supreme authority and the highest decision-making body under the Act.

Hierarchy	Institution
Central level	Central Information Commission (CIC)
State level	State Information Commission (SIC)

• **RTI Amendment Act 2019-** It gave Central government, the power to decide the tenure and salary of commissioners.
• **Digital Act 2023**- It modified RTI Act by creating an exemption for all personal information from disclosure.

What is the significance of RTI Act 2005?

- **Informed citizenry**- The right of a citizen to question the government on its various policies and measures forms the very essence of a democracy.
- **Accountability-** Having access to the information regarding the affairs of the government will hold the government accountable for its actions.
- **Good governance**- RTI is an index to measure the growth and development of a country, it will empower citizens and expose corruptions.
- **Public participation**- Information regarding the government affairs ensures the

active participation of a citizen in the working of the democracy at all times.
- **Transparency-** The act creates a culture of openness that fosters public trust and confidence.
- **Fundamental right**- Supreme Court also held that the right of the citizens to know, and to receive information regarding matters of public concern is a fundamental right flowing from *Article 19(1)(a).*

To know about the concerns of RTI Act, click here

What about Information Commissions?

About	CIC	SIC
Constituted by	Central Government	State Government
Composition	Consists of a Chief Information Commissioner and not more than 10 Information Commissioners	Consists of a State Chief Information Commissioner and not more than 10 State Information Commissioners
Appointment	*President* on the recommendation of select committee	*Governor* on the recommendation of select committee
Select Committee	• Prime Minister, • Leader of Opposition in the Lok Sabha, • Union Cabinet Minister nominated by the Prime Minister	• Chief Minister, • Leader of Opposition in the Legislative Assembly, • State Cabinet Minister nominated by the Chief Minister
Tenure of the members	As prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier	
Salary, allowances, other service conditions	As per the RTI Amendment Act 2019, it shall be as prescribed by the Central Government	

What are the concerns in the Information Commission?

- **Understaffed-** The appellate bodies for RTI requests are functioning without a Chief Commissioner or with insufficient staff.
- **Huge pendency-** As of 2022, around 3, 15,000 complaints are pending under RTI Act in India.
- **Ban on personal information**- Pendency and understaffed commissions would hamper the accountability of public officials and the access to social welfare schemes.
- **Dependency**- The power of the Union government to decide the tenure and salary of commissioners, affect their independence.
- **Lack of political will**- Political unwillingness in appointing the Information Commission authorities lead to the poor implementation of RTI Act 2005.

References

1. The Hindu- India’s information commission post vacant
2. CIC- Introduction about Central Information Commission