Right to Information (Amendment) Bill, 2019

Why in news?

The government recently introduced in Lok Sabha the Right to Information (Amendment) Bill, 2019.

What are the key changes proposed?

- The Bill primarily amends **Sections 13 and 16 of the Right to Information (RTI) Act, 2005.**
- **Term** - Section 13 of the original Act sets the term of the central Chief Information Commissioner (CIC) and Information Commissioners (ICs) at 5 years (or until the age of 65, whichever is earlier).
- Likewise**,** Section 16 sets the term for state-level CICs and ICs at 5 years (or 65 years of age, whichever is earlier).
- The amendment now proposes that the appointment for both will be "for such term as may be prescribed by the Central Government".
- **Salary, etc** - Under Section 13, salaries, allowances and other terms of service of the CIC shall be the same as that of the Chief Election Commissioner.
- Those of an Information Commissioner shall be the same as that of an Election Commissioner.
- Similarly, under Sec 16, the original Act prescribes salaries, allowances and other terms of service of the state CIC and state ICs as the same as that of an Election Commissioner and Chief Secretary to the State respectively.
- The amendment proposes that the salaries, allowances and other terms of service of both CIC and ICs at both central and state levels shall be such as may be prescribed by the Central Government.

What is the government's rationale?

- The mandate of Election Commission of India and Central and State Information Commissions are different.
- Hence, their status and service conditions need to be rationalised accordingly.
- The Central Information Commissioner has been given the status of a Supreme Court judge.
- But, his judgments can be challenged in the High Courts, which is

inconsistent.
- Besides, the RTI Act did not give the government rule-making powers, which the amendment proposes to correct.

How significant is the RTI Act?

- Introduced almost 14 years ago, the RTI Act is regarded as one of the most successful laws of independent India.
- Corruption and the arbitrary use of power is a widespread phenomenon in the country.
- Given this, the RTI has been a constant challenge to the misuse of power, arbitrariness, privilege, and corrupt governance.
- It has been a breakthrough in creating mechanisms for public vigilance that are fundamental to democratic citizenship.
- It has resulted in a fundamental shift, empowering ordinary citizens and giving them access to power and decision-making.
- The key issues where RTI has been instrumental in ensuring accountability include the Rafale fighter aircraft deal, non-performing assets, appointment of the Central Vigilance Commissioner, etc.
- According to estimates, nearly 60 lakh applications are being filed every year, by citizens as well as the media.
- It is also to be noted that more than 80 RTI users have been murdered because their determination in using the RTI had been a challenge to unaccountable power.
- Given the above, the amendments seem to be diluting the very purpose of the RTI Act.

What are the concerns with the amendments?

- The Right to Information (Amendment) Bill is a twin attack on accountability and the idea of federalism.
- **Federalism** - The separation of powers is a concept which underscores independence and is vital to India’s democratic checks and balances.
- The Commission which is vested by law with status, independence and authority, will now function like a department of the Central government.
- When power is centralised and the freedom of expression threatened, it affects the fundamental federal fabric.
- **Independence** - The original Act had quantified the tenures, and defined the salaries in terms of existing benchmarks.
- The existing institutional architecture thus ensures that the RTI authorities function in an independent and effective manner.
- The amendments empower the Central government to unilaterally decide the

tenure, salary, allowances and other terms of service.
- These will now be decided on a case-to-case basis by the government.
- This is more likely to take away the independence of the RTI authorities.

- **Amendment Process** - The amendments were pushed through without any citizen consultation, bypassing examination by the standing committee.
- The mandatory pre-legislative consultative policy of the government has been ignored.
- Preserving the fundamental nature and purpose of the RTI Act is crucial to guarantee democratic citizenship in India, and so the amendments need a relook.

Source: The Hindu

Quick Facts

Central Information Commission

- The Commission has been constituted under the Right to Information Act, 2005.
- The jurisdiction of the Commission extends over all Central Public Authorities. It is the highest appellate body under the Right to Information Act.
- The Commission includes Chief Information Commissioner (CIC) and not more than 10 Information Commissioners (IC) who are appointed by the President of India.
- Section 12(3) of the RTI Act 2005 provides for search committee to appoint CIC and IC which includes –
    1. The Prime Minister, who shall be the Chairperson of the committee
    2. The Leader of Opposition in the Lok Sabha
    3. A Union Cabinet Minister to be nominated by the Prime Minister
- Similarly, the State CIC and ten State ICs are appointed by the Governor on the recommendation of the committee consisting of

1. the Chief Minister as Chairperson
2. the Leader of the Opposition in the Legislative Assembly
3. a state Cabinet Minister nominated by the Chief Minister

SHANKAR IAS PARLIAMENT
Information is Empowering