

## Answer 2

### Introduction

Art.19(1) of the constitution specifies that the Right to Information is a part of fundamental rights. It says that every citizen has freedom of speech and expression. Hence the Right to Information is embedded in Article 19. It was also said in the same case that in the Indian democracy, people are the masters which give them the right to know about the functioning of the government. RTI Act provides machinery for exercising this fundamental right.

### What are the proposed amendments?

The Right to Information (Amendment) Bill, 2019, seeks to amend **Sections 13, 16, and 27** of the **RTI** act

Section 13 of the original Act:

- It sets the term of the central Chief Information Commissioner and Information Commissioners at five years (or until the age of 65, whichever is earlier)
- It states that salaries, allowances and other terms of service of “the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner”, and those of an Information Commissioner shall be the same as that of an Election Commissioner.

### Proposed amendments:

- The appointment will be “for such **term as may be prescribed by the Central Government**”.
- The salaries, allowances and other terms of service of the Chief Information Commissioner and the Information Commissioners “shall be such as **may be prescribed by the Central Government**”.

Section 16 of the original Act deals with state-level Chief Information Commissioners and Information Commissioners. The proposed amendment allows the Central government to control through rules, the terms and conditions of appointment of Commissioners in the States.

### **This is an assault on the idea of federalism.**

- Also, the status of the Central Information Commissioners (CICs) has been brought on par with the Election Commissioners and the status of State Information Commissioners with the Chief Secretary in the States so that they can function in an independent and effective manner.
- However the amendment has neglected the recommendation of the parliamentary standing committee that the Information Commissioner and CIC were to be made on par with the Election Commissioner and the CEC, respectively.
- The amendment empowers the Central government to unilaterally decide the tenure, salary, allowances and other terms of service of Information Commissioners, both at the Centre and the States.

## What are the issues in the proposed amendment?

- The RTI law has been a breakthrough in creating mechanisms and platforms for the practice of continual public vigilance that are fundamental to democratic citizenship.
- It has always been a constant challenge to the misuse of power, a threat to arbitrariness, privilege, and corrupt governance.
- The RTI has been used to question every public institution on matters of public interest like **the Reserve Bank of India**, the Finance Ministry, on demonetisation, non-performing assets, the Rafale fighter aircraft deal, electoral bonds, unemployment figures, the appointment of the **Central Vigilance Commissioner (CVC) etc.**
- It has been acknowledged that one of the most important structural constituents of any independent oversight institution, i.e. the CVC, the Election Commissioners (CEC), the Lokpal, and the CIC is a basic guarantee of tenure.
- Thus, these amendments will lead to the dismantling of transparency architecture as they empower the Central government to unilaterally decide tenure, salary, allowances and other terms of service of Information Commissioners (both at the Centre and the States).

The Commission which is vested by law with status, independence and authority, will now function as a department of the Central government.

## Way forward

- Independent structures set up to regulate and monitor the government are vital to a democratic state committed to deliver justice and constitutional guarantees.
- The separation of powers is a concept which underscores this independence and is vital to our democratic checks and balances.
- So when power is centralised, the freedom of expression is threatened which can lead to the decline of democracy.