

Sunlight and shadow: on amendments to the RTI Act

As a law that empowers the citizen, the Right to Information Act, 2005 quickly struck root in a country saddled with the colonial legacy of secretive government. The move by the NDA government to amend the far-sighted law aims at eroding the independence of the Information Commissions at the national level and in the States. The proposed amendments show that the Central government seeks control over the tenure, salary and allowances of the Chief Information Commissioner and Information Commissioners at the Centre, and the State Chief Information Commissioners. Such a change would eliminate the parity they currently have with the Chief Election Commissioner and Election Commissioners and, therefore, equivalence with a judge of the Supreme Court in matters of pay, allowances and conditions of service. The Centre will also fix the terms for State Information Commissioners. This is an ill-advised move and should be junked without standing on prestige. If at all, the law needs to be amended only to bring about full compliance by government departments and agencies that receive substantial funding from the exchequer, and to extend its scope to more institutions that have an influence on official policy. The Supreme Court has held the right to information as being integral to the right to free expression under Article 19(1)(a); weakening the transparency law would negate that guarantee.

In its rationale for the amendments, the Centre has maintained that unlike the EC, Information Commissions are not constitutional bodies but mere statutory creations under the law. This is a narrow view, betraying an anxiety to tighten the hold of the administration on the Commissions, which even now get little official support to fill vacancies and improve efficiency. A recent public interest petition filed in the Supreme Court by the National Campaign for People's Right to Information pointed out that the Central Information Commission has over 23,500 pending appeals and complaints, and sought the filling up of vacancies in the body. In many States, the Commissions are either moribund or working at low capacity owing to vacancies, resulting in a pile-up of appeals. The challenges to the working of the law are also increasing, with many State departments ignoring the requirement under Section 4 of the Act to publish information *suo motu*. The law envisaged that voluntary disclosure would reduce the need to file an application. Since fines are rarely imposed, officers give incomplete, vague or unconnected information to applicants with impunity. Proposals to make it easier to pay the application fee, and develop a reliable online system to apply for information, are missing. These are the serious lacunae. Attempts were made by the UPA government also to weaken the law, including to remove political parties from its purview. Any move to enfeeble the RTI Act will deal a blow to transparency.

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