

## UNDERMINING RTI

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

Any amendment to a law is bound to be viewed with suspicion if no fundamental need is seen for the changes it proposes. [Amendments passed by the Lok Sabha](#) to the Right to Information Act are so obviously unnecessary that naturally many see an ulterior motive. It is difficult not to concur with activists who contend that the amendments pose a threat to the freedom and autonomy of Information Commissions at the Central and State levels. The Central Information Commissioner, the corresponding authorities in the States (State Information Commissioners) and other Information Commissioners at both levels are statutory functionaries vested with the power to review the decisions of public information officers in government departments, institutions and bodies. The amendments propose to modify the status, tenure and conditions of appointment of these Commissioners and empower the Union government to set their tenure and remuneration. While the original law assured incumbents of a fixed five-year term, with 65 as the retirement age, the amendments say the Centre would decide their tenure. In one stroke, the security of tenure of an adjudicating authority, whose mandate is to intervene in favour of information-seekers against powerful regimes and bureaucrats, has been undermined. The original legislation says the salary and terms and conditions of service of the CIC are the same as those of the Chief Election Commissioner, equal in status to a Supreme Court judge. Similarly, the other Information Commissioners at the Central level have the same conditions of service as Election Commissioners. At the State level, the SIC has the same terms and conditions of service as Election Commissioners, while other Information Commissioners are equated with the Chief Secretary of a State.

The government claims its aim is to 'rationalise' the status of the authorities. It argues that while the Chief Election Commissioner is a constitutional functionary, the CIC is only a statutory authority. And while the CEC is equal in status to a Supreme Court judge, it would be incongruous for the CIC to enjoy the same status as the CIC's orders are subject to judicial review by the high courts. This is a fallacious argument as even the Election Commission's decisions can be reviewed by high courts. Protecting citizens' right to information is a cause important enough for adjudicating authorities to be vested with high status and security of tenure. Given the extent to which the RTI Act has empowered citizens and helped break the hold of vested interests over the administration, the law has always faced a threat from many in power. The RTI Act was a consensus law and a product of public consultation. The present amendments have not been put to any debate. The government would do well to drop the Bill or at least send it to a parliamentary select committee for deeper scrutiny.

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