

## CHIPPING AWAY RTI

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

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The new rules downgrading the office of the chief and other information commissioners at the Centre and in the states, flowing from the July 2019 amendments to the 2005 Right to Information Act, send out disturbing signals about the fate of one of the most progressive, democracy-enhancing pieces of legislation to be enacted in free India. If the amendments were the first step in hollowing out the Act, [the rules, as reported in this newspaper](#), have added the finishing touches. So far the CIC received the same salary and perks as that of the Chief Election Commissioner or a judge of the Supreme Court. The new rules, framed by the Department of Personnel and Training – yet to be approved by the prime minister — make the CIC an equivalent of the cabinet secretary, and central information commissioners the same as secretary to the government in terms of salary. The tenure has been reduced from five years to three. In the states, the downgrading will be to the level of secretary to the government, and additional secretary respectively. To view these reductions simply as a matter of pay, and therefore not of consequence, would be to miss the point. The CICs and ICs at both the Centre and states have the power to review the functioning of government public information officials, and intervene on behalf of citizens seeking information about decisions of the government. The new rules effectively undermine their authority. These statutory officials have zero powers to enforce their orders, except the imposition of a fine for non-compliance. But over the years, if government departments coughed out information that was demanded of them under the provisions of the Act, it was because they were seen in the same league and of the same authority as the CEC and Supreme Court judges.

Even before this dramatic downgrade, governments at the Centre and states, from the time the legislation came into being, have pushed back against the promise of transparency in the RTI Act. Appointments to the posts have been used to grant sinecures to favoured retired bureaucrats, or dispense favours to camp-followers. There has been an enormous reluctance in many states to appoint the full strength of commissioners, leading to a large pendency. The CIC returns a large number of complaints and appeals on minor grounds. Even so, the RTI Act helped ordinary citizens feel empowered, and equipped with some means, even if not entirely imperfect, to take on corruption.

Union Home Minister Amit Shah has reportedly remarked that the government wants to put out as much information in the public domain as possible in order to reduce the need for RTI applications. High-minded though this may be, what the government wants to put out is rarely matched with what citizens want to know about its decisions. But destroying the authority of the RTI will certainly ensure that the number of applications reduce on their own.

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