



Mains Practice Question

Q. “Recent amendments to the Right to Information Act will have a profound impact on the autonomy and independence of the Information Commission”. Discuss. (150 words) (UPSC GS-2 Mains 2020)

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Approach

- You can start the answer by briefly mentioning the recent amendment in the RTI Act.
- Discuss the impact of these amendments on the autonomy of the Information Commission.
- Conclude your answer by stating the importance of RTI Act in participatory democracy.

Introduction

The Right to Information (Amendment) Act, 2019 has made amendment in the status, salary and tenure of the Central Information Commissioners (CICs) and State Information Commissioners.

On the account of amendments made in the RTI Act, the civil society has raised concerns regarding accountability, autonomy and independence of the Information Commission.

Body

Amendments Done in the RTI Act

- 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.
 - Due to this, civil society asserts that this amendment may affect the autonomy of the information commission and force it to function as a mere department of the Central government.
- 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.
 - 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 Chief Election Commission, respectively.

Impact of Amendments

- The amendment allows the interference of the executive in the functioning of Information commissions which are quasi-judicial bodies.
 - This will affect the doctrine of **Separation of powers**, which underscores this independence and is vital to our democratic checks and balances.
 - Independent structures set up to regulate and monitor the government are vital to a

democratic state committed to delivering justice and constitutional guarantees.

- Apart from this, the amendment also affects the **constitutional principles of federalism**, as now the central government can change terms of service of state information commission.
- Unilateral power of the central government will lead to centralisation of power, which is not conducive for the **exercise of the freedom of expression** and may lead to the decline of participative democracy.

Conclusion

The 2nd ARC held that **RTI is the master key to governance**. The RTI law has been a constant challenge to the misuse of power, a threat to arbitrariness, privilege, and corrupt governance.

These amendments may undermine the independence of Information Commissions and affect the transparency & accountability architecture in India. Therefore, in the pursuit of good governance, the RTI Act requires strengthening of the provisions rather weakening.

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