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Issues with RTI Amendments

Why in news?

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Union government has proposed new amendments to the RTI Act 2005.

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What is RTI Act all about?

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- The Right to Information (RTI) Act, operationalized in 2005, was seen as a powerful tool for citizen empowerment.
- The Act struck a balance between privacy and transparency by barring the disclosure of personal information if it has no relationship to any public activity or would cause unwarranted invasion of privacy.
- The Central Information Commission has been constituted under the Right to Information Act, 2005, the jurisdiction of the Commission extends over all Central Public Authorities.
- Chief Information Commission includes 1 Chief Information Commissioner (CIC) and not more than 10 Information Commissioners (IC) who are appointed by the President of India.

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What are the existing challenges before the Act?

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- The Act did not give adequate authority to the Information Commissions to enforce their decisions.

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- Besides awarding compensation to an applicant for any loss suffered, the commissions can direct public authorities to take the steps necessary to comply with the Act, but are helpless if such directions are ignored.
- RTI is ineffective in many cases where information relates to higher levels of government, implementation of decisions taken by the commissions also remains a weak link.
- The clogging of the RTI system is also because a number of applicants, usually disgruntled employees of public institutions, ask frivolous queries.
- Their applications have unfortunately continued to exist alongside those of numerous RTI activists who have done commendable work, often risking their life and limb.

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What is government's recent plan on RTI Act?

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- The government proposes to do away with the equivalence of the Central Information Commissioners with the Election Commissioners on the ground that the two have different mandates.
- The underlying assumption that transparency is less important for a democracy than holding of free and fair elections is preposterous.
- The government also proposes to replace the existing fixed five-year tenure of the Information Commissioners with a tenure as may be prescribed by it.
- This would make the tenure a largesse to be bestowed by the government and this would be detrimental to the independence and authority of the Information Commissions.

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What are the issues with amendments?

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- The recently proposed amendments to the Act would, instead of strengthening the hands of commissions, weaken them.
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- For instance, the Central Information Commission (CIC), currently having seven members, will have only three by the end of the year if no appointments are made.
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- This leads to delay in disposal of cases, which is compounded by the backlog in the High Courts, where a number of decisions of the commission are challenged.
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What is the way forward?

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- Thirteen years of the RTI Act's functioning have given enough experience to hold a public debate on making it more effective.
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- However, if the issues in the RTI are not addressed, the law will lose its promise particularly in terms of ensuring transparency at higher levels of governance.
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Source: The Hindu

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