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RIGHT TO INFORMATION: A TOOTHLESS TIGER

“Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing.”

- Justice P N Bhagwati

INTRODUCTION

RTI is the important, which is regarded as one of the essential part of democracy. The main aim of right to information is to make people realize, helps in discovering the gospel truth, which enlarges the confidence of the citizens to follow the procedure and land up taking right decisions so that stability of society is maintained.

One of the most famous French philosopher Michel Foucault observed that, “Power is derived from knowledge and information is the basic component of knowledge. Information makes men wise and it is competent enough to cope up with the modern world”. As it is a responsibility of the current government authority to inform the citizen on daily routine regarding function is performed by the government.¹ The right to seek information is one of the important facets for regulating the autonomy activity. This Right is incorporated from Art 19(1) (a) of the Indian Constitution which protects our basic fundamental right under Art 19 of Constitution of India 1950. It safeguards right to speech and expression given to every citizen part of India also referring to Art 21 of Constitution of India 1950² states that no person liberty to be restrained. The Indian Constitution has provided the authority to seek the information from legislations which is fundamental right of the autonomy. Although, this right means the flow of information but it should be subject to mandatory obligations. Similarly RTI also have certain restrictions since, democracy is the fundamental point of autonomy; so impose of any conditions is inclined to observation.

¹ Sri Keshabananda Borah, a key to good governance, Volume 2, 2319 – 7714(2013)

² Supra Note 2

The very fact is that the people are the real entity for which this constitution was framed. It has been proved by the preamble itself- “we the people of India.”³ Therefore, everything has to be tested on the basis of what serves the people of this country. It is responsibility of the government which create restriction on the public authorities, office bearers; etc as they are unable to function their responsibilities in their manner recommended as in the act and if any act is arbitrarily performed then citizens have right of check and balance.

NEED FOR THE INFORMATION IN A DEMOCRACY

Article 19 of the Universal Declaration of Human Rights “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”⁴. Secrecy being an instrument of conspiracy”, Bentham stated, “Ought never to be the system of a regular government”. Secrecy is maintained by the officer sitting at the government posts which lead to huge hue and cry but right to information brought complete disclosure of all the information regarding functions and action taken by the government authority. As reason can only be ascertained when we know – Jeremy Bentham.⁵

To encourage, transparency and accountability in management, laws in the act “Right to Information Bill, was passed in 2004. On 15th June, 2005, “The Right to Information Act” was notified in the Gazette of India on 21st June, 2005, as the Freedom of Information Act, 2002, was repealed. The “Right to Information Act” has become fully functional from 12th October, 2005 as people can seek the information as prescribed in the Act.”

This right to seek information helps individuals to access the information on the basis of enquiry made by group of people the Supreme Court which directly protects “the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) of Indian Constitution under Article 32 of Constitution of India ⁶ the focus is laid down on the applicability of right to information. Under the provisions of the Act, person has right to access the information from a "public servant" and is required to reply within thirty days, due to which the legislature is acting in more responsibility and duly accountable to people regarding its functions performed by the

³ Supra Note 1

⁴ Sharmendra Chaudhry, *Right to Information in India*, NLSIU, Feb. 8, 2011, at 25

⁵ Supra Note 1

⁶Ibid

government authority.⁷ As its preamble shows, the Act was enacted to promote transparency and accountability in the working of every public authority in order to strengthen the core constitutional values of a democratic republic .⁸

It should be kept in mind that Right to Information has ability to create debates and discussions and more arguments regarding the other issues of public authority. The question arises here is that what freedom to seek information means? Answering to the question it means that people are free to access the documents, files, any other information provided to know what government future plans. It also not limit their extent just to retrieve the government information that is provided, but also seeking the information regarding the minutes of the meeting of the board of directors representing the statutory bodies and other members for general investigation. It is also possible that they might have information of the particular individuals so the authority ensures that the information is not for any illegal and absurd purposes. It is our duty as a responsible citizen to use the information in proper way and directions so that it is not used for any illegal purposes. In a way, CEC enforces only a small part of the Expression Right, while CIC handover the wider aspect of expression – right to information.

RIGHTS PRESENT UNDER RIGHT TO INFORMATION ACT

Every citizen of India is authorised to

- a) Seek and get data from the administration and other open specialists,
- b) Ask them certain inquiries,
- c) Take duplicates, including guaranteed duplicates of records,
- d) Inspect records,
- e) Inspect works,
- f) Take test of material,
- g) Right to Information Law Contains

EXPRESSION TO INFORMATION

As in country like India full of race and each and every individual is accountable for their own function, therefore there is no space for keeping secrets. According to Article 12 of Indian

⁷ Ibid

⁸ Yashwant Sinha and Ors. vs. Central Bureau of Investigation and Ors, AIR 2019 SC1802

constitution and along these lines the vote based set-up of the nation is extending. Individuals of our nation have since a long time ago combat to achieve the Constitution and in this manner unquestionably the essential rights.⁹ Yet, the official contends that RTI is neither an established right and CIC/SIC is nor a sacred body. In any case, the Supreme Court in a catena of milestone cases held that RTI, 'similar to one side to cast a ballot, has exuded from the privilege of articulation under Article 19(1) (a)'. Both CEC and CIC implement these two parts of that basic right. The 2005 RTI Act says data is an 'established right', while the 2019 Bill negates it. On the off chance that the Election Commission that implements a privilege under Article 324 (1), is a protected establishment, by what method can the Information Commission that upholds a key right under Article 19(1)(a), is nor sacred body? Since the order of both is comparable, that is to satisfy Constitutional Rights duties. The right to information act 2005 seeks to strengthen the constitutional right to know”.

The “right to information,” henceforth, is not only a constitutional right of the people, but there is now a body of “laws in the form of RTI Act” which provides a legal regime for people to use their fundamental right to information and to access information from government. The very ground norm of the Act reflects the importance of this democratic right which reads as under: autonomy requires an informed citizen and transparency of information which are vital to its use and also to avoid corruption and to hold public authorities and their instrumentalities accountable to the governed authority.¹⁰

As In *Maneka Gandhi V. Union of India* it was held that autonomy is based essentially on free flow debate and open argumentative, for that is the only corrective form of government action in a democratic form. If democracy means government, of the people by the people, it is obvious that every citizen must be authorized to participate in a democratic process and in order to enable him intelligently exercise his right of making a choice free and general discussion of public matter is absolutely essential, as in case of *Cellular Operators Association of India &Ors. v. Telecom Regulatory Authority of India &Ors*, the right to speak freely of discourse goes to the core of the characteristic right of a sorted out opportunity adoring society to grant and obtain data about that basic intrigue which at last was an indistinguishable piece of the ability to speak freely, ensured under Article, 19(1)(a).¹¹ Additionally, in the case of *State of UP v Raj Narain* it

⁹Supra Note 5

¹⁰Anjali Bhardwaj & Ors vs.UOI, 2019 (2) Bom CR 517

¹¹ AIR 2016 SC 2336

was observed that the right to know has been derived from freedom to speech and expression. The people of this country have right to know every public act everything that is done in a public way by their public functionaries.¹²

In *Indian express newspaper [Bombay] Pvt Ltd v. Union of India*¹³, J. Venkataramiah propounded fourfold social purposes of free expression: (i) self-fulfilment, (ii) discovery of truth, (iii) strengthening of individual participation in decision making, (iv) balance between stability and change.¹⁴ In fact these social purposes address the qualities of good citizenship and equal opportunity for better personality.

It was in 1982 that the right to know matured the status of a constitutional right through the celebrated case of *S P Gupta v. Union of India*,¹⁵ popularly known as *Judge case*.¹⁶ This case established the *locus standi* of citizens to raise public interest issue before apex court, by a generous interpretation of the guarantee of freedom of speech and expression. It elevated the right to know and the right to information to the status of the fundamental right on the principle that certain unarticulated rights are immanent and implicit in the enumerated guarantees. Similarly in another case the court recognized the right of journalist to interview death convicts, based partly on the right to know and partly on the due process right.¹⁷ Also in *Dinesh Trivedi, M.P V. Union of India*¹⁸, “the supreme court” observed freedom of information and stated, “in modern constitutional democracies, it is self-evident that citizens have right to know about the matters of the government which, having been elected by them, seek to formulate policies of governance aimed at people’s welfare . Article 39 (a) (b) (c) the constitution states occupation, fair circulation of material assets of network to check convergence of riches, and methods for creation.

In *Bombay natural gathering and others V. Pune cantonment board*,¹⁹ the decent incomparable court of India saw that "genuine majority rules system can't be worked by men sitting at the top position. It must be performed from underneath by the individuals of each town and town territories. The sway lives in and streams from the individuals. well said by father of Nation in

¹² *State of UP v. Raj Narain*, 1975 4 SCC 428

¹³ AIR 1986 SC 515

¹⁴ *Supra Note* at 4

¹⁵ *Ibid*

¹⁶ *Supra Note* at 12

¹⁷ *Sheel Barse v. State of Maharashtra*, 1983 SC 378

¹⁸ JT 1997(4) SC 237

¹⁹ JT 1996 (2) SC 470

whose name we swear. Consequently, "who will watch the guard?" is a flawed before our self-governance. For this individual's support at all levels is vital".

FROM RIGHT TO VOTE TO RIGHT TO KNOW

In 19th century when many countries were heading towards democracy, voting rights were given on the basis of race, gender, social class and wealth. In fact, in starting point in some countries only land owners were given the right to vote, because there was only one form of tax which was property tax, so only the people who used to pay tax were allowed to vote later, may social classes appeared and you voted based on how much tax you paid. Between 1848 to 1918, there was a country Prussia which had a unique voting system it was called as three class franchise system, in this voters were divided into three class based on how much tax paid and each and every category could vote for one-third electorate or politicians. Until the 20th century there were many countries where voting rights were given based on one's literacy level. There was literacy tests conducted in many US states to determine if one was eligible to vote, this affected the minorities group. Criminality is also one of the reasons why voting rights for some people are withdrawn. Historically there were some countries which used to withdraw voting right on the basis of religion as Maldives which only gives voting right to Muslim citizens. On the gender basis women got voting a right after 19th century, New Zealand was the first country that gave women and all people equal voting rights. Our country has been lucky that ever since we got our independence, everyone has been given equal voting rights irrespective of their religion, gender, education or literacy level.

As Article 325 of constitution of India states, no person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex. There will be one general constituent move for each regional voting public for political race to either place of parliament or either house will be ineligible for consideration in any such roll or guarantee to be remembered for any extraordinary discretionary move for any such body electorate on grounds just of religion, race, standing, sex or any of them.

Article 326: Right to Vote of the constitution gives that the decisions to the place of individuals and to the authoritative gathering of each state will be based on grown-up suffrage, in other words, an individual ought not be under 21 years old. It has been discovered that huge numbers of the nations have indicated 18 years of casting a ballot age. In our nation a portion of the state government has embraced 18 years old for appointment of the nearby specialists. The present-day youth are educated and illuminated and the bringing down of the democratic age would give

to the unrepresented youth of the nation a chance to offer vent to their sentiments and assist them with turning into a piece of the political procedure. The present-day youth are particularly politically cognizant. It is in this way proposed to decrease the democratic age from many year to multi year after 61st established correction act.

Section 62 of representation of peoples act, 1951 highlights the five major points such as:-

1. Any person cannot vote until his name is not present in the electoral roll.
2. On the basis of unsound mind or any disqualification obtained so person cannot vote.
3. Person cannot vote in general election in more than one constituency.
4. If vote is mentioned in more than one constituency maintained so it will be declared in both the constituencies declared void.
5. Person cannot vote caste till he is in prison.

The issue whether people have right to know the antecedents of their election candidates, although evidently emanates from their constitutional right to vote, has hitherto remained unexplored until very recently. Here, at this point in time, reference is two recent decision of the Supreme Court rendered in two successive cases- Union of India v. Association for Democratic Reforms²⁰ and People Union for Civil Liberties v. Union of India²¹ when the issue of right to vote with right to know was considered.

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FROM RIGHT TO PRIVACY TO RIGHT TO INFORMATION

The benefit to security escapes to the possibility that one's near and dear information is protected from open examination. U.S. Value Louis Brandeis called it "the benefit to be ignored." While not unequivocally conveyed in the U.S. Constitution, two or three changes give a few assertions.

The advantage to security routinely is ensured by statutory law. For instance, the Wellbeing Data Transportability and Responsibility Act (HIPAA) checks an individual's flourishing data, and the Government Exchange Commission (FTC) realizes the advantage to security in different protection frameworks and affirmation articulations.

The advantage to security reliably should be adjusted against the state's convincing focal points, including the progress of open flourishing and improving the individual satisfaction. Seat lash

²⁰ AIR 2002 SC 2112

²¹ AIR 2003 SC 2363

laws and cruiser head safeguard necessities are events of such laws. Additionally, recalling that different Americans are amazingly cautious that the association collects particular data, most express that association discernment is good.

The advantage to confirmation ordinarily recommends the advantage to solitary self-organization, or the advantage to pick whether to look into express acts or have certain encounters. Two or three revisions to the U.S. Constitution have been utilized in changing degrees of accomplishment in picking an advantage to solitary opportunity:

- The Main Revision confirms the protection of sentiments
- The Third Alteration confirms the protection of the home against the utilization of it for lodge troopers
- The Fourth Amendment checks protection against preposterous undertakings
- The Fifth Correction checks against self-repercussions, which thusly ensures the security of individual data
- The Ninth Change says that the "overview in the Constitution of express rights won't be implied deny or decry different rights held by the individuals." This has been deciphered as legitimization for generally examining the Bill of Rights to ensure security in propensities not unequivocally gave in the fundamental eight reviews. The advantage to security is routinely referred to in the Fair treatment Proviso of the fourteenth Amendment, which states:

No state will make any law which will contract the focal points or insurances of tenants of the US; nor will any state block any individual from guaranteeing life, opportunity, or property, without sensible treatment of law; nor deny to any individual inside its area the equivalent security of the laws. Regardless, the assurances have been hardly portrayed and normally basically relate to family, marriage, parenthood, duplication and youngster raising. For instance, the Preeminent Court from the start clear that the unmistakable Bill of Rights affirmations makes a "zone of protection" in *Griswold v. Connecticut*, a 1965 decision that kept up conjugal protection and struck down bans on contraception. The court picked in 1969 that the advantage to security ensured an individual's benefit to have and see exotic incitement in his very own stand-out home. Worth Thurgood Marshall wrote in *Stanley v. Georgia* that, " If the Main Correction gathers anything, it recommends that a State should not be telling a man, sitting alone in his very own home, what books he may examine or what films he may watch."

Thus as an individual has the benefit to keep, singular information private, the individual also has the alternative to control the use of their character for business progression. Unapproved use, of one's name or likeness is seen as an assault of security. There are four sorts of assault of assurance: interference, portion, of name or closeness, ludicrous introduction and counterfeit light. In case an association uses a person's photo in advancement, ensuring that the individual grasps a particular thing, the individual could record a case declaring misappropriation. The Supreme Court moves close, the advantage to security and individual freedom on a case-by-case premise. A prevalent change as for associations, and works out, and the cut-off points of individual assurance change, for the most part in light of electronic life and a quality of "sharing," the importance of the benefit to security is normally developing.

Right to security is a principal right added something extra to Article 21 of the Indian Constitution. The Supreme Court watched "A resident has an option to shield the protection of his/her own, family, marriage, multiplication, parenthood, childbearing and instruction among different issues. Nobody can distribute anything concerning the above issues without his assent climate honest or something else, and whether commendatory or basic. In the event that he does as such, he would abuse the privilege to security of the individual concerned and could be obligated in an activity for harm."²²



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THE NEED OF RTI FOR GOOD GOVERNANCE

As tired of listening that democracy is broken off course it is broken we are supposed to make it work that the most important public official is the private citizen so what is our role as private citizen as a social contract nationally when we look at the voting trend so only 60 percent people cast the ballot 27 percent cast ballot in the local authority the state has given for lost so how can it be improved? We would like to refer the government keeping side of the social contract what we are looking at is good governance as are the government is like non profit organisation which is like meeting people on and satisfying the funding as it is said ruling is easy but governing is too difficult. Politics is not about governance it is about individuals and it tend to create personalities and governance is public official taking action related to public good and public tax revenue in short it is about outcome not about people we get confused because we hear people talking about government issues but public education is not part of issue, development is not a

²² Supra Note 4

part of issue, issuing permission, license those are part of issue, it is government responsibility it need more than that.

As digital India dream it is as part of RTI and there should be trust between public and government which lead to transparency that is why digital India dream will enclose the secrecy so the question by public will be keep on reducing as option of coal as earlier there was coal scam and people attached to the RTI now when the question was asked to the present government so everything was put on the official gazette and all process was shown. Governance need openness as it strengthens even the common public we realise of process but product is still not known there should be transparency related to both process along with product as main of RTI function should focus on the changes in the governance.

Referring to the Right to Information (RTI) Act, 2005 was important part throughout existence of government in India. The new law brought accountability, duty, and responsibility to the legislation particularly, in India; RTI Act is way of controlling debasement in the execution of Government-supported projects and in the working of administrative specialists. Information are basic for understanding all the human goals, for example, improvement in personal satisfaction. Prior to this Act, the responsibility of open organization was insignificant. The individuals who decided in favor of the development of equitably chose Governments and covered regulatory expenses for fund open exercises had no legitimate rights to know regarding what procedure has been followed in confining the arrangements which are influencing them, technique how the projects have been defined, who are the concerned officials related with the basic leadership procedure and execution of the plans and why the guarantees made for conveyance of basic merchandise and ventures to the more fragile segment have not been satisfied. Of course, the ways of life starting from the provincial principle till the initial six many years of republic fuelled defilement. Absence of duty and responsibility in the working of the Government reproduced wastefulness as well as sustained all types of neediness lines.²³

- There is a definite connection between right to information and good governance.²⁴ In fact, the RTI Act itself focuses on good governance and emphasise that it is one of the

²³Smita Srivastava, *The Right to Information in India: Implementation and Impact*, Volume 1, No. 1 Quarter IV, Afro Asian Journal of Social Sciences, 2010

²⁴Anjali Bhardwaj & Ors vs. Union of India, 2019 (2) Bom CR 517

objective which the Act seeks to achieve. The RTI Act would reveal that four major points required to ensure good governance are:

- greater transparency in functioning of public authorities,
- Informed citizenry for promotion of partnership between citizens and the Government in decision making process; improvement in accountability, and performance of the Government; and reduction in corruption in the Government departments.

In the case of *“Paramveer Singh v. Punjab University”*²⁵, the candidate applied to seek information regarding the merit list for their selection, but no data was being received. The held that every government authority, must take all measures in pursuance of Section 4(1) (a) to implement efficient record by the management systems in their offices so that the requests for information can be dealt promptly and in most accurate manner.

In the case of *Shyam Yadav v. Department of Personnel*²⁶ Preparing, the candidate had looked for subtleties of property recorded by government authority. The Commission held that property explanations documented by government workers are not private and data can be uncovered in the wake of taking the perspectives on concerned authorities according to the arrangements of the RTI Act. In case of *Ram Bhaj v. Delhi Government*²⁷, the appealing party, looks for data about the rules gave by the Department of government and Training in regards to the transfer of open complaints, inside a predetermined time allotment. The CIC guided the Delhi Government to illuminate the normal man about the time required to address their issues.

AMENDMENT IN RTI

As RTI is one of the monumental achievements of democracy as it allows the ordinary citizen to ask the information from government as in the past it was very difficult to elicit from the authorities about the government expenditures, government appointments or non-appointments and as a result, 60 lacs of Indian citizen have taken advantage of the RTI which has produced lot of transparency in our system and enhance the accountability of our representatives and officials to the ordinary citizen of our country. It's being extraordinary and transformative and as we know sometime stakes are being very high as many 80 RTI activists have been murdered in the

²⁵Sahina Mumtaz Laskar, *Importance of right to seek information for good governance in India*, Bharati Law Review. 216 (2016)

²⁶Ibid

²⁷ Supra note at 26

course of perusing justice through RTI. It's being amazingly transformational piece of legislation and completely independent piece of information in the commission that can challenge the authorities without fear and favour, demand the information that the authorities don't want to give and can even punish the authorities. But this government has first of all tried to delay in every possible way the process of information gathering by not filling up a vacancy in the information commission in the state and in fact in the centre information commission as last year out of 11 commission post only 3 were filled supreme court has to pass an order related to filling up a vacancy and even today 4 vacancies are left to be filled result to which there are 32000 cases pending and 9500 cases are pending for more than one year. The government actually wanted very well to ensure that the RTI was toothless this amendment because the heart of any institution is stated when the tenure and salary of the commission is fixed. Key highlights for the proposed RTI Amendment Bill, 2019:

Term:

The bill targets changing Section 13 and 16 of the RTI Act, 2005. In 2005 Act, the term for the Central Chief Information Commissioner, State-level Chief Information Commissioner and Information Commissioners was fixed for the term of 5 years. But the amendment specifies as appointment will be only for prescribed period as stated in the Act.

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Salary:

In the RTI Act, 2005 the salary of the Central Information Commissioner (CIC) was equivalent to the salary of the Chief Election Commissioner, salary of the State Chief Information Commissioner (SCIC) and the Information Commissioners (ICs) was equal to the salary of the Commissioners and at state level, State Information Commissioner (SIC) the salary was equivalent Chief Secretary to the state. In this proposal, however, it is suggested that the provisions of the RTI Act, 2005 be amended to states that the time of office and the pay rates, stipends and different terms and states of administration of, the Chief Information Commissioner and Information Commissioners and the State Chief Information Commissioner and the State Information Commissioners, will be, for example, might be recommended by the Central government according to the Right to Information Act 2005.

Deductions:

The amendment bill also removes the provision that when appointed, if CIC and ICs are given the pension or any other retirement benefits such as perks, bonus etc, from the past taxpayer supported organization; their compensations will be decreased by a sum equal to the benefits. "Power tends to corrupt and absolute power corrupts absolutely."- Baron Acton. The mentioned quote is appropriate for the recent amendment bill was passed by both the houses of the Parliament of the country. Right to Information amendment bill was introduced in the Lok Sabha by the Minister of State for Personnel Public Grievances and Pensions on July 19, 2019 and passed on July 22, 2019. It was passed by the Rajya Sabha on July 25, 2019.

Ruckus has just begun over the right to know, as this bill is the detrimental to the powers of citizen. It all started when government started seeking amendments to the RTI act a landmark UPA era legacy giving people right to know the decision of their government, this was discussed in Lok Sabha & was passed changes strictly put the central government on control like tenure & pay for the information commission not just the central but even in the state, The changes undermine the autonomy of the commissioners tasked with implementing the law, and thus weakens one of India's strongest open government and transparency laws. The spirit of the act is gone and the government will be at the liberty to armed twist these information commissions.

The difference in the opinion of the Minister for PMO, Jitender Singh, expressing the targets and explanations for the brought corrections is that there is no intending to limit the autonomy of the RTI Act. There is no fight the extent that the freedom of the Act is concerned, the Minister additionally expressed that talking about the repairing a residency of Information Commissioners, he explained that it is never referenced in the correction that the Government will transform it after at regular intervals, as asserted by the Opposition party. The Government won't have outrageous forces to alter the principles and guidelines, he centered. The Minister said that the Government and regular open will be available to the proposals and the revision is being finished with an unmistakable aim. On the issue of alluding it to the Select Committee of the House of parliament, the Minister said that it is the privilege of the individuals and it ought to be resolved based on the value of the Bill.

Be that as it may, according to my perspective the genuine demonstration had characterized terms residencies, compensations, arrangement, and so forth. The alteration centres on the obsession of the residency, compensations, arrangement to be settled on a case to case premise

by the government authority. In the event that the present revision don't pursue consistently what prior was proposed in the way that correction will lose its autonomy totally and completely as it took both capacity of focal and state data commission, It would develop the forces of the middle as everything will be chosen by the inside government. Along these lines, the check and parity of data magistrates would be disabled and make data officials "Increasingly Loyal" to the administration authority. They will carry on like the lower average workers of the legislature and on the off chance that they so wish, they can choose to retain data, that can bolster the administration.

it takes over salaries, tenure & there by controlling what should in a federal country is the responsibility of state so we are really seeing the multiphase destruction of regime of promoting disclosure transparency & accountability, minister stated that it was done hastily & clumsily both the word doesn't suit because there were 100's of brain involved whereas there are no such deliberations or consultations before introducing Right to Information (Amendment) Bill, 2019 was made to dilute the Act and the entire system. Thus, The Commission which is vested by law with status, independence and authority, will now function as a department of the Central government. Section 13 and 16 of RTI act was amended destroying the structure of the transparency & accountability region & you are also hearing & destroying constitutional federalism which is integral to our constitution and also making short change that this was the law which was consulted with thousand of Indian & best through was framed & today amendment is passed in haste & quickly.

It is a matter of great concern that the government has brought about the bill in complete secrecy and there have been no public consultations on the bill which will impact the fundamental right to information of the citizens of the country The government is in flagrant violation of the Pre-Legislative Consultation Policy of 2014²⁸, which mandates public disclosure and consultation on draft legislations.

The Central Election Commission enforces Right to Vote, which is part and parcel of right to expression under Article 19(1) (a) which is further explained in Article 324. In a way, CEC enforces only a small part and parcel of the Expression Right, while CIC is entrusted with enforcement of wider form of expression – right to information. Without receiving information, no citizen can express her/his views or criticise the wrong policies of the government. This

²⁸ *Government likely to move RTI Amendment bill*, ET, Jul 18, 2019.

wrong measure will make the Commissioners spineless and powerless to issue any disclosure order and they fail to implement objectives of RTI act recently, the Supreme Court of India in the case of Anjali Bhardwaj & Ors. vs. UOI²⁹, it was referred that the RTI Act was sanctioned not exclusively to give the data yet in addition to guarantee the right to speak freely of discourse, Good administration, which is a significant part of any fair change, can be picked up if the demonstration is appropriately working and appropriately executed, accomplishing great administration is likewise one of the features of the constitution. It additionally has an indispensable association with the advancement of our nation.

CONCLUSION

The right to information is highly used by the people the amendments keeps on happening but this time it is direct attack to the government functioning. The principle point of the RTI Act, 2005 which was to support straightforwardness, responsibility in the working of each administration authority and the residents' entitlement to keep up the mystery and right to free stream the data and effectively access to data is being cribbed by this revision bill, 2019. This is an endeavour to remove the free progression of impartial data and spot before the normal open, the strainer data by the open experts so as to satisfy the administration. As it is weakening one of India's strongest open government and transparency laws, The spirit of the act is gone and the government will be at the liberty to armed twist these information commissions, as it is ironic that when we talk about right to information and its proposed amendment there is completely no information that what the government is trying to amend also the activist claim that centre has not did any consultation with the stakeholders and the fact could be an attempt to dilute the right to information. It is breach of parliamentary privilege because in the same notice all the information was given when government was trying to propose GST law was concern. As government has no evidence that RTI is being misused of the RTI laws, it is just to access the information which is asked by people regarding pension, health issues, education etc. In a democracy people have right to know so this amendment curbs the fundamental right of the people by not giving the knowledge related to what kind of amendment is being made, there has not been any public consultation. The implementation of law require strengthening as we are asking supreme court to filling these vacancy which is the question of marline neglect of the

²⁹2019 (2) Bom CR 517

dilution of information commission. Transparency and accountability is the part of manifesto to strengthen the government.

