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***“Critical Analysis of The RTI Act, 2005 In Light Of The Recent Amendment
Act Of 2019”***

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ABSTRACT

This paper basically tries to bring out how the Right to Information (Hereinafter referred to as 'RTI') Amendment Act of 2019 defeats the very purpose of the landmark RTI Act, 2005. In doing so the paper primarily focuses on the question whether independence of information commissioners is a pre-condition to their effective functioning.

In this paper the author, will firstly briefly talk about the history of the RTI movement and how important is the RTI Act 2005. In doing so the author will explain how the RTI institution works and the role of Information Commissioners thereunder. Secondly, the author will review the literature available on whether independence of information commissioners is a pre-condition to their effective functioning throughout the global. In doing so the author will analyse the degree of autonomy and independence of the information commission in various countries around the globe and compare it with India.

Moving on, the author will analyse how the RTI Amendment Act, 2019 shakes the very foundations of the RTI Act, 2005. In doing so the author will analyse what the RTI Amendment Act really means for the country as a whole and how it will completely shatter the transparency guaranteed by it to the citizens. Then the author will focus upon the road forward and will elucidate upon how the Information Commissioners have become puppets in the hands of the central government due to the amendment of 2019. Also, in order to better understand the research question, the author prepared a questionnaire and circulated it to get a first-hand idea of the people's response.

And finally, the author will put forward certain solutions to ensure that the efficacy of the RTI as an institution is maintained.

PART 1- INTRODUCTION

HISTORY OF RTI MOVEMENT IN INDIA.

The first and most well-known RTI movement in India was The Mazdoor Kisan Shakti Sangathan (Hereinafter referred to as 'MKSS').¹ In early 1990s, in the Bhim Tehsil of Rajasthan, MKSS took the initiative to lead people to assert their right to information by asking for copies of bills and vouchers and names of persons who have been paid wages mentioned in muster rolls on the construction of schools, dispensaries, small dams and community centres.

On paper such development projects were all completed, but it was common knowledge of the villagers that there was gross misappropriation of funds.

MKSS's struggle for access to village accounts and transparency in administration is widely credited with having sparked off the right to information movement across India.

In 1996, Justice PB Sawant, the Chairman of the Press Council of India, drafted the right to information bill. The core of the bill was that every citizen shall have the Right to Information from public body and it shall be the duty of the public body to make the information available in the public sphere when asked for.²

Finally, the Central Government enacted the Indian Freedom of Information Act in 2002. The Act represents an important step towards actualizing the Right to Information, but was criticized for not going far enough.³

Accordingly, in order to make the dual objectives of transparency and accountability more effective, the Central Government repealed the Indian Freedom of Information Act, 2002 and passed the RTI Act, 2005.⁴

IMPORTANCE OF THE RTI ACT, 2005.

¹ Shriya Mohan, *The RTI Journey: From rural to digital*, THE HINDU BUSINESS LINE (August 03, 2019), <https://www.thehindubusinessline.com/blink/know/how-the-rti-journey-leaped-boundaries-from-rural-to-digital/article28793351.ece>; Shrikrishna Kachave, *RTI Series: Transparency, Information & Right to Information*, THE LEAFLET (June 19, 2020), <https://www.theleaflet.in/rti-series-transparency-information-right-to-information-rti-part-i/>.

² Sudepta Pradhan, *India's Right to Information Act: A work in progress?*, RESEARCHGATE (January, 2015), https://www.researchgate.net/publication/286453576_India's_Right_to_Information_Act_A_work_in_progress.

³ Lovina B Thakkar, *Right to information act, 2005: All you need to know*, LIVE LAW (July 07, 2020), <https://www.livelaw.in/know-the-law/right-to-information-act-2005-all-you-need-to-know-159485?infinite-scroll=1>.

⁴ Harsha Kumari Singh, *20 Years of the Right to Information Movement*, NDTV (April 06, 2015), <https://www.ndtv.com/india-news/two-decades-of-the-right-to-information-movement-752461>.

The RTI Act, 2005 was introduced as a tool for the people to exercise their rights to ask significant questions from the Government and Public bodies. It is important to note that even the office of the Chief Justice of India has been brought under the RTI Act as observed by the Supreme Court in 2019 by upholding the decision of the Delhi High Court.⁵ The main aim of the Act is to make India corruption free. As per the RTI Act, any Indian citizen can ask for any information from any state/central office or department and such authority is liable to respond to such request within 30 days from the date of application. The only exception to this general rule is that the detail sought must not relate to defence, personal details or national security.⁶ The process for applying for RTI is simple and can be done both online or offline. It can be applied online through the official website of the RTI by paying a nominal fee.

HOW DO THE INFORMATION COMMISSIONERS WORK?

The RTI Act, 2005 has information commission, one at state level and another at central level. The information commissioners sit under this information commissions and one of them is a chief information commissioner. Their main job is that whenever a person files an RTI in any public office and doesn't get a response, then that person can approach these RTI commissioners and complain about the non-responsiveness to your RTI. These commissioners have the authority to go to those public departments and instruct them to issue information. The commission can help in various other issues such as if you are being overcharged for an RTI or if your RTI is not being properly replied to.

WHAT ARE THE CHANGES BROUGHT ABOUT BY THE RTI AMENDMENT ACT OF 2019.

The RTI Amendment act, 2019 seeks to amend the empowering RTI Act, 2005 by changing the tenure and salaries of information commissioner as per the whims and fancies of the central government.

It basically entails to give the Centre the powers to fix salaries and service conditions of the Information Commissioners at the State and Central levels. Some key highlights of the new amendment act are that the term for the Central Chief Information Commissioner, State level

⁵ Gaurav Vivek Bhatnagar, *Office of CJI comes under RTI Act as Supreme Court upholds Delhi HC Order*, THE WIRE (November 13, 2019), <https://thewire.in/law/cji-under-rti-act-supreme-court>; Samanwaya Rautray, *Supreme Court brings CJI's office under the ambit of RTI Act*, ECONOMIC TIMES (November 13, 2019), <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-brings-cjis-office-under-ambit-of-rti-act/articleshow/72037436.cms?from=mdr#:~:text=The%20office%20of%20the%20Chief,and%20subject%20to%20RTI%20safeguards.>

⁶ BI India Bureau, *What is RTI Act, all you need to know about RTI act*, BUSINESS INSIDER (December 23, 2020), <https://www.businessinsider.in/india/article/all-you-need-to-know-about-rti-act/articleshow/72053630.cms>.

Chief Information Commissioner and Information Commissioner which was for 5 years is now changed to ‘such term as may be prescribed by the Central Government’.⁷ Similarly, the salaries, allowances and other terms and conditions of the Chief Information Commissioners and Information Commissioners shall be as may be prescribed by the Central Government.⁸ The amendment has some negative aspects as it grants greater authority to the Centre as everything will now be decided by the Central Government.

Thus, autonomy of the information commissioners is now reduced and this would lead to them being somewhat under the control of the government. The amendment further diminishes the status of the information officers which would lower their authority to issue directives to government officials and would thus seriously impact their independence. Moreover, the amendment was passed without consultation from the public which violates the citizen’s right to information by and large.

PART 2- LITERATURE REVIEW

The primary question that I will review the literature on in this section is whether independence of information commissioners is a pre-condition to their effective functioning throughout the global? And if yes, then what all provisions are needed in order to ensure independence of the information commissioners in the true sense of the word.

The primary question that is whether independence of information commissioners is a pre-condition to their effective functioning throughout the global? has not been expressly answered in any book or article or journal but the same can be inferred as will be established below from my analysis of the literature available.

By analysis of the literature available till date on this topic it can be inferred by necessary implication that independence of information commissioners is a pre-condition to their effective functioning in the international arena or world over. This is so because more often than not the literature available on this topic almost always prefaces the term ‘information

⁷ Devika Sharma, *The Right to Information (Amendment) Act, 2019: Bill receives President’s Assent: Centre to decide term and salary payable*, SCC ONLINE (August 02, 2019), <https://www.scconline.com/blog/post/2019/08/02/the-right-to-information-amendment-act-2019-bill-receives-presidents-assent-centre-to-decide-term-and-salary-payable-to-cic-ic-state-ic/>.

⁸ *Id.*

commission' with the word 'independent,' meaning as if it were a pre-condition of the commission's existence.⁹

Additionally, the same can be inferred from a number of articles and books that in general talk about the oversight bodies. I rely on those books and articles as Information Commission also comes under the ambit of oversight bodies.¹⁰ At this point it is important to note that in international arena it is believed that the independence of the oversight body is essential to it playing a successful role. Accordingly, countries world over have tried to maintain the independence of the oversight body i.e information commission by ensuring that they are independently financed and are free from government interference. Additionally, the mandate and powers of information commissioners are clearly delimited so as to leave no scope for ambiguity, and the countries have also tried to ensure that the process of election and removal of the Commissioners are free from biases and political influence. I shall substantiate and explain the same in more detail in the next segment of the paper wherein I have analysed the degree of autonomy and independence of the information commission in various countries around the globe.

Now I will examine what the available books, articles and scholars have to say about what constitutes independence of the information commissioners.

In one of the articles of Journal of European Public Policy in has been highlighted that there are two broad categories of independence as far as independence of information commissioners is concerned namely: de jure independence and de facto independence.¹¹

De jure independence as the word suggests is independence in law i.e. the provisions in law that ensure the independence of the information commissioners. As per chapter 14 of the book named Handbook on the Politics of Regulation De jure independence includes provisions that determine the tenure, salary and funding of the information commission. In order to make the

⁹ Sarah Holsen and Martial Pasquier, *Insight on Oversight: The Role of Information Commissioners in the Implementation of Access to Information Policies*, 2 JOURNAL OF INFORMATION POLICY 214 (2012).

¹⁰ Toby Mendel, *Brief on the Role and Importance of Access to information Oversight Bodies*, FREEDOM OF INFORMATION (February 13, 2019), <http://www.foi.am/en/articles/item/1713/>; PTL, *RTI Act amendment: Activists, former Central Information Commission Slam Government*, THE NEW INDIAN EXPRESS (July 17, 2018), <https://www.newindianexpress.com/nation/2018/jul/17/rti-act-amendment-activists-former-central-information-commission-slam-government-1844676.html>.

¹¹ Chris Hanretty and Christel Koop, *Measuring the Formal Independence of Regulatory Agencies*, 19 JOURNAL OF EUROPEAN PUBLIC POLICY 198 (2012).

information commission de jure independent there must be provisions that make the above-mentioned free from government or political interference.¹²

De facto independence means independence in practice or in fact, rather than in law.¹³ As per a journal article titled De Facto Independence After Delegation: A Fuzzy-Set Analysis, this includes factors such as whether the information commission has sufficient staff and other resources to effectively carry out its day-to-day functions.

Now the author will explain why each of these factors is crucial in maintaining the independence of information commissioner. Firstly, the term of the information commissioner should be fixed for two primary reasons,

- first being that the person cannot be removed arbitrarily from office for political reasons and
- second being that the officers of the commission have a clear idea of the amount of time they have to make a change on impact in the society.¹⁴

Secondly, the reason for having a fixed salary in place is also primarily the same wherein the aim is to ensure that the working of the Information Commissioner is free from political biases.

INFORMATION COMMISSION IN INDIA NEITHER HAS DE JURE INDEPENDENCE NOR DE FACTO INDEPENDENCE- Till before the RTI Amendment Act of 2019, the Indian information commission had De Jure independence as it had security of term and salary. However, with the passage of the amendment 2019 the Indian information commission has completely lost De Jure independence as now the salary and terms depend upon the whims and fancies of the central government. So, it's a no brainer that with this amendment the government will have absolute control over the functioning of the information commission.

Additionally, Indian information commission lost its De Facto independence much before the passage of the Amendment Act of 2019. This is so because as of now more than 32,000 complaints lie pending before the Indian Information Commission.¹⁵ The reason behind this is

¹² Fabrizio Gilardi and Martino Maggetti, THE INDEPENDENCE OF REGULATORY AUTHORITIES, IN HANDBOOK ON THE POLITICS OF REGULATION, ed. David Levi-Faur (Cheltenham, UK: Edward Elgar Publishing, 2011), 4.

¹³ Martino Maggetti, *De Facto Independence After Delegation: A Fuzzy-Set Analysis*, 1 REGULATION & GOVERNANCE 272 (2007).

¹⁴ Sarah Holsen and Martial Pasquier, *Insight on Oversight: The Role of Information Commissioners in the Implementation of Access to Information Policies*, 2 JOURNAL OF INFORMATION POLICY 214 (2012).

¹⁵ Dheeraj Mishra, *Over 30,000 RTI Appeals and Complaints are pending before the Information Commission*, THE WIRE (July 26, 2019), <https://thewire.in/government/30000-appeals-complaints-information-commission-rti-amendment-bill>; Vidya Venkat, *With 26,000 queries pending, India's Right to Information is as good as defunct*, QUARTZ (January 07, 2019), <https://qz.com/india/1516380/how-indias-modi-government-is-killing-the-rti-law/>.

that the government had not appointed Information Commissioners until the end of 2018. There are posts of 11 Information Commissioners (10 Information Commissioners and 1 Chief Information Commissioner), out of which 8 remained vacant till the end of 2018.¹⁶ Later, some activists filed complaint in the Supreme Court, then also the government only appointed 4 more information commissioners in the beginning of 2019, thereby leaving 4 offices still vacant.¹⁷ It is important to note that as on date, still 4 post of information commissioners lies vacant.¹⁸ Hence, in the absence of working in its full capacity, the pendency of cases is only bound to increase thereby severely hampering its De Facto independence.

PART 3- RESEARCH QUESTION, HYPOTHESIS AND OBJECTIVES

RESEARCH QUESTION 1- WHETHER INDEPENDENCE OF INFORMATION COMMISSIONERS IS A PRE-CONDITION TO THEIR EFFECTIVE FUNCTIONING THROUGHOUT THE GLOBAL?

RESEARCH QUESTION 2- HAS THE RTI AMENDMENT ACT OF 2019 MADE INFORMATION COMMISSIONERS MERE PUPPETS IN THE HANDS OF THE GOVERNMENT?

RESEARCH HYPOTHESIS- The Independence of Information Commissioners is a pre-condition to their effective functioning throughout the global as if the oversight body will not be independent from political influence, then they will also succumb to bribery and will not be able to bring out the information related to government functioning in the eyes of the public. So, the RTI Amendment Act of 2019 has made the information Commissioners mere puppets on the hands of the government by taking their salary and tenure in the hands of the central government.

RESEARCH OBJECTIVE- To bring out how the RTI Amendment Act of 2019 defeats the very purpose of the landmark RTI Act, 2005. In doing so the research paper primarily focuses on the question whether independence of information commissioners is a pre-condition to their effective functioning.

¹⁶ Nidhi Sharma, *Activists, Former Commissioners raise pitch against delay in CIC appointments*, ECONOMIC TIMES (December 11, 2018), <https://economictimes.indiatimes.com/news/politics-and-nation/activists-former-commissioners-raise-pitch-against-delay-in-cic-appointments/articleshow/67037080.cms?from=mdr>.

¹⁷ *Government invites application for the position of CIC, 4 Information Commissioners*, THE HINDU (December 13, 2019), <https://www.thehindu.com/news/national/govt-invites-applications-for-positions-of-cic-4-information-commissioners/article30297299.ece>.

¹⁸ Satya Prakash, *More than 50 pc posts of Information Commissioners in CIC vacant*, TRIBUNE INDIA (October 19, 2020), <https://www.tribuneindia.com/news/nation/more-than-50-pc-posts-of-info-commissioners-in-cic-vacant-158110>.

METHODOLOGY INVOLVED- SURVEY BY WAY OF QUESTIONNAIRE.

NOTE- The author has chosen questionnaire methodology to conduct my research because it is economic, enables wide coverage and ensures uniformity of responses.

SAMPLE SIZE- 25 PEOPLE

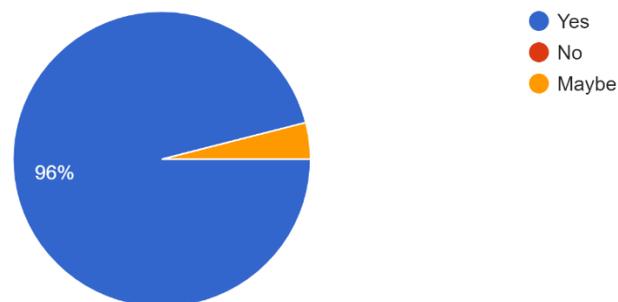
SAMPLE SITE- Online through google form circulated amongst law students of various batches, a few CLAT aspirants, some politically aware elderly people along with a few school students of political science (who were initially unaware about this topic but made an effort to read up on the same post seeing my questionnaire).

NOTE- The author has tried her level best to keep the sample site of a good variety covering people of all age groups and gender.

COPY OF QUESTIONNAIRE AND RESPONSE COLLECTED-

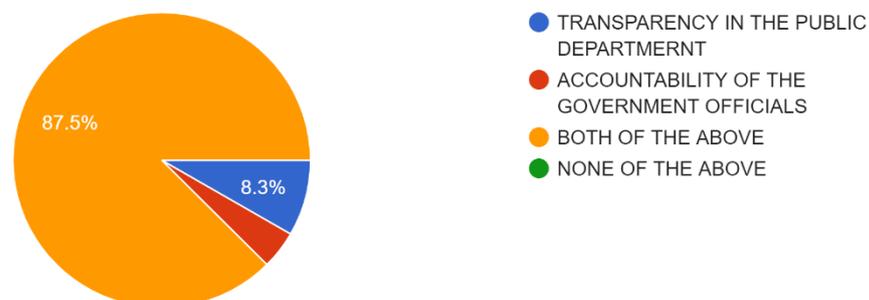
QUES 1- ARE YOU AWARE OF THE RTI MOVEMENT IN INDIA?

25 responses



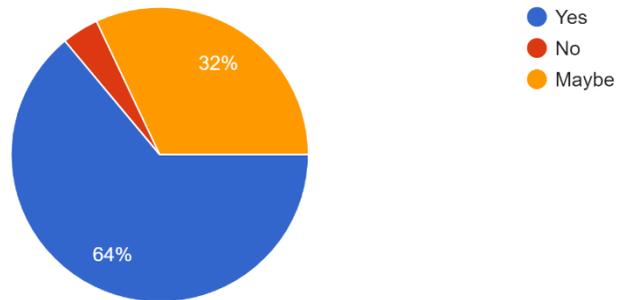
QUES 2- ACCORDING TO YOU WHAT ARE THE MAJOR AIMS OF THE RTI ACT, 2005?

24 responses



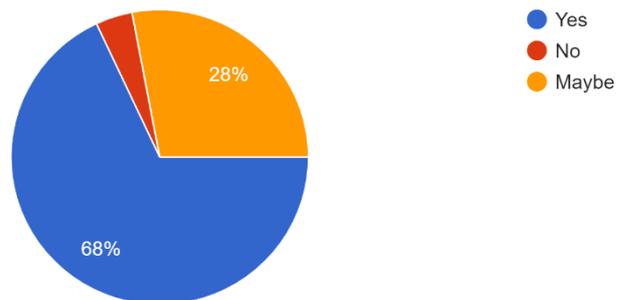
QUES 3- DO YOU THINK THAT INDEPENDENCE OF THE INFORMATION COMMISSION IS A PRECONDITION TO EFFECTIVE FUNCTIONING OF RTI ACT, 2005?

25 responses



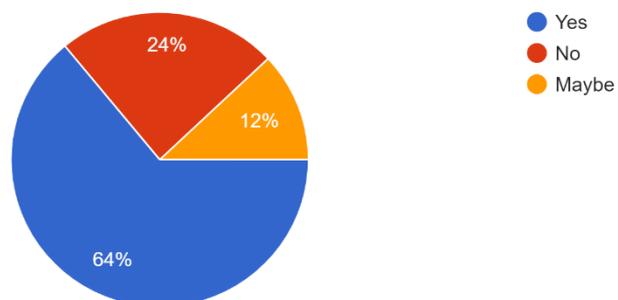
QUES 4- DO YOU FEEL THAT THE TENURE AND SALARY OF THE INFORMATION COMMISSIONERS SHALL BE FIXED SO THAT THEY ACT INDEPENDENTLY?

25 responses



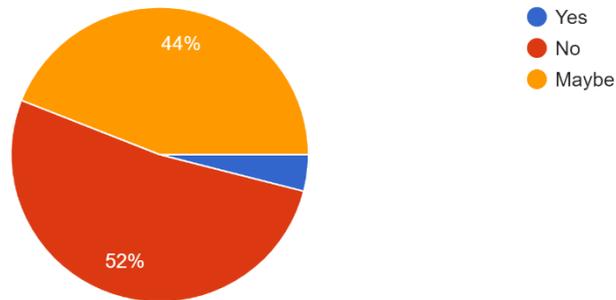
QUES 5- ARE YOU AWARE OF THE CHANGES BROUGHT ABOUT THE RTI AMENDMENT ACT OF 2019?

25 responses



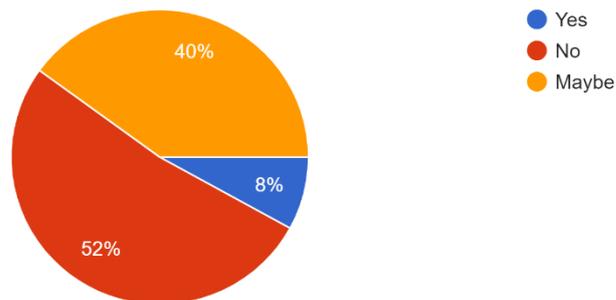
QUES 6- DO YOU THINK THAT THE AMENDMENTS OF 2019 FAVOURS THE OBJECTIVES BEHIND THE RTI ACT 2005?

25 responses



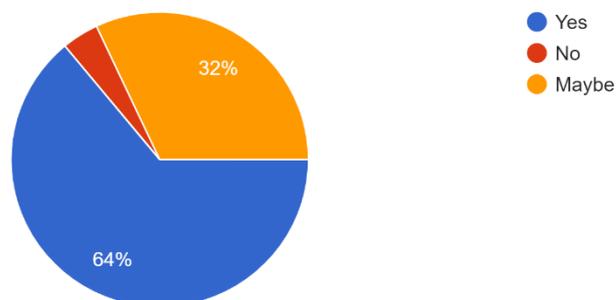
QUES 7- DO YOU AGREE WITH THE REASONING OF THE GOVERNMENT THAT THE RTI AMENDMENT ACT OF 2019 IS AIMED AT STRENGTHENING OF THE INSTITUTION OF RTI?

25 responses



QUES 8- DO YOU FEEL THAT THE RECENT AMENDMENT ACT OF 2019 HAS MADE THE INFORMATION COMMISSIONERS MERE PUPPETS IN THE HANDS OF THE CENTRAL GOVERNMENT?

25 responses



PART 4- RESEARCH AND ANALYSIS

ANALYSIS OF RESEARCH QUESTION 1- WHETHER INDEPENDENCE OF INFORMATION COMMISSIONERS IS A PRE-CONDITION TO THEIR EFFECTIVE FUNCTIONING THROUGHOUT THE GLOBAL?

The provision that the right to information is a fundamental human right finds strong support in a number of countries and histories of national development.¹⁹ Some countries have a system of ombudsman while others have Information Commissions to achieve and protect this right to information. Now the author will analyse this provision in some countries around the globe that have the Information Commission as the oversight body and find out how they implement the concept of independence of information commission.

UNITED KINGDOM- In UK the information Commissioner is an independent officer. Just like India, his office in UK was created in order to achieve the dual objectives of transparency and accountability in the public bodies. He is appointed by the crown. His independence is maintained by the following provisions:

Firstly, the term of the information commissioner is fixed to 5 years.²⁰ However, it can be increased or extended but not decreased by the crown. This increasing of the term happens for a particular reason only. Say for instance, recently in 2021, the crown extended the UK's Information Commissioner's term by 3 months to give the government more time to recruit a successor.²¹

Secondly, in order to maintain the autonomy of the Information Commissioner the salary is also free from political interference. In UK the Information Commissioner is paid a fixed salary that is in line with senior civil service pay bands.²²

¹⁹ Toby Mendel, FREEDOM OF INFORMATION: A COMPARATIVE LEGAL SURVEY, 2nd Edition (2008).

²⁰ Michael Sturrock, *ICO Commissioner Elizabeth Denham's Term Extended*, DATA AND MARKETING ASSOCIATION (January 26, 2021), <https://dma.org.uk/article/ico-chief-commissioner-elizabeth-denhams-term-extended>.

²¹ *Denham's information commissioner term extended*, RESEARCH LIVE (January 28, 2021), <https://www.research-live.com/article/news/denhams-information-commissioner-term-extended/id/5079402#:~:text=uk%20e2%80%93%20elizabeth%20denham%20has%20agreed,at%20the%20end%20of%20october>.

²² *Information Commissioners and other oversight bodies and mechanisms*, RIGHT2INFO, <https://www.right2info.org/information-commission-ers-and-other-oversight-bodies-and-mechanisms>.

SERBIA- In Serbia, the independence of the information commissioners is maintained by giving it a fixed tenure of 7 yrs. along with a fixed salary equivalent to that of a supreme court judge.²³

IRELAND- In Ireland, the Information Commissioner has a fixed term of 6 years and fixed salary equivalent to that of a High court judge.²⁴

HUNGARY- Hungary is yet another country that has impeccable arrangement for maintaining the independence of info Information commissioners. The term is fixed at 6 years along with a fixed salary equivalent to that of a government minister.²⁵

Additionally, in Hungary the information Commissioner is required to report to the parliament, as he needs to submit an annual report to the parliament. However, the officer is independent from any interference from the parliament nt as he cannot be ordered or challenged by any reason. Moreover, there are rules of immunity and conflict of interests similar to that of MPs that apply to Information Commissioners in Hungary in order to maintain their unbiased and impartial attitude.²⁶

From the above-mentioned examples of different countries, we can conclude that there is a general trend towards ensuring that the information commissioners are independent from the government in their functioning.

ANALYSIS OF RESEARCH QUESTION 2- HAS THE RTI AMENDMENT ACT OF 2019 MADE INFORMATION COMMISSIONERS MERE PUPPETS IN THE HANDS OF THE GOVERNMENT?

Now, as has been established in the foregoing section that world over the concept of independence forms the foundation stone of the institution of Information Commission. So, let us now look at how far has India been able to conform to the global standards.

Till before the amendment of 2019, in order to ensure the independence of the information commissioners, they had a fixed term of 5 years coupled with a fixed salary as per section 13 of RTI Act, 2005 that is comparable to that of an election commissioner.²⁷ Hence, just like the

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Simran Tandon and Anshu Singh, *India: The toothless Monster, RTI Amendment Bill 2019*, MONDAQ (August 15, 2019), <https://www.mondaq.com/india/white-collar-crime-anti-corruption-fraud/836770/the-toothless-monster-rti-amendment-bill-2019#:~:text=Key%20highlights%20of%20the%20proposed%20RTI%20Amendment%20Bill%2C%202019%3A&text=In%202005%20Act%2C%20the%20term,65%20years%20whichever%20is%20earlier>; Diva Rai, *Is*

other countries of the world, in India also independence of information commission was considered essential because if they become prone to bribery of the government then they would refuse in giving out information to the general public or they would not accept the complaints of general public thereby defeating the entire purpose of the RTI Act, 2005.

However, now the new amendment to section 13 states that their salary and tenure would be decided by the central government.²⁸

This recent development by way of this amendment is basically to hurdle the free flow of information of unbiased information pertaining the Government and its authorities.²⁹ The independence of the information commissioners is hampered and the authority of such officers may just be reduced as a department answerable ultimately to the Government which might affect the entire concept and purpose of bringing about the RTI Act.

The amendment has changed the RTI into a toothless monster as it has been brought about to bring the Information Commissioners under the control of the Government but the justification of the Government is that it was brought about to strengthen the overall structure of the RTI.³⁰

The motive behind these amendments is clear in my opinion, that is to completely take away the independence of the information commissioners. So now the information commissioners will be completely under the control of the government.³¹

Hence, it is amply clear from the above-mentioned research analysis and from the responses received on the questionnaire that RTI Amendment Act of 2019 has made information

Right to Information Amendment Bill 2019 justified, I PLEADERS (March 10, 2020), <https://blog.ipleaders.in/is-right-to-information-amendment-bill-2019-justified/>.

²⁸ Shaswati Das, *Rajya Sabha passes RTI amendment bill, Opposition walks out*, LIVE MINT (July 25, 2019), <https://www.livemint.com/politics/policy/amid-acrimonious-debate-rajya-sabha-passes-rti-amendment-bill-1564063569778.html>.

²⁹ Anuja and Pretika Khanna, *Lok Sabha passes bill to amend RTI, Oppn says centre is weakening the law*, LIVE MINT (July 23, 2019), <https://www.livemint.com/politics/policy/lok-sabha-passes-amendment-to-rti-act-opposition-slams-government-1563806101483.html>.

³⁰ Anjali Bhardwaj and Amrita Johri, *To defend Modi govt's RTI Act changes, BJP release a factsheet. It doesn't have much facts*, THE PRINT (July 24, 2019), <https://theprint.in/opinion/to-defend-modi-govts-rti-act-changes-bjp-released-a-factsheet-it-doesnt-have-much-facts/267161/>; The Wire Staff, *RTI Amendment Bill passed in Rajya Sabha*, THE WIRE (July 25, 2019), <https://thewire.in/government/rti-amendment-bill-passed-rajya-sabha>.

³¹ M. Sridhar Acharyulu, *The Right to Information Is Dead. Here Is its Obituary*; THE WIRE (October 28, 2019), <https://thewire.in/government/the-right-to-information-is-dead-here-is-its-obituary>.

commissioners mere puppets in the hands of the government by completely taking away the independence of the information commissioners.³²

³² Scroll Staff, *RTI Act amendments will lead to dictatorship, says social activist Anna Hazare*, SCROLL (July 24, 2019), <https://scroll.in/latest/931572/rTI-act-amendments-will-lead-to-dictatorship-says-social-activist-anna-hazare>.

CONCLUSION AND SUGGESTION

On a concluding note, while saying RIP to the independence of RTI Act due to the new amendments,³³ the author would like to emphasize that RTI act has been one of the most empowering and successful acts in the past two decades. The author says so because it was only due to RTI act that we got to know about the commonwealth scam, 2G scam.³⁴ This was the only reason behind exposing such corruption scams. The act till date has led to honest officer being protected and corrupt ones being prosecuted. Most of all, it has led the people of India to feel empowered to stand up and demand answers from the government.

It was this act that gave extremely powerful voice to the voiceless people and now I am afraid that with the advent of the amendments the sole purpose of the act will be completely defeated.

And finally, to end with one suggestion, the author believes the only way of living up to the purpose, intention or spirit of the RTI Act, 2005 is restoring the independence of the information commission that can either be done by either repealing the amendment act of 2019 or by challenging its validity under the judicial review process.

³³ Shoumojit Banerjee, *Highly improper for centre to amend RTI Act, says Anna Hazare*, THE HINDU (July 24, 2019), <https://www.thehindu.com/news/national/other-states/highly-improper-for-centre-to-amend-rti-act-says-hazare/article28693423.ece>.

³⁴ Betwa Sharma, *5 Scams the RTI Act helped bust in its first 10 years*, HUFFPOST (December 10, 2015), https://www.huffpost.com/archive/in/entry/5-most-critical-scams-exp_n_8263302.

Research/Scholar Index

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