

RTI rules notified

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Manifest pedagogy: RTI as a topic has linkages with three sections

1. Polity
2. Governance
3. Ethics

It has to be studied from all dimensions for a comprehensive coverage.

In news: RTI rules are notified

Placing it in syllabus: Right to Information (RTI) Act

Dimensions:

- What are the rules?
- Reasons given for the rules
- Criticisms

Content: Centre has notified the rules for the amended RTI Act, 2005. These rules will be **applicable on all new appointments.**

What are the rules?

- The **tenure of Information commissioners (ICs)** in both Central Information Commission (CIC) and State Information Commissions (SIC) has been reduced **to three years.**
- Earlier, the commissioners had a term of five years or retired at the age of 65, whichever was earlier.
- The rules have done away with the protection of stature of commissioners. Now the salary of CIC is fixed at Rs 2.50 lakh and of Information Commissioners at Rs 2.25

lakh. For information commissioners, this is a reduction of Rs 25,000.

- **Rule 21** gives absolute power to the Central Government to decide on any other allowances or service conditions not specifically covered by the 2019 Rules and its decision will be binding.
- **Rule 22** states that the central government has the power to relax the provisions of any of the rules in respect of any class or category of persons.
- **Rule 23** makes the Central Government the final arbiter with regard to the interpretation of these Rules.

Reasons given for the rules:

- The RTI Amendment Act, 2019 **amended sections 13, 16 and 27 of the RTI Act, 2005** to empower the central government to prescribe through rules, tenure, salaries, allowances and other terms of service of the chief and other information commissioners of the CIC and all state information commissions SICs.
- It received President's assent on August 1, 2019.
- As the central government did not prescribe requisite rules for nearly 3 months, vacancies in information commissions could not be filled.
- This led to huge backlogs and concomitant long delays in the disposal of appeals and complaints of people.
- The issue of the central government's failure to promulgate rules was highlighted by members of civil society at the annual CIC convention held on October 12, 2019.
- A letter to the Prime Minister was sent by the **National Campaign for Peoples' Right to Information (NCPRI)** demanding immediate formulation of rules in keeping with the **provisions of the Pre Legislative Consultation Policy of 2014.**
- On October 25, 2019, the Central Government notified the rules.

Criticisms:

- The new rules give the government full control over the information commissions and puts a **question mark on their autonomy.**
- The rules prescribe a fixed quantum of salary for commissioners. Hence the **removal of the provision guaranteeing equivalence to other posts** (Chief Election Commissioner, Election Commissioners, Chief Secretaries) means that salaries of information commissioners will be revised only if the central government decides to revise the rules.
- The government could potentially invoke powers under Rule 22 to **determine different tenures for different commissioners at the time of appointment** and use it as a means to exercise control and influence.
- The rules made by the central government **have done away with the protection of stature of commissioners.** Hence information commissions might function like **'caged parrots'**.
- **Commissioners** will potentially be **wary of giving directions to disclose information** that the central government does not wish to provide.
- **More discretion has been brought in through Rule 21** which states that conditions of service for which no express provision has been made in these rules shall be decided in each case by the Central Government which would mean that the **government will decide the post retirement entitlements, including pension, of each commissioner.**