Polity & Governance · GS - II

“Recent amendments to the Right to Information Act will have profound impact on the autonomy and independence of the Information Commission.”
Discuss.

EXAM YEAR	PAPER	SUBJECT
2020	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Right to Information Act, 2005; RTI Amendment Act, 2019; tenure and salaries; executive control; independence of Information Commissions; transparency; accountability; institutional safeguards

Model Answer

Introduction

The Right to Information (RTI) Act, 2005, empowers citizens to access public information and promotes accountable governance. The 2019 amendment changed the framework governing the tenure and service conditions of Information Commissioners.

Major changes and their implications

- **Tenure:** The original Act prescribed a five-year term, subject to the age limit. The amendment authorised the Central Government to prescribe the tenure by rules.
- **Salary and allowances:** Earlier statutory parity with specified constitutional functionaries was replaced by provisions allowing the Central Government to determine salaries, allowances and other service conditions.
- **Institutional autonomy:** Greater executive discretion over service conditions may create concerns about dependence on the government whose decisions commissioners are expected to scrutinise.
- **Perception of independence:** Even without direct interference in individual cases, uncertainty about tenure and service conditions may affect institutional confidence.

- **Administrative flexibility:** Supporters argue that delegated rule-making enables the government to standardise service conditions and respond to administrative requirements.

Way forward

- Establish transparent and predictable service conditions.
- Strengthen independent and merit-based appointments.
- Ensure adequate staffing and resources.
- Protect commissioners from arbitrary executive influence.
- Publish performance data while preserving independent decision-making.

Conclusion

The 2019 amendments raised legitimate concerns about the institutional autonomy of Information Commissions. Their effectiveness depends on transparent appointments, secure service conditions and a credible separation between information disclosure and executive control.

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