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Ttile: The motion for consideration of the Right to Information (Amendment) Bill, 2019 (Motion adopted and Bill passed).

उत्तर पूर्वी क्षेत्र विकास मंत्रालय के राज्य मंत्री; प्रधानमंत्री कार्यालय में राज्य मंत्री; कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री; परमाणु ऊर्जा विभाग में राज्य मंत्री तथा अंतरिक्ष विभाग में राज्य मंत्री (डॉ. जितेन्द्र सिंह): महोदय, मैं प्रस्ताव करता हूं:

"कि सूचना का अधिकार अधिनियम, 2005 का संशोधन करने वाले विधेयक पर विचार किया जाए। "

माननीय अध्यक्ष: प्रस्ताव प्रस्तुत हुआ:

"कि सूचना का अधिकार अधिनियम, 2005 का संशोधन करने वाले विधेयक पर विचार किया जाए।"

…(व्यवधान)

माननीय अध्यक्ष: माननीय मंत्री जी आप कुछ बोलना चाहते हैं?

…(व्यवधान)

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I have a point to make. I am seeking a direction from you, the hon. Speaker. The Right to Information (Amendment) Bill was introduced on Friday, and Saturday and Sunday were holidays. I had given a notice for moving amendments on Saturday itself. Unfortunately, since there were holidays on Saturday and Sunday, my amendments have not come up for consideration.

माननीय अध्यक्ष: माननीय सदस्य, मैंने आपके नोटिस को एलाऊ कर दिया है, व्यवस्था दे दी है ।

डॉ. जितेन्द्र सिंह: माननीय अध्यक्ष जी, मैंने इस बिल को इंट्रोड्यूस करने के समय ही निवेदन रखा था कि राइट टु इन्फार्मेशन का जो मूल भाव है, उसके साथ कोई हस्तक्षेप नहीं है । यदि इस तरह की धारणा है या इस तरह की गलतफहमी है कि राइट टु इन्फार्मेशन एक्ट को कमजोर किया जा रहा है या उसकी स्वायत्ता पर कोई प्रतिकूल असर पड़ रहा है तो यह निराधार है । जैसा आपने इस बिल में देखा होगा, मैंने इंट्रोडक्शन के समय ही इस बात को स्पष्ट कर दिया था कि यह संशोधन एक्ट के मात्र सेक्शन 27 में किया जा रहा है, जिसके अंतर्गत सरकार को नियम निर्धारित करने का अधिकार मिलेगा जो कि पहले नहीं था । जहां तक इसकी स्वायत्तता या ऑटोनॉमी का संबंध है All the learned hon. Members are aware आपने इस बिल को पढ़ा होगा, सेक्शन 12(4) जो ऑटोनॉमी ऑफ द आरटीआई एक्ट के साथ डील करती है, उसके विषय में इस संशोधन बिल में कोई उल्लेख नहीं है, उसके साथ कोई हस्तक्षेप नहीं है । इसी तरह, जहां उस समय यह धारणा प्रकट की गई कि इन्फार्मेशन कमीशन के जो सदस्य होते हैं, उनके अधिकारों में किसी प्रकार का हनन होगा? यह भी बात स्पष्ट हो जाए कि उसको लेकर सेक्शन 12(3) है, उसका भी इस संशोधन बिल से कोई संबंध नहीं है । मात्र सेक्शन को लेकर और उसके चलते क्योंकि Section 13 deals with the tenure, salaries and perks of the Central Information Commissioners and Section 17 deals with that of the State Information Commissioners. इसके पीछे क्या भावना है, मैंने यह भी स्पष्ट कर दिया । उस दिन शायद यह कहा जा रहा था कि शायद इसको कमजोर करने की चेष्टा है । मैं आपके सामने यह बात रखूं कि आरंभ से ही, पिछले पांच वर्षों में पारदर्शिता और नागरिक भागीदारी को लेकर मोदी सरकार की ओर से अनेक पहल भी की गई हैं और क्रांतिकारी कदम भी उठाए गए हैं । यदि यह कहा जाए कि यह बिल केवल सरकार ने अपनी मनमर्जी के कारण लाने का प्रयास किया है, जैसा कुछ माननीय सदस्यों को लग रहा है, तो मैं यह बात भी

वाक़े कर दूं कि 2013 में जब हमारी सरकार नहीं थी, उस समय राजीव गर्ग वर्सेज यूनियन ऑफ इंडिया नाम का एक जजमेंट आया था जिसमें स्वयं इस बात का निर्देश सुप्रीम कोर्ट ने दिया था that we should try and streamline the various bodies – the tribunals – and as a result of that or following that, there has to be uniformity in the service conditions in various such bodies". उसके चलते सरकार ने अनेक ट्रिब्यूनल्स को स्ट्रीमलाइन करने या हार्मोनाइज करने का प्रयास किया है जिसमें विजिलेंस कमीशन और डिजास्टर मैनेजमेंट अथॉरिटी आदि हैं जो इस चर्चा के दौरान आएंगे । मेरी सभी माननीय सदस्यों से विनम्र अपील है कि इस संशोधन के माध्यम से We would rather be able to streamline and institutionalise the functioning of the Information Commissions and remove some of the anomalies which I had referred to even at the time of introduction.

जैसे यह भी कहा गया कि सैंट्रल इन्फॉर्मेशन कमिश्नर का दर्जा बराबर है चीफ इलैक्शन कमिश्नर के । That in other words becomes equivalent to the Chief Justice of India. We have a number of judgments and a number of recommendations, even from the Second Administrative Reforms Commission in the 13th Report 2009, which have suggested that such anomalies should be sought to be removed or done away with. Therefore, I think this is a humble attempt in that direction.

I am sure all the Members will respect the spirit with which this Bill is being brought in and we will move forward. Of course, if there are suggestions, they will be taken with an open mind.

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Thank you very much, Hon. Speaker.

Sir, the Right to Information Act 2005 is one of the most monumental accomplishments of our country's democratic governance in recent years. A law that allows an ordinary citizen with no official power or authority to elicit information from the powers that be in our country is an absolutely extraordinary development in the practice of our democracy. RTI has created mechanisms and platforms for the practice of continued vigilance of our Government by, obviously, our ordinary people, our ordinary citizens, a remarkable attribute now of our democratic citizenship.

When I was at the UN, Mr. Speaker, I was privileged to chair an international seminar on right to information systems around the world. Though I was not yet back in India and not a part of our politics, it made me immensely proud to realise how globally celebrated is our RTI legislation which was held up by activists around the world as a model RTI law. At that conference I met some of the prime movers of RTI from India's civil society – people like Aruna Roy, Nikhil Dey, my old teacher Shekhar Singh, of the National Campaign for People's Right to Information, who worked closely with the Chairperson of the UPA Shrimati Sonia Gandhi, who is here today. They had clearly understood that the key to the success of the RTI would be an institutional and legal mechanism which would not only be independent with a clear and secure mandate but also function transparently and be empowered to override the traditional governmental habits and structures of secrecy and exclusive control with which we are all so familiar.

The purpose of RTI, Mr. Speaker, is to make us uncomfortable. When we were in Government and now when the then opposition party is in Government, RTI is inevitably an instrument for keeping a check on the overweening power of the authorities. That is why RTI gives us an independent Information Commission as the highest authority on Government information, headed by people with fixed tenures in office and fixed salaries at the level of Supreme Court judges along with the powers to penalise errant officials.

Now through the Right to Information (Amendment) Bill the Government seeks to amend Sections 13, 16 and 27 of the RTI Act which equates the status of the Central Information Commissioners with that of the Election Commissioners and the State Information Commissioners, with the Chief Secretaries of their States, so they can function in an independent and effective manner. The dismantling of this architecture empowers the Central Government to unilaterally decide the tenure, salary, allowances and other terms of service of the Information Commissioners both at the Centre and the States.

Introducing the Bill and just now, my good friend the hon. Minister of State Jitendra Singh Ji asserted that this is a minor and routine amendment prompted by the anomaly that Information Commissioners are making decisions that can be challenged in the High Courts; so how can they have the same status as Supreme Court judges. This is fallacious logic, Mr. Speaker. You and I can challenge the decision of the President of India and the Prime Minister of India in the High Court today. Does that reduce those dignitaries below the level of High Court judges? I am sorry to say that the seemingly innocuous intent simply does not wash.

In fact, I worry that far from being a simple technical change, this RTI amendment is a deliberate attempt to weaken the RTI framework and to undermine the RTI altogether. My suspicions are roused, Mr. Speaker, because in the last five years this Government has hollowed out the effectiveness of the RTI by leaving so many positions of State and Information Commissioners and staff vacant that RTI applications are inordinately delayed with the backlog mounting daily.

Since 2014, no appointments to the CIC have been made unless the matter was agitated in the courts. In 2018, last year, the CIC had to function with just three out of eleven commissioners, until the Supreme Court passed such severe strictures that the Government was forced to make some more appointments. But despite that, today, currently four posts of Information Commissioners are still lying vacant in the CIC. Meanwhile, nearly 32,000 RTI cases are pending, of which more than 9,000 are pending for more than one year.

This amendment is therefore, if anything, part of a pattern of a sustained effort by this Government to render the RTI like the Human Rights Commission, a 'toothless tiger'.

Now, the basic truth, Mr. Speaker is that RTI has resulted in a fundamental shift. That is what made the Government uncomfortable. It empowers the citizens' access to power and decision making. That is why 60 lakh Indian citizens have availed the right to obtain information from the Government at local, State and Central levels.

Obviously, this makes RTI a challenge to vested interests at all levels of Government because it threatens arbitrariness, misuse of privilege and corruption. They have obtained information from such diverse institutions of governance as a village ration shop, the Reserve

Bank of India and the Prime Minister's Office. They have raised questions of the Defence Ministry, on demonetisation, on electoral bonds, on unemployment figures, and even on the appointments of the Election Commissioners and the non-appointment of the Lokpal.

This wide-ranging information related to decision making has actually, for the most part, being given to them despite some serious resistance by officials and Government because of the independence and high status of the Information Commission. This is what the Government is trying to amend. What is at stake here? How important is the seemingly routine matter?

Using RTI has not been devoid of risk, Mr. Speaker. More than 80 RTI users have been murdered because of their courage and their determination to persist in using the RTI to challenge officials who wish to keep certain matters secret.

It is widely accepted around the world that one of the most important structural elements of any independent oversight institution such as, in our case, the CBEC, the Election Commission, the Lokpal, the CIC, is a basic guarantee of tenure and a fixed salary. There is a strong nexus between the independence of an institution and the fixity of tenure and stable income of those who are appointed to it. The Supreme Court of India agrees, Sir. In Union of India vs. R. Gandhi, President, Madras Bar Association, the Supreme Court has recognised fixed tenures and stable salaries as essential aspects of institutional independence. Now, under the Act, the Information Commissioners are appointed for five years subject to an age limit of 65. It was on the recommendation of the Parliamentary Standing Committee that the Information Commissioners and the CIC were made on par with the

Election Commissioners and the CEC respectively for tenure and emoluments. All this will now go through this amendment. The Government can hire and fire the Information Commissioners as they like; pay them what they choose; and this will inevitably vitiate the independence of the Information Commissioners. That is why, Mr. Speaker, when the Bill was sought to be introduced, I warned this House that it was not just an RTI (Amendment) Bill but an RTI (Elimination) Bill.

Now, the Minister claims that a statutory body cannot enjoy the same salary as a constitutional body. Not true, Sir. For instance, this very Government, notified the Tribunal, Appellate Tribunal and Other Authorities Rules of 2017. As per these Rules, the Chairpersons of Tribunals get a salary of Rs. 2.5 lakh, whereas the salary of a Supreme Court Judge as per Section 12A of the Supreme Court Judges Act, 1958 is also 2.5 lakh. So, this Government itself has equated the salaries of a statutory body with that of a constitutional body. So, why not continue for the CIC?

There is another problem, Mr. Speaker. Apart from section 13, which deals with the terms and conditions for the Central Information Commission, in amending section 16, the Central Government will also control through rules the terms and conditions of appointment of Information Commissioners in States. This is an assault on the basic structure of federalism. I am sure my colleagues in the DMK will have a few words to say about this. The Government says it is committed to "cooperative federalism" but it rides roughshod over the rights of the States when it sees its own self-interest at stake.

The irony is that the RTI Act was only passed in 2005 after thorough examination by a Parliamentary Standing Committee, so thorough that the law was passed unanimously in both the Houses. Contrary to the claim of my good friend the hon. Minister that the RTI Act was clumsily and hastily drafted, the issue of the status to be accorded to the Information Commissioners in order to insulate them from Government pressure was extensively discussed during the formulation of the law before it was unanimously passed. The Standing Committee affirmed explicitly in its third report, and I quote,

"…..its determination to ensure that it functions with the utmost independence and autonomy; hence, this status." Now they are seeking to amend it when they have not even constituted the Parliamentary Standing Committees. So, there can be no scrutiny of the need for this amendment and its implications. This is not 'minimum government, maximum governance' Sir; it is the opposite. It is also political cynicism of the highest order.

The manner in which the amendments are being pushed through without any public consultation, either by a Standing Committee, or with citizens, demonstrates this Government's desperation to pass the amendments without any proper Parliamentary scrutiny. According to the mandatory pre-legislative consultative policy of the Government enshrined in 2014, draft Bills are to be publicised by the Government and public calls for comments have to be issued. The previous governments of both the UPA and the NDA put on the website the proposed amendments to the RTI rules for further deliberations by the public. But this Bill was brought to the Lok Sabha without any public debate on its content. The text of the Bill was publicly known only on July 18, a day prior to its introduction, when it was circulated to us.

Similarly, under section 4(1)(c) of the RTI Act, public authorities are expected to release relevant material to the public regarding any change in the RTI. This rule was not followed by the Government in the formulation of the Bill and therefore the Government's action violates the RTI Act itself.

The Government's unseemly haste to rush pending legislation through even before a Parliamentary Standing Committee has been constituted itself rings a warning bell. Why does the Government not want detailed clause by clause deliberations on the Bill? Why does it not want a chance for citizens to present their views on it? Is it because they are afraid that their true intentions will be exposed in the process.

There is finally a very serious matter I am constrained to bring to your attention, Mr. Speaker, nothing less than a serious charge or contempt of Parliament. The hon. Minister's own Department of Personnel and Training issued a notification on 26th July 2018, calling for applicants to fill up the vacancies in the Central Information Commission. Unlike its earlier advertisements, it failed to mention a tenure of five years and stated that the salary will be as determined on the date of joining even though the law as of date prescribes a fixed salary. This notification, in other words, assumes that Parliament will enact this Bill without a change. Further, in an affidavit filed in the Supreme Court, the Central Government said it has not filled up the vacancies in the Central Information Commission because the Bill amending the RTI is pending in Parliament. This reveals the Government's blithe assumption that the Parliament will act as a rubber stamp to approve the text of any Bill that it brings to the House. This is not democracy; this is a brute majority that is speaking here. Disdaining

the Constitutional provisions that constitute Parliament's authority and essentially saying they will ignore any deliberations in the House is, in fact, a contempt of Parliament. I am not moving a contempt notice, Mr. Speaker, but I hope you will yourself give severe strictures to the Government for this cavalier disregard of Parliament's rights. Why this desperation to violate every canon, every precedent, every convention, and rush through this Bill? What has provoked this unnecessary amendment, Mr. Speaker?

Was it because the CIC issued orders regarding the disclosure of the Prime Minister's educational qualifications? Was it because in the recent general elections the RTI helped the cross-verification of affidavits of powerful electoral candidates with official documents? Was it because certain Information Commissioners have ruled in favour of disclosure of information which certain officials would have preferred not to disclose? We will never know. But civil society organisations and RTI activists are openly raising such questions and expressing such concerns.

In conclusion, Mr. Speaker, let me say that independent structures to regulate and monitor the Government and to keep its power in check are vital to a democratic state committed to freedom and justice. When power is centralised and exercised at the whims of those in power, freedom is threatened and our democracy is in peril. This is why we cannot see these amendments as a routine matter but as a very serious one. They constitute a deliberate architectural change to roll back the gains of the RTI, restrict its independence, and regressively enforce power equations. The Commission, which under the law of 2005, had status, independence, and authority, will now function like a department of the Central Government and be subject to the same hierarchy as the Government departments and same demands for obedience of the Prime

Minister's Office. I urge the Government not to assume they would be in power for ever; one day, they will find themselves on this side of the House and they will regret that they have destroyed the autonomy and independence of the RTI.

This amendment Bill violates the Constitutional principles of freedom and federalism, undermines the independence of the Information Commissioners, and severely dilutes the provisions of the RTI Act, 2005. Given that there has been no public consultation on it, the RTI Amendment Bill should be withdrawn and referred to a Parliamentary Standing Committee; the Committee should be constituted without further delay.

My party, Mr. Speaker, cannot support such a regressive and dangerous piece of legislation in its present form and in the hasty manner in which it is sought to be pushed through. The hon. Minister is a decent man. I would urge him not to make a great mistake that is completely unworthy of him. For all our sakes, before it is too late, please withdraw this Bill.

Thank you, Mr. Speaker.

श्री जगदम्बिका पाल (डुमरियागंज): अध्यक्ष महोदय, मैं आपका आभारी हूं कि आपने मुझे माननीय मंत्री जी के द्वारा एक देश के सबसे महत्वपूर्ण बिल 'द राइट इन्फोर्मेशन अमेंडमेंट बिल, 2019' पर बोलने का अवसर दिया ।

<u>14.28 hrs</u> (Shri N.K. Premachandran *in the Chair)*

इस बिल पर बोलते हुए निश्चित ही माननीय मंत्री जी ने स्पष्ट कर दिया कि इस बिल की जो मूल मंशा है, वह चाहे ट्रांसपेरेन्सी हो, राइट टू इन्फोर्मेशन हो या हर व्यक्ति को इसकी पहुंच का अधिकार हो, उसमें कहीं भी कोई अमेंडमेंट नहीं है । अगर इस बिल को देखें तो बिल में जो अधिकार हैं या बिल का वर्ष 2005 का जो स्कोप है, उस बिल की किसी मूल भावना में या किसी सेक्शन में कोई अमेंडमेंट नहीं किया गया है । आज इस बिल को अमेंड किया जा रहा है, क्योंकि जैसा माननीय मंत्री जी ने कहा एक ऐसा भ्रम हमारे माननीय सदस्य के द्वारा पैदा करने की कोशिश की जा रही है जिससे ऐसा लगता है कि आर.टी.आई को या राइट टू इन्फोर्मेशन को हमारी सरकार कमजोर करना चाहती है । आज इस बिल के संशोधन में हम राइट टू इन्फोर्मेशन एक्ट 2005 में अमेंडमेंट इसलिए कर रहे हैं, क्योंकि हमें उस समय रूल्स फ्रेम करने का या अधिनियम को बनाने का अधिकार नहीं था, इसलिए हम इस बिल में अधिनियम बनाने का प्रोविजन कर रहे हैं । आर.टी.आई. में आज जो भी संशोधन आया है वह केवल स्क्रुटिनाइज करने के लिए ही नहीं बल्कि इसको संस्थागत और मजबूत करने के लिए प्रशासनिक संशोधन कर रहे हैं ।

आरटीआई में लोगों को सूचना मांगने का अधिकार था, तीस दिन का अधिकार था, अगर सूचना नहीं देते हैं तो 250 रुपये जुर्माने का अधिकार था, वे सारे अधिकार उसी तरह से निहित हैं और उनमें कहीं कोई परिवर्तन नहीं हुआ है । स्वाभाविक है कि केवल प्रशासनिक व्यवस्था, सैलरीज और टेन्योर को अधिक इफेक्टिव बनाने के लिए यह संशोधन लाया गया है । अगर पिछले पांच सालों में देखें तो हमारी सरकार ने आरटीआई को और इफेक्टिव किया है, मजबूत किया है । आज जो स्थिति हैं, मैं केवल एक रिपोर्ट पढ़ना चाहता हूं । यह वर्ष 2017 की ओईसीडी की रिपोर्ट है :

> "Government at a Glance: India ranks third in the world, after Indonesia and Switzerland, for trust in Government."

मतलब इस देश की जनता के मौजूदा मोदी जी की सरकार पर विश्वास को अगर पूरी दुनिया में रैकिंग मिले तो आज पूरी दुनिया में भारत तीसरे नम्बर पर खड़ा है । इस देश की 73 प्रतिशत जनता को आज हमारी सरकार में विश्वास है । ओईसीडी की रिपोर्ट के ही अनुसार यूके जैसा देश जिसे बहुत प्रगतिशील देश कहते हैं या यूएसए हो या फ्रांस हो, वहां की केवल 38 प्रतिशत जनता को अपनी सरकार पर विश्वास है । वर्ष 2019 की एक रिपोर्ट मैं पढ़ना चाहता हूं, यह Edelman Trust Barometer, 2019 Report, दावोस, जो दुनिया का एक सबसे बड़ा आर्थिक सम्मेलन होता है, उसके बेसिस पर है । इसमें कहा गया है :

"India is at second place in the informed public category in the world".

आज हमारी सरकार की यह देन है कि आज हमारे देश में इन्फार्मेशन के मामले में, जागरूकता के मामले में हम विश्व में नम्बर दो पर आ गए हैं, निश्चित रूप से मैं इसके लिए सरकार को बधाई देना चाहता हूं । …(व्यवधान) अभी आप सुन लीजिए, अगर आप कह रहे हैं कि हम इस कानून को कमजोर करना चाहते हैं । …(व्यवधान) मूल एक्ट में यह व्यवस्था थी कि अगर इसका चयन किया जाएगा तो प्राइम मिनिस्टर होंगे, लीडर ऑफ अपोजिशन होंगे और कैबिनेट मिनिस्टर होंगे । स्वाभाविक है कि देश की जनता ने पिछली लोक सभा में यह संख्या नहीं दी थी कि यहां कोई नेता प्रतिपक्ष हो और न ही 17वीं लोक सभा में ऐसी स्थिति है । …(व्यवधान) सुन लीजिए । Why are you so excited? You have already spoken. You should have patience to at least listen to me. मैं उस फैसले की मेरिट-डीमेरिट पर चर्चा नहीं कर रहा हूं कि आज क्या संख्या है या पिछली लोक सभा में क्या संख्या थी । मैं उस बात का उल्लेख कर रहा हूं जो हमारे मूल एक्ट में थी । सेंट्रल इन्फार्मेशन कमिश्नर के चुनाव में प्राइम मिनिस्टर होंगे, लीडर ऑफ अपोजिशन होंगे और एक कैबिनेट मिनिस्टर होंगे । स्वाभाविक है कि अगर हमें इस एक्ट को कमजोर करना होता, इसमें कोई हस्तक्षेप करना होता, केवल अपनी च्वाइस के किसी व्यक्ति को नियुक्त करना

होता तो शायद 16वीं और 17वीं लोक सभा में लीडर ऑफ अपोजिशन न होने के बाद कोई चयन समिति में शामिल न होता, लेकिन यह हमारी सरकार की देन है कि लीडर ऑफ अपोजिशन न होने के बावजूद, पिछली बार विपक्ष में सबसे बड़ी पार्टी के नेता खड़गे जी को इसमें शामिल किया और नियुक्ति का हिस्सेदार बनाया । इससे साफ है कि हम इस एक्ट को मजबूत रखना चाहते हैं ।

जो हमारा मूल आरटीआई एक्ट है, उसमें यह प्रावधान है कि अगर देश की जनता को किसी भी विभाग से कोई इन्फार्मेशन लेनी है तो कार्यालय के समय में, दिन में आरटीआई के लिए अर्जी दाखिल कर सकते हैं । आज हम इसमें यह प्रावधान कर रहे हैं कि आरटीआई में, अगर देश का कोई व्यक्ति कोई इन्फार्मेशन लेना चाहे तो वह किसी भी समय अर्जी दाखिल कर सकता है, यह अधिकार हम देश की जनता को देने जा रहे हैं । वह कहीं से भी ऐसा कर सकता है, ऐसा नहीं है कि वह कार्यालय जाकर ही एप्लीकेशन दाखिल करे । अब हम आरटीआई कहीं से भी और किसी भी समय मांग सकते हैं । स्वाभाविक है कि हम आरटीआई एक्ट, 2005 के उपबन्धों को मजबूत करने के लिए काम कर रहे हैं । उन्होंने खुद कहा है और यह बात पहले दिन से हमारी सरकार कहती रही है कि हम 'लेस गवर्नमेंट-मोर गवर्नेन्स' की बात करते हैं । उसी सिद्धान्त को आज भी हम मजबूत कर रहे हैं कि अधिकतम सुशासन हो और न्यूनतम सरकार हो ।

आज सूचना अधिकार अधिनियम की मूल बातें ये हैं कि देश की जनता को सरकारी रिकॉर्ड देखने का मौका मिले । निश्चित तौर से यह एक्ट पार्लियामेंट से पास हुआ है, जैसे नेशनल ह्यूमन राइट्स कमीशन पास हुआ है, ऐसे ही यह भी स्टैचुटरी बॉडी है, इसको भी हम ने इस एक्ट से पास किया है । उनको सरकारी रिकॉर्ड देखने का मौलिक अधिकार हो, आज वह अधिकार है । तीस दिनों में उनको जवाब देना होता है । अगर तीस दिनों में कोई विभाग जानकारी नहीं देता है तो जो भी इंफॉर्मेशन कमिश्नर होते हैं, वह उनको नोटिस जारी करते हैं, उनको रिमाइंड कराते हैं, उनको बुलाते हैं । आज तीस दिनों में जवाब देना होता है, लेकिन अगर देरी हो जाती है, तो उस पर प्रतिदिन 250 रुपये के हिसाब से

जुर्माना लगाया जाता है । इससे कहां इस पर स्वतंत्रता को आघात पहुंच रहा है? आज हम कहां इसको समाप्त करने की बात कर रहे हैं? मैं कहना चाहता हूं कि इसकी जो एडमिनिस्ट्रेटिव बॉडी है, हम इसमें तकनीकी संशोधन कर रहे हैं, उस तकनीकी संशोधन से निश्चित तौर से इसकी एफिशिएंसी बढ़ेगी । अगर आप यह कहते कि यह स्टैचुटरी बॉडी है, तो नेशनल ह्यूमन राइट्स कमीशन भी इसी संसद के एक्ट से बना है, वह भी स्टैचुटरी बॉडी है और उसकी सैलरी और टेन्योर को नियत करने का अधिकार गवर्नमेंट ऑफ इंडिया को है । ऐसा नहीं है कि आज यह कोई पहली स्टैचुटरी बॉडी है, जिसके लिए माननीय मंत्री जी यह अमेंडमेंट लेकर आए हैं कि किसी की सैलरी और टेन्योर को निर्धारित करना हो, तो उसे हम करेंगे । इसमें स्पष्ट रूप से दिया गया है कि अगर एक बार नियुक्ति हो जाती है तो उस नियुक्ति के बाद फिर वह एडवर्स नहीं हो सकता है । आज हम यह अमेंडमेंट ले कर आ रहे हैं तो इस अमेंडमेंट के बाद, अगर हम ने किसी की नियुक्ति कर ली, तो उसके टेन्योर को रिड्यूस कर दें या सैलरी में कोई अमेंडमेंट कर दें, जो अमेंडमेंट आ रहा है, इससे यह साफ है कि the Bill provides for the provision that the term of office of any of the officers cannot be altered adversely after the appointment. Thus, the Government cannot affect the functioning of the officers and authority under the Act. अगर एक बार कोई इंफॉर्मेशन कमिश्नर या चीफ इंफॉर्मेशन कमिश्नर नियुक्त हो जाता है तो आफ्टर अपॉइंटमेंट, कोई एडवर्स नहीं सकता है, टेन्योर और सैलरी रिड्यूस नहीं हो सकती है । मुझे लगता है कि वह एक संस्थागत ढांचा बनाने के लिए कर रहे हैं । इस बिल के इंट्रोडक्शन पर भी शोर किया गया । मुझे लगता है कि जनता में भ्रम पैदा करने की कोशिश हो रही है । जब 73वां और 74वां संविधान संशोधन हुए थे, उनके पहले लोकल बॉडीज, पंचायत के चुनाव तीन सालों में होते थे, तो कहीं पांच सालों में होते थे, कहीं चुनाव नहीं होते थे । ओवैसी साहब ने सवाल उठाया है कि अगर आप यहां अमेंडमेंट कर रहे हैं तो स्टेट इंफॉर्मेशन कमिश्नर, चीफ कमिशनर या इंफॉर्मेशन कमिश्नर को स्टेट पर छोड़ दिया जाए, तो फिर एकरूपता कैसे रहेगी? किसी भी स्टेट में या संघ में एक

ढांचा हो तो उसका एक टेन्योर होगा तो एकरूपता होगी । जैसे 73वां और 74वाँ संविधान संशोधन के पहले पूरे देश में ऐसी परिस्थितियां थीं कि अलग-अलग टेन्योर था और अलग-अलग टर्म था । यह साफ दिया हुआ है कि in case of the term of the National Human Rights Commission's Chairman – also being a statutory body – that is also decided by the Central Government. स्वाभाविक है कि जब नियुक्ति होती है, तो उस समय भी प्रधान मंत्री, विपक्षी दल के नेता, या लार्जेस्ट पार्टी के लीडर या कैबिनेट मिनिस्टर होते हैं । जिस नियुक्ति के लिए बॉडी इसी सदन ने गठित की है, उसकी सैलरी निर्धारित करना है या उसके टेन्योर को निर्धारित करना है तो हम संसद में इस अमेंडमेंट को लेकर आए हैं, तो शायद इस पर कोई बहस भी नहीं होनी चाहिए थी ।

इसका सर्व-सम्मति से समर्थन होना चाहिए था, जैसा नैशनल ह्यूमन राइट्स कमीशन का हुआ था, वैसे ही राइट टु इनफॉर्मेशन का भी होना चाहिए था । यह स्वाभाविक है कि देश में एक संदेश देने के लिए आप इस तरीके की बात कर रहे हैं, जिससे मैं समझता हूं कि इससे भी जनता इस बात को महसूस करती है । इसमें काम क्या है? आपने चीफ इलैक्शन कमिश्नर की बात कही, इलैक्शन कमीशन की बात कही और सेंट्रल विजिलेंस कमीशन की बात कही । हर संस्था का अपना-अपना काम करने का नेचर है ।

सेंट्रल या स्टेट में चीफ इनफॉर्मेशन कमिश्नर का क्या रोल है? उसका रोल यह है कि कोई भी व्यक्ति किसी भी डिपार्टमेंट से कोई इनफॉर्मेशन मांगता है तो वह इनफॉर्मेशन उपलब्ध कराने का अधिकार उसको होता है, चाहे वह स्टेट में हो या सेंटर में हो । अगर कोई डिसप्यूट होता है तो उसमें भी वह रेज़ॉल्यूशन करता है, हमारे इनफॉर्मेशन कमिश्नर उस डिपार्टमेंट को चिट्ठी लिखकर उन्हें तलब करते हैं और उनसे कहते हैं । इसके बावजूद भी अगर कोई डिसप्यूट हुआ, चाहे वह कोई भी पार्टी हो, अगर वह पार्टी इनफॉर्मेशन कमिश्नर या चीफ इनफॉर्मेशन कमिश्नर के फैसले से संतुष्ट नहीं है, तो गवर्नमेंट भी कोर्ट में जा

सकती है और वह पार्टी भी जा सकती है । इसमें भी कौन सा अमेंडमेंट किया गया?

अधिष्ठाता महोदय, मैं आपके माध्यम से शशि थरूर साहब से कहना चाहूंगा कि आज भी वर्ष 2005 का जो एक्ट है, क्या उसके स्टेटस में कोई बदलाव किया जा रहा है? इनफॉर्मेशन कमिश्नर या चीफ इनफॉर्मेशन कमिश्नर को लेकर कोई डिसप्यूट होता तो उस समय भी, वर्ष 2005 के एक्ट में भी हाई-कोर्ट जाने का प्रावधान था और आज भी हम जो यह अमेंडमेंट लेकर आए हैं, इसमें भी वही प्रावधान है कि अगर कोई डिसप्यूट होगा, जो एग्रीव्ड होगा, वह अपने अड्रेसल के लिए हाई-कोर्ट जा सकता है । मैं समझता हूं कि इसमें कौन सा बदलाव किया गया? मैं समझता हूं कि वे इसको समझकर भी अनजान बन रहे होंगे । आज देश के सामने एक ऐसी स्थिति है । मैं समझता हूं कि जो रोल था, उस रोल को उतनी ही मज़बूती से निभाया तो यह कहां से उसे डाउनग्रेड करने की बात आ गई? सबसे बड़ी बात है कि एक व्यक्ति के अधिकारों की रक्षा करना या उनकी इनफॉर्मेशन की रक्षा करना और उस इनफॉर्मेशन को दिलाने का काम हमारे इनफॉर्मेशन कमिश्नर या चीफ इनफॉर्मेशन कमिश्नर को दिया गया है । इसमें निश्चित तौर पर एपिलेट के लिए भी जो अधिकार हैं, उन्हें पूरा किया गया है और हम इसे और स्ट्रेंथन कर रहे हैं । अगर कोई भी डिसप्यूट इवॉल्व होगा तो उसको सॉल्व करने के लिए और उसमें जो भी प्राब्लम्स हैं, उन्हें हम दूर करेंगे ।

इसी तरह मैं समझता हूं कि आज भी हम आरटीआई के बैटरमेंट के लिए काम कर रहे हैं । ये लोग किसलिए शोर कर रहे हैं? अगर ये मानते हैं कि वॉच-डॉग की तरह यह काम कर रहा है तो पिछले पांच सालों में राइट टु इनफॉर्मेशन की वही पावर है । आज हम इसमें अमेंडमेंट की बात कर रहे हैं । इन पांच सालों में पूरे देश में किसी भी राइट टु इनफॉर्मेशन से इनफॉर्मेशन मांगने वाले या किसी भी एक्टिविस्ट ने पिछले पांच सालों में हमारी सरकार में कोई स्कैम हुआ हो, कोई स्कैंडल हुआ हो, पूरे देश में इस राइट टु इनफॉर्मेशन एक्ट के रहने के बाद भी शायद एक भी नहीं हुआ है, यह अपने आप में निश्चित तौर पर इस सरकार

की पारदर्शिता है । जब हमारी सरकार नहीं थी, तब भी आरटीआई के लोगों ने ही, अपनी ही ताकत से, ऐसा नहीं है कि मैं यह इसलिए कह रहा हूं कि आरटीआई के लोगों के पास ताकत नहीं थी या राइट टु इनफॉर्मेशन मांगने वालों के पास ताकत नहीं थी, यही राइट टु इनफॉर्मेशन एक्ट, जो आज है, यही पांच साल पहले भी था, यही सूचना मांगने के अधिकार की ताकत लोगों के पास पहले भी थी और यही सूचना मांगने के अधिकार की ताकत वर्ष 2009 के पहले भी थी ।

मैं समझता हूं कि इसी इनफॉर्मेशन के मांगने से, चाहे देश में कॉमनवैल्थ का स्कैंडल हो, चाहे 2जी का हुआ हो, ये सारे स्कैम्स जो हुए, ये राइट टु इनफॉर्मेशन एक्ट के माध्यम से ही देश के सामने उजागर हुए । पिछले पांच सालों से हमारी सरकार ऑनेस्ट, ट्रांसपेरेंट ढंग से काम कर रही है । निश्चित तौर से हम इस संस्था को और भी ट्रांसपेरेंट और मज़बूत बनाना चाहते हैं, ताकि सारे देश की जनता के सामने पारदर्शी स्थिति रहे और अगर कहीं भी कोई बात हो, वह सामने आए ।

जो हमारा आर.टी.आई. एक्ट है, इसमें इस अमेंडमेंट से हम स्ट्रीमलाइन करना चाहते हैं कि इसकी फंक्शनिंग स्ट्रीमलाइन हो । राइट टु इन्फॉर्मेशन एक्ट 2005, It should be at par with other statutory bodies and there should be existing a difference between a statutory body and a constitutional body.

सभापति महोदय, आप तो खुद विद्वान एडवोकेट हैं । इसमें दो बातें होती हैं । एक कांस्टीट्यूशनल बॉडी होती है और दूसरी स्टैच्यूटरी बॉडी होती है, दोनों ही पार्लियामेंट से होती हैं । आज इस देश में बहुत सी ऐसी संस्थाएं हैं, जो संवैधानिक संस्थाएं हैं, जिनको हम कांस्टीट्यूशनल बॉडीज कहते हैं । अगर स्टैच्यूटरी बॉडी देखें तो यह आर.टी.आई. स्वाभाविक ही स्टैच्यूटरी बॉडी है, जैसे नेशनल ह्यूमैन राइट्स कमीशन है । अगर नेशनल ह्यूमैन राइट्स कमीशन में सैलरी का अधिकार या नियुक्ति का अधिकार है तो वह अधिकार देना स्वाभाविक है । यह कोई सबस्टैंशियल चेंज नहीं है । अधीर रंजन साहब भी

जानते हैं कि इस बिल में माननीय मंत्री जी ने शुरू में कहा था और इंट्रोडक्शन के दिन भी कहा और आज के दिन भी मैं कह रहा हूं कि इसमें कोई सबस्टैंशियल चेंज नहीं है । अगर कोई चेंज है तो केवल टेक्निकल नेचर का चेंज है । मुझे लगता है कि टेक्निकल नेचर का चेंज होना तो उसके बैटरमेंट में है, उसको और स्ट्रैंथन करने के लिए है । इसी तरीके से मैं समझता हूं कि अगर आर.टी.आई. को मजबूत किया है तो चाहे 1975 का जजमेंट राज नरायण वर्सेज स्टेट ऑफ यू.पी. हो या 1981 का श्री गुप्ता के जजमेंट में हुआ हो । मैं इसमें बहुत गहराई में नहीं जाना चाहता हूं । उसके बाद 1982 में मैथ्यू कमीशन आया, वह आर.टी.आई.के अगेंस्ट आया । फिर 1990 का मामला रहा हो या जो मजदूर किसान शक्ति संगठन ने किया, उसके बाद फ्रीडम इन्फॉर्मेशन बिल जो 2000 में इंट्रोड्यूस हुआ, उसके बाद यह वर्ष 2005 में फाइनली आया । मैं समझता हूं कि आज जो बिल आया है, यह उस बिल को और स्ट्रैंथन करने के लिए है और अधिक संस्थागत बनाने के लिए है । यह बिल सही मायने में देश की जनता के अधिकारों के लिए है । आज डिस्कशन तो यह होना चाहिए कि अगर कोई इन्फॉर्मेशन मांगता है तो उसको स्पीडी इन्फॉर्मेशन मिले । स्वाभाविक है कि आज उन तमाम स्टेट्स में और सेंटर में भी इन्फॉर्मेशन मिलने में कुछ टाइम लगता है । आज डिस्कशन तो यह भी होना चाहिए कि हर जिले, हर लोक सभा में कुछ लोग एक्टिविस्ट हो गए हैं, जिनका प्रोफेशन हो गया है, जो इसका दुरुपयोग कर रहे हैं । मैं माननीय मंत्री जी से से कहना चाहूंगा कि उनके बहुत से लोग शिकार होंगे कि किस तरह वे प्रोफेशनल लोग लोगों की इन्फॉर्मेशन मांगते हैं । आप सोचिए कि 300 से 400 पेजों की सूचनाएं मांगते हैं । आज तमाम विभागों में लोग कहते हैं कि इतने पेज की इनफॉर्मेशन मांगी है । सूचनाएं मांगी जाती है कि जब से देश आजाद हुआ तब से यहां कौन-कौन से डिसीजन हुए, उनमें विकास की कितनी बात हुई । इस तरीके से हमें आज इस पर डिबेट करनी चाहिए और माननीय मंत्री जी इस पर हमें एक हो जाना चाहिए कि राइट टु इन्फॉर्मेशन को मजबूत करते जा रहे हैं, इसको स्ट्रैंथन करते जा रहे हैं । इसका सदुपयोग आम जनता के हित में हो तथा जिन लोगों के द्वारा इसका दुरुपयोग हो रहा है, उनको रोका

जाना चाहिए । माननीय मंत्री जी इस बिल को लेकर आए हैं, मैं इसका समर्थन करता हूं और सबसे अपील करता हूं कि इसको पास करें ।

SHRI A. RAJA (NILGIRIS): Sir, thank you very much for giving me this opportunity to comment on the provisions of the Bill on behalf of the DMK party.

By introducing the Bill, the Government wants to say that the numerical strength in the Parliament can dictate the constitutional values to undermine democracy. Arguments have been put forth by the hon. Member from the other side on the legal aspects. Of course, I found in the Statement of Objects and Reasons of the Bill about the amendment that has been contemplated in the Bill that this Commission cannot be equated with the Election Commission of India. For that the Government's argument is that the Election Commission of India has been created under article 343 of the Indian Constitution so it is a constitutional body, whereas this is a *chhota* body, according to the Government, and so it is a statutory body. I think, that is where we are. The Supreme Court already held that the Right to Information comes under article 19 of the Indian Constitution.

Article 19 of the Constitution speaks about fundamental rights. The larger Bench of the Supreme Court has already held that the fundamental rights, including the basic structure of the Constitution, cannot be amended. Even article 324 can be amended. The purpose of article 324 is to conduct the elections for State Assemblies, Parliament, Vice-president and President. As soon as the elections are over, the duty

of officials who conduct elections is almost virtually over. They will have to wait for the next elections to be conducted. But Right to Information is not like that. Right to Information is not merely about conducting elections. Democracy is not at all relying exclusively upon elections. Having come to the Parliament after elections, the duty of the Election Commission is over. But we have to perform and get information. How can a country be considered as a full-fledged democratic country unless information is passed on to the common people?

The legal interpretation that has been advanced by the learned hon. Member is not at all correct. We have to give more weightage to the fundamental rights rather than the Election Commission because, without Election Commission, democracy can still be maintained for some time with the help of a good administrator but without information, people cannot be empowered. This is my argument.

Sir, they are saying that there is no constitutional basis for this Bill. Respected Sonia Gandhi is present here. This Bill has sustenance from National Advisory Council. When the National Advisory Council suggested this Bill to be introduced in Parliament, it said:

> "Whereas the Constitution of India has established democratic Republic, whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed."

When framing the Act itself, the makers of this law were clear in their mindset that this body is going to get sustenance from article 19, and the Constitution of India as a whole, as a fundamental right of the basic structure of the Constitution.

The Statement of Objects and Reasons says that these should not be equated. I would like to read it.

> "Therefore, the mandate of the Election Commission of India and the Central and State Information Commissions are different."

There is no doubt that they are different but which one is having more significance? Having faith in democracy and Constitution, I sincerely believe that Right to Information is more important and significant than any other process contemplated in the Constitution.

I would like to recall a few words from the speech of our former Prime Minister, Dr. Manmohan Singh. When the original Bill was introduced, the Prime Minister said:

> "Today I believe that the passage of the Bill will see the dawn of a new era in our processes of governance , an era of performance and efficiency, an era which will ensure growth flow to all sections of people, an era which will eliminate corruption and an era which will bring the common man to the heart of governance."

"Where are we going today by passing this Amendment? We are going towards darkness. An era of complete surreptitious

actions of the Government is going to be witnessed because of this legislation.

What was the intention of the UPA Government when the original Bill was introduced? I would like to bring to your attention two small sentences. "We want right to information; you want freedom of information." Synonyms may be the same on the first outer reading but there is a gulf between the two. How? I will demonstrate it. We want to make this Government more accountable to the people. We want the Government to make the country more progressive. We want to empower people particularly after liberalisation and globalisation but what about this amendment? Democracy cannot be sustained without having an informed population. When the Act plays a contributory role to ensure participation of people in democratic process, you are going against it and you want to destroy it.

Let us not forget what Pandit Nehru said during the Freedom Movement. He said:

> "The Britishers are ruling us according to the Official Secrecy Act, 1923. They do not want the Indian people to know that their natural and physical resources are being stolen from this country and how is it that India continued to become poor while the British continued to become rich."

That was the time when the Official Secrets Act came into existence to curse the people. While enacting this original law, the UPA Government, in 2005, said:

> "So far as the Official Secrets Act, 1923 is inconsistent with the provisions of the Act, the Official Secrets Act shall stand repealed."

That is the intention of the UPA Government. But what are you doing now? You want to bring the same Act again, the draconian law, for the people of India.

Sir, when the amendment took place in this House in the Human Rights Act, the Government wanted to reduce the tenure of the Chairman and the Members from five years to three years. It is definite. Your intention is clear. Your intention is open. You want to reduce the tenure from five years to three years, and also want to reduce the salaries. Okay, let it be. But a symmetrical Act is being amended here. What did you want to say? You said, "such as may be prescribed by the Central Government." What about the salary? It may be prescribed by the Central Government. …(*Interruptions*) What does it mean? I charge that the Information Commission is going to be your *…(*Interruptions*) That is your intention. …(*Interruptions*)

Sir, I want to close my arguments. In 1966, the American Parliament passed the Freedom of Information Act. By putting his signature, President Johnson said, and I quote:

> "Today is the most glorious day of the American democracy. The American democracy is going to flourish because the people of America will know how the chosen servants are

> discharging the duties of the office with transparency and accountability."

This is what President Johnson quoted.

You are going to pass the Bill because of the brutal majority. I can say, today is the black day for our democracy. Since we have buried the democracy in the cold tomb, the people of India will not forgive you. Thank you.

PROF. SOUGATA RAY (DUM DUM): Sir, I again have to perform the unpleasant task of opposing a Bill of the Government. But fortunately, I am aided in this unpleasant task by the eloquent exposition made by Dr. Tharoor, and the impassioned expression made by Shri A. Raja. They have more or less stated the basic principles on which we oppose the Bill.

Sir, as you know, the Right to Information Bill was enacted in Parliament in 2005 during the UPA regime. The Bill was brought after a Report of the Standing Committee headed by Mr. Sudarshan Nachiappan of Rajya Sabha came. While speaking on the Information Commission, he said;

> "Information Commission is an important creation under the Act which will execute the laudable scheme of the legislation. It should, therefore, be ensured that it functions with utmost independence and autonomy."

These are the two key words – independence and autonomy. The purpose of the Bill has been stated earlier. It has taken away the independence of the Information Commission by fixing the salaries and allowances of Chief Information Commissioner, Information Commissioner at the Central level and State Chief Information Commissioner, and State Information Commissioners. Earlier, it was equated with the Chief Election Commissioner, and Election Commissioners. That was to give the Information Commission a high status with which it could criticize the Government. The present Bill is a regressive Bill in a sense that it wants to make the Information Commission a …* of the Government that they can appoint when they like, they can end the term when they like, they can fix any salary that they like, and they can fix any allowance as they like.

15.00 hrs

The Government does not like a free Information Commission and the Government does not like the Right to Information to be given to the people. Shri Raja has given credit to Shrimati Sonia Gandhi for the NAC's recommendation on the Right to Information. But I would also like to give credit to thousands of RTI activists who have made it a campaign throughout the country and even after this law has come into force, you would be surprised to know that 20 million applications were filed under the Act till only 2017. You must be knowing that 83 RTI activists had been killed, 165 persons had been assaulted, 180 persons had been harassed or threatened and six persons had committed suicide. People had shed their blood and given their lives for upholding the Right to Information given under this Act.

Now, as Dr. Tharoor said, Dr. Singh is a nice man. Why should he be a party to the surreptitious bringing of the Bill? On one night it is circulated, the next morning it is introduced, subsequently there are two holidays and then you pass it today. What is the great hurry in trying to get this amendment passed? That is not clear to me. But there has been an instant reaction. The largest circulated newspaper in India, *The Times of India*, in an Editorial, asked the Government to give up this Right to Information (Amendment) Bill. It is clear that there is no Standing Committee Report on the Bill and there is no public consultation. However, the Government decided on the Bill to denude the Information Commissioners of their power.

Sir, I would also like to mention that Shri Sridhar Acharyulu, former Information Commissioner, has appealed to all MPs to prevent the passage of this Bill. He says that this is an attempt by the Government to weaken the architecture by making it subservient to the Executive. You may also know that Shri Shailesh Gandhi, another former Information Commissioner, has opposed this Bill and the National Campaign for RTI have also opposed this Bill. In the face of such opposition from the RTI activists throughout the country, the Government is maintaining a stoic silence with the Prime Minister fielding his Minister of State to pass the Bill with their majority in Lok Sabha.

Sir, some feel that the RTI has helped with the cross verification of the affidavits of powerful electoral candidates with official documents and certain Information Commissioners have ruled in favour of the disclosure. It is unlikely to be a set of instances, but more than that, RTI is a constant challenge to the misuse of power. In a country where the rule of law hangs by a slender thread, the arbitrary use of power is a

daily norm, the RTI has resulted in a fundamental shift, empowering citizen's access to power and decision making.

It has been a lifeline for many of the 40 to 60 lakh ordinary users, many of them for survival. It has also been a threat to arbitrariness, privilege, and corrupt governance. This is what the Government is afraid of. The other thing I would remind you is that the RTI has been used brilliantly and persistently to ask a million questions across the spectrum — from the village ration shop, the Reserve Bank of India, the Finance Ministry, on demonetisation, non-performing assets, the Rafale fighter aircraft deal, electoral bonds, unemployment figures, the appointment of the Central Vigilance Commissioner (CVC), Election Commissioners, and the non-appointment of the Information Commissioners themselves.

Sir, this is a comment by Aruna Roy, who played a significant role in getting the RTI Bill passed at that time.

> "The RTI movement has struggled to access information and through it, a share of governance and democratic power. The Indian RTI law has been a breakthrough in creating mechanisms and platforms for the practice of continual public vigilance that are fundamental to democratic citizenship. The mostly unequal struggle to extract information from vested interests in the Government needed an institutional and legal mechanism which would not only be independent, but also function with a transparency mandate and be empowered to over-ride the traditional structures of secrecy and exclusive control. An independent Information Commission which is the highest authority on information along with the powers to penalise errant

officials has been a cornerstone of India's celebrated RTI legislation.

I end up with the basic fallacy of the Government's argument. Dr. Singh very fallaciously has said that the Election Commission is a Constitutional body and RTI Information Commission is a statutory body, created by an Act of Parliament. I want to mention that a much more important Constitutional provision is involved which is Article 19(a) of the Constitution which involves Fundamental Rights. The Supreme Court proclaimed the RTI as the Constitutional right emanating from Article 19(1)(a) which guarantees freedom of speech and expression. That is why, the present Bill -- the surreptitious effort of the Government to denude the RTI Information Commission of the power to interfere in the rights of the States to decide on the State Information Commission, taking away the independence and authority of the Information Commission -- is a retrograde step. I would appeal, through you, to Dr. Jitendra Singh, who is a decent man, that he should rise above party affiliation and for once, throw down the gauntlet and say, I herby withdraw the Bill.

With these words, I conclude.

SHRI RAGHU RAMA KRISHNA RAJU (NARSAPURAM): I got an opportunity to speak after 3-4 eminent speakers, but still I would like to put forth majority of the points which were not clearly covered by them. Basically, it has emanated from Freedom to Information Act, 2002, which was not very sound at that time. So, because of that, in

2005, the Right to Information Act has come out in a full-fledged form by taking Article 19 (1)(a) into consideration which guarantees freedom of speech. Freedom to vote also has emanated from Article 19(1)(a) which was in line with Article 324 and Freedom of Information also is none other than Article 19(1)(a) which has given freedom to Right to Vote. In fact, the Freedom to Vote can only come from the Freedom of Information. If we have the right to have information, then only we can vote in the manner we want to vote.

The Supreme Court proclaimed the RTI as the Constitutional Right emanating from Article 19(1)(a) which guaranteed freedom of speech and expression. The Central Election Commission enforces the right to vote, which is part of expression right under Article 19(1)(a) which is further explained in Article 324. In a way, CEC enforces only a small part of the Expression Right, while CIC is entrusted with enforcement of wider aspect of expression right- Right to information.

It was a well laid-out thought at that time. Now, all the Information Commissioner have been given the status equivalent to the Chief Election Commissioner. I do not know the reason why they have come up with such amendments in this Act. The surprising part in the Right to Information Bill is that the public cannot get any information in advance. As other Members have rightly said, according to the Right to Information Act, a person can get the information only three days in advance and that too, with a few holidays in-between. I would like to say that it is not correct.

The Government has also proposed to bring down the tenure of Chief Information Commissioners as well as the Information Commissioners without giving any clarification for the same. Some

Supreme Court Judges were appointed as CIC earlier. I would like to know whether a High Court Judge can also be appointed. What would be the appointment criteria? On that also, there is no clarity.

I would urge the Government to, at least, give clarity on the status of CIC and Information Commissioners. What is the salary which is going to be paid to them? There is one very important point which the Government will have to consider. They are making inroads into the powers of the State Government in a federal structure which is very unfair. The right to appoint the State Information Commissioner is also going to be vested with the Central Government. According to me, it should be left with the States. It should not be taken away by the Centre. They will have to take care of these concerns.

There is another thing with which my other friends must be concerned with and that is, the powers of this august House are being taken away by the Executive. We all have to object that. The Executive cannot take away the powers of the Legislature. The Constitution gives the Legislature the power to impeach or to remove a person. Now, the Government is straightway taking away that power. It is the power of the Legislature till now. The power of this august House is taken away. We do not know who will be in power and for how long. As far as this clause is concerned, we all must oppose it in this august House. Our powers should not be taken away by the Executive.

These are the changes that I am requesting the hon. Minister to consider. I would also request the hon. Minister to retain the autonomy of the States. The Government should clarify about their status, salaries and other things of CIC and IC. The Government should they clarify these things. They should retain the powers of the States without

infringement. They should also retain the powers of this august House. The Legislature cannot be taken over by the Executive.

I request the hon. Minister to consider all these changes. With these changes, I support the Bill.

श्री धैर्यशील संभाजीराव माणे (हातकणंगले): महोदय, मैं केंद्र सरकार द्वारा लाए गए सूचना का अधिकार (संशोधन) विधेयक, 2019 के पक्ष/समर्थन में बोलने के लिए खड़ा हूँ ।

महोदय, वास्तव में यह एक क्रान्तिकारी विधेयक है । इसके वर्ष 2005 में लागू होने के पश्चात देश की जनता को सरकार के कार्यक्रमों एवं पॉलिसियों के बारे में जानने का मौका मिला है । इससे पारदर्शिता बढ़ी है, लेकिन समय के साथ इस तरह के कानूनों में कुछ न कुछ बदलाव की आवश्यकता होती है, इसलिए सरकार द्वारा बदलाव का यह प्रयास बहुत ही उचित है । जब यह कानून लाया गया था, तो पहली बार वर्ष 1975 में सुप्रीम कोर्ट ने फैसला दिया था कि हिन्दुस्तान के लोगों को सरकार के माध्यम से अपनी बातें जानने का अधिकार है । वर्ष 1982 में सुप्रीम कोर्ट ने फैसला दिया कि सूचना का अधिकार बुनियादी अधिकार है । इस अधिकार को कांस्टीट्यूशन और यहाँ लोक सभा में अमेंडमेंट के लिए वर्ष 2005 तक की लड़ाई लड़नी पड़ी ।

उसके बाद इसमें बहुत-से संशोधनों के बाद इस विधेयक को कानून का स्वरूप दिया गया । निश्चित रूप से, इस विधेयक में कालानुरूप और भी संशोधन होना इसकी जरूरत बनती गई और आज इस विधेयक के माध्यम से जो संशोधन हो रहा है, उसे और सक्षम बनाने की कोशिश और पहल सरकार की ओर से की जा रही है । जब यह विधेयक लाया गया था, तब देश में इसकी बुनियादी जरूरत हुआ करती थी कि शासन क्या कर रहा है, इसके बारे में लोगों को मालूमात ही नहीं हुआ करता था । आम आदमी को यह पता नहीं चलता था कि शासन क्या कर रहा है, उसके बारे में उसकी क्या प्रिविलिजेज हैं । शासन जो काम करता था, सरकार जो काम करती थी, उसकी मॉनिटरिंग होना बहुत जरूरी था ।

15.16 hrs (Hon. Speaker *in the Chair*)

महोदय, निश्चित रूप से, सरकार की पारदर्शिता और सक्षमता बढ़ाने हेतु इस कार्यक्रम को बहुत प्रभावी तरीके से लागू किया गया और आज देश भर में आर.टी.आई. एक ऐसा शस्त्र बन गया है, जो आम आदमी के अधिकारों का हनन होने से बचाने के लिए एक बहुत बड़ा हथियार है ।

माननीय अध्यक्ष: माननीय सदस्य, एक मिनट रुकिए ।

15.17 hrs

15.18 hrs

RIGHT TO INFORMATON (AMENDMENT) BILL, 2019-Contd…

श्री धैर्यशील संभाजीराव माणे (हातकणंगले): अभी सदन के सामने आदरणीय अध्यक्ष महोदय ने भारत के बारे में जो एक उपलब्धि बताई, निश्चित रूप से यह भारत सरकार के लिए एक 'फेदर-इन-द-कैप' है, जिसके माध्यम से दुनिया में भारत को और बड़ा नाम मिलने में एक बहुत बड़ा योगदान हुआ है । हमारी पाटी की ओर से और आप सभी की ओर से मैं भारत सरकार का अभिनन्दन करना चाहूंगा, उन वैज्ञानिकों का अभिनन्दन करना चाहूंगा, जिन्होंने इस अभियान में सफलतापूर्वक काम किया है ।

महोदय, मैं अब अपने मूल विषय पर आने की इजाजत चाहूंगा । आर.टी.आई. को प्रभावी तरीके से लागू करने में इस शासन का बहुत बड़ा योगदान है । निश्चित रूप से इसे और कारगर करने हेतु आज शासन इसमें प्रशासन को साथ रखने के लिए, उसे ठीक रखने के लिए उसमें कुछ जरूरी संशोधन करने का सुझाव दे रहा है । जिस आर.टी.आई. एक्ट के बारे में इतना कामकाज चल रहा है, मैं आदरणीय मंत्री महोदय से अनुरोध करना चाहूंगा, उनसे विनती करना चाहूंगा कि आज भी केन्द्रीय स्तर पर 11 में से मात्र 4 आयुक्तों के पद ही भरे हुए हैं और बाकी के पदों के बारे में यह शॉर्टफॉल है ।

सदन के मेरे भाइयों का एक विचार है कि इसकी पारदर्शिता के बारे में कुछ शंकाएं सदन में आ रही हैं । मैं निश्चित रूप से मंत्री महोदय से अनुरोध करना चाहूंगा कि इस मामले में आप सदन को अवेयर करें कि आप जो योजनाएं बना रहे हैं, उनको लागू करते वक्त कोई भी समझौता नहीं किया जाएगा । इसका जो मूल ढांचा बना हुआ है, उसको कोई भी डिस्टर्ब नहीं कर पाएगा । यह आश्वस्त करना निश्चित रूप से शासन की जवाबदारी है । इस जिम्मेवारी को आगे

रखते हुए मैं शासन से यह भी कहना चाहूंगा कि इसके उपयोग और दुरुपयोग को ध्यान में रखना चाहिए । इसको मद्देनजर रखते हुए देश के लोगों में इसकी वजह से बहुत उत्साह है ।

आदरणीय मंत्री महोदय, अकेले महाराष्ट्र में इसके 16,000 केसेज़ पेंडिंग हैं । उनका कोई समाधान नहीं हुआ । आज भी देश भर में ऐसे बहुत से केसेज़ हैं, जो पटल पर हैं, लेकिन उनके बारे में कोई भी जानकारी लोगों को नहीं मिली । अगर इस कायदे का अच्छी तरह से उपयोग किया जाए, तो सरकार और प्रशासन को अच्छी पारदर्शी गवर्नेंस देने तथा काम करने में सुविधा होती है । लेकिन, अगर इसका दुरुपयोग किया जाए, तो निश्चित रूप से अच्छे चलने वाले कामों में भी अड़चनों का निर्माण होता है । आप आज देश भर की परिस्थितियां देख सकते हैं । आज देश में जो परिस्थिति बन रही है, उसके हेतु अगर सरकार इसमें कुछ अच्छे बदलाव कर रही है, कुछ अच्छे सुझाव दे रही है, तो निश्चित रूप से सभा को उसके बारे में पॉजिटिव एप्रोच रखना बहुत जरूरी है ।

महोदय, जब यह कानून देश में लागू हुआ था, मैं निश्चित रूप से कहना चाहूंगा कि यह पहली बार वर्ष 2005 में लागू हुआ था । इस कानून के बनते ही 81 लोगों को मार डाला गया था । बहुत सारे एक्टिविस्ट्स थे, जिनको किसने मारा, क्यों मारा गया, यह पता नहीं है । वर्ष 2005 में कौन-सी ऐसी घटना हुई थी, जिसके बारे में निश्चित रूप से आपको भी जागरूक होना पड़ेगा । इस एक्ट के बनने के बाद 81 एक्टिविट्स को मारा गया । ऐसे बहुत सारे एक्टिविस्ट्स हैं, जो गांव लैवल पर काम करते हैं, लोगों को सुविधा मुहैया कराने का काम करते हैं, इसलिए उनको संरक्षण देने की भी जरुरत है । इस कायदे के माध्यम से आरटीआई एक्टिविस्ट्स को संरक्षण देने की भी जवाबदारी है, लेकिन जो लोग गलत काम कर रहे हैं, आरटीआई का गलत उपयोग कर रहे हैं, गलत तरीके से फायदा ले रहे हैं, उन पर भी लगाम कसने की जरुरत है, इसका प्रावधान भी इस कायदे में लाना चाहिए, जिससे कोई इसकी दुकानदारी नहीं कर पाए, कोई इसको व्यवसाय नहीं बना पाए और शासन के इन अच्छे प्रावधानों का कोई

दुरुपयोग नहीं कर पाए । मैं अपनी पार्टी की तरफ से यह सुझाव रखते हुए, इस बिल का समर्थन करता हूं और आपका धन्यवाद करते हुए अपनी बातों को विराम देता हूं । धन्यवाद ।

माननीय अध्यक्ष: माननीय सदस्य, आप पहली बार चुनकर आए हैं, परंतु आपने इस विधेयक पर अच्छी बात कही है ।

SHRI BHARTRUHARI MAHTAB (CUTTACK): I stand here to deliberate on the Right of Information (Amendment) Bill, 2019. There are amendments to three sections of the Original Act of 2005 - Section 13, Section 16 and Section 27.

15.24 hrs (Shri N. K. Premachandran *in the Chair*)

Though it looks innocuous that it only seeks to amend three sections, and that too, it hardly deals with the tenure, it hardly deals with the salary and it hardly deals with other aspects, what is so much to be agitated about and why a large number of people who understand the Act and its intent, are so much against these amendments? Therefore, I would start with the words that have been used by the Government.

This Bill seeks to rationalise the stature of Information Commissions from being equal to Election Commission, and give the Union Government the power to set service conditions.

Critics reason that the changes will undermine the independence of the Central Information Commissioner and State Information

Commissioners. The final adjudication, when information is not provided under the RTI Act, could make them compliant to the wishes of the Union Government. The Government claims that this is an enabling legislation which is aimed at institutionalisation and streamlining of the Act, which is clumsy in nature and drafted in haste. It is not only with this Government but also with any Government that comes to power. They say we want to better the previous Act for the betterment of the citizens of this country. As a person from the media, I always have doubt about the intent of the Government. Therefore, I would say that the same argument could apply this time, in the absence of referring to the Standing Committee. We do not have any Standing Committee till date. I do not know when the Standing Committees are going to be formed.

The fixed tenure and high status are meant to ensure autonomy. So, even the highest office can be given directions. Any perceived dilution of the Act needs minute examination which is not happening this time. Amendments have haunted the RTI since its inception. Amendments have been proposed since 2006 just six months after the law was implemented and many times thereafter. It is not that this Government is bringing amendment for the first time. A number of times, amendments have been proposed earlier just after six months of the enactment of the law.

This Amendment Bill seeks to amend sections 13, 16 and 27 of the RTI Act. These sections carefully link and thereby equate the status of the Central Information Commissioner with the Election Commissioner and the State Information Commissioners with the Chief Secretaries in the States so that they can function in an independent and effective manner. This Amendment Bill is a deliberate dismantling of this

architecture which will empower the Union Government to unilaterally decide the tenure, salary, allowances and other terms of services of Information Commissioners, both at the Centre and in the States.

The Minister says this is benevolent and it is a minor mechanism of rule-making step which actually is not. The basic purpose of this right is to empower citizens' access to power and decision-making. It has been a thread to arbitrariness, privilege and corrupt governance. In a country, where the rule of law hangs by a slender thread and arbitrary use of power is a daily norm, the RTI resulted in a fundamental shift. More than 80 RTI users have been murdered -- one Bill is still pending for their protection – because of their courage and determination. Using the RTI was a challenge to unaccountable power. RTI has been used brilliantly to ask a million questions across the country, from the village ration shop to the Reserve Bank of India, to the Non-Performing Assets. The information related to decision-making at the highest level has, in most cases, eventually been accessed because of the independence and high status of the Information Commission. That is what this Bill is trying to amend.

The Indian RTI law has been a breakthrough in creating mechanism and platform for the practice of continual public vigilance that is fundamental to democratic citizenship. To extract information from vested interests in Government needs an institutional and legal mechanism which would not only be independent but also function with a transparency mandate and be empowered to override the traditional structures of secrecy and exclusive control.

An independent Information Commission, which is the highest authority on information along with the powers to penalise errant officials, has been a cornerstone of India's celebrated RTI legislation with which I was involved since 2002. In 2004, I was sent by the Parliament, by the then hon. Speaker, Shri Somnath Chatterjee to Accra in Ghana to participate in one of the Commonwealth Workshops relating to RTI. My report was given to the Speaker and subsequently it was transferred to the Standing Committee. The report contained the provisions in terms of RTI which the Canada Government has, which the Australian Government has and the Governments of New Zealand and South Africa have. These were the major four countries which has a robust RTI provision.

The task of Information Commission is, therefore, different but no less important than that of the Election Commission of India. Independent structure set up to regulate and monitor the Government are vital to a democratic State committed to deliver justice and constitutional guarantees. The separation of powers is a concept which underscores the independence and is vital to our democratic checks and balances.

I would, therefore, say that these sets of amendments have to be understood as a deliberate architectural change to affect the power equations, the freedom of expression and democracy in a regressive manner. The Commission, which is vested by law with status, independence and authority, will function like a department of the Central Government, if this amendment is passed.

The Government is usurping the power to set the terms and conditions of service and salaries of the independent body. If this is not

an obvious attempt to weaken the independence and authority guaranteed by law, then what is it? Apart from Section 13, by amending Section 16, the Government will control the terms and conditions of appointment of Commissions in the States through rules. This is an assault on the idea of federalism.

Mr. Chairman, Sir, I would say that all the provisions relating to appointment were carefully examined by a Parliamentary Standing Committee and the law was passed unanimously. Here, I would just try to remind this House, the Bill leading to the original Act had been discussed by the Parliamentary Committee on Personnel, Public Grievance, Law and Justice which included the then Members of Bhartiya Janta Party Shri Ram Nath Kovind, the present hon. President of India, Balavant Apte and Shri Ram Jethmalani. Originally, the salaries of the CIC were proposed to be equivalent to those of Secretaries of the Government of India and the Information Commissioners were to be equivalent to those of Additional Secretaries or Joint Secretaries to the Union Government.

The Parliamentary Committee headed by Shri E.M. Nachiappan submitted its Report in 2005. This Committee gave a recommendation and said:

> "It is desirable that CIC would be equivalent to CEC status so that it would enjoy autonomy and function independently."

It has been acknowledged that one of the most important structural constituents of any independent oversight institution, that is, the CVC, the Chief Election Commission, the Lokpal and the CIC is a basic

guarantee of tenure. Information Commissions are appointed for five years, subject to the age limit of 65 years. Now, that is being changed. Why are you weakening the fundamentals of the RTI architecture? This Bill violates the constitutional principals of federalism, undermines the independence of Information Commissions and, thereby, dilutes the widely used framework of transparency in this country. Weakening RTI Act plays into bureaucracy's hands. Citizens use RTI to combat red tape.

To strengthen the RTI Act, fill up Information Commissioner vacancies promptly because more proactive mandatory disclosures of information will help. Do not give wrong signals on anti-corruption and transparency. This is a right of every citizen of this country. You are diluting this right. You are making it a department of the Government. This should be opposed thoroughly.

कुंवर दानिश अली (अमरोहा): माननीय सभापति जी, सूचना का अधिकार एक बहुत लंबे संघर्ष के बाद देश की आम जनता को प्राप्त हुआ है, इसे मौजूदा सरकार डाइल्यूट करने की कोशिश कर रही है, मैं यहां उसके खिलाफ बोलने के लिए खड़ा हुआ हूं ।

इस देश में सूचना का अधिकार पाने के लिए बहुत लंबा संघर्ष हुआ । कई कमेटियां बनीं, कई सेमिनार हुए, कई सिम्पोजियम देश भर में हुए! देश के इन्टलेक्चुअल तबके ने इस पर डैलिब्रेशन किया तब जाकर सूचना का अधिकार Act बना । मैं आपके माध्यम से आदरणीय मंत्री जी से कहना चाहता हूं कि जब यह एक्ट पास हुआ, तब इस हाउस में युनेनिमिटी थी । सर्वसम्मति से यह बिल पास हुआ था । सरकार को सोचना चाहिए कि आखिर ऐसी कौन सी वजह है कि आप इतनी जल्दी में इस एक्ट में अमेंडमेंट करने की कोशिश कर रहे हैं? आप

क्या छुपाना चाहते हैं? आप छुपाना चाहते हैं क्योंकि सूचना के अधिकार के माध्यम से ही सरकार और ब्युरोक्रेट्स जो घपला करते हैं, उसकी जानकारी देश का आम नागरिक हासिल कर सकता है । **...**(व्यवधान) आप छुपाना चाहते हैं कि आपकी सरकार में जो घपले हो रहे हैं, उसे एक आम आदमी सूचना के अधिकार के माध्यम से मांग सकता है **...**(व्यवधान) मांगा, और मिला, **...** (व्यवधान) इसी अधिकार के माध्यम से पता चला कि देश के माननीय प्रधान मंत्री ने कितने विदेश दौरे किए और उनमें कितना व्यय हुआ ।**...**(व्यवधान) इसी अधिकार के माध्यम से पता चला है कि घपले, जो आप करने वाले हैं, वे लाइन में हैं । **...**(व्यवधान) क्यों डर रहे हो? आप सूचना के अधिकार को क्यों निरंकुश **...*** बनाना चाहते हैं? **...**(व्यवधान) सूचना का अधिकार बहुत बड़ा अधिकार है ।**...**(व्यवधान)

मैं आपसे कहना चाहता हूं, हमने पिछले पांच सालों में देखा है कि किस तरीके से इन्फॉर्मेशन कमिश्नर्स की नियुक्ति नहीं की गई । ...(व्यवधान) देखिए दर्द हो रहा है ।...(व्यवधान)

माननीय सभापति: दानिश अली जी, चेयर को एड्रैस कीजिए ।

...(व्यवधान)

कुंवर दानिश अली : ये सुनना भी नहीं चाहते हैं । अभी तो छुपाते हैं । ये सुनना भी नहीं चाहते ।...(व्यवधान)

माननीय सभापति: वे सुनेंगे । आप चेयर को एड्रैस कीजिए ।

...(व्यवधान)

कुंवर दानिश अली : ये कुछ दिन में नया कानून ले आएंगे, बोलने पर भी पाबंदी ।...(व्यवधान) अभी तो केवल सूचना पर पाबंदी लगा रहे हैं । आने वाले वक्त में विपक्ष के बोलने पर भी पाबंदी लगा देंगे ।...(व्यवधान) इनको तो सुनना भी नहीं है ।...(व्यवधान)

माननीय सभापति: आप चेयर को एड्रैस कीजिए ।

…(व्यवधान)

कुंवर दानिश अली: इस हाउस में जब माननीय मंत्री बोलेंगे, जब आदरणीय प्रधान मंत्री बोलेंगे तो हम भी ऐसे ही डिस्टर्ब करेंगे । …(व्यवधान) यह न सोचें कि संख्या इधर कम है तो आप हर चीज को बुलडोज़ कर देंगे । This is not the way to run the parliamentary democracy in this country. Enough is enough. You want to bulldoze every institution. You want to bulldoze everybody's voice. हम लोग भले ही कम हैं, लेकिन जनता को इस देश के संविधान ने जो अधिकार दिए हैं, हम उनका यहां पर निर्वाह करेंगे, भले ही हश्र कुछ भी हो जाए।

यहां आदरणीय मंत्री जी ने कहा कि उनकी सैलरी, स्टेचर को इसलिए अमेंड किया जा रहा है, चुनाव आयुक्त के पैरलल नहीं कर सकते, क्योंकि राइट टु इन्फॉर्मेशन के कमिश्नर्स का डिसीजन कोर्ट में चैलेंज हो जाता है ।

मैं आपके माध्यम से कहना चाहता हूं कि आखिर क्या इलेक्शन कमीशन के डिसिजन कोर्ट में चैलेंज नहीं होते, हम यहां जो डेलिबरेट कर रहे हैं, जिस पर बाद में महामहिम राष्ट्रपति जी मुहर लगाते हैं, क्या ऐसे एक्ट या डिसिजन को कोर्ट में चैलेंज नहीं किया जाता, आप किसको गुमराह करने की कोशिश कर रहे हैं? आप सूचना आयुक्तों की इंडिपेंडेंस खत्म करना चाहते हैं, आप तलवार लटकाना चाहते हैं कि आप जब चाहें उनका टेन्योर बढ़ा सकते हैं, जब चाहें उनकी तनख्वाह में वृद्धि कर कर सकते हैं । असलियत में आप लोग इसको डाइलूट इसलिए कर रहे हैं क्योंकि बड़े-बड़े मामले अभी तक राइट टु इन्फार्मेशन के तहत ही उजागर हुए हैं । इससे एक आम आदमी भी सूचना हासिल कर सकता है । मैं आपसे कहना चाहता हूं कि अब हमें इनकी नियत पर

शक नहीं पूरा यकीन हो गया है कि ये लोग कोई भी डेमोक्रेटिक इंस्टिट्यूशन इस देश में छोड़ना नहीं चाहते हैं । पिछले पांच वर्षों के कार्यकाल में इन्फार्मेशन कमिश्नर्स की नियुक्ति नहीं हुईं, क्यों नहीं हुई? इसके लिए लोग बार-बार सुप्रीम कोर्ट तक गए, क्योंकि अगर इनफार्मेशन कमिश्नर्स की नियुक्तियां पूरे तरीके से हो जाएंगी, फूल इन्फार्मेशन कमीशन होगा तो आम नागरिक ज्यादा सूचनाएं हासिल कर सकता है । ये आम नागरिकों को सूचना से दूर रखना चाहते हैं । ये नहीं चाहते हैं कि इस देश के आम नागरिकों को सरकार, ब्यूरोक्रेट्स, इस देश में जो नेता और भ्रष्ट ब्यूरोक्रेट्स मिलकर घपला करते हैं, उसके बारे में सूचना मिले । इसलिए ये सूचना के अधिकार को खत्म करना चाहते हैं । मैं आपके माध्यम से सरकार से और सरकार के मंत्री जी से एक बार फिर अपील करना चाहूंगा कि इस अमेंडमेंट बिल को वापस लें । मैं इन्हीं शब्दों के साथ अपनी बात खत्म करता हूं । बहुत-बहुत धन्यवाद ।

SHRI SUNIL DATTATRAY TATKARE (RAIGAD): Sir, after Independence, a historical law, the RTI Act was brought in by the then UPA, under the chairmanship of hon. Shrimati Sonia Ji for giving basic right to the common man of this country.

I recall those days when I was a part of the Cabinet of Maharashtra Government. Shri Anna Hazare, social activist, started this movement in Maharashtra. That created a history in the country.

Today, the Fundamental Right, the Right to Information is in jeopardy. The Bill provides for the Centre to prescribe the term of office, salaries, allowances and other terms and conditions of service of Chief Information Commissioner and Information Commissioners who are now dependent on the Centre for their salaries and jobs.

The present Bill takes away statutory parity of Information Commissioners with Election Commissioners in terms of tenure and service conditions. Autonomy of Information Commissions is at risk by the direct attack by the Centre on citizens' right to know and right to information. By taking away their autonomy, the Bill is diluting these powers to Information Commissioners.

Shri Wajahat Habibullah, the country's first Chief Election Commissioner said: "The status of EC was given to the organisation as it was Government's own watchdog of its own functioning." He also said: "It is not a question of whether Central State Information Commissions are constitutional bodies or not but they are supposed to give a neutral and unbiased reports on the functioning of the Government and its constituents which is not possible without these powers."

The CVC and Lokpal were accorded high stature, and their terms of service was protected by equating it to the functionaries of constitutional bodies to protect the autonomy of independent statutory oversight bodies.

In June 2017, through the Finance Act, the Central Government upgraded the salaries and allowances of the Chairpersons and Members of 19 tribunals and adjudicating authorities. The salaries of the High Court and Supreme Court Judges were upgraded six months later, which was gazetted in January 2018. If upgrading the salaries of officers of tribunals can take precedence over increasing the salaries of High Court and Supreme Court Judges, then the Centre's justification that the Information Commissions being statutory authorities cannot be treated on par with constitutional authorities like the ECI, does not stand.

The Centre usurping for itself the power to decide even the tenure, salaries and allowances of the Information Commissioners of the State Information Commissions raises key issues of federalism. The proposed amendments seek to vest excessive powers of delegated legislation with the Central Government. The amendment proposals are a blow to the federal scheme of the RTI Act.

Two sets of laws are made applicable to salaries paid in the State Information Commissions, that is, one made by the State Governments for Members of the State Information Commissions under Section 27 (2) of the RTI Act, and the second, which the Central Government hopes to make for the State Information Commissioners under this Bill. Further, the salaries of Information Commissioners in the States are paid out of the Consolidated Fund of the concerned State over which the Central Government has no control. So, by framing the guidelines for salaries and terms of service of the State Information Commission Members, the Centre will be implicitly deciding the money that will be charged from the State Consolidated Fund. This is a clear example of Centre's overreach of its powers.

The Standing Committee noted that :

> "The Information Commission is an important creation under the Act, which will execute the laudable scheme of the legislation. It should, therefore, be ensured that it functions with utmost independence and autonomy.".

While the NDA Government talks about minimum Government and maximum governance, its actions, by proposing these amendments

to the RTI Bill, negate accountability.

Even before the draft RTI (Amendment) Bill was tabled in the Parliament in 2018, the nodal Department for RTI, namely, the Department of Personnel and Training had issued an advertisement to fill-up vacancies in the Central Information Commission. The advertisement said that the salaries and tenure of the new appointments will be as may be specified by the Government instead of the current position, which is salary and allowances equal to that of the Election Commissioners and a tenure of five years. The advertisement does not even mention about the number of vacancies that are going to be filled up. The proposed amendments may violate the Information Commissioner's right to be treated equally by the law as guaranteed under Article 14 of the Constitution.

The Information Commission performs quasi-judicial functions much like the statutory tribunals and adjudicating authorities whose salaries were hiked in June 2017. In fact, except the NGT and the Film Certification Appellate Tribunal, none of the other statutory tribunals or adjudicating authorities deal with matters of fundamental rights. There is no reason why the Information Commissioners should be subjected to a different treatment. So, the amendment proposals do not answer satisfactorily the test of intelligible differentia, which is a requirement for treating unequal differently under Article 14 of the Constitution of India.

Why are quasi-judicial bodies like the Information Commission being treated differently from other statutory tribunals in matters relating to salary and terms of service? The primary stakeholders, namely, citizens and Information Commissions were not consulted on these RTI

amendment proposals. So, we strongly oppose these amendments. Thank you very much, Sir.

श्री विष्णु दत्त शर्मा (खजुराहो): सभापति जी, मैं सूचना का अधिकार संशोधन विधेयक, 2019 के समर्थन में कुछ कहना चाहता हूं । आरटीआई एक्ट पूरे देश में वर्ष 2005 में लागू हुआ । पब्लिक अथॉरिटी की ट्रांसपेरेंसी और एकाउण्टेबिल्टी को फिक्स करने के लिए जब सूचना का अधिकार देश में आया तो सरकार के काम और प्रशासन में पारदर्शिता के रूप में एक बड़ा परिवर्तन आया । इसके माध्यम से भ्रष्टाचार के खिलाफ बड़ा कदम लिया गया कि देश में भ्रष्टाचार को कैसे रोका जा सकता है । आरटीआई एक्ट के माध्यम से हम इस दिशा में आगे बढ़े हैं और मैं मानता हूं कि इसके माध्यम से देश में बड़ा परिवर्तन आया है । इसलिए इस पूरे तंत्र में ओपननेस, ट्रांसपेरेंसी और एकाउण्टेबिल्टी को प्रोत्साहित करने का काम आरटीआई एक्ट के माध्यम से देश में हुआ है । प्रशासन की बुद्धिमत्तापूर्ण तथा सकारात्मक आलोचना को आसान करने का प्रयास इस बिल के माध्यम से देश में हुआ है । प्रशासन में जनता की भागीदारी कैसे बढ़ेगी, यह भी इस एक्ट के माध्यम से हुआ है । इसलिए प्रशासनिक निर्णयों में स्वेच्छाचारिता को हतोत्साहित करके, जनहित को प्रोत्साहित करने का प्रयास इस एक्ट के माध्यम से हुआ है । अभी जो बिल प्रस्तुत किया गया है, इसमें खास तौर से दो बातों को उल्लेख किया गया है । आरटीआई एक्ट के अंतर्गत परिवर्तन करने की बात की गई है । इसमें मुख्य सूचना आयुक्त, सूचना आयुक्त एवं राज्यों के सूचना आयुक्तों की सैलरी से लेकर सेवा शर्तों में परिवर्तन करने की बात की गई है ।

इस बिल में सिर्फ दो बातों पर फोकस किया गया है कि उनकी सेवा शर्तें, जो इतने वर्षों में निर्धारित नहीं की गईं, आज उनके बारे में इस एक्ट में अमेंडमेंट करके, उनको रूल्स के अंदर बांधने का प्रयास इस बिल के अंतर्गत किया गया है । दूसरा प्रावधान उनकी सैलरी के बारे में है । यह संस्था कांस्टीट्यूशनल संस्था

नहीं है, एक स्टेट्यूटरी बॉडी है, लेकिन कहीं न कहीं इसे एक संस्थागत ढांचे में लाने का जो प्रयास इस बिल के माध्यम से किया गया है, वह इस देश के लिए बहुत महत्वपूर्ण है । हम इसे इंस्टीट्यूशन फॉर्म में लाना चाहते हैं । क्या हम सूचना आयुक्त को देश में लगातार यही कहते रहेंगे कि इक्वीवैलेंट टू इलेक्शन कमीशन या उनकी जो सैलरी होगी, वह इक्वीवैलेंट टू इलेक्शन कमीशन होगी । जो संस्था इतनी महत्वपूर्ण है, उसे सशक्त बनाने का प्रयास, माननीय मंत्री जी ने जो बिल प्रस्तुत किया है और अमेंडमेंट्स दिए हैं, के माध्यम से किया गया है । ये अमेंडमेंट्स केवल इसलिए हैं कि इस संस्था को कैसे और सशक्त बनाया जाए । सरकार की यह मंशा है कि संवैधानिक प्रावधानों के अनुसार संवैधानिक संस्थाएं और मजबूती से कैसे काम करें । यह प्रयास इस अमेंडमेंट बिल के माध्यम से किया गया है । सरकार का मानना है कि प्रजातंत्र की रक्षा तभी हो सकती है, जब सरकारी तंत्र में पारदर्शिता का पालन हो ।

सूचना के अधिकार अधिनियम के कुछ प्रावधानों में, विशेषकर मुख्य सूचना आयुक्त, सूचना आयुक्त, राज्य सूचना आयुक्त एवं अन्य सूचना आयुक्तों के कार्यकाल की अवधि, सेवा शर्तें एवं कार्यपालक कार्य नियमों में दर्शित होने चाहिए, यानी रूल्स को फ्रेम करने का प्रयास इसके माध्यम से हुआ है । अत: सरकार यह प्रावधान लेकर आना चाहती है कि उक्त अधिनियम में सेवा की अवधि एवं सेवा शर्तें वे हों, जो सरकार नियमों के माध्यम से चाहती है । इस अमेंडमेंट में यह भी कहा गया है कि वर्तमान में जो पदाधिकारी कार्यरत हैं, उन पर किसी प्रकार से विपरीत प्रभाव नहीं पड़ेगा । सैलरीज के बारे में जो अमेंडमेंट्स होंगे, उनमें ऐसा नहीं होगा कि उनकी पहले की सैलरी में किसी भी प्रकार की कमी होगी । वर्ष 2005 में एक्ट बनने के बाद भी, इतने वर्षों तक हम इनको रूल्स के अंतर्गत नहीं ला पाए थे, आज इस बिल के माध्यम से एक बड़ा परिवर्तन और इसे सशक्त बनाने का काम इस बिल के माध्यम से हो रहा है । हम इस संशोधन बिल के माध्यम से आरटीआई एक्ट को और अधिक सशक्त बनाने का प्रयास कर रहे हैं । इसके लिए, मैं पुन: एक बार सरकार को और माननीय मंत्री जी को बधाई देते हुए, इस बिल का समर्थन करता हूं । धन्यवाद ।

SHRI KARTI P. CHIDAMBARAM (SIVAGANGA): Sir, in 2005, when the RTI Act was brought, it was a landmark legislation in Indian history.

In a country where the Government and the citizens are far removed from each other and the decision-making process remains an elusive mystery to most of the citizens who do not involve themselves in the mechanism of the decision making of the Government, the RTI Act was a breath of fresh air. It opened up the decision-making process to public scrutiny and over 2.5 crore applications have been filed till date in the country to persistently ask questions across the spectrum from village ration shops to the unemployment figures of the Government and demonetisation, etc..

The Act brought about a revolution and demanded accountability at a level that has never ever existed before. As such, it is not surprising that this kind of power vested in the hands of common citizens makes the Government uncomfortable and people are getting killed for asking these uncomfortable questions.

As my senior colleague, Dr. Shashi Tharoor said, over eighty activists have been killed in India for asking uncomfortable questions. There has also been a rise in the number of RTI applications being rejected by the public authorities who outrightly refused to disclose the

information which people want to get. In 2015-16, over 64,000 applications were rejected.

The Government's non-committal attitude towards public accountability is also reflected in its move to slash the budgetary allocations to the Central Information Commission by 38 per cent in this year's Union Budget.

Sir, trust in Government and politics is at an all-time low and the key to restoring trust is 'transparency'. People need to be able to see what their elected representatives are doing, how and why the decisions are taken.

The RTI Act kicked off a movement from a purely representative democracy to a participative one. Democracy is not about just voting for your favourite party or preferred MP candidate to elect the Prime Minister of your choice, it is about participating actively in the decision-making process.

It is incumbent upon each Government to strengthen the foundation of accountability laid down by the RTI Act and improve upon them. The Amendment Bill proposed by the hon. Minister and this Government however is a step in the opposite direction and it threatens not just to undo an over-a-decade's worth of progress but whittle and decimate the very spirit of RTI. It is regressive. The bureaucracy is filled with Humphrey Applebys of this world who are masters of obfuscation.

The proposed amendments block out the fresh air and the ray of sunshine – accountability and transparency in a system riddled with inefficiency. Sir, I oppose the Bill on the following grounds:

My senior colleague, Dr. Tharoor, my erudite colleague, Mr. Raja and Saugata *dada*, all have enunciated the same points but I would still like to reiterate.

First, it undermines the independence and autonomy of the Information Commissioners. How is the Institution supposed to do its job when the terms and conditions of the service of its officers are directly controlled by the Government? This is an attempt by the Government to structurally shut down the organs of a free society.

Second, the Centre seeks to usurp powers to decide the salary, tenure and allowances of Information Commissioners of the State Information Commissions. However, the salaries of the SIC is paid out of the Consolidated Funds of the respective States. Neither Parliament, nor does the Centre have power or control over the Consolidated Fund of any State. This is an attempt to kill not only the citizens' right to know but also the federal structure of our country.

Third, there was a glaring absence of any kind of public consultation. In the past, when the text of the RTI Bill was drafted in 2004, when the RTI rules were drafted in 2005 and replaced in 2012, and more recently, when they were sought to be amended in April 2017, the draft proposals were placed in the public domain for consultation. However, this time round, not only were there no consultations with stakeholders involved concerned – civil society organisations and the like – but also the House woke up to the news of the Bill for the first time on the very day it was introduced. How can a Bill that proposes to significantly alter fundamental rights of the citizens be introduced without consultation with the stakeholders themselves?

16.00 hrs

Fourth, this is in direct violation of the Pre-Legislative Consultation Policy of 2014 which mandates that a draft Bill be placed in the public domain for 30 days.

Fifth, the Bill, as has been the trend this session, bypassed any examination by the Standing Committee. This demonstrates the desperation to pass the amendments without even proper parliamentary scrutiny.

Sixth, the Government suggests that since the Election Commission is a Constitutional body and the Information Commission is a statutory body, their service conditions must also be different. There is, however, nothing preventing any law from securing tenure and protecting terms of service of statutory regulatory bodies by equating them to functionaries of Constitutional bodies. In fact, this practice is being followed for various institutions, including the CVC and the Lokpal. Therefore, the very reason given by the Government for the proposed amendments is fallacious.

Seventh, the amendments would affect the way the Right to Information is enforced. The Right to Information Act, as it stands today, is used in a very decentralised manner. The Government has found a centralised way of incapacitating the law. With the Commissions and their independence compromised, where does a citizen go for enforcement of his right to information?

Sir, the Ruling Party – the BJP – has 303 MPs in this House and 303 has many connotations. IPC 303, many lawyers here would know, refers

to the death sentence. I hope the Government will not use their 303 to give a death sentence to the spirit of RTI.

There is a former Commissioner of Police in this House; 303 also refers to the standard issue rifle, which is used to by the constables even today. The 303 rifle was used by the brutal Gen Dyer to commit the horrendous massacre at Jallianwala Bagh. I hope the Government does not use its 303 to massacre the spirit of the RTI.

Please, Mr. Minister, withdraw this Bill.

SHRI JAYADEV GALLA (GUNTUR): Sir, I rise to oppose the Bill moved by Shri Jitendra Singh Ji as the proposed amendments weaken the very basic tenets of the institution of Right to Information.

It looks like the Government wants to control the term of office, the salaries, the allowances and other terms and conditions of service of the Chief Information Commissioner, the State CIOs, the Information Commissioners and the State Information Commissioners. The Government can then make them dance according to their own tune because they will not be able to function independently.

Sir, after the Modi 2.0 Government has assumed office, it has passed as many as 11 Bills without any legislative scrutiny or sending to Standing Committees.

<u>16.03 hrs</u> (Dr. Kakoli Ghosh Dastidar *in the Chair*)

Brute majority, Madam, does not mean that you should act brutally. This is unfair to democracy and I would like to advise the Government

to desist from using brute force.

I would also like to bring to the notice of this august House and to Shri Jitendra Singh Ji that he is going to be bringing amendments also to the CVC Act and to the Lokpal Act. That is because paragraph 4 of the Statement of Objects and Reasons of the Bill says,

> "The functions being carried out by the Election Commission of India and the Central and State Information Commissions are totally different. The Election Commission is a constitutional body … On the other hand, the Central Information Commission and State Information Commissions are statutory bodies established under the provisions of the Right to Information Act, 2005. Therefore, the mandate of Election Commission of India and Central and State Information Commissions are different. Hence, their status and service conditions need to be rationalised accordingly."

This shows that amendments will probably be brought to even the CVC Act and the Lokpal Act on the same justification. That is what I am anticipating and asking the House to be aware of. If this is the justification being used by the Government to take the CIC into their hands through this Bill, the Government can also use the same justification, as I said, to amend the CVC Act and the Lokpal Act, as they are also not Constitutional bodies.

Do we want to accept this justification which will dilute the independence of all these important bodies? This is the question we need to ask ourselves.

I would like to make a final point which relates to the information being provided or rather not being provided or being denied under the Right to Information. Madam, the term 'record' in the RTI Act is defined but the Act does not define what constitutes a classified record and the Government has been denying information under the RTI, citing it as classified.

I request the hon. Minister to define what is classified and what is not classified, so that the citizens of this country know what can they rightfully demand through RTI and what they cannot. Today, it is ambiguous and the Government has to clear that ambiguity.

So, I request the Minister to send the Bill to the Standing Committee and to withdraw the Bill as it dilutes the RTI Act.

Thank you, Madam.

SUSHRI SUNITA DUGGAL (SIRSA): Hon. Chairperson, Madam, thanks for bestowing me the opportunity to speak on the Right to Information (Amendment) Bill, 2019.

This Bill is to amend the Right to Information Act, 2005 structurally. Undoubtedly, the RTI Act is seen as a powerful tool for citizens' empowerment. It is an actual personification of the Right to Information for the citizens of the largest democracy of the world. Accountability and transparency are the two important steps for any democracy wanting to climb the stairs of success and the above-mentioned Act ensures both the things. In the same way, our

Government, under the leadership of hon. Prime Minister, Shri Narendra Modi ji also impressed upon the same, that is, accountability as well as transparency. Therefore, this is the need of hour to correct certain anomalies in the RTI Act and the Government is determined to strengthen the Act by the proposed Amendment Bill. In no way, I would like to emphasise, in no way, it is going to dilute the Act, rather it is as concentrated as the hydrochloric acid and you cannot touch it. If you touch it, you will get your hand burnt.

So, the amendment pertains to sections 13, 16 and 27. I would like to say what these sections are saying. Section 13 says that, the Chief Information Commissioner and every Information Commissioner shall hold office for a term of five years or till they attain the age of 65 years, whichever is earlier and shall not be eligible for reappointment. It further provides that the salaries and allowances and other terms and conditions of service of the Chief Information Commissioner and Information Commissioner shall be the same as that of the Chief Election Commissioner and Election Commissioner respectively.

Similarly, Section 16 talks about the State Chief Information Commissioner as well as State Information Commissioner. The salaries and allowances and other terms and conditions of service of the State Chief Information Commissioner and State Information Commissioner shall be the same as that of the Election Commissioner of the State and the Chief Secretary of the State Government respectively. So, these are the two sections, Section 13 and Section 16, which are being amended in this Bill.

Mr. Raja said this is the era of this and that. I am really very surprised to know this. I think, this is the era of transparency; this is the

era of accountability; this is the era of hardwork; and this is the era of anti-corruption. He was saying that we are going to make this Act house maid ... *. These are derogatory as well as anti-feminist comments. I want that he should apologise for saying this. …(*Interruptions*) He is saying that by these amendments, we are going to make the Act ...* What does he want to say? Housemaids are also human beings. …(*Interruptions*)

मिस्टर दानिश अली, आप क्या बोल रहे हैं?

माननीय सभापतिः आप आपस में बात मत करिए । कृपया चेयर को एड्रेस करिए ।

सुश्री सुनीता दुग्गल : वह तो एक अक्षर भी पढ़कर नहीं आए । कम से कम आप अपनी …* की तरह लिखा हुआ पढ़ लेते तो उसी से कुछ न कुछ पता लगता कि आपने इस एक्ट के बारे में कुछ जानकारी प्राप्त की है । कमाल की बात है कि यहां पर इतने बुद्धिजीवी लोग बैठे हुए हैं ।

सभापति महोदया, इसके अंदर कुछ भी नहीं है । सैक्शन-13, सैक्शन-16 एण्ड सैक्शन-27, आप यह देखिए कि जब से यह एक्ट बना है, उसके बाद से इसके अंदर 92 परसेंट ब्यूरोक्रेट्स ने ही इसके अंदर डॉमिनेट किया है । अगर आप लोग सेवा करना चाहते हैं, तो बीच में नौकरी छोड़कर आइए, जैसे हमारे विजेन्दर सिंह जी आए, जैसे हम आए । 15 साल की ब्यूरोक्रेसी की नौकरी अभी बाकी थी, उसे छोड़कर आए । हमारी अपराजिता जी आईं, लेकिन मैडम ये चाहते हैं कि पहले 60 साल तक आराम से एन्जॉय करें और उसके बाद फिर फट से हमें चीफ इलेक्शन कमिश्नर की और चीफ इन्फॉरमेशन कमिश्नर की नौकरी मिल जाए । …(व्यवधान)

माननीय सभापति : कृपया बिल के बारे में बताएं ।

सुश्री सुनीता दुग्गल : सुनिए मैडम, …(व्यवधान) । इसीलिए मैं कहती हूं कि यह तो सेवा है ।…(व्यवधान) । माननीय सदस्य, कृपया आप डिस्टर्ब न करिए ।

माननीय सभापति : आप प्लीज बैठ जाइए ।

सुश्री सुनीता दुग्गलः हमारे कितने मेंबर ऑफ पार्लियामेंट ऐसे हैं जो अपनी सैलरीज़ को फोरगो करते हैं? इनमें से कितने ऐसे हैं? …(व्यवधान) ।

माननीय सभापति : आप बिल के बारे में बात कीजिए । बिल पर चर्चा हो रही है ।

सुश्री सुनीता दुग्गलः मैडम, मैं बिल पर ही कह रही हूं । सिर्फ सैलरी, सिर्फ अलाउंसेज़, सिर्फ उनका टेन्योर कितना होना चाहिए, इसके बारे में अमेंडमेंट है और ये बाहर लोगों को ऐसा प्रस्तुत कर रहे हैं कि जैसे राइट टू इन्फॉर्मेशन एक्ट टोटली एबॉलिश हो गया, टोटली खत्म हो गया । …(व्यवधान) । मैंने पहले भी कहा है कि यह उतना ही कन्सन्ट्रेटेड है, जितना कि हाइड्रोक्लोरिक ऐसिड होता है । इसको आप हाथ लगाएं तो हाथ जल जाता है । ठीक इसी तरह से जो राइट टू इन्फॉर्मेशन एक्ट है, वह उतना ही स्ट्रांग है । इसलिए मैं यह कहना चाहूंगी कि इसके अंदर ऐसे लोग अपॉइंट होने चाहिए जो सेवा भाव से आएं । …(व्यवधान) । कृपया सुनिए, बस एक मिनट ।

माननीय सभापति : आप फिनिश कीजिए ।

सुश्री सुनीता दुग्गल : मैडम, हमारी यह कोशिश है कि इसमें ऐसे लोग अपॉइंट होने चाहिए जो सेवा भाव से आएं, क्योंकि यह सच में देश को आगे ले जाने वाला एक्ट है । जैसे कहते हैं कि :

“चाह मिटी, चिन्ता मिटी, मनवा बेपरवाह ।

जिसको कुछ नहीं चाहिए, वह शाहों के शाहा ।”

हमें ऐसे-ऐसे लोग इसमें चाहिए, जबकि होता क्या है? जिन्होंने पहले आराम से 60 साल की उम्र तक नौकरी की है, वे बाद में इसमें आ जाते हैं । कांग्रेस के समय में क्या हुआ? मैक्सिमम ब्यूरोक्रेट्स इसके अंदर रहे । हमारी सरकार चाहती है कि कोई सिस्टम बने और सिस्टम के तहत इसमें अपॉइंटमेंट्स हों और

उस सिस्टम के तहत इनको सैलरीज़ मिलें, अलाउंसेज़ मिलें । इसलिए मैं कहना चाहती हूं कि हमारी सरकार ने बहुत अच्छा काम किया है जो इसके अंदर यह अमेंडमेंट लेकर आई है । मैं हमारे माननीय प्रधान मंत्री श्री नरेन्द्र मोदी जी और माननीय मंत्री जी को बहुत-बहुत मुबारकबाद और धन्यवाद देना चाहती हूं । धन्यवाद ।

SHRI P. R. NATARAJAN (COIMBATORE): Hon. Chairperson, Madam, first of all, I oppose the Bill. The power of the Legislature should not be allowed to be taken over by the Executive.

Secondly, the Information Commission is given salary for its functions. That should not be compared with the Election Commission. Don't try to dilute the power of the original Bill enacted by the UPA in tune with the Common Minimum Programme. I oppose this Bill. Don't try to weaken the federal set up of this country. Don't try to take away the state's autonomy. I request the Minister to withdraw the Bill.

SHRI HASNAIN MASOODI (ANANTNAG): Hon. Chairperson, Madam, the year 2005 witnessed the second important milestone in our journey of democracy. On 26th January, 1950 we gave ourselves a Constitution, the Constitution that enshrined the Constitutional ideals, the core values and also identified the Constitutional goals and also mapped out the journey. We have to follow them to achieve those goals.

The second important milestone came after 55 years, in 2005 in the shape of the Right to Information Act. The Right to Information Act is second in importance only to the Constitution of India because it gives people the right to participate in the democracy and the right to have equal participation in governance. So, in no case could the importance of the Right to Information Act be downplayed.

Whenever we go for amendments to an Act, the intention is to address a problem that is witnessed while implementing the Act. In this case, we are not able to understand what is the problem to be addressed, except the problem if any is to see that the Act is not implemented in the right spirit.

What are the compelling reasons to go for this kind of an amendment? No answers are coming forward. The Act itself in total clarity says what the terms and conditions of the Chief Information Commissioner and the Information Commissioners should be. So, what is the need to go for this kind of an amendment? What were the difficulties confronted that are now tried to be addressed? What is the necessity to have a statutorily-guaranteed terms and conditions? It is to insulate the statutory body against any onslaught. It is to provide for its institutional autonomy. But what is now proposed to be done is to leave scope for assaulting the autonomy of an important institution that is vital to our democracy.

What are the reasons being given? The reasons being put forth are that the Commission is not equivalent to the Election Commission and the Commission cannot be equated with a particular commission but that is nowhere the intention of the parent Act. The parent Act, in order to guarantee the terms and conditions of the Commission, links the

Commissioners' salary with one other statutory body. There is no problem with it. That is done in a number of cases where the terms and conditions are linked with another statutory body without leaving any scope for a necessity to have amendments day in and day out. So, whatever reasons are being given in support of this amendment are far from convincing and do not convince anyone.

What the Government intends to do is to achieve indirectly what they cannot achieve directly, to have control over the terms and conditions and whenever they find that someone who mans the position does not conform to whatever is required of him, just to change the rules; you have not to come to Parliament but you have to go to the rules and change the rules to slash down the salary that is being given or slash down the term or tenure.

The RTI Act is intended to make our democracy vibrant and alive. It is heartening and encouraging to see that 25 million people have made use of this Act during the last 15 years. This is the most often used piece of legislation by the people to have a say in governance and to have access to information. What is being done now by this amendment? This is not the only law that is being dealt with like this. We have the Consumer Protection Act. There again for the Chairpersons or Presidents of the National Commission, it was earlier provided that they should have some judicial experience at a particular level; now that is tried to be done away with. All the institutions are assaulted in this manner. This is the pattern now followed in almost all the cases. So, I would make a request to the hon. Minister. This Bill impacts and is going to have some kind of an effect on generations to come and on our

polity across the board. I would request the hon. Minister to withdraw this. I do not want Jammu and Kashmir to be in any way associated with this where the day, 22nd July, 2019 becomes the day when a lethal blow was dealt to this important piece of legislation.

Thank you very much.

SHRI E.T. MOHAMMED BASHEER (PONNANI): Thank you, Madam, for giving me this opportunity. As correctly pointed out by the former speaker, the parent Act was enacted during the tenure of the UPA Government. It was the most progressive legislation this country has ever seen. It was the most powerful weapon to fight corruption. It empowered the citizens of India to know what is happening in the country. The powers exercised by the MPs and MLAs were handed over to the ordinary citizens of India and that is why this legislation was known as the most revolutionary legislation as far as this country is concerned.

The Government's action now shows that, through this Bill, it is trying to take away various departments from the purview of the RTI Act. To demoralise the RTI activists, they are being tortured in different parts of India. The fact remains that this Government hates the RTI Act because it prefers darkness instead of transparency. The Government desires to make this autonomous body as a Department where it can decide the salary structure and the status of Commissioners at the State and the Central levels. The Government wants the transparency to disappear and everything should be done behind the curtain.

Nowadays, information is not being given properly. When citizens filed RTI appeals about demonetisation with the Reserve Bank of India, the information was refused citing technical reasons. We all know that in 2017 the Indian Air Force also denied an RTI request and refused to release crucial information relating to the pricing of a deal for 36 Rafale aircraft finalised between India and France. That information was never revealed. The Government did not want to give the information and want to hide it from public. We have to realise this nature of the Government.

Another important area of concern is the vacancy. Since coming to office in 2014, the BJP Government has delayed making crucial appointments to the CIC; eight out of 11 posts for Information Commissioners remained vacant. At present, more than 26,000 information appeals lie pending before the Commission. The Government is not taking any initiative to fill up the vacancies.

I would say that this Government is crippling the wings of RTI. Actually, the Government does not want it. The Government should not do like this. Rather, it should ensure transparency, which is the basic principle of democracy. Since the Government is trying to destroy the very frame and essentiality of this Act, I vehemently oppose this amendment Bill. Thank you very much.

SHRI K. SUBBARAYAN (TIRUPPUR): Hon. Chairperson, I cannot support this anti-people amendment. I, in my most firm terms, oppose this Bill because this Bill aims at diluting the autonomy and powers of the State and Central Information Commissioners.

The Central Government seeks to arrogate all powers to appoint the Information Commissioners at the State and Central levels and to decide the tenure, salary and allowances, etc. This is an affront to federalism which is the basic tenet of the Indian Constitution. The proposed amendments are regressive and are aimed at undermining the independence of Information Commissions, thereby diluting India's strongest and most widely used framework for transparency.

The bill intends to defeat the very purpose of the RTI Act, 2005 that is aimed to strengthen democracy, transparency and good governance. Instead of further expanding the Right to Information of the citizens, this Bill seeks to create a rigid governance with powers to decide, to divulge information.

Therefore, I oppose this Bill and urge upon the Government to withdraw it forthwith.

श्री असादुद्दीन ओवैसी (हैदराबाद): चेयरमैन साहिबा, मैं आपका शुक्रगुजार हूँ कि आपने मुझे यहाँ पर इज़हार करने का मौका दिया । मैं शुरुआत में यह कहना चाहूँगा कि मैं इस तरमीम की मुखालिफत में खड़ा हूँ । यह जो ऐवान में इस बिल को लाया गया, यह न सिर्फ रजत पसंदाना इकदाम और एक गरीब जिसको 70 साल के बाद 10 रुपये की दरख़्वास्त पर, बल्कि उस गरीब चौकीदार को 10 रुपये की दरख़्वास्त पर उसको मालूम हो जाता था कि मेरी हुकूमत मेरे लिए फलाही इकदामात क्या कर रही है । आज यह हुकूमत एक 10 रुपये की दरख़्वास्त से डर रही है । इससे आप अंदाज़ा लगाइये कि जम्हूरियत किस राह पर जा रही है कि 10 रुपये की दरख़्वास्त पर आपकी हवाएँ उड़ रही हैं ।

चेयरमैन साहिबा, दूसरी बात यह है कि यह एक आम गरीब के पीठ पर ख़ंजर नहीं है, बल्कि यह सफ-ए-खून है कि एक आम आदमी का यहाँ पर कत्ल हो रहा है और हम इसकी इजाज़त नहीं दे सकते । मैं यह क्यों कह रहा हूँ कि क्लॉज 2 अमेंडमेंट जो क्लॉज 4 के साथ पढ़ा जाएगा, मोहतरम मिनिस्टर ने यह कहा कि एक आईनी हक सी.आई.सी. को नहीं है । मैं उनको बताना चाहूँगा, बल्कि उनके इल्म में इजाफा करना चाहूँगा । यकीनन वे काबिल हैं, पढ़े-लिखे हैं, मगर उनके इल्म में थोड़ी कमी है । वह यह है कि सुप्रीम कोर्ट ने आर.टी.आई के ताल्लुक से यह कहा कि आर.टी.आई. एक आईनी हक है और आईनी हक इसलिए है कि हमारे आईन में, दस्तूर में दफा 19(1) है और सी.आई.सी. एक बड़ा काम करता है, उस आईनी हक को इतलाक के लिए । चीफ इलेक्शन कमिश्नर है, मगर उनका जो दायरा काम है, वह बहुत छोटा है, वह भी 19(1) का किस्सा है । मगर आर्टिकल 324 का बड़ा हिस्सा सी.ई.सी. पर लागू होता है, इसलिए मैं यह कहना चाहता हूँ कि आपका यह सोचना, आपका यह बोलना निहायती बचकाना है और गलत है । इसको आपको सही करने की ज़रूरत है ।

चेयरमैन साहिबा, तीसरी बात यह है कि हुकूमत क्यों तय करेगी कि चीफ इलेक्शन कमिश्नर की तनख्वाह क्या होगी, उसकी मियाद क्या होगी? क्या यह सरकार भूल रही है कि हमने संविधान पर हल्फ लिया है और हमारे आईन में मॉन्टेस्क्यू की सेपरेशन ऑफ पावर्स को कहा गया कि लेजिस्लेचर अलग होगा, एग्जिक्यूटिव अलग होगा । अगर हम संविधान बना रहे थे, आईन बना रहे थे, अगर उस वक्त यह आर.टी.आई. बनता तो यकीनन इसको कॉन्स्टीट्यूशनल राइट दिया जाता । इसीलिए हमारा मानना यह है कि सी.आई.सी. को यह एक सेपरेशन ऑफ पावर्स हैं । यह हमारी जम्हूरियत का एक पिलर है, जिसको हुकूमत से दूर रखना इसलिए ज़रूरी है कि गरीब को फायदा हो सके, गरीब को इंसाफ मिल सके, जो सरकार नहीं चाहती कि गरीब को इंसाफ मिले ।

मोहतरम चेयरमैन साहिबा, वजीर साहब ने कहा कि इसलिए हम इसका आईनी हक खत्म करना चाहते हैं, क्योंकि चीफ इलेक्शन कमिश्नर के इख्तियारात जज के बराबर है । वे भूल रहे हैं कि इस ऐवान को आप नहीं बता रहे हैं कि आर.टी.आई. में दफा 23 क्या है? क्या वे ऐवान को बताएँगे कि जितने भी सी.आई.सी. के फैसले हुए, रिट के ज़रिये हाई कोर्ट में और सुप्रीम कोर्ट में चैलेंज किए जाते हैं । आप यह क्या कह रहे हैं, आप तो ऐवान को गुमराह कर रहे हैं ।

आखिरी बात, क्लॉज 3 अमेंडमेंट बिल जो क्लॉज 4 के साथ है, स्टेट इलेक्शन कमिश्नर को आप उसमें मुदाखलत कर रहे हैं ।

महोदया, आपका ताल्लुक बंगाल से है यानी बंगाल का चीफ मिनिस्टर स्टेट इनफॉर्मेशन कमिश्नर का तक़र्रुर करेगा, मगर उसकी तनख्वाह और उसकी मियाद क्या होगी, यह दिल्ली तय करेगा । यह अजीबोगरीब बात है । क्या यह आर्टिकल 245 का वायलेशन नहीं है? क्या यह स्टेट्स की ऑटानमी को नहीं छीन रहा है? आप छीन रहे हैं । आप कौन होते हैं बंगाल की सरकार को कहने के लिए कि मैं यहाँ से तनख्वाह दूँगा, आप किसी को अपॉइंट कीजिए । यह तो बिल्कुल, सरासर गलत है ।

महोदया, एक और हैरतअंगेज बात देखिए, हुकूमत क्या कहती है । As prescribed by the Government, कल अगर तमिलनाडु में स्टालिन चीफ मिनिस्टर बन गए, जो बनेंगे इंशाअल्लाह, तो आप यह करेंगे कि नहीं, गुजरात के लिए अलग प्रेस्क्रिप्शन होगा और तमिलनाडु के लिए अलग होगा यानी कि गुजरात के इनफॉर्मेशन कमिश्नर की तनख्वाह आप बढ़ा देंगे, उसकी मियाद को बढ़ा देंगे और तमिलनाडु में कम कर देंगे ।

मैडम, ये ऐसा क्यों करेंगे, मैं यह आपको बता रहा हूँ । हुकूमत यह चाहती है कि इनफॉर्मेशन कमिश्नर में डर पैदा किया जाए । कैसे डर पैदा करें? अब इसके लिए रूल बनाएंगे कि हम आपको 2 साल की मियाद देंगे और फिर दोबारा

आपको रीअपॉइंट करेंगे । दुनिया में ऐसा कौन सा इनफॉर्मेशन कमिश्नर होगा, जो 2 साल तक आपको नाराज करेगा । क्या कोई मोदी जी को नाराज कर सकता है?...(व्यवधान) और नाराजगी के बाद उसका दोबारा तक़र्रुर हो सकता है, ऐसा हो ही नहीं सकता है ।...(व्यवधान) आप तो उस...*लगाकर बोल रहे हैं कि कालिया अगर तुमने हमारे खिलाफ फैसला दिया, तो फिर आपको दोबारा अपॉइंटमेंट यानी तक़र्रुर नहीं किया जाएगा ।...(व्यवधान) यह खिलाफ वर्जी है ।

मैडम, मैं अपनी बात खत्म कर रहा हूँ ।...(व्यवधान) आप कुछ बोलिए ना, आप खड़े होकर बोलिए ।...(व्यवधान) गिरिराज जी, आप खड़े होकर बोलिए ।...(व्यवधान) आप मुझसे डर क्यों रहे हैं? ...(व्यवधान) आप खड़े हो जाओ ।...(व्यवधान)

मत्स्यपालन ,पशुपालन और डेयरी मंत्री (श्री गिरिराज सिंह): हम कभी किसी से डरने वाले नहीं हैं ।**...(व्यवधान)**

श्री असादुद्दीन ओवैसी: हम बैठते हैं ।...(व्यवधान) आप बोलिए ना ।...(व्यवधान) मैं यील्ड करता हूँ ।...(व्यवधान) इस पर तो आप मत बोलिए ।...(व्यवधान) आप पाकिस्तान के एक्सपर्ट हैं ।...(व्यवधान)

मोहतरम चेयरमैन साहिबा, इस आरटीआई का प्रीऐम्बल क्या है? आरटीआई का का प्रीऐम्बल कहता है, Transparency and accountability उर्दू में उसको शफाफियत और ऐतसाब । क्या आप इससे शफाफियत और ऐतसाब हासिल कर रहे हैं? मुझे तो नजर नहीं आता कि आप शफाफियत और ऐतसाब हासिल कर रहे हैं । As prescribed by the Centre, तो आप कुछ भी करते जाएंगे ।

मैडम, मैं अपनी आखिरी बात कहकर खत्म कर रहा हूँ । लॉ कमीशन की रिपोर्ट आई । लॉ कमीशन की रिपोर्ट पर इस सरकार ने वर्ष 2017 के फाइनेंस बिल के तहत तमाम ट्रिब्यूनल्स की तनख्वाह को रेशनलाइज़ किया । क्या उस

लॉ कमीशन की रिपोर्ट में कहा गया कि चीफ इनफॉर्मेशन कमिश्नर हो या स्टेट इनफॉर्मेशन कमिश्नर हो, उनकी तनख्वाह या उनकी मियाद में कमी लाई जाए? न आप लॉ कमीशन को मानते हैं, ना आप आईन को मानते हैं, आप मानते हैं तो सिर्फ अपनी मर्जी को, इसलिए मैं इस बिल की मुखालिफ़त करता हूँ और सरकार से दरख्वास्त करता हूँ कि आप जरूर कानून बनाइए, मगर यह कानून मॉडिफिकेशन ऑफ आरटीआई हो रहा है। शुक्रिया।

جناب اسدالدین اویسی (حیدرآباد): **محترم چیرمین صاحبہ، میں آپ کا شکر گزار ہوں کہ آپ نے مجھے یہاں پر اظہار کرنے کا موقع دیا۔ میں شروعات میں یہ کہنا چاہوں گا کہ میں اس ترمیم کی مخالفت میں کھڑا ہوا ہوں۔ یہ جو ایوان میں اس بِل کو لایا گیا ہے، یہ نہ صرف رجعت پسندانہ اقدام ہے اور ایک غریب جس کو 70 سال کے بعد 10 روپئے کی درخواست پر، بلکہ اس غریب چوکیدار کو 10 روپئے کی درخواست پر اس کو معلوم ہو جاتا تھا کہ میری حکومت میرے لئے فلاحی اقدام کیا کر رہی ہے۔ یہ حکومت ایک 10 روپئے کی درخواست سے ڈر رہی ہے۔ اس سے آپ اندازہ لگائیے کی جمہوریت کس راہ پر جا رہی ہے کہ 10 روپئے کی درخواست پر آپ کی ہوائیں اُڑ رہی ہیں۔**

چیرمین صاحبہ، دوسری بات یہ ہے کہ یہ ایک عام غریب کی پیٹھ میں خنجر نہیں ہے بلکہ یہ صف خون ہے کہ عام آدمی کا خون یہاں پر ہو رہا ہے اور ہم اس کی اجازت نہیں دے سکتے۔ میں یہ کیوں کہہ رہا ہوں کہ کلاز 2 امینڈمینٹ جو کلاز 4 کے ساتھ پڑھا جائے گا، محترم منسٹر نے یہ کہا کہ ایک آئینی حق سی۔آئی۔سی۔ کو نہیں ہے۔ میں ان کو بتانا چاہوں گا بلکہ ان کے علم میں اضافہ کرنا چاہوں گا ۔ یقیناً وہ قابل ہیں، پڑھے لکھے ہیں، مگر ان کے علم میں تھوڑی کمی ہے۔ وہ یہ ہے کہ سپریم کورٹ نے آر۔ٹی۔ آئی۔ کے تعلق سے یہ کہا کہ آر۔ٹی۔آئی۔ ایک آئینی حق ہے اور آئینی حق اس لئے ہے کہ ہمارے آئین میں، ہمارے دستور میں دفعہ 19 (1) ہے اور سی۔آئی۔سی۔ ایک بڑا کام کرتا ہے، اس آئینی حق کے اعتلاق کے لئے، چیف الیکشن کمشنر، مگر ان کا جو دائرہ کام ہے ، وہ بہت چھوٹا ہے، وہ بھی 19 (1) کا حصہ ہے۔ مگر آرٹیکل 324 کا بڑا حصہ سی۔ آئی۔سی۔ پر لاگو ہوتا ہے ، اس لئے میں یہ کہنا چاہتا ہوں کہ آپ کا یہ سوچنا، آپکا یہ بولنا نہایت ہی بچکانہ ہے اور غلط ہے۔ اس کو آپ کو سہی کرنے کی ضرورت ہے۔

چیرمین صاحبہ، تیسری بات یہ ہے کہ حکومت کیوں طے کرے گی کہ چیف الیکشن کمشنر کی تنخواہ کیا ہوگی، اس کی میعاد کیا ہوگی؟ کیا یہ سرکار بھول رہی ہے کہ ہم نے آئین پر حلف لیا ہے اور ہمارے آئین میں مونٹیسکیو کی سیپریشن آف پاورس کو کہا گیا ہے کہ لیجسلیچر الگ ہوگا، ایکزیکیوٹیو الگ ہوگا۔ جن ہم آئین بنا رہے تھے اگر اس وقت یہ آر۔ٹی۔آئ۔ بنتا تو یقیناً اس کا آئینی حق دیا جاتا۔ اس لئے ہمارا ماننا یہ ہے کہ سی۔آئی۔سی۔ یہ ایک سیپریشن پاورس ہے۔ یہ ہماری جمہوریت کا ایک پِلر ہے۔ جس کو حکومت سے دور رکھنا اس لئے ضروری ہے کہ غریب کو فائدہ ہو سکے، غریب کو انصاف مل سکے جو سرکار نہیں چاہتی کہ غریب کو انصاف ملے۔

محترمہ چیرمین صاحبہ، وزیر صاحب نے کہا کہ اس لئے ہم اس کا آئینی حق ختم کرنا چاہتے ہیں کیونکہ چیف الیکشن کمشنر کے اختیارات جج کے برابر ہیں۔ وہ بھول رہے ہیں کہ اس ایوان کو آپ نہیں بتا رہے ہیں کہ آر۔ٹی۔آئی۔ میں دفعہ 23 کیا ہے، کیا وہ ایوان کو بتائیں گے کہ جتنے بھی سی۔آئی۔سی۔ کے فیصلے ہوئے ، رِٹ کے ذریعہ ہائی کورٹ اور سپریم کورٹ میں چیلنج کئے جاتے ہیں۔ آپ یہ کیا کہہ رہے ہیں آپ تو ایوان کو گمراہ کر رہے ہیں۔

آخری بات کلاز 3 امینڈمینٹ بِل جو کلاز 4 کے ساتھ ہے، اسٹیٹ الیکشن کمشنر کو آپ مداخلت کر رہے ہیں۔

محترمہ آپ کا تعلق بنگال سے ہے۔ یعنی بنگال کا چیف منسٹر اسٹیٹ انفارمیشن کمشنر کا تقرر کرے گا، مگر اس کی تنخواہ اور اس کی میعاد کیا ہوگی، یہ دہلی طے کرے گا۔ یہ عجیب و غریب بات ہے۔ کیا یہ آرٹیکل 245 کا وائلیشن نہیں ہے؟ کیا یہ اسٹیٹ کی آٹونومی کو نہیں چھین رہا ہے؟ آپ چھین رہے ہیں۔ آپ کون ہوتے ہیں بنگال کی سرکار کو کہنے کے لئے کہ میں یہاں سے تنخواہ دوں گا، آپ کسی کو اپوئنٹ کیجئے۔ یہ تو سراسر غلط ہے۔

متحرمہ، ایک اور حیرت انگیز بات دیکھئے۔ حکومت کیا کہتی ہے **As prescribed by the Government of India.** کل اگر تمل ناڈو میں اسٹالن وزیرِ

اعلیٰ بن گئے، جو بنیں گ انشا اللہ ، تو آپ یہ کریں گے کہ نہیں ، گجرات کے لئے الگ پرسِکرپشن ہوگا اور تمل ناڈو کے لئے الگ ہوگا، یعنی گجرات کے انفارمیشن کمشنر کی تنخواہ آپ بڑھا دیں گے، اس کی میعاد کو بڑھا دیں گے اور تمل ناڈو میں کم کردیں گے۔

میڈم، یہ ایسا کیوں کریں گے، میں یہ آپ کو بتا رہا ہوں۔ حکومت یہ چاہتی ہے کہ انفارمیشن کمشنر میں ڈر پیدا کیا جائے۔ کیسے ڈر پیدا کریں؟ اب اس کے لئے رول بنائیں گےکہ ہم آپ کو 2 سال کی میعاد دیں گے اور پھر دوبارہ آپ کو ری اپوائنٹ کریں گے۔ دنیا میں ایسا کون سا انفارمیشن کمشنر ہوگا، جو دو سال تک آپ کو ناراض کرے گا۔ کیا کوئی مودی جی کہ ناراض کر سکتا ہے؟ (مداخلت)۔۔ اور ناراضگی کے بعد کیا اس کا دوبارہ تقرر ہو سکتا ہے، ایسا ہو ہی نہیں سکتا ہے۔ (مداخلت)۔۔۔ آپ تو اس انفارمیشن کمشنر کے سر پر اے۔کے۔47 لگا کر بول رہے ہیں کہ کالیا اگر تم نے ہمارے خلاف فیصلہ دیا پھر آپ کو دوبارہ اپوئنمنٹ یعنی تقرر نہیں کیا جائے گا۔ (مداخلت)۔۔ یہ خلاف ورزی ہے۔

میڈم، میں اپنی بات ختم کر رہا ہوں، (مداخلت)۔۔ آپ کچھ بولئے نہ، آپ کھڑے ہو کر بولئے (مداخلت)۔۔ گری راج جی آپ کھڑے ہو کر بولئے۔۔ (مداخلت)۔۔ آپ مجھ سے ڈر کیوں رہے ہیں (مداخلت)۔۔۔ آپ کھڑے ہو جاوٗ۔

ہم بیٹھتے ہیں، (مداخلت)۔۔ آپ بولئے نہ (مداخلت)۔۔ میں ییلڈ کرتا ہوں (مداخلت) اس پر تو آپ مت بولئے (مداخلت)۔۔ آپ پاکستان کے ایکسپرٹ ہیں (مداخلت)۔۔۔

محترمہ چیر مین صاحبہ، اس آر۔ٹی۔آئی۔ کا پریمبل کیا ہے؟ آر۔ٹی۔آئی۔ کا پریمبل کہتا ہے **Transparency and accountability** اردو میں اس کو شفافیت احتساب۔ کیا آپ اسے سے شفافیت اور احتساب حاصل کر رہے ہیں؟ مجھے تو نظر نہیں آتا کہ آپ شفافیت اور احتساب حاصل کر رہے ہیں۔ **As prescribed by the Centre,** تو آپ کچھ بھی کرتے جائیں گے۔

میڈم، میں اپنی آخری بات کہہ کر ختم کر رہا ہوں۔ لا کمیشن کی رپورٹ آئی۔ لا کمیشن کی رپورٹ پر اس سرکار نے سال 2017 کے فائننس بل کے تحت تمام ٹریبیونلس کی تنخواہ کو ریشنلائز کیا ۔ کیا اس لا کمیشن کی رپورٹ میں کہا گیا کہ چیف انفارمیشن

کمشنر ہو یا اسٹیٹ انفارمیشن کمشنر ہو، ان کی تنخواہ یا ان کی میعاد میں کمی لائی جائے گی؟ نہ آپ لا کمیشن کو مانتے ہیں، نہ آپ آئین کو مانتے ہیں، آپ مانتے ہیں تو صرف اپنی مرضی کو، اس لئے میں اس بِل کی مخالف کرتا ہوں اور سرکار سے درخواست کرتا ہوں کہ آپ ضرور قانون بنائیے، مگر یہ قانون موڈیفیکیشن آف آر۔ٹی۔آئی۔ ہو رہا ہے۔ شکریہ

(ختم شد)

माननीय सभापति : शुक्रिया ।

माननीय सांसद, श्री एन.के.प्रेमचन्द्रन जी ।

SHRI N. K. PREMACHANDRAN (KOLLAM): Thank you, Madam Chairperson, I rise to strongly and vehemently oppose this legislation, *i.e.,* Right to Information (Amendment) Bill, 2019.

This is the blackest day in the legislative history of Indian Parliament. This is an insult to the Parliament. I will suggest the way in which the Bill is brought to this House. This is an original Bill and not an amendment Bill. This Bill was introduced on Friday. Saturday and Sunday were holidays. This Bill was circulated in the morning of Friday. How could a Member look into the facts and contents of the Bill so that he can move the amendments?

Today, the Bill has been taken up for consideration. The Parliament is taken for granted. You pass any law. You are having 303 Members in the House. You pass any law. We have no objection. We will object democratically and you could pass it, but the democratic rights of the Members shall never be curtailed and the Parliament shall

not be taken for granted for the sake of or in the interest of the Government.

Madam, I am opposing this Bill on three grounds. Firstly, it is an insult to the Constitution of India because the independent and autonomous character of the Information Authority is being taken away.

It is an insult to the Parliament of India because the legislative supremacy of the Parliament is being taken away by the Executive. I will elucidate this point afterwards.

Thirdly, this violates the judgements of the Supreme Court. There are a series of judgements on this. That means, it is an insult to the judiciary; it is an insult to the Parliament and above all, it is an insult to the Constitution of India. That is why I am saying that this is the blackest day in the legislative history of Indian Parliament.

The original Act was enacted in 2005. I think, in Independent India, this is one of the most wonderful legislation ever brought. One of the achievements of the UPA Government was the enactment of the RTI Act. In order to bring about transparency and accountability in the Government, a revolutionary change took place in the administrative system in India by way of this Right to Information Act of 2005. At that time the BJP was in the Opposition and they also agreed, supported and approved of this Bill. Why then is this somersault? Why are they changing the tool?

Madam Chairperson, the proposed amendments seek to undermine the authority and the independence of the Chief Information Commissioner and the State Information Commissioner. The independent and the autonomous character of the Information authorities

are under a big threat. The UPA Chairperson, Shrimati Sonia Gandhi is present here today and that is why I am saying that a revolutionary change took place in the administration of the Government through the provisions of the Right to Information Act. The provisions of this Bill are an effective weapon in the hands of the public and responsible citizens of this country to make the Government accountable. RTI Act is a time-bound legislation prescribing statutory timeline for providing the information.

Madam Chairperson, what are the proposed amendments to the Bill? The amendments are proposed in clause 2 and clause 3 of the Bill for which I have given notices of amendments. Unfortunately, those amendments have not come before the House because of some technical difficulty. The hon. Speaker has given me time so that I can elucidate on the amendments that I intended to move. I would not take much time of this august House. If one goes through the provisions of the Bill, in most of the provisions, almost in all the provisions, it has been mentioned that the terms and conditions, the tenure of the Chief Information Commissioner, the tenure of the State Information Commissioner as well as the salaries and allowances, terms and conditions of services, everything will be on such terms as may be prescribed by the Central Government.

I would like to know one thing from the hon. Minister, Shri Jitendra Singh ji for whom we all have high regard. He can very well come to the House and say that the entire authority is vested with it. Why are the functions not being detailed? What are the rights and powers of the Chief Information Commissioner? In all the provisions of the Bill it is being mentioned that `as may be prescribed by the Central Government'. That means the legislative powers of the Parliament are being taken

away by the Executive just for their self-interest. That cannot be accepted.

The Parliament has to know the tenure of the Chief Information Commissioner. Does only the Government and the Executive have that power to know about it? Then why does the Government bring such a Bill? The Government could have then brought a single line Bill saying that the all the terms, conditions, functions, powers, penalties and everything will be `as may be prescribed by the Central Government'. That could have been enough. The Government need not have to come to Parliament. What is meant by legislation?

Hon. Madam Chairperson, I am seeking the protection of hon. Speaker as also yours. This is quite unfair and unjust and has never been heard of in the history of Indian Parliament. It is such a Bill where even the tenure of the Chief Information Commissioner, heading a statutory body, is not known to Parliament. It will be decided by the Executive and the bureaucrats. What does it mean? What is the need of the Parliament then? What is the intent of the Parliament? This is quite unfair.

I would now like to refer to the Supreme Court judgements. I would like to refer to a judgement of the Supreme Court in a case between Anjali Bhardwaj *versus* Union of India. The judgement was delivered on 15th February, 2019. Even the Government did not disclose anything about this judgement. The judgement was given by a 2-Judge Division Bench. The court heard the views of the Government and also all the State Counsels and the position of every State was elaborately discussed in the case.

It is a two-Member Bench headed by honourable judges, Shri S.A. Nazeer and Shri A. Sikri. Para 67, clause 2 of the judgement under General Directions for CIC and SCICs says:

> "In so far as the terms and conditions of appointments are concerned, no doubt, Section 13(5) of RTI Act states that Chief Information Commissioner and the State Information Commissioners shall be appointed on the same terms and conditions as applicable to the Chief Election Commission/Election Commissioner. At the same time, it would also be appropriate if the said terms and conditions on which such appointments are to be made are specifically stipulated in the advertisement and put on website as well."

Madam Chairperson, it is not only that the qualifications are well stipulated in the judgement but this is also the latest judgement. The Statement of Objects and Reasons of the Bill also mentions it. The hon. Minister may kindly go through it. Due to paucity of time, I am not reading it. Have you mentioned anything about the Division Bench judgement of 16th February, 2019? Just three months back, this judgement has come. The Division Bench is also saying that the salary, allowances, terms and everything relating to the Chief Information Commissioner should be in consonance and equivalent with those of the Chief Election Commissioner and as regards the State Information Commissioners, they should be equivalent with those of the Election Commissioner of the State. This is a directive to the Government of India. What is the clarification which the Government is going to give us? Both these matters should have been elucidated in the Statement of Objects and Reasons. Nothing is mentioned here.

Madam, I will read the final part of the judgement. It is the conclusive part of the judgement which is at para 68.

> "This Act is enacted not only to subserve and ensure freedom of speech"

In the case of S.P. Gupta versus President Of India, a Seven-Judge Bench of the Supreme Court already dictated and directed that the right to access to information will come within the purview of article 19(1)(a), that is freedom of speech and expression. So, it is a fundamental right which is being enshrined in the Constitution. Just like that, article 21 which is on right to life and personal liberty has also been discussed in the case of Shri Gupta by a nine-Member Bench of the court. Finally, the Division Bench says:

> "The Act is enacted not only to subserve and ensure freedom of speech. On proper implementation, it has the potential to bring about good governance which is an integral part of any vibrant democracy. Attaining good governance is also one of the visions of the Constitution. It also has vital connection with the development. All these aspects are highlighted above."

In order to attain this goal, the directions have already been given that the Chief Information Commissioner, State Information Commissioners shall have the status as being laid before. Madam, I will conclude after referring to two or three more judgements. My amendments are also there. In S.P. Gupta versus President of India and others, the seven-Bench judgement very specifically stated the right to access to information will come within the purview of article 19(1)(a). I am not quoting the

judgement due to time constraint. Regarding the judgement in the case of Reliance Petrochemicals Ltd. versus Proprietors of Indian Express Newspaper, Bombay Pvt. Ltd., it was very elaborately discussed. In the Union of India versus Association of Democratic Reforms also, it was discussed.

Finally, the right to get information in democracies recognised throughout the world is a natural right flowing from the concept of democracy. The right to access to information is the right to have a vibrant democracy in our country. Today, the BJP-led NDA Government is trying to curtail and cut down the wings of the Chief Information Commissioner and the State Information Commissioners. As rightly said by the hon. Member, Shri E.T. Mohammed Basheer, if the Chief Information Commissioner is acting against the whims and fancies of the Government, definitely, his tenure will be cut off by simply issuing a notification. What for is it the statutory organisation then?

Madam, the hon. Minister is a very gentleman politician. We humbly urge upon the hon. Minister to either withdraw the Bill or send the Bill to the Standing Committee.

With these words, I vehemently oppose the Bill. Thank you very much.

डॉ. निशिकांत दुबे (गोड्डा): सभापति महोदया, आपने मुझे अवसर दिया, इसके लिए मैं आपको धन्यवाद देता हूं । मैं माननीय मोदी जी और उनकी सरकार द्वारा लाए गए इस बिल के समर्थन में बोलने के लिए खड़ा हूं । मैं विपक्ष के साथियों की बातें सुन रहा था । मुझे लगा कि 'सौ चूहे खाकर बिल्ली हज को चली', इसी तरह का डिसकशन हो रहा था । …(व्यवधान) पार्लियामेंट खत्म हो रहा है, डेमोक्रेसी खत्म हो रही है, पूरी दुनिया खत्म हो रही है ।

आज जम्मू-कश्मीर में पाक ऑक्यूपाइड कश्मीर से जो लोग आए हैं, वे नागरिकता के लिए भटक रहे हैं । इस संविधान में आर्टिकल 35(ए), किस संविधान और किस पार्लियामेंट ने उनको यह आदेश करने की इजाजत दी और कौन सी डेमोक्रेसी उन्होंने कायम रखी? उनको जनता को इसका जवाब देना चाहिए ।…(व्यवधान) न कांस्टीट्यूशन में डिसकशन हुआ और न पार्लियामेंट में डिसकशन हुआ । …(व्यवधान) आपने सारे लोगों को वहां ऐसा नागरिक बना दिया है, भेड़-बकरी बना दिया है, जिसकी कोई योग्यता नहीं है, कोई नागरिकता नहीं है । …(व्यवधान)

महोदया, ये डेमोक्रेसी की बात कर रहे हैं । …(व्यवधान) वर्ष 2014 से लेकर वर्ष 2019 तक इस देश में जितनी ज्वाइंट पार्लियामेंट्री कमेटीज और सिलेक्ट कमेटीज बनीं, क्या भारत के इतिहास में इतनी ज्वाइंट पार्लियामेंट कमेटीज या सिलेक्ट कमेटीज कभी बनीं? ये किस संविधान की बात करते हैं? यदि जेपीसी हमने बनाई, तो डेमोक्रेसी में हमारा विश्वास था, हमारे प्रधान मंत्री जी का विश्वास था । यदि सिलेक्ट कमेटी हमने बनाई, तो हमारा डेमोक्रेसी और पार्लियामेंट में विश्वास था । वर्ष 2014 से लेकर वर्ष 2019 तक उतनी ही कमेटीज बनीं, जितनी वर्ष 1952 से लेकर वर्ष 2014 तक बनीं । आप हमें डेमोक्रेसी की शिक्षा दे रहे हैं? …(व्यवधान)

मैं आरटीआई पर ही आ रहा हूं । मैं यह कह रहा हूं कि इनको जनता को केवल लालीपॉप दिखाना था । संविधान से यह देश चलता है । बाबा साहब भीमराव अंबेडकर ने जो संविधान दिया, उसी के आधार पर यह देश चलता है ।

इसमें तीन तरह की बॉडीज हैं, कांस्टीट्यूशनज बॉडीज हैं। यदि आपमें दम था, हिम्मत थी, हैसियत थी, जनता को आप ताकत देना चाहते थे, तो आपने इनफॉर्मेशन कमीशन को कांस्टीट्यूशनल बॉडी क्यों नहीं बनाया? यदि आप इलेक्शन कमीशन की तरह उसको ताकत देना चाहते थे, अधिकार देना चाहते थे, पैसा देना चाहते थे, तो आर्टिकल 324(ए) के साथ उसको क्यों नहीं जोड़ दिया? यहां ढेर सारे विद्वान बैठे हुए हैं। मैं आपको बताता हूं कि कांस्टीट्यूशन बॉडी 324(1) से गाइडेड है, जो इलेक्शन कमीशन है। आर्टिकल 148 से 151, यहां सीएजी है। उसको भी कांस्टीट्यूशनल बॉडी हमने माना है। आपने सीएजी के साथ उसको क्यों नहीं जोड़ दिया? आपने उसको स्टेट्युटरी बॉडी में डालने का प्रयास क्यों किया? इसका मतलब यह है कि हाथी के दांत खाने के कुछ और दिखाने के कुछ थे। यहां कांस्टीट्यूशनल बॉडी नहीं बनी, स्टैट्यूटरी बॉडी बनी। यहां स्टैट्यूटरी बॉडी कितनी हैं? सेबी वर्ष 1992 के एक्ट से गाइडेड है। यह एक स्टैट्यूटरी बॉडी है। इसी तरह से सीबीआई, एनएचआरसी, नेशनल लॉ कमीशन, एनजीटी, सभी स्टैट्यूटरी बॉडीज हैं। क्या आपको लगता है कि उनको इंडिपेंडेंस नहीं है? एनजीटी लागू नहीं हो रहा है, एनएचआरसी के रूल्स फॉलो नहीं हो रहे हैं, क्या सीबीआई को आप इंडिपेंडेंट नहीं मानते हैं? …(व्यवधान) यदि मानते हैं, तो इसके बाद आप इस तरह की बात क्यों करते हैं? जब आपकी तरफ सीबीआई होती है, तब सीबीआई …(व्यवधान) इनका इरादा है कि न कांस्टीट्यूशनल बॉडी बनाएंगे और न स्टैट्यूटरी बॉडी बनाएंगे। इस देश में सारे मुख्य मंत्री से लेकर सारी नीतियां प्लानिंग कमीशन तय करती रही, जो कि केवल एक एग्जीक्यूटिव आर्डर से हुआ। वह न कांस्टीट्यूशनल बॉडी थी और न ही स्टैट्यूटरी बॉडी थी। इसी कारण से इनको इस तरह का दर्द हो रहा है।

इसी तरह से रेग्युलेटरी बॉडी की बात आती है। आरबीआई एक रेग्युलेटरी बॉडी है। न आपने रेग्युलेटरी बॉडी बनाई, न आपने कांस्टीट्युशनल बॉडी बनाई। स्टैट्यूटरी बॉडी बनाई, इसका मतलब आपका इरादा उसी तरह का था।

दूसरा, शशि थरूर साहब ने एक क्वोट किया । वे अभी सदन में उपस्थित नहीं हैं । उन्होंने एजुकेशनल क्वालिफेकशन की बात कही । इन्होंने ऐसे-ऐसे इन्फॉर्मेशन कमिश्नर बनाए, यदि इनके ऊपर कोई चार्ज आ गया, जैसे बाल भवन, विकास भवन, इंदिरा भवन, राजीव भवन, इनके ढेर सारे भवन हैं । यह आचार्युलू का जजमेंट है । मैं इसे लेकर आया हूं । यह आरटीआई एक्टिविस्ट के बारे में क्या कहता है? इनफोर्मेशन कमिश्नर कह रहा है कि

> "Therefore, the Commission admonishes the appellant for this misuse of the RTI Act just for the sake of vengeance forcing them to devote all their valuable time, energy, etc. The appellant had chosen to send e-mail directly to the Commission. This finally disposes of all his appeals on this matter, directs the appellant that he shall not repeat such RTI requests, and directs the respondent authority not to cause wastage of public resources in responding to a repeated, frivolous and harassing RTI application from the appellant."

यह इस तरह का आपका बनाया हुआ था, जिसके आधार इतना बड़ा हंगामा किया, अपने दिल से जानिए पराये दिल का हाल, इनका जो हाल है । यह मेमो डीओपीटी का 19 जुलाई, 2010 है, ये कह रहे हैं कि हम पूरी ताकत ले लेना चाहते हैं, सरकार ट्रांसपरेंट नहीं है, पूरे अपोजीशन ने इतना हंगामा किया । यह 19 जुलाई, 2010 डीओपीटी का नोटिफिकेशन है । यह नोटिफिकेशन क्या कह रहा है, एनुअल रिपोर्ट ऑफ सीआईसी एसीआर बनाएगी । उस वक्त आपको समझ में नहीं आ रहा था कि आप किस तरह से डीओपीटी को कंट्रोल कर रहे हैं । आपको यह दिखाई नहीं दे रहा था और यदि दिखाई दे रहा था तो उस वक्त बहुत अच्छा था । यदि आप करें तो बहुत अच्छा, यदि हम करें तो बहुत खराब । दूसरा, मैं आपको बता रहा हूं, यह दूसरा लेटर है, इन्होंने चीफ सेक्रेटरी को चिट्ठी लिखी । अपने दिल से जानिए पराए दिल का हाल । इन्होंने आरटीआई एक्ट का बुरा हाल कर

दिया । यह चिट्ठी 22 मई, 2009 की है, डीओपीटी ने इसे सभी चीफ सेक्रेटरी को भेजा, यदि इन्होंने आरटीआई को पूरी स्वतंत्रता ही दे रखी थी तो यह लेटर देने की क्या आवश्यकता थी । मैं उसका ऑपरेटिव पार्ट पढ़ रहा हूं, "It is observed that the Central Information Commission and some State Information Commissions are taking decisions on the complaints and appeals by constituting Benches. The matter has been examined in consultation with the Department of Legal Affairs who have pointed out that the Central Information Commission or the State Information Commissions could function through Benches only if there was a specific provision in the Act regarding constitution of Benches. In view of this legal position, you are requested to advise the State Information Commission that decisions on the complaints and appeals should be taken by the State Information Commission only as per the RTI Act, 2005." आप डीओपीटी के माध्यम से इस तरह का अप्लीकेशन डाल रहे हैं । मैं डीओपीटी की हजारों चिट्ठियां क्वोट कर सकता हूं । आपने आरटीआई एक्ट का सब्जी, बैंगन और भाजी बना दिया । हम इसे मजबूत करना चाहते हैं, हम जनता को अधिकार देना चाहते हैं इसीलिए मेरा सरकार से आग्रह है कि इसे हर हालत में जल्दी से जल्दी पास कीजिए और एक रूल और रेग्युलेशन बनाइए । जय हिन्द, जय भारत ।

श्री दिलेश्वर कामैत (सुपौल): सभापति महोदया, आपने मुझे सूचना का अधिकार (संशोधन) विधेयक, 2019 पर बोलने का अवसर दिया, इसके लिए आपका आभार प्रकट करता हूं ।

महोदया, सरकार के कामकाज के बारे में उससे सवाल पूछने की आजादी लोकतंत्र की कसौटी है । वर्ष 2005 में यह कानून लागू हुआ तथा भारत के नागरिकों को सवाल पूछने का हक मिला । किन्तु उस कानून में बहुत सी कमियां थीं जिसे इस संशोधन के माध्यम से सुधार करना लाजिमी हो गया था । यह नागरिकों के लिए एक बहुत बड़ा हथियार है । इस कानून के माध्यम से भ्रष्टाचार पर लगाम लगाई जा सकती है । नागरिकों का सशक्तीकरण करने की दृष्टि से और सरकार के कामकाज में पारदर्शिता लाने के लिए उत्तरदायित्व की भावना पैदा करने के उद्देश्य से यह संशोधन बहुत ही महत्व रखता है ।

सूचना आयुक्तों को संवैधानिक संस्था के बराबर दर्जा इसलिए दिया गया है ताकि वे स्वतंत्रता और स्वायत्तता के साथ काम कर सकें । सूचना आयुक्तों के पास यह अधिकार होता है कि सबसे बड़े पदों पर बैठे लोगों को आदेश दे सकें कि वे एक्ट के नियमों का पालन करें ।

सभापति महोदया, इस संशोधन बिल में यह प्रावधान किया गया है कि अब से केन्द्र सरकार यह तय करेगी कि केन्द्रीय सूचना आयुक्त और राज्य सूचना आयुक्त कितने समय के लिए पद पर रहेंगे तथा उनके वेतन-भत्ते एवं सेवा की अन्य शर्तें पदावधि इत्यादि केन्द्र सरकार द्वारा निर्धारित की जाएगी ।

16.55 hrs (Hon. Speaker *in the Chair*)

बिहार में यह एक्ट काफी कारगर साबित हो रहा है । यदि इस एक्ट में संशोधन हो जाता है तो सभी स्तरों पर इस कानून के तहत काम होगा । फलस्वरूप जन शिकायतों के समाधान में यह कानून काफी सफल साबित होगा । निर्धारित समय सीमा के अंदर यदि किसी अधिकारी व जिम्मेदार कर्मचारी ने अपने कर्तव्य का निवर्हन नहीं किया तो वह आर्थिक दंड का भागी होगा । अत: इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूं ।

माननीय अध्यक्ष: माननीय सदस्य, आप विधेयक पर बोल रहे हैं, पढ़कर नहीं बोलना है ।

…(व्यवधान)

माननीय अध्यक्ष: जिन माननीय सदस्यों को विधेयक पर बोलना है, पढ़कर बोलना है तो मैं माननीय सदस्यों से आग्रह करूँगा कि विधेयक पर पूरा लिखा हुआ पढ़ने के लिए सदन नहीं है । ठीक है!

…(व्यवधान)

SHRI P. RAVEENDRANATH KUMAR (THENI): Hon. Speaker Sir, thank you for the opportunity given to me to speak on behalf of my AIADMK Party.

Right to Information Act is not only a tool to receive information from the public authorities, but it also redresses the grievances of the common people. When we implement the Right to Information Act effectively with timely response to applications seeking information, it promotes transparency and accountability in the working of every public authority. I will conclude shortly.

I hope our hon. Minister will inform this august House about the steps taken by the Government for finalizing criteria including qualifications, categories from which the Commissioners will be appointed, structure of salary and allowances, the purview of the authority of Commissioners being appointed by the Government.

After passing the Right to Information Act, 2005, it was enforced in my State of Tamil Nadu in a full-fledged manner by constituting the Tamil Nadu Information Commission in the year 2006 and from the year of inception to calendar year 2017, the State Commission has received

30,00,212 applications and disposed 26,80,689 applications and thereby reached the functionary percentage at 89.35 per cent.

I am sure that the proposed amendments will make the Commission to function in a most transparent manner providing information of various public authorities.

Once again, I suggest the Government to take necessary action for filling up all vacant posts of Information Commissioners across the country, so as to reduce the pendency of applications under the RTI Act.

Therefore, I support this Bill.

***SHRI THOL. THIRUMAAVALAVAN (CHIDAMBARAM):** Hon. Speaker Sir, Vanakkam. I strongly oppose this amendment Bill. In this parliamentary democracy we have done a commendable work in the welfare of the citizens of this country by ensuring their Right to Information through an Act. We can take pride and appreciate in calling this Act as a revolutionary measure in our parliamentary democracy. But on the contrary, this Government is into dismantling the Organizational structure against the wishes of the people and snatching away the rights of citizen to information. The powers of Chief Information Commissioner and State Information Commissioner are being diluted. This Government has introduced amendments in such a way that these Information Commissioners can be removed from the posts at any point of time and can be threatened. The BJP Government wants to create a situation in which they can appoint any persons of their choice in such posts. This is a dishonesty on the part the Government which is against

the voters and citizens of this country. Therefore, if this is a pro-people Government, which has faith complete on democracy, it should only try to strengthen the Act instead weakening it. I want to stress that the Government should never indulge in diluting the provisions of this Act. I strongly condemn and oppose the move of this BJP Government in bringing such an amendment Bill against the wishes of the voters, citizens and people of this country. This is something that will destroy the basic structure of our Constitution. Hon. Supreme Court in its verdict has categorically stated that the Government can bring changes or amendments to the Constitution without affecting its basic structure. This is more important. This Government has brought this Bill affecting the basic structure of our Constitution. Hence this Government is against the interests of the people of this country. This Government is against the democracy, democratic values and the constitution of India. I therefore urge upon the Hon Minister to withdraw this amendment Bill or refer it to the Standing Committee of Parliament for further consideration. Thank you for this opportunity. Vanakkam.

17.00 hrs

डॉ. जितेन्द्र सिंह: धन्यवाद अध्यक्ष महोदय । मैं इस चर्चा को बड़े ध्यान से सुन रहा था । इसमें जिन माननीय सदस्यों ने भाग लिया उनका आभार है । मेरा दायित्व है कि सबसे पहले मैं सबका नाम लेकर, उसकी एक्नो**लि**जमेंट करूं । आदरणीय श्री शशि थरूर जी, श्री जगदम्बिका पाल जी, श्री ए.राजा जी, प्रो. सौगत राय, श्री रघु राम राजू जी, श्री माणे जी, श्री महताब साहब, श्री दानिश अली, श्री दत्तात्रेय, श्री विष्णु दत्त शर्मा, श्री कार्ति चिदम्बरम, श्री जयदेव, श्रीमती

सुनीता दुग्गल, श्री पी.आर.नटराजन, श्री हसनैन मसूदी, श्री ई.टी.मोहम्मद बशीर, श्री सुब्बाराव, ओवैसी साहब, श्री एन.के.प्रेमचन्द्रन जी, श्री निशिकांत दुबे जी, श्री कामैत जी, श्री रविन्द्रन जी एवं श्री वलवन जी ।

सबसे पहले मुझे शशि थरूर जी को धन्यवाद करना है, जिन्होंने चर्चा का आरंभ किया । He called me a decent man. So, I am pleasantly delighted to learn this about myself. And I am sure, the other Members of the House will also take him seriously.

DR. SHASHI THAROOR : We encourage you to behave like a decent man.

DR. JITENDRA SINGH: Along with that, Sougata *da* has also been a source of inspiration. He called me a nice man. As far as Premachandran ji is concerned, we have been academically interacting for many years. He called me a gentleman. So, I am carrying home these three compliments very seriously because they come very seldom across the floor. इसके अतिरिक्त बहुत टीका-टिप्पणी हुई, कुछ-कुछ नुक्ताचीनी भी हुई । सच पूछिए तो मेरा यह स्वभाव नहीं है कि मै नाराज या उत्तेजित हो जाऊं । जैसे एक गीत है- 'तुझसे नाराज नहीं जिन्दगी, हैरान हूं ।' कुछ-कुछ टिप्पणियां सुनकर मैं थोड़ा हैरान भी हुआ । हमारे एक माननीय सदस्य कह रहे थे कि – 'इतना घोर पाप हो रहा है, इतना बड़ा जुर्म हो रहा है कि फ्रीडम ऑफ स्पीच भी खत्म, सब कुछ खत्म । कहना अच्छा नहीं लगता क्योंकि उस पर बवाल खड़ा हो जाएगा । मेरे ऊपर बिल पास कराने की जिम्मेवारी है । आज तक हम यह समझ बैठे थे कि सबसे अधिक कालखंड वह इमरजेंसी का था, जिसमें फ्रीडम ऑफ स्पीच, फ्रिडम ऑफ एक्सप्रेशन …(व्यवधान)

SHRI A. RAJA (NILGIRIS): That was a declared Emergency and, now, this is an undeclared Emergency.

डॉ. जितेन्द्र सिंह: बहरहाल जैसा मैंने कहा हैरान हूं, नाराज नहीं । एक माननीय सदस्य अभी बाहर गए हैं, उन्होंने कहा कि बुलडोज़र चलाया जा रहा है । किसने कब चलाया, किसके शासनकाल में बुलडोज़र चले, हम सब जानते हैं । इसके बारे में उल्लेख नहीं करना है, क्योंकि जैसे मैंने कहा, मेरे ऊपर जिम्मेवारी है कि इस बिल पर सामन्य चर्चा हो और पास हो । Jayadev is a good friend. We have a mutual liking for each other.

I was pleasantly amused by his harsh criticism. I was asking myself, why did I not bring this Bill just about four months back. He would have been appreciable of it. I hope, you understand what I am saying. The sides have changed.

It was also very delightful to see young Karti Chidambaram taking a very high moral ground. …(*Interruptions*)

माननीय अध्यक्ष: माननीय मंत्री जी, प्लीज डिसटर्बेंस मत कीजिए ।

डॉ. जितेन्द्र सिंह: ओवैसी जी बाहर चले गए, उन्होंने मेरे व्यक्तिगत विषय में दो बातें कहीं । एक बात कही कि पढ़े-लिखे हैं, लेकिन इनमें इल्म की कमी है । शायद सेन्ट्रल हॉल में सुन रहे होंगे । दूसरी बात कही कि कुछ-कुछ बचकाना भी लिखा है । अब यह सच है ओवैसी जी, कि अगर खुदा ने हमें इल्म नहीं बख्शा तो शायद अच्छा ही किया । शाहिद लुधियानवी ने एक बच्चे के लिए नज्म लिखी है, उसमें यह लिखा है:

“वो इल्म जो इंसान को इंसान न रहने दे,

उस इल्म का इल्जाम अभी तुझ पर नहीं है ”

जो बच्चा होता है, उस पर इल्म का इल्जाम नहीं रहता और इसलिए वह इंसान इंसान रहता है, इंसान में कोई फर्क तमीज़ नहीं करता ।

Premachandran *ji* is a very studious person. He referred to this Bill being an insult to the Constitution, an insult to the Parliament, an insult to the Judiciary and, I think, an insult to everything except he and me. But, nevertheless, in the course of my reply, I will try to answer each of these things. कभी-कभी शायद कहना अच्छा नहीं लगता, कुछ-कुछ ऐसी बातें भी आई हैं, जो बिल में नहीं है, जैसे कहा गया बार-बार, hon. Member after Member, यह लिखा गया कि the terms and conditions will be specified by the Government of India or by the Central Government. सच्चाई और हकीकत, यह है कि इस शब्दावली का उपयोग ही नहीं हुआ । I think, somewhere because of our apprehensions and misgivings about the Bill – I will not say prejudice because that is not a polite word because I have been called a decent man only a few minutes ago – we have tended to believe that. जैसा मैंने उस दिन भी कहा था कि:

"वह बात सारे फ़साने में जिसका जिक्र न था,
वह बात उन पर बड़ी नागवार गुजरी है ।"

यह कही नहीं लिखा है । The only small phrase used in the advertisement of the DoPT is, 'All this shall be determined as may be specified'. It could be specified even as it exists in the Act today because that deliberation is still to be undertaken. So, I think, somewhere it would be unfair rather to assume what is still to be deliberated upon.

But, nevertheless, now coming to the reply as such, at the outset, let me use this opportunity to say कि जहां तक मोदी सरकार का संबंध है, there is nothing to hide. बार-बार कहा गया कि क्या छिपाया जा रहा है, क्या छिपाया जा रहा है । There is nothing to hide, इस बात का प्रमाण देश की 130 करोड़

जनता ने दिया । विश्व का सबसे बड़ा चुनाव हुआ, जिसमें 60 62 करोड़ से ज्यादा लोगों ने मतदान किया । अब जब हम वहां जाते हैं, तो कहा जाता है कि पार्लियामेंट में जाइए, जब पार्लियामेंट में आते हैं तो कहा जाता है कि जनता की अदालत में जाइए और जहां तक हमारी प्रतिबद्धता का संबंध है, सरकार बनते ही वर्ष 2014 में यह कहा गया कि 'Maximum Governance, Minimum Government', which is a phrase which has been used by different people in different contexts sometimes even to hurl some sarcastic observations about us. लेकिन इसका मूल अर्थ यह है कि पारदर्शिता हो, नागरिक भागीदारी हो, and the highest regard for all the institutions which I think has happened, and सरलीकरण हो because it is both the ease of governance, the ease of delivery which would also, in this case, imply the ease of delivery of the RTI Act.

हमने लगभग पांच वर्षों में डेढ़ हजार से ज्यादा पुराने कानून और रूल्स इसलिए समाप्त किए because we thought it was obsolete. It was not an ordinary thing. It was rightly suggested by Sougata *da* that I am always above the partylines. I am honestly making these observations above partylines. Every Government, whichever is the Party, always takes pride in saying देखिए, हम यह कानून लेकर आए, देखिए, हमने यह कानून बनाया । Here was the Government which was not hesitant to take pride and we did away with nearly 1500 Acts. सरकार बनने के चार महीने के भीतर ही जो सबसे पहला कानून खत्म किया गया, which was a legacy of the British empire कि गजेटेड अफसर से आपका सर्टिफिकेट्स अटेस्ट कराना है । Since we had the good fortune by default for being in Opposition for over half a century, we had the opportunity to be tutored by the hardships on the ground. The kind of background where I come from जब हम 9वीं या दसवीं कक्षा में पहुंचते थे और कहा जाता था कि गजेटेड अफसर से हस्ताक्षर कराइए, तब हमारे आगे, पीछे या दूर-दूर तक कोई गजेटेड

अफसर होता ही नहीं था । हम 13-14-15 वर्ष के बच्चे यह कल्पना करते थे कि गजेटेड अफसर कैसा दिखता होगा । उसकी दो नाक होगी, तीन कान होंगे, कोई बड़ा अफसर होगा । I am talking of quite a few decades ago and coming from the kind of background that many of us have come from एक बार 11वीं कक्षा में एक सर्टिफिकेट अटेस्ट कराने के लिए, कहना अच्छा नहीं लगता है, मुझे पांच रुपये भी देने पड़े which was a huge amount and I did not carry that kind of amount and a friend spared that amount. इस प्रथा को समाप्त करके, इस सरकार ने देश भर में यह संदेश भेजा कि look here, here is the Government which has the capacity to trust the youth of this country and why not, if in India today, 70 per cent of the population is comprised of youth, how are we going to do business if we cannot trust them? And if they are not trustworthy, because at that time also it was asked, what if a youngster fudges with the certificate. I said then the fault lies with those who have educated him, who have groomed him – his parents, his educationists, his teachers. इसलिए उसके कुछ ही महीने बाद छोटे पदों के लिए इंटरव्यू समाप्त कर दिए गए । बहुत से लोगों ने कहा, मैं पक्ष या विपक्ष की बात नहीं कर रहा हूं, मेरे अपने मित्रों में कहा कि यह क्या हो रहा है, हम अपने लोगों को कहां एडजस्ट करेंगे, चुनाव में कैसे जाएंगे । ऐसा हुआ है, लेकिन वह एक बहुत बड़ा पाप हो रहा था । एक उम्मीदवार 100 में से 10 अंक लाता था और उसे इंटरव्यू में आप 100 में से 90 अंक देकर पास करें । …(व्यवधान)

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): It has nothing to do with the RTI Act. …(*Interruptions*)

DR. JITENDRA SINGH: I will come to that. I will come to that. …(*Interruptions*) If you can abuse the Modi Government left and right, I have the prerogative to establish the credentials before I come to respond to you *per se* अभी ऐसा लगा कि तीन-चार साल में पता नहीं कितने

घोटाले हो गए हैं, जिनको छिपाने के लिए ऐसा किया जा रहा है । Do I not have the right to respond to that? हम डिजिटल प्रमाण पत्र लाए । …(व्यवधान) हां, लगाइए न आरटीआई । उससे यह सब निकलेगा । …(व्यवधान) आप आरटीआई लगाइए । …(व्यवधान) आरटीआई लगाना चाहिए कि सेल्फ अटेस्टेशन पहले क्यों लागू नहीं हुआ? …(व्यवधान) आरटीआई लगे कि सेल्फ अटेस्टेशन पहले क्यों नहीं चालू किया गया? …(व्यवधान) आरटीआई लगे कि 65 वर्ष तक इंटरव्यू की प्रथा समाप्त नहीं करने के लाभार्थी कौन थे? इसकी इन्कायरी की जाए । …(व्यवधान) Let us inquire into the appointments of the last 60 years. यही नहीं, हमने जज्बात निभाए, उसूलों की जगह । We started digital certificates for the pensioners and for the elderlies.

जो पेंशन लेने जाते थे, तो उनसे डॉक्टर का सर्टिफिकेट लिया जाता था । But we have the technology and we made use of that.

Anyway, now, I am coming straight to RTI so that when everybody is praising me, I do not want, at the end of the day, Adhir, *Dada* to go unhappy.

श्री अधीर रंजन चौधरी : एब्यूज कहना ठीक नहीं है, मैंने एब्यूज नहीं किया है, मैंने क्रिटिसाइज किया है ।…(व्यवधान)

DR. JITENDRA SINGH: I know you will never do it and Dr. Shashi Tharoor Ji behind you is supportive of that.

Now, coming straight to RTI, as far as RTI is concerned, let me first make it clear this Government has been absolutely committed, as in other wings of governance, to ensure full transparency and full accountability. For example, it is this Government which introduced a portal of RTI, which was also being referred by one of the hon. Members. Now the RTI is available on your mobile App. You can file an RTI application during any part of the day, day or night. जैसा कि मैंने उस

दिन भी कहा था कि रात बारह बजे के बाद भी ज्ञानोदय हो, तो रात को उठ कर आरटीआई डाल दें । Under section 4 of the RTI Act of 2005, which was inherited by us, there is a provision that *suo motu*, you must provide maximum information available in the public domain so that the number of RTI is reduced and the need for RTI itself tends to get eliminated.

Today, in the last five years, we have moved on a fast track and you can see most of the websites are so active. At least, in the DoPT, the Department that we are discussing today, even before an appointment letter or an empanelment letter reaches the officer concerned, it is already there in the website. He does not have to wait for it. आईसीज की नियुक्ति की बात आई है कि आपके चार पद खाली हैं । अब आंकड़ों का हिसाब लगाना अच्छा नहीं लगता है । But if you go back, there have been occasions before 2014 where even five vacancies were existing and the Commission was working. I have all the charts. One of them is related to 2013. One is of earlier to that. I am not believing that Government or the then Government. You see, it is a multifactorial outcome. Sometimes, 2-3 ICs end their term almost simultaneously. Sometimes, the other one takes over. हमारे यहां होता यह था कि हम चार-चार बार सेलेक्शन कमेटी की मीटिंग बुलाते थे और क्षमा कीजिएगा, मल्लिकार्जुन खड़गे साहब चिट्ठी भेज देते थे और खुद नहीं आते थे । Then, we had to postpone it without holding any grudge against anybody. So, there could be reasons. So, let us not get into just scoring a point without the figures available. We got Assistant Public Information Officers designated through the post offices. This also happened in the last five years. Of course, the idea was conceived earlier but it was carried forward very vigorously so that we could actually decrease the pendency.

We are dealing with grievances. CPGRAM -- this is also part of the redressal of grievances -- has been made very active. I am talking absolutely based on the figures on record. जब वर्ष 2014 में यह सरकार आई, तो हमारे पास साल में दो लाख कंप्लेंट्स, ग्रीवांसेज आती थीं और आज 16 लाख ग्रीवांसेज आती हैं। जब यह बात किसी मीडिया में गई तो किसी पत्रकार ने कहा कि क्या मोदी सरकार के खिलाफ शिकायतें बढ़ गई हैं, तो मैंने ग़ालिब का एक शेर बोला। यहां पर ओवैसी साहब नहीं है, शायद मैं उनके इल्म में थोड़ा-सा योगदान करता।

जब तव्वको ही उठ गई ग़ालिब,

क्यों किसी का गिला करे कोई।

You lodge a grievance where you have the expectation of redressal. We became so proactive that the number of grievances went up to 16 lakhs in the just concluded year. So, I am talking of the overall right to information, redressal of grievance and citizen's involvement in what we were doing. अब नई बिल्डिंग का निर्माण हो गया है। पहले इंफॉर्मेशन कमिश्नर किराये पर रहते थे। वे 60 साल किराये पर रहे। इस सरकार ने 60 साल की किरायेदारी से मुक्ति दिलाई। Now they have their own building. वर्ष 2005 में आरटीआई एक्ट बना। I agree with Adhir Da. We must give due credit to all those who were party to it. परन्तु होता यह है कि समय बीतने के साथ-साथ तकाज़े बदल जाते हैं।

It need not be this party or that party. We grow to learn; we live to learn. The requirements change. That is why, the technology came in and we made full use of it.

कुछ चीज़ें अनुभव के साथ आती हैं। इसीलिए, यह ध्यान में आया कि इस आरटीआई एक्ट में कुछ-कुछ धाराएं ऐसी थीं, जैसा कि मैंने इनट्रोडक्शन के

समय भी कहा, कि शायद बहुत ज़्यादा उत्साह में कहीं न कहीं, कुछ-कुछ छूट गया । मैं यह भी नहीं कहूंगा कि जल्दबाज़ी से छूटा या कुछ और इरादे थे, लेकिन कहीं से कहीं कुछ छूट गया । One of the missing links was that there was no provision to frame rules in the RTI Act, which normally should have been there. लेकिन उसमें ही इनहैरिट बना दिया, जैसे था । अब अगर इसको बनाया जाता है और सदन में चर्चा कर के बनाया जाता है तो मुझे नहीं लगता कि उसमें कोई आपत्ति की बात है ।

अब धाराएं आती हैं, ये कौन सी धाराएं हैं, जिनका इस बिल में उल्लेख हुआ है । मैं इससे पहले एक और बात करूंगा, जिसके ऊपर ओवैसी साहब ने तो बड़ी करारी तक़रीर दी कि रियासत के हुकूक़ का हनन हो रहा है ।

माननीय अध्यक्ष : माननीय मंत्री जी, जो माननीय सदस्य सदन में उपस्थित नहीं हैं, उनका आप आज के बाद जवाब मत दिया कीजिए ।

डॉ. जितेन्द्र सिंह : ठीक है, अध्यक्ष जी ।

माननीय अध्यक्ष : जब माननीय सदस्य बोलकर चले जाते हैं, तो उनका जवाब भी आप क्यों दें ।

…(व्यवधान)

माननीय अध्यक्ष : बात गलत तो नहीं है?

…(व्यवधान)

माननीय अध्यक्ष : माननीय सदस्य जब बोलें तो उनको जवाब भी सुनना चाहिए ।

…(व्यवधान)

डॉ. जितेन्द्र सिंह : अध्यक्ष जी का कहना सर-माथे पर । …(व्यवधान)

माननीय अध्यक्ष : सर-माथे पर नहीं, यह निर्देश है ।

…(व्यवधान)

माननीय अध्यक्ष : आज के बाद जो माननीय सदस्य बोलेंगे ।

…(व्यवधान)

डॉ. जितेन्द्र सिंह : इससे हमारा काम भी सरल हो जाएगा । …(व्यवधान) कुछ और माननीय सदस्यों के मन में भी यह शंका थी कि आप प्रदेश के लिए नियम बनाने लगे । …(व्यवधान) आप प्रदेश के इनफॉर्मेशन कमिश्नर्स के विषय को लेकर नियम बना रहे हैं और इस प्रकार आप उनके फेडर्ल स्ट्रक्चर के ऊपर किसी प्रकार का प्रहार कर रहे हैं । …(व्यवधान)

आप देखिए, जैसा कि मैं कह रहा था, शायद इसको पढ़ने में कुछ माननीय सदस्यों को समय नहीं लगा होगा । यह जो आरटीआई एक्ट बनाया गया था, जो हमने नहीं बनाया था, हमसे पहले बना था, it comes at Entry No. 97, List-1 of the Central List in the Seventh Schedule of the Constitution, which is neither the Second List, the State List nor the Concurrent List, the Third List. दूसरे शब्दों में जो स्टेट के कमिश्नर्स के लिए नियम थे या जो प्रावधान उन पर लागू हुए हैं, वे भी वही थे जो उस समय आरटीआई एक्ट के तहत तत्कालीन यूपीए सरकार ने बनाए थे, यह हम नहीं करने जा रहे हैं । This is part of the RTI Act because RTI is through this List which has a residuary power.

That apart, I do not think that motives need to be attached either to this Government or the predecessor Government. And, if it is being mentioned, maybe this has not been fully understood.

If you want, I can explain Article 248. Article 248 under Entry 97 of the Union List of the Constitution of India assigns the residuary powers of legislation exclusively to the Union. I did not do that. This Government did not do that. The then UPA Government, which framed the RTI Act brought in this provision. Therefore, if no entry in any of

the three Lists covers the piece of legislation, it must be regarded as a matter not enumerated in any of the three Lists and belongs exclusively to Parliament under Entry 97 List-1. So, the RTI Act originally, which was framed in 2005 gave the Parliament and gave the Centre the powers to frame rules even for the States. So, the federal sanctity is same as it was in 2005.

अब इसमें कुछ अमेंडमेंट्स आए हैं । As I said that day, I do not hesitate in repeating that it is an enabling legislation. इसमें आरटीआई की अटॉनमी, उसकी स्वायत्ता, उसकी स्वतंत्रता और उसके अधिकार क्षेत्र पर किसी प्रकार का हस्तक्षेप नहीं है । I will be able to explain this in just two or three minutes. We are taking up for discussion and deliberation only three Sections.

सैक्शन-27 के बारे में जैसा कि मैंने कहा, इसको अमेंड, संशोधित किए बिना आपको यह अधिकार नहीं प्राप्त होगा कि आप रूल्स फ्रेम करें । इसके बाद सैक्शन-13 आता है । इसमें पार्ट-1 और पार्ट-2 हैं । सैक्शन-13(1) सेंट्रल इनफॉर्मेशन कमिश्नर्स और इनफॉर्मेशन कमिश्नर्स के टैन्योर ऑफ ऑफिस और सैक्शन-13(2) उनके पर्क्स और सैलरीज़ आदि के साथ डील करता है । We are still to deliberate it. हम यह अज़्यूम न करें कि हम उनकी सैलरी कम करने लगे हैं, हम उनका गला घोंटने लगे हैं, हम उनको अपने दबाव में लाने लगे हैं ।

We are yet to deliberate on that. Section 16 is the one which deals with the State Commissioners and the State Chief Commissioner or the State Information Commissioner in the same manner as section 13 deals with the Central Commissioner. अब जहां तक ऑटोनोमी की बात है, यह सेक्शन 12(4) है ।

I am not a lawyer. I have been a student of science, more particularly a student of medical science. So, I have absolutely no familiarity with law. But I am glad that I was inspired by my lawyer friends to read all these things last night to be able to stand before you.

In this Act, section 12 (4) is the one which deals with autonomy. That has been left untouched. उसकी तो कोई बात ही नहीं हो रही है । अभी जज मसूदी साहब भी उस चिंता को प्रकट कर रहे थे, जिसके माध्यम से इसको स्वतंत्रता मिलती, ऑटोनोमी मिलती है । Section 12 (3) deals with selection of Information Commissioner. अब यह कहा है कि आप अपने लगाएंगे । यह जो लगाने वाला या नियुक्ति करने वाला प्रावधान है, वह तो वैसे का वैसा ही है । उसकी चर्चा ही नहीं हो रही है ।

दूसरी बात यह है कि फिर यह कहा गया कि बड़े घोटाले किए गए हैं, शायद उसके लिए कर रहे हैं । Let me make it clear – I am saying this across the party lines – this is not something which has happened very subjectively. This is not an opinion which has emanated only from the treasury benches or from the Government alone. This is also an opinion held in a wider section of society and most notably even before this Government came in. In 2013, there was a famous Supreme Court judgement which was called Rajiv Garg versus the Union of India which called for uniformity in services. Therefore, as I said, this is more for streamlining, institutionalising or rather bringing in ease. मैंने आपको फ्रीडम ऑफ 2(27) बता दिया है । As I said, this is an evolving process. Even before 2005, we had Freedom of Information Act which came somewhere in 2002. At that time it was NDA which was in power. I deliberately did not go into that. मैंने कहा फिर से बवाल शुरू हो जाएगा कि आपने किया या हमने किया, लेकिन मुझे तो बिल पास करवाना है । This was actually being conceived across the party lines. With due credit to that

Government they had already started deliberating on these lines. That Freedom of Information Act of 2002 was carried forward by the next Government and finally evolved into Right to Information Act, which was introduced in December, 2004, just six months after the NDA Government went out of power. So, obviously the process had been going on and it became an Act in 2005. Under that, exemptions were given under section 24 (1) to certain intelligence and security agencies. In that Act itself, it was decided that we will have ten plus one number of members, ten Information Commissioners and one Central Information Commissioner. Even in that Act, the backgrounds from which they have to be preferably selected were given, like administration, law, media, technology, management, social service, etc. यह तो सवाल ही पैदा नहीं होता है कि मैं अपने संगठन से उठाकर किसी को लगा दूंगा । यह भी आरोप बीच-बीच में आता रहा । आर.टी.आई. के लिए दस रुपये दिए जाते थे, वह तो हमने बढ़ाए नहीं है, लेकिन कीमतें बढ़ गई हैं । जैसे ओवैसी साहब कह रहे थे कि चौकीदार भी डाल सकता है तो यह चौकीदार की सरकार है । हम इसमें हरेक चौकीदार का सशक्तीकरण करने का प्रण किए हुए हैं । आर.टी.आई. अवेयरनेस के लिए कॉल सेंटर्स खुल चुके हैं । We have introduced RTI fellowships to spread awareness because, one of the hon. Members said some of the vested interests have taken over this task of filing RTIs. Then came a complaint about the pendency.

बार-बार यह कहा गया कि इतनी पेंडेंसी बढ़ गई, इतनी पेंडेंसी बढ़ गई । जैसा कि मैंने कहा कि थोड़ा सा हम इसको देख लेते हैं. So, I gathered this figure. In 2014, when this Government came to power, the number of pendency of RTI was 37,323. Then the rate of pendency was progressively reduced. In 2015-16, it came down to 34,982; in 2016-17, it came down further to 26,559; and in 2017-18, it came down to 23,541. As on June, 2019, as was rightly pointed out by Shri Sashi Ji, the

pendency is 33,855. The figure which he quoted is an accumulative figure. Otherwise, if you see the figure year-wise, you will find that the rate has been reduced because of the factors which I mentioned earlier like portals, proactiveness etc.

I got a copy of the circulars and the advertisement letters which were put out by DoPT which clearly mention the specific terms at the time of the appointment of the selected candidates. In that case the Central Government or the phrase, 'Government of India' exist nowhere. …(*Interruptions*)

SHRI N. K. PREMACHANDRAN : Sir, after the selection for the concerned post of Commissioner, the terms will be fixed. It means that the observation made is being ratified because after the interview a particular person has been selected as a Commissioner, you will decide the term of office of the Commission. That is in the advertisement. That is why the Supreme Court has said that in the advertisement itself, the condition should be well stipulated. …(*Interruptions*)

DR. JITENDRA SINGH: I have carried that judgement of February, 2019 where the Supreme Court actually asked, what it was.

There is a proverb of Mr. Mark Twin in English. It says: "Economy is too serious a subject to be left to economists alone." So, law is too serious to be left to a lawyer alone. You are interpreting it as a professional lawyer. I am interpreting it in a different manner.… (*Interruptions*) ओवैसी जी, मैं आपसे मुखातिब था, लेकिन आप बाहर थे ।

माननीय अध्यक्ष: माननीय मंत्री जी, ओवैसी जी को कोई जवाब मत दीजिए । अगर बैठे-बैठे कोई माननीय सदस्य कुछ पूछें तो आप उसका जवाब मत दीजिए । मैंने पहले भी आपको बताया था ।

डॉ. जितेन्द्र सिंह : इसमें हमारा अभिप्राय यह है कि today we have come with these amendments. We do not have the authorisation to deliberate on this. If these amendments get passed, then the deliberation will be started. If not, then, it will be as already existing. Let us not assume that this means that we will do it now. Whatever be the position existing at that time, it will be applicable.

Let us take one by one as we proceed. I am not going into the other conditions as I said last time that there is of course some anomaly. The Central Information Commissioner is equivalent to Chief Information Commissioner, who, by implication, is equivalent to a Judge of the Supreme Court. His verdict is liable to be challenged in the lower court, that is, High Court. This is not something which I am saying. We have a huge number of court verdicts which have actually endorsed that we should go in for harmonisation of tribunals and we should also go in for uniformity of the bodies.

We also have the judgements which I have read earlier also where it has been mentioned time and again that a quasi-court or a quasi-body should not be taken as a court. A member of a body like this, should not have any misgivings about himself to be a judge of a Hight Court or Supreme Court. In order to make a demarcation, rather more well-defined between a statutory body and a constitutional body, this has come down.

Therefore, I think that, in all sincerity, this has been brought in with no motives; with nothing to hide; and with a number of judgements in the recent past also rather supporting it, but none of them opposing it. The opinion, as I said, has not emanated only from the Government

quarters, but it has been an opinion held across the sections of society. …(*Interruptions*)

DR. SHASHI THAROOR: Why not wait for a Standing Committee to go through this?

DR. JITENDRA SINGH : Therefore, I would humbly request that colleagues across the party lines to pass it as decently as Mr. Shashi has described me a decent person.

THE MINISTER OF PARLIAMENTARY AFFAIRS, MINISTER OF COAL AND MINISTER OF MINES (SHRI PRALHAD JOSHI): The time of the House may be extended up to 7 o'clock.

माननीय अध्यक्ष : क्या सभा की सहमति है कि सदन का कार्यकाल 7 बजे तक बढ़ाया जाए?

…(व्यवधान)

अनेक माननीय सदस्य : हां-हां ।

माननीय अध्यक्ष : सभा की कार्यवाही 7 बजे तक बढ़ाई जाती है ।

…(व्यवधान)

SHRI ADHIR RANJAN CHOWDHURY: Only up to 7 o'clock.

SHRI PRALHAD JOSHI: Shri Adhir Ranjan *ji,* I have told that the House may be extended only up to 7 o'clock.

माननीय अध्यक्ष : प्रश्न यह है :

"कि सूचना का अधिकार अधिनियम, 2005 का संशोधन करने वाले विधेयक पर विचार किया जाए ।"

श्री अधीर रंजन चौधरी: महोदय, हम डिवीज़न चाहते हैं ।

माननीय अध्यक्ष : ठीक है ।

प्रवेश-कक्ष (लॉबीज़) खाली कर दिए जाएं -

अब प्रवेश-कक्ष खाली हो गए हैं ।

…(व्यवधान)

-

ANNOUNCEMENT RE: DIVISION

माननीय अध्यक्ष : महासचिव जी ।

SECRETARY-GENERAL: Hon. Members, I have to inform that as the Division Numbers have not so far been allotted to Members, it is not possible to hold the Division by the automatic vote recording machine. Division will now take place under rule 367(aa) by distribution of slips. Members will be supplied at their seats with `ayes' and `noes' printed slips for recording their votes. `Ayes' slips are printed on one side in green, both in English and Hindi, and `noes' in red on its reverse. On the

slips, Members may kindly record votes of their choice by signing and writing legibly their names, identity card numbers, constituency, and State/Union Territory, and date, at the place specified on the slip.

Members who desired to record abstentions may ask for the abstention – yellow colour slip. Immediately after recording their vote, each Member should pass on the slip to the Division Officer, who will come to their seat to collect the same for handing over to the Officers at the Table.

Members are requested to fill in only one slip for Division. Members are also requested not to leave their seats till their slips are collected by the Division Officers. Thank you.

माननीय अध्यक्ष : प्रश्न यह है :

"कि सूचना का अधिकार अधिनियम, 2005 का संशोधन करने वाले विधेयक पर विचार किया जाए ।"

लोक सभा में मत-विभाजन हुआ :

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DIVISION **AYES** **17.45hrs**

Agrawal, Shri Rajendra

Ahluwalia, Shri S.S.

Ajgalley, Shri Guharam

Amarappa, Shri Karadi Sanganna

Ambareesh, Shrimati Sumalatha

Angadi, Shri Suresh C.

Baghel, Shri Vijay

Baghel, Prof. S.P. Singh

Baheria, Shri Subhash Chandra

Balyan, Dr. Sanjeev

Bapat, Shri Girish Bhalchandra

Barla, Shri John

Baruah, Shri Pradan

Basavaraj, Shri G. S.

Beniwal, Shri Hanuman

Bey, Shri Horen Sing

Bhabhor, Shri Jasvantsinh Sumanbhai

Bhagat, Shri Sudarshan

Bharat, Shri Margani

Bhargava, Shri Ramakant

Bhatia, Shri Sanjay

Bhatt, Shrimati Ranjanben

Bhatt, Shri Ajay

Bholanath 'B.P. Saroj', Shri

Bhoumik, Sushri Pratima

Bidhuri, Shri Ramesh

Bisen, Dr Dhal Singh

Bista, Shri Raju

Bohra, Shri Ramcharan

Chouhan, Shri Nihal Chand

Chatterjee, Shrimati Locket

Chaudhary, Shri P. P.

Chaudhary, Shri Pankaj

Chauhan, Shri Devusinh

Chavda, Shri Vinod Lakhamshi

Choudhary, Shri Bhagirath

Choudhary, Shri Chandra Prakash

Choudhary, Shri Kailash

Choudhary, Shri Pradeep Kumar

Dabhi, Shri Bharatsinhji Shankarji

Damor, Shri Guman Singh

Das, Shri Pallab Lochan

Devi, Shrimati Annpurna

Dharmapuri, Shri Arvind

Dhotre, Shri Sanjay Shamrao

Dubey, Dr. Nishikant

Dubey, Shri Vijay Kumar

Duggal, Sushri Sunita

Dwivedi, Shri Harish

Firojiya, Shri Anil

Gaddigoudar, Shri P. C.

Gadkari, Shri Nitin Jairam

Gangwar, Shri Santosh Kumar

Gao, Shri Tapir

Gavit, Dr. Heena Vijaykumar

Godse, Shri Hemant Tukaram

Gogoi, Shri Topon Kumar

Goswami, Shri Dulal Chandra

Gupta, Shri Sudheer

Hegde, Shri Anantkumar

Hembram, Shri Kunar

Jadav, Dr. Umesh G.

Jadon, Dr. Chandra Sen

Jaiswal, Dr. Sanjay

Jigajinagi, Shri Ramesh Chandappa

Joshi, Shri Pralhad

Joshi, Shri C. P.

Jyoti, Sadhvi Niranjan

Kachhadiya, Shri Naranbhai

Kamait, Shri Dileshwar

Kapoor, Shri Kishan

Kashyap, Shri Suresh

Kashyap, Shri Dharmendra

Kaswan, Shri Rahul

Katara, Shri Kanakmal

Kataria, Shri Rattan Lal

Kateel, Shri Nalin Kumar

Katheria, Dr. Ram Shankar

Kaushik, Shri Ramesh Chander

Khadse, Shrimati Raksha Nikhil

Kher, Shrimati Kirron

Kishan, Shri Ravi

Koli, Shrimati Ranjeeta

Krishna Raju, Shri Raghu Rama

Kumar, Shri Vijay

Kumar, Dr Virendra

Kumar, Shri P. Raveendranath

Kumar, Shri Bandi Sanjay

Kundariya, Shri Mohanbhai

Kushwaha, Shri Ravindra

Lalwani, Shri Shankar

Lekhi, Shrimati Meenakashi

Maharaj, Dr. Swami Sakshiji

Mahato, Shri Bidyut Baran

Mahato, Shri Jyotirmay Singh

Mallah, Shri Kripanath

Mandavi , Shri Mohan

Mandlik, Shri Sanjay Sadashivrao

Maurya, Dr. Sanghamitra

Meghwal, Shri Arjun Ram

Mendhe, Shri Sunil Baburao

Mishra, Shri Janardan

Munda, Shri Arjun

Muniswamy, Shri S.

Munjapara , Dr.(Prof.) Mahendra

Murmu, Shri Khagen

Nagar, Shri Rodmal

Naik, Shri Raja Amareshwara

Nishad, Shri Praveen Kumar

Nishank, Dr.Ramesh Pokhriyal

Oram, Shri Jual

Pal, Shri Krishan

Pal, Shri Jagdambika

Panda, Shri Basanta Kumar

Pandey, Shri Santosh

Paswan, Shri Chhedi

Paswan, Shri Kamlesh

Patel, Shri Parbatbhai Savabhai

Patel, Shrimati Sharda Anil

Patel, Shri Hasmukhbhai Somabhai

Patel, Dr.K.C.

Patel, Shri Prahalad Singh

Patel, Shri Gajendra Umrao Singh

Patel, Shri Devaji

Patel(Bakabhai), Shri Mitesh

Pathak, Shrimati Riti

Pathak, Shri Subrat

Patil, Shri C. R.

Patil, Shri Hemant

Patil, Shri Kapil Moreshwar

Patil, Shri Sanjay Kaka

Pawar, Dr. Bharati Pravin

Prasad, Shri Ravi Shankar

Prasad , Shri Chandeshwar

Pujari, Shri Suresh

Raghavendra, Shri.B.Y.

Rajoria, Dr. Manoj

Rajput, Shri Mukesh

Ram, Shri Vishnu Dayal

Ranjan, Dr R. K.

Rao, Shri Balli Durga Prasad

Rathod , Shri Dipsinh Shankarsinh

Rathore, Col. Rajyavardhan

Rathva, Shrimati Gitaben V.

Raut, Shri Vinayak Bhaurao

Rawat, Shri Tirath Singh

Ray, Shrimati Sandhya

Roy, Dr. Rajdeep

Roy, Dr. Jayanta Kumar

Sahu , Shri Chunni Lal

Sai, Shrimati Gomati

Saikia, Shri Dilip

Saini, Shri Nayab Singh

Sao, Shri Arun

Saraswati, Shri Sumedhanand

Sarkar, Shri Jagannath

Sarkar, Dr. Subhas

Saruta, Shrimati Renuka Singh

Satyavathi, Dr.Beesetti Venkata

Seth, Shri Sanjay

Shah, Shrimati Mala Rajya Laxmi

Sharma, Shri Ram Swaroop

Sharma, Shri Jugal Kishore

Sharma, Shri Vishnu Datt

Sharma, Dr. Mahesh

Sharma, Shri Anurag

Shejwalkar, Shri Vivek Narayan

Shetty, Shri Gopal

Shyal, Dr.Bharatiben D.

Siddeshwar , Shri G. M.

Sigriwal, Shri Janardan Singh

Simha, Shri Prathap

Singh, Shri Radha Mohan

Singh, Shri Pradeep Kumar

Singh, Shri Giriraj

Singh, Shri Sushil Kumar

Singh, Shri Brijendra

Singh, Shri Dharambir

Singh, Dr. Jitendra

Singh, Shri Sunil Kumar

Singh, Shri Pashupati Nath

Singh, Shri Rajbahadur

Singh, Shri Ganesh

Singh, Shri Rakesh

Singh, Shri Uday Pratap

Singh, Dr. Satya Pal

Singh, Shri Bhola

Singh, Shri Brijbhushan Sharan

Singh, Shri Virendra

Singh, Shri Arjun

Singh (Raju Bhaiya), Shri Rajveer

Singh Deo, Shrimati Sangeeta Kumari

Singh(Retd.) , Gen. Dr V. K .

Solanki, Dr. (Prof.) Kirit Premjibhai

Solanky, Shri Mahendra Singh

Soni, Shri Sunil Kumar

Sonkar, Shri Vinod Kumar

Soren, Shri Sunil

Surya, Shri Tejasvi

Swamy, Shri A. Narayana

Tadas, Shri Ramdas

Tamta, Shri Ajay

Teni, Shri Ajay Misra

Thakur, Shri Anurag Singh

Thakur, Sadhvi Pragya Singh

Tiwari, Shri Manoj

Tomar, Shri Narendra Singh

Tripathi, Dr. Ramapati Ram

Tripura, Shri Rebati

Udasi, Shri S. C.

Uikey, Shri Durga Das

Vasava , Shri Mansukhbhai Dhanjibhai

Vasava, Shri Parbhubhai Nagarbhai

Verma, Shri Rajesh

Verma, Shri Bhanu Pratap Singh

Verma, Shri Parvesh Sahib Singh

Yadav, Shri Krishna Pal Singh

Yepthomi, Shri Tokheho

NOES

Ali, Kunwar Danish

Annadurai, Shri C. N.

Antony, Shri Anto

Ariff, Adv. A. M.

Aujla, Shri Gurjeet Singh

Baalu, Shri T.R.

Baij, Shri Deepak

Bandyopadhyay, Shri Sudip

Basheer, Shri E. T. Mohammed

Chandra, Shri Girish

Chaudhary, Shri Santokh Singh

Chazhikadan, Shri Thomas

Chidambaram, Shri Karti P.

Chinraj, Shri A.K.P.

Chowdhury, Shri Adhir Ranjan

Dastidar, Dr. Kakoli Ghosh

Eden, Shri Hibi

Faizal P.P., Shri Mohammed

Galla, Shri Jayadev

Gandhi, Shrimati Sonia

Ganeshamurthi, Shri A.

Gnanathiraviam, Shri S.

Gogoi, Shri Gaurav

Jawed, Dr. Mohammad

Jayakumar, Dr. K.

Jothimani, Sushri S.

Kanimozhi, Shrimati

Khaleque, Shri Abdul

Khan, Shri Abu Taher

Khan, Shri Mohammad Azam

Kinjarapu, Shri Ram Mohan Naidu

Kora, Shrimati Geeta

Kunhalikutty, Shri P.K.

Lone, Shri Akbar

Mal, Shri Asit Kumar

Manickam Tagore, Shri B.

Masoodi , Shri Hasnain

Moitra, Sushri Mahua

Muraleedharan , Shri K.

Natarajan, Shri P.R.

Navaskani , Shri K.

Owaisi, Shri Asaduddin

Paarivendhar, Dr. T. R.

Pandey, Shri Ritesh

Parthiban, Shri S.R.

Poddar, Shrimati Aparupa

Pon, Shri Gautham Sigamani

Prakash, Adv. Adoor

Premachandran, Shri N.K.

Raghavan, Shri M.K.

Rahaman, Shri Khalilur

Raja, Shri A.

Ramalingam, Shri S.

Ramesh, Shri T. R. V .S.

Ray, Prof. Sougata

Reddy, Shri Uttam Kumar

Rehman, Shri Haji Fazlur

Roy, Shrimati Mala

Sadique, Shri Mohammad

Sardinha , Shri Francisco

Selvam, Shri G.

Senthilkumar S. , Shri Dnv .

Shanmuga Sundaram, Shri K.

Shiromani, Shri Ram

Singh, Dr. Amar

Sreekandan, Shri V. K.

Subbarayan, Shri K.

Sule, Shrimati Supriya Sadanand

Suresh, Shri Kodikunnil

Tatkare, Shri Sunil Dattatray

Thangapandian, Dr. T. Sumathy(A)Thamizhachi

Tharoor, Dr. Shashi

Ulaka, Shri Saptagiri Sankar

Unnithan, Shri Rajmohan

Vaithilingam, Shri Ve.

Veeraswamy, Dr. Kalanidhi

Velusamy, Shri P.

Venkatesan, Shri S.

Vishnu Prasad, Dr. M. K.

ABSTAIN

Devarayalu, Shri Lavu Srikrishna

माननीय अध्यक्ष: मत-विभाजन का परिणाम यह है :

हाँ : 218

नहीं : 79

अनुपस्थित : 01

प्रस्ताव स्वीकृत हुआ ।

माननीय अध्यक्ष: लॉबीज़ खोल दी जाएं ।

…(व्यवधान)

माननीय अध्यक्ष: अब सभा विधेयक पर खंडवार विचार करेगी ।

खंड 2 से 4

माननीय अध्यक्ष : प्रश्न यह है :

"कि खंड 2 से 4 विधेयक का अंग बनें ।"

प्रस्ताव स्वीकृत हुआ ।

खंड 2 से 4 विधेयक में जोड़ दिए गए ।

खंड 1, अधिनियमन सूत्र और विधेयक का पूरा नाम विधेयक में जोड़ दिए गए ।

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श्री अधीर रंजन चौधरी : सर, मेरी एक छोटी-सी बात है ।…(व्यवधान)

माननीय अध्यक्ष: माननीय सदस्यगण, आप बैठे-बैठे वक्तव्य जारी न करें । मैंने निर्णय कर दिया है ।

अधीर रंजन जी ।

SHRI ADHIR RANJAN CHOWDHURY: The Minister is here. The Right to Information Act is a synonym of democracy. We have got the Right to Information Act through a social revolution without letting a drop of blood but instead of strengthening and bolstering the architecture of Right to Information Act, you have simply undermined and diluted the core of the Right to Information Act. …(*Interruptions*)

माननीय अध्यक्ष: माननीय सदस्य, आपने अपनी बात बोल दी है ।

…(व्यवधान)

श्री अधीर रंजन चौधरी: सर, इस एन.डी.ए. की गवर्नमेंट ने क्या किया?…(व्यवधान)

17.58 hrs

At this stage, Shri Ram Mohan Naidu Kinjarapu and some other hon. Members left the House.

माननीय अध्यक्ष: मंत्री जी, अब यह प्रस्ताव करें कि विधेयक को पारित किया जाए ।

डॉ. जितेन्द्र सिंह: अध्यक्ष महोदय, मैं प्रस्ताव करता हूं :

"कि विधेयक पारित किया जाए ।"

माननीय अध्यक्ष: प्रश्न यह है :

"कि विधेयक पारित किया जाए ।"

प्रस्ताव स्वीकृत हुआ ।

17.59 hrs

THE MOTOR VEHICLES (AMENDMENT) BILL, 2019

माननीय अध्यक्ष: आइटम नम्बर 12 - मोटर यान (संशोधन) विधेयक, 2019.

माननीय मंत्री जी ।

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FELICITATION BY THE SPEAKER

Successful Launching of Chandrayan-2