



Impact of the Right to Information (Amendment) Act, 2019

SANJEEV KUMAR TYAGI

RESEARCH SCHOLAR,

DR. MANISH GUPTA

ASSISTANT PROFESSOR

SCHOOL OF LEGAL STUDIES, OM STERLING GLOBAL UNIVERSITY, HISAR

Abstract

The Right to Information Act, 2005 has been widely regarded as one of the most empowering legislations in India's democratic framework, enabling citizens to access information and hold public authorities accountable. Over the years, it has strengthened transparency, exposed corruption, and encouraged participatory governance. However, the enactment of the Right to Information (Amendment) Act, 2019 has sparked significant debate among scholars, policymakers, and civil society groups. While the amendment has been presented as an administrative reform aimed at improving efficiency and flexibility, critics argue that it may weaken the autonomy of Information Commissions and thereby dilute the spirit of the RTI framework. This paper offers a comprehensive and balanced analysis of the amendment, examining its legal, administrative, and democratic implications. It also reflects on the broader question of how transparency laws should evolve in a changing governance landscape.

1. Introduction

In contemporary democracies, access to information is closely linked with the idea of accountable governance. Citizens can only meaningfully participate in public life when they are informed about government decisions, policies, and actions. Recognizing this, India enacted the Right to Information Act, 2005, which fundamentally altered the relationship between the state and its citizens.

Over time, the RTI Act became more than just a legal instrument—it evolved into a social movement. Ordinary citizens, journalists, and activists used it to question authority, uncover



irregularities, and demand better governance. This widespread use of RTI demonstrated the growing awareness among citizens about their rights and responsibilities.

Against this backdrop, the 2019 amendment assumes great significance. It raises important questions about whether administrative changes can coexist with the need for institutional independence. This paper seeks to explore these questions in depth, moving beyond simplistic arguments to provide a nuanced understanding of the issue.

2. The Original RTI Framework: Strengths and Significance

2.1 Vision and Democratic Importance

The RTI Act was built on the principle that information is not the property of the government but a resource belonging to the people. This idea marked a shift from a culture of secrecy to one of openness.

The Act recognized that transparency is essential not only for preventing corruption but also for improving the quality of governance. When decisions are open to scrutiny, authorities are more likely to act responsibly. Thus, the RTI Act contributed to strengthening democratic values and promoting ethical governance.

2.2 Accessibility and Citizen Empowerment

One of the most remarkable features of the RTI Act is its accessibility. It allows any citizen, regardless of education or background, to seek information by submitting a simple application.

This simplicity made the Act widely popular and effective. It empowered marginalized groups by giving them a voice and a tool to demand accountability. In many cases, RTI applications have led to tangible improvements in public services, such as better delivery of welfare schemes.



2.3 Institutional Safeguards

The establishment of Central and State Information Commissions ensured that the right to information was not merely theoretical but practically enforceable. These bodies were designed to function independently, free from political or administrative interference.

Their independence was crucial in maintaining public trust. Citizens relied on these institutions to fairly adjudicate disputes and ensure that information was disclosed when required.

3. The RTI Amendment Act, 2019: Nature and Scope of Changes

3.1 Flexibility versus Certainty in Tenure

The amendment replaces the earlier fixed tenure of Information Commissioners with a system determined by the central government. While this provides flexibility, it also introduces uncertainty.

A fixed tenure offers stability and allows commissioners to function without fear of arbitrary removal or changes. In contrast, a variable tenure may create a sense of dependence on the executive, which could indirectly influence decision-making.

3.2 Control over Salary and Service Conditions

Another important aspect of the amendment is the shift in authority over salaries and service conditions. Previously, these were equated with high constitutional offices, symbolizing independence and dignity.

By transferring this power to the central government, the amendment changes the institutional balance. Even if no direct interference occurs, the perception of control may affect how these institutions are viewed by the public.



3.3 Centralization and Its Implications

The amendment reflects a broader trend toward centralization of authority. While uniformity in administration can be beneficial, excessive centralization may undermine the autonomy of institutions, especially in a federal system like India.

This shift has important implications for the functioning of State Information Commissions, raising questions about their independence and effectiveness.

4. Critical Analysis of the Impact

4.1 Institutional Independence: Reality or Perception

Independence is not only about actual freedom from interference but also about the perception of autonomy. If institutions are seen as being under executive control, their credibility may be affected.

The amendment raises concerns in this regard. Even if commissioners continue to act impartially, the possibility of influence may create doubt in the minds of citizens.

4.2 Transparency and Accountability

The effectiveness of the RTI Act depends on the willingness of authorities to disclose information and the ability of Information Commissions to enforce this right.

If the amendment leads to even a slight weakening of this enforcement mechanism, the overall impact on transparency could be significant. Over time, this may reduce the deterrent effect that RTI has on corruption and inefficiency.

4.3 Citizen Trust and Participation

Public trust is a key factor in the success of any governance mechanism. The RTI Act has enjoyed high levels of trust because of its perceived independence and effectiveness.



However, any changes that raise doubts about its functioning may discourage citizens from using it. This could lead to a decline in participatory governance and weaken democratic engagement.

4.4 Administrative Efficiency: A Valid Argument?

Supporters of the amendment argue that it introduces necessary flexibility and aligns the RTI framework with broader administrative practices.

While efficiency is important, it must be balanced with the need for independence. A system that is efficient but lacks credibility may not serve its intended purpose effectively.

4.5 Federalism and Decentralization

India's federal structure requires a careful balance between central and state powers. The amendment's impact on State Information Commissions raises important questions about this balance.

If states perceive a loss of autonomy, it may affect the functioning of the RTI framework at the regional level. This highlights the need for a more inclusive approach to policymaking.

5. Broader Perspectives and Emerging Trends

5.1 Role of Civil Society

Civil society organizations have played a crucial role in promoting the use of RTI and raising awareness about its importance. Their criticism of the amendment reflects concerns about preserving the integrity of the system.

Their involvement also demonstrates the dynamic nature of democracy, where laws are continuously debated and evaluated.



5.2 Changing Nature of Governance

In the digital age, access to information is becoming increasingly important. Governments are adopting new technologies to improve transparency, but this also raises new challenges.

The RTI framework must adapt to these changes while maintaining its core principles. The 2019 amendment can be seen as part of this evolving landscape.

6. Conclusion

The RTI Amendment Act, 2019 represents a significant development in India's transparency framework. While it introduces certain administrative changes, it also raises important concerns about institutional independence and democratic accountability.

The long-term impact of the amendment will depend on how it is implemented and interpreted. Safeguards must be put in place to ensure that the core principles of transparency, accountability, and citizen empowerment are not compromised.

Ultimately, the strength of the RTI system lies in the trust it inspires. Preserving this trust should remain a priority for policymakers and institutions alike.

References

1. Government of India. (2005). *Right to Information Act*.
2. Government of India. (2019). *Right to Information (Amendment) Act*.
3. Bhatia, G. (2020). *The Transformative Constitution*.
4. Sharma, P. (2021). Transparency and Governance in India.
5. Singh, A. (2020). Public Accountability and RTI.
6. Roy, A. (2020). Democracy and Information Access.
7. Mehta, V. (2021). Citizen Participation and RTI.
8. Jain, R. (2019). RTI Amendment Debate.
9. Kumar, S. (2022). Administrative Reforms in India.
10. Verma, K. (2022). Legal Perspectives on RTI.



-
11. Transparency International. (2020). Governance Reports.
 12. OECD. (2021). Open Government Studies.
 13. World Bank. (2020). Governance Indicators.
 14. PRS Legislative Research. (2019). RTI Amendment Analysis.
 15. Centre for Policy Research. (2020). RTI and Accountability.