

LOK SABHA

SYNOPSIS OF DEBATES*

(Proceedings other than Questions & Answers)

Monday, July 22, 2019 / Ashadha 31, 1941 (Saka)

OBITUARY REFERENCES

HON'BLE SPEAKER: Hon'ble Members, I have to inform the House about the sad demise of Shri Ramchandra Paswan, a sitting Member and Shrimati Sheila Dikshit, a former Member and former Chief Minister of Delhi.

Shri Ramchandra Paswan was a sitting Member representing the Samastipur Parliamentary Constituency of Bihar. Earlier, he was a Member of the 13th, 14th and 16th Lok Sabhas. An able Parliamentarian Shri Paswan was a member of Committee on Urban & Rural Development, Committee on Commerce, Committee on Absence of Members from the Sittings of the House, Committee on Personnel and Public Grievances, Committee on Law and Justice, Committee on Home Affairs, Committee on Social Justice and Empowerment, Committee on Welfare of Scheduled Castes and Scheduled Tribes and Committee on Food,

* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

Consumer Affairs and Public Distribution. As an active and social-political worker Shri Paswan worked relentlessly for the upliftment of the downtrodden.

Shri Ramchandra Paswan passed away on 21 July, 2019 in New Delhi at the age of 57.

Shrimati Sheila Dikshit was a Member of 8th Lok Sabha representing the Kannauj Parliamentary Constituency of Uttar Pradesh. She was also the Member of Delhi Legislative Assembly for 3 terms. Shrimati Dikshit was the longest serving Chief Minister of Delhi, as well as the longest serving female Chief Minister of any Indian State, serving for a period of 15 years from 1998 to 2013. She was Governor of Kerala in 2014. Shrimati Dikshit also served as Union Minister of State for Parliamentary Affairs and Minister of State in the Prime Minister's Office during 1984 to 1989.

Shrimati Sheila Dikshit passed away on 20 July, 2019 in Delhi at the age of 81.

We deeply mourn the loss of Shri Ramchandra Paswan and Shrimati Sheila Dikshit and I am sure the House would join me in conveying our condolences to the bereaved families.

The Member, then, stood in silence for a short while.

***MATTERS UNDER RULE 377**

1. **SHRIMATI JASKAUR MEENA** laid a statement regarding drinking water problem in Dausa parliamentary constituency, Rajasthan.
2. **SHRI VISHNU DAYAL RAM** laid a statement regarding land erosion caused by Sone River in Palamu parliamentary constituency, Jharkhand.
3. **SHRI KAPIL MORESHWAR PATIL** laid a statement regarding need to permit Ayush doctors to practice Allopathy.
4. **PROF. S.P. SINGH BAGHEL** laid a statement regarding need to set up International Airport in Agra, Uttar Pradesh.
5. **SHRI AJAY BHATT** laid a statement regarding wildfires in Uttarakhand.
6. **DR VIRENDRA KUMAR** laid a statement regarding need to develop and conserve the birth place of Bundela Veer Maharaja Chhatrasal Maharaj in Tikamgarh, Madhya Pradesh.
7. **SHRI BIDYUT BARAN MAHATO** laid a statement regarding need to extend benefits of Pradhan Mantri Awas Yojana to East Singhbhum district, Jharkhand.

* Laid on the Table as directed by the Speaker/Chair.

8. **SHRI SURESH PUJARI** laid a statement regarding need to establish two Central Schools in Bargarh parliamentary constituency of Odisha.
9. **SHRI AJAY MISRA TENI** laid a statement regarding storage of data by payment companies in India.
10. **SHRI PRADEEP KUMAR CHAUDHARY** laid a statement regarding need to construct approach roads to bridge constructed between Daulatpur and Lakhnaiti over Yamuna river in Uttar Pradesh.
11. **SHRI MANSUKHBHAI DHANJIBHAI VASAVA** laid a statement regarding water scarcity in Bharuch parliamentary constituency, Gujarat.
12. **SHRI RAKESH SINGH** laid a statement regarding need to set up a Kendriya Vidyalaya in Sihora town in Jabalpur parliamentary constituency, Madhya Pradesh.
13. **SHRI ADHIR RANJAN CHOWDHURY** laid a statement regarding redesigning of Cossimbazar Railway Station in Murshidabad district of West Bengal.
14. **SHRI M.K. RAGHAVAN** laid a statement regarding establishing Kendriya Vidyalayas in Gulf Cooperation Council countries.
15. **SHRI K. SHANMUGA SUNDARAM** laid a statement regarding stoppage of trains at Podanur railway station, Tamil Nadu.

16. **SHRIMATI APARUPA PODDAR** laid a statement regarding better waste management in the country.
 17. **SHRI VINAYAK BHAURAO RAUT** laid a statement regarding need to take suitable step for rehabilitation of Jhuggi-Jhopri clusters residents presently occupying land owned by the Mumbai Airport Authority.
 18. **SHRI GIRIDHARI YADAV** laid a statement regarding need to construct railway line between Sultanganj and Banka in Bihar.
 19. **SHRI BHARTRUHARI MAHTAB** laid a statement regarding tele-density in Odisha.
 20. **SHRI RITESH PANDEY** laid a statement regarding need to provide disabled-friendly facilities in public buildings and transport system.
 21. **SHRI RAMULU POTHUGANTI** laid a statement regarding employment and unemployment allowance to SCs/STs.
 22. **SHRIMATI SUPRIYA SADANAND SULE** laid a statement regarding implementation of Rashtriya Vayoshri Yojana in Maharashtra.
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THE RIGHT TO INFORMATION (AMENDMENT) BILL, 2019

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION; MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE

(DR. JITENDRA SINGH) *moving the motion for consideration of the Bill, said:*

At the time of introduction of this Bill itself, I had submitted that there is no effort to interfere with the original spirit of the Right to Information Act. If there is any misunderstanding that the Right to Information Act is being weakened or its autonomy and independence is being impacted adversely then, it is completely baseless. This amendment is being made in Section 27 only under which the Government will be authorised to frame rules. Earlier this provision was not there in the Act. Section 12 (4) relates to the autonomy of this Act wherein no amendment is being made in this Bill. One more apprehension has been expressed that the powers and rights of the Information Commissioners are being reduced. However, Section 12(3) relates with the power of the Members of the Information Commission about which no amendment is sought to be made in this Bill. Section 13 deals with the tenure, salaries and the perks of the Central Information

Commissioners and Section 17 deals with that of the State Information Commissioners. If it is alleged that the Government has introduced this Bill arbitrarily, I would like to inform that the Hon. Supreme Court had stated in its verdict that the Government should try and streamline various bodies and the tribunals and as a result of that there has to be uniformity in the service conditions in various such bodies. In pursuant to that, the Government has tried to streamline various tribunals which include the Vigilance Commissioner and Disaster Management Authority. With this amendment, the Government would be able to streamline and institutionalise the functioning of the Information Commissioner and remove some of the anomalies which I had referred to even at the time of introduction. I am sure all the Hon. Members will respect the spirit with which this Bill is being brought in. Of course, if there are suggestions from Hon. Members, they will be taken with an open mind.

DR. SHASHI THAROOR *initiating said:* This amendment is a deliberate attempt to weaken the RTI framework 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. It was on the recommendation of the Parliamentary Standing Committee that the Information Commissioners and the CIC were made on a 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. By amending section 16, the Central Government will also control through rules the terms & conditions of appointment of Information Commissioners in States. This is an assault on the basic structure of federalism. The RTI Act was only passed in 2005 after thorough examination by a Parliamentary Standing Committee. 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. According to the mandatory pre-legislative consultative policy of the Government enshrined in 2014, draft Bills are to be publicized by the Government and public comments have to be invited. But this Bill was brought to the Lok Sabha without any public debate on its content. The Government's unseemly haste to rush pending legislation through, even before a Parliamentary Standing Committee has been constituted, itself rings warning bell. 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. So, this Bill should be withdrawn and referred to a Parliamentary Standing Committee.

SHRI JAGDAMBIKA PAL: Hon. Minister had categorically stated while introducing this Bill that there is no effort to interfere with the original spirit of this Bill through this amendment. This amendment is being brought in to make a provision to authorise the Government to frame rules because such a provision did not exist in the original Act. Therefore, this amendment is a mere administrative amendment to institutionalise the Information Commission and to make it more effective. The rights under the RTI to obtain information are as it is in this Bill and there is no change whatsoever in these rights. Therefore, it is obvious that this amendment aims to make the administrative system more effective. During the last five years, our Government has made the RTI more effective and strong. Today, India ranks third in the world in terms of trust of the people upon their Government. As much as 73 per cent people trust our Government in the country. I would like to congratulate the Government for this. The leader of the largest opposition party has been included as member in the selection of the Central Information Commissioner. This amply manifests that our Government intends to keep this Act effective. Today, we are making a provision under this Bill that anybody can seek any information and he or she can file his or her application any time under the RTI Act. This right is being given to the people. With this amendment, it will not be possible for the Government to reduce the salary or the tenure of the Information Commissioners, once the appointment is made. The

Government is not going to change the status of the Act of 2005. Our Government has been working with complete transparency and honesty for the last five years. We wish to make this institution more strong. This Bill will actually empower the people of this country. We must ensure that speedy information is provided to the person who seeks it. We should also discourage the professional people who are misusing the RTI Act.

SHRI A. RAJA: The Government has said that Information Commission is a statutory body. So, it cannot be equated with the Election Commission of India, as it is a statutory body. This legal interpretation is not correct. The Information Commission gets sustenance from article 19 of the Constitution of India which is a fundamental right. I, therefore, believe that Right to Information is more important and significant than any other process contemplated in the Constitution. We want to make this Government more accountable to the people. Democracy cannot be sustained without having an informed population. This Act plays a contributory role to ensure participation of people in democratic process, but the Government is going to destroy it. I, therefore, oppose this Bill.

PROF. SOUGATA RAY: Information Commission should have independence and autonomy. This Bill will take away the independence of the Information Commission. The Right to information was enacted after a public campaign. People had shed their blood and given their lives for upholding the

Right to Information given under this Act. However, the Government has decided to denude the Information Commissioners of their power. Former Information Commissioners and the National campaign for RTI have opposed this Bill. The Government has said that the Election Commission is a Constitutional body and Information Commission is a statutory body. I want to mention that the Supreme Court has proclaimed the RTI as the Constitutional right emanating from Article 19. That is why, the present Bill is a retrograde step.

SHRI KANUMURU RAGHURAMA KRISHNARAJU: The RTI is the Constitutional Right emanating from Article 19 which guaranteed freedom of speech and expression. The Central Election Commission enforces the right to vote. In a way, CEC enforces only a small part of that right, while CIC is entrusted with enforcement of wider aspect of that right. The surprising part in the Bill is that the public cannot get any information in advance. I would like to say that it is not correct. I would urge the Government to give clarity on the status of CIC and Information Commissioners. The right to appoint the State Information Commission will be vested with the Central Government. According to me, it should be left with the States. The powers of this august House are being taken away by the Executive. As far as this Clause is concerned, we all must oppose it.

SHRI DHAIRYASHEEL SAMBHAJIRAO MANE: It is a revolutionary Bill. Way back in the year 1982 the Supreme Court ruled that Right to Information is a fundamental right. It was in the year 2005 that the Right to Information Act was enacted. Today certain amendments are being made thereto in order to make this Act all the more effective. RTI is a big weapon in the hands of common man that insulates them from the violation of their rights. This Government has rich contribution to the efficacious implementation of RTI. Having said that, I would like to urge upon the Government to fill up the vacant posts of Information Commissioners on priority basis. Where on the one hand RTI activists need to be provided with protection, certain provisions should be made to rein in its misuse on the other.

SHRI BHARTRUHARI MAHTAB: Any perceived dilution of the RTI Act needs minute examination. Amendments have haunted the RTI since its inception. A number of times amendments have been proposed earlier just after six months of the enactment of the law. 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 separation of powers is a concept which underscores the independence and is vital to our democratic checks and balances. This Bill is an attempt to undermine the

independence of Information Commission and thereby dilutes the framework of transparency in the country. Weakening RTI Act plays into bureaucracy's hands. Citizens use RTI to combat red tape. To strengthen the RTI Act, the vacancies of Information Commissioners must be filled up promptly. The proposed amendment shall make it a Department of the Government which does not augur well. I oppose this Bill.

KUNWAR DANISH ALI: Common man has been able to equip himself with the tool of Right to Information after very long struggle. The incumbent Government is trying to dilute it. No Information Commissioner has been appointed during the last five years. The appointment of Information Commissioners will invariably enable the common man to seek more and more information from the bureaucracy. I appeal to the Government to withdraw this amendment Bill.

SHRI SUNIL DATTATRAY TATKARE: Autonomy of Information Commissions is at risk by the direct attack by the Center on citizens' right to know and right to information. By taking away their autonomy, the Bill is diluting these powers of Information Commissioners. The Center is usurping for itself the power to decide even the tenure, salaries and allowances of the State Information Commissioners. It raises key issues of federalism. In a way it is a severe blow to the federal scheme of the RTI Act. By doing so the Center will be implicitly

deciding the money that will be charged from the State Consolidated Fund. 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. I strongly oppose these amendments.

SHRI VISHNU DATT SHARMA: The Right to Information Act was implemented in the year 2005 in the entire country. This has brought accountability and transparency in administration and in the functioning of the Government. Today, effort has been made to strengthen the RTI through amendments in the Act. The second provision relates to the salary of all Information Commissioners. Efforts has been made to provide it a constitutional framework through this Bill which is so important for the country. This will have no adverse effect on the officials.

SHRI KARTI P CHIDAMBARAM: In a country where the Government and the citizens are far removed from each other, RTI Act was a breath of fresh air. The Act brought about a revolution and demanded accountability at a level that has never ever existed before. The Bill undermines the independence and autonomy of the Information Commissioners. This is an attempt to kill the federal structure of our country. The Bill has been introduced without any consultation with the concerned stakeholders. The Bill has been bypassed any examination by the Standing Committee. The amendments would affect the way the Right to

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

SHRI JAYADEV GALLA: I rise to oppose the Bill. The Government can make CIC, State CIO and Information Commissioners dance according to their own tune because they will not be able to function independently. Brute majority, does not mean that you should act brutally. This is unfair to democracy. 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 from RTI and what they cannot. Today, it is ambiguous and the Government has to clear that ambiguity.

SHRIMATI SUNITA DUGGAL: Undoubtedly, the RTI Act is seen as a powerful tool for citizens' empowerment. I would like to emphasise that in no way, this Bill is going to dilute the Act. This is the era of transparency, accountability, hard work, and this is the era of anti-corruption. The opposition is creating confusion that RTI Act has been totally abolished. I would like to say that nothing has been abolished and this is as concentrated as Hydraulic Acid.

SHRI P. R. NATARAJAN: I oppose the Bill. The power of the Legislature should not be allowed to be taken over by the Executive. Don't try to dilute the

power of the original Bill enacted by the UPA. Don't try to weaken the federal set up of this country. I request the Minister to withdraw the Bill.

SHRI HASNAIN MASOODI : 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. So, in no case could the importance of the Right to Information Act be downplayed. Whatever reasons are being given in support of this amendment are far from convincing and do not convince anyone. 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. I would request the hon. Minister to withdraw this.

SHRI E. T. MOHAMMED BASHEER: It was the most progressive legislation this country has ever seen. It was the most powerful weapon to fight corruption. 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. The Government desires to make this autonomous body as a Department. The Government wants the transparency to disappear and everything should be done behind the curtain. Another important area of concern is the vacancy. Eight out of 11 posts for Information Commissioners remained vacant. The Government is not taking any initiative to fill up the vacancies. I would say that this Government is crippling the wings of RTI.

SHRI K. SUBBARAYAN: I 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 at the Central levels and to decide the tenure, salary and allowances, etc. This is an affront to federalism. The proposed amendments are regressive and are aimed at undermining the independence of Information Commissions.

SHRI ASADUDDIN OWAISI: I oppose this Bill. Although the Chief Ministers of the States will appoint the State Information Commissioners but the Central Government will decide their salaries and allowances as well as tenure. This is very strange. According to the provisions of this Bill, the Union Government can fix different salaries and allowances as well as tenure of the State Information Commissioners for different States. This provision will always create a fear in the minds of Information Commissioners. This provision will end transparency and accountability. Even Law Commission has not given any such recommendation. Then why this amendment? So, I oppose this Bill.

SHRI N. K. PREMACHANDRAN: I rise to strongly and vehemently oppose this Bill because the independent and autonomous character of the Information Authority is being taken away. A revolutionary change took place in the administrative system in India by way of this Right to Information Act of 2005.

This Bill provides that the tenure of the Chief Information Commissioner, the tenure of the State Information Commissioners 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. That cannot be accepted. Even the Supreme Court has said that the salary, allowances, terms and everything relating to the Chief Information Commissioner should be in consonance with and equivalent to those of the Chief Election Commissioner and as regards the State Information Commissioners, they should be equivalent to those of the Election Commissioner of the State. This is a directive to the Government of India. If the Chief Information Commissioner is acting against the wishes of the Government, definitely, his tenure will be cut off by simply issuing a notification. I urge upon the hon. Minister to either withdraw the Bill or send the Bill to the Standing Committee.

DR. NISHIKANT DUBEY: The allegations of our friends in opposition are baseless that this Bill is a threat to democracy. Maximum number of Joint Parliamentary Committees and Select Committees were constituted from 2014-2019 in the history of Indian Parliament. If they wanted to give the Information Commission powers like the Election Commission, why did they not make it a Constitutional body in the beginning itself. Fact is that the Information Commission was not given autonomy during the period of Government of their

party. We want to strengthen this. So I urge the Government to pass this Bill soon.

SHRI DILESHWAR KAMAIT: The right to information is a powerful tool in the hands of citizens. This helps curb corruption and bring about transparency in the functioning of the Government. With this Bill, the Central Government will have the powers to fix the salaries and allowances as well as other terms and conditions of service including the tenure of the Central Information Commissioner and State Information Commissioners.

SHRI P. RAVEENDRANATH KUMAR: The Right to Information Act promotes transparency and accountability in the working of every public authority. The Tamil Nadu Information Commission has reached the functionary percentage of 89.35 per cent. I am sure that the proposed amendments will make the Commission to function in a most transparent manner. I request the Government to take necessary action for filling up all vacant posts of Information Commissioners across the country.

***SHRI THOL THIRUMAAVALAVAN:**

DR. JITENDRA SINGH *replying said:* I would like to extend my gratitude to all those honourable Members who have participated in the discussion on the

* Please see supplement.

Right to Information (Amendment) Bill, 2019. A lot has been said by the honourable Members about this Bill and I will try to answer each of these things. honourable Members said that the terms and conditions will be specified by the Government of India. In this regard, 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. At the outset, let me say that there is nothing to hide in this Government. So far as RTI is concerned, let me first make it clear that this Government has been absolutely committed as in other wings of governance to ensure full transparency and full accountability. It is this Government which introduced a portal of RTI and now the RTI is available on your mobile App. You can file an RTI application during any part of the day. Under Section 4 of the RTI Act of 2005, there is a provision that *suo motu*, the Government 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. In the last five years, we have moved on a fast track and you can see most of the websites are so active. One of the honourable Members raised the issue of four vacancies of Information Commissioners. In this respect, if you go back, there have been occasions before 2014 where even five vacancies were existing and the Commission was working. There are a slew of reasons for such vacancies. CPGRAM, which is also part of

the redressal of the grievances, has been made so active. When we came to power in 2014, we used to receive two lakh complaints in a year and now we receive 16 lakh complaints. It is because we became so proactive that the number of grievances went up to 16 lakhs in the just concluded year. With regard to the provision pertaining to State Information Commissioners, the then UPA Government, which framed the RTI Act brought in this provision. 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. The Government has also not increased the RTI fee. Call Centres have been set up for spreading RTI awareness. The Government has also introduced RTI fellowships to spread awareness. Similarly, the rate of pendency has progressively reduced since 2014. 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. So, in order to make a demarcation, rather more well-defined between a statutory body and a constitutional body, this has come down. More importantly, this opinion has not emanated only from the Government quarters, but it has been an opinion held across the sections of society. Therefore, I humbly request colleagues across the party lines to pass it.

The Bill was passed.

FELICITATION BY THE SPEAKER

HON. SPEAKER: Indian Space Research Organization (ISRO) has successfully launched the second indigenous mission to moon Chandrayaan-2 from the Satish Dhawan Space Center, Shri Harikota at 2:43 PM. Chandrayaan-2 is the first mission in the world to the South Pole of the moon. With this launch, the country has exhibited its strength and potential in terms of our endeavours in the field of space. With this achievement our space scientists have enhanced our glory. This House congratulates all ISRO scientists for their relentless efforts. I congratulate everybody on this successful launch led by the Indian scientists under the leadership of the Prime Minister of our country.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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