

MR. DEPUTY CHAIRMAN: Mr. Minister, you wanted to speak.

SHRI PRALHAD JOSHI: Sir, he has clarified. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please. He has already raised it. Let me speak. ...*(Interruptions)*... Let me speak. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, he has not clarified the point raised by my colleague here. ...*(Interruptions)*...

SHRI SUKHENDU SEKHAR RAY: Sir, the Rule has been wrongly mentioned. Rule 35 relates to the Bill. What my leader has mentioned is about Short Duration Discussion, not the Bill. ...*(Interruptions)*...

श्री उपसभापति: मैं उस पर बात कर रहा हूँ। I am just replying to that; please. ...*(Interruptions)*... माननीय देरेक ओब्राइन ने जो भी कहा, वह convention रहा है। I agree. माननीय चेयरमैन को मैं अपनी भावना से अवगत कराऊँगा, पर पहले भी अनेक अपवाद हैं, जब बिल discuss हुए हैं, इसलिए उसके तहत मैं बिल ले रहा हूँ। बिल मूव होगा, जो इसमें है। Now, the Right to Information (Amendment) Bill, 2019. Dr. Jitendra Singh to move a motion for consideration of the Right to Information (Amendment) Bill, 2019.

SHRI ANAND SHARMA: Sir, what about the amendments? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am following the procedure. ...*(Interruptions)*...

GOVERNMENT BILL

The Right to Information (Amendment) Bill, 2019

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DR. JITENDRA SINGH): Sir, I move: "That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be taken into consideration." ...*(Interruptions)*...

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, the amendment has to be taken up first. We have to discuss... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: We would be discussing that along with the Bill. ...*(Interruptions)*... Motion moved. There are five amendments by Shri Derek O'Brien, Shri Binoy Viswam, Shri Elamaram Kareem, Prof. M.V. Rajeev Gowda and Shri K. K.

Ragesh for reference of the RTI Bill to a Select Committee of the Rajya Sabha. Members may move their amendments at this stage, without any speech. ...(*Interruptions*)...

SHRI ANAND SHARMA: Why, Sir? ...(*Interruptions*)... Where is that written? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The speech could be made after it is moved. ...(*Interruptions*)... Please. I am moving the motion for... ...(*Interruptions*)... The Bill and the amendment would be discussed together. You may just move. ...(*Interruptions*)...

SHRI ELAMARAM KAREEM: Sir, disposal of this resolution... ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Mr. Derek, please move the amendment. ...(*Interruptions*)... Motion for consideration of the Right to Information (Amendment) Bill, 2019, as passed by Lok Sabha and the amendments, both. ...(*Interruptions*)... I shall first put the motion moved by Shri Derek O'Brien for reference of the Right to Information (Amendment) Bill, 2019, as passed by Lok Sabha. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: Sir, where are you going? You are going fast-forward! ...(*Interruptions*)... Sir, since you are not allowing me to speak, I have to do one of the two things; I can try the sign language, which I am not very good at, but it would at least give me a chance to communicate with people! On a serious note, Sir, this is a motion.

MR. DEPUTY CHAIRMAN: It would be discussed. You would get an opportunity later. ...(*Interruptions*)... आपको अवसर मिलेगा। आप उस पर बात करेंगे। ...(*व्यवधान*)...

SHRI DEREK O'BRIEN: Sir, give me one minute's time. This is a motion. It is not a lollipop, Sir! This is a motion. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: This motion and the Bill, both, are to be discussed together. ...(*Interruptions*)... Both are to be discussed together. ...(*Interruptions*)...

SHRI ANAND SHARMA: Sir, he must explain what the motion is. How can you. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: Sir, let me explain what the motion is. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: It would be discussed as per convention and as per rules. ...*(Interruptions)*...

SHRI ANAND SHARMA: Sir, this has to be disposed of first and only then the Bill. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD: Sir, this has to be disposed of first and only then. ...*(Interruptions)*...

श्री उपसभापति: माननीय नेता विपक्ष, आप बहुत अनुभवी सांसद हैं। ...*(व्यवधान)*... पहले से व्यवस्था थी कि दोनों पर डिस्कशंस साथ होते हैं, वोटिंग भी साथ होती है। ...*(व्यवधान)*...

SHRI DEREK O'BRIEN: Sir, give me one minute to explain why I am moving the amendment, just as the Minister gets a chance to move an amendment. ...*(Interruptions)*...

श्री उपसभापति: डेरेक ओब्राईन साहब, पहले आप अपना अमेंडमेंट मूव करें। ...*(व्यवधान)*... मूव करें। ...*(व्यवधान)*...

श्री भूपेन्द्र यादव: जब तक मंत्री बिल नहीं रखेंगे, तब तक मोशन कैसे ...*(व्यवधान)*... पहले बिल तो रखने दीजिए। ...*(व्यवधान)*... बिल का इंट्रोडक्शन तो होने दीजिए। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: The Bill has already been moved. ...*(Interruptions)*...

डा. जितेन्द्र सिंह: इंट्रोडक्शन नहीं होगा। ...*(व्यवधान)*... मेरी बात सुनिए। ...*(व्यवधान)*... यहाँ पर बिल consideration ...*(व्यवधान)*...

SHRI T.K. RANGARAJAN: Mr. Deputy Chairman, be a referee; * ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Not a fair comment. ...*(Interruptions)*...

DR. JITENDRA SINGH: Sir, the Bill has been moved for consideration. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes, it has been moved. ...*(Interruptions)*...

DR. JITENDRA SINGH: Sir, it is not to be introduced because it is passed in the Lok Sabha. My humble submission and request is that even if we have to take up some of the points made by you or the motion, let us, at least, start the discussion and receive the inputs. ...*(Interruptions)*... Since this is the House of Elders and supposed to be the treasure of wisdom, let us, at least, be benefited by some pearls of wisdom before we proceed further. ...*(Interruptions)*...

* Expunged as ordered by the Chair.

SHRI GHULAM NABI AZAD: Without disposing of the motion, you cannot have the discussion. ...(*Interruptions*)...

DR. JITENDRA SINGH: Without having discussed the Bill, how have you arrived at certain conclusions? ...(*Interruptions*)... Mr. Deputy Chairman, Sir, without the discussion having taken place, how can conclusions be arrived at? ...(*Interruptions*)...

श्री उपसभापति: माननीय आज़ाद साहब, प्लीज़ ...(*व्यवधान*)... मिनिस्टर को मोशन मूव करने के बाद ...(*व्यवधान*)... उनको ही बोलने का अवसर मिलता है। उन्होंने नहीं बोला और मोशन मूव हो गया, इसी तरह से मैं अमेंडमेंट्स मूव करवा रहा हूँ। ...(*व्यवधान*)...

DR. JITENDRA SINGH: We are yet to discuss the nitty-gritties of the Bill.

SHRI P. CHIDAMBARAM (Maharashtra): Sir, the hon. Minister is moving that the Bill be taken into consideration in this House. The Amendment is, 'No'; the Bill must be referred to a Select Committee. How can both go together? If the Bill is referred to a Select Committee, there can't be any discussion in the House. ...(*Interruptions*)...

श्री उपसभापति: माननीय चिदम्बरम जी बड़े वरिष्ठ सदस्य हैं and he knows about conventions much more than anybody else. This has been the convention as well as the rule of the House that मोशन और अमेंडमेंट्स साथ ही ...(*व्यवधान*)... Yes, I will give you the ruling if you need. I can just now give the ruling. So, please देखें जी, आप मूव करें।

SHRI DEREK O'BRIEN: Sir, I have a point of order. ...(*Interruptions*)... Let me clarify. ...(*Interruptions*)... Sir, I humbly beseech you to look at Rule 131. Please look at Rule 131. What are you talking about? ...(*Interruptions*)... I am glad this is happening because today we can see in the Rajya Sabha who knows what and what they are talking about and who is trying to bulldoze the legislation like this. Rule 130 says, "After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or in any other case, any Member after giving two day's notice, or with the consent of the Chairman without notice, may move that the amendments be taken into consideration." That read in conjunction with Rule 131, gives me the right to move and allow me to speak why I am bringing this. That is all. Sir, why I am moving...

श्री उपसभापति: मैंने मिनिस्टर को मौका नहीं दिया था। पहले वे बोल लेते हैं, then you proceed.

श्री डेरेक ओब्राइन: ठीक है, सर।

DR. JITENDRA SINGH: Sir, the suggestions are well taken and the amendments can be taken up, if required. But let us, at least, ...(Interruptions)... We have not discussed it. ...(Interruptions)... We are drawing certain conclusions. ...(Interruptions)... We are making amendments without understanding the gist of the Bill. ...(Interruptions)... I have yet to explain the body of the Bill. ...(Interruptions)... Mr. Deputy Chairman, Sir, this Bill has been passed by the Lok Sabha. This is the House of Elders and treasure of wisdom. So, we will be able to gain some more inputs from here. As far as the Right to Information Bill is concerned, we are yet to understand the nitty-gritties of the Bill before we enter into this kind of engagement. ...(Interruptions)... Now, what is the requirement of ...(Interruptions)...

SHRI GHULAM NABI AZAD: Sir, he is talking about the objectives of the Bill. ...(Interruptions)... But we have not disposed of our motion. ...(Interruptions)... We are saying that this Bill has to be referred to a Select Committee and there is a motion pending before the House. ...(Interruptions)... That motion has to be disposed of ...(Interruptions)... Once that motion is carried off, the Bill will be referred to a Select Committee. ...(Interruptions)... If it is defeated, only then can you go ahead. ...(Interruptions)... But the motion has not been defeated. ...(Interruptions)... The motion has not been taken into consideration. ...(Interruptions)...

DR. JITENDRA SINGH: The Bill has already been moved for consideration. ...(Interruptions)...

श्री उपसभापति: माननीय आनन्द जी, प्लीज़। ...(व्यवधान)... कृपया शांति बनाए रखें। माननीय आनन्द जी, प्लीज़ ...(व्यवधान)... हाउस की जो परम्परा रही है, उसके तहत ये बिल और जो अमेंडमेंट्स हैं, वे मूव होते हैं। ...(व्यवधान)... इसके बाद अगर मंत्री को बोलने का मौका नहीं दिया तो आपको भी... इसलिए माननीय मंत्री जी एक मिनट बोलेंगे। ...(व्यवधान)... आप एक मिनट में अपनी बात खत्म कीजिए। ...(व्यवधान)... Let him complete.

DR. JITENDRA SINGH: Mr. Deputy Chairman, Sir, most of the misgivings and most of the objections raised by some of the Opposition Members are based on certain presumptuous conclusions which are not of the Bill as such. ...(Interruptions)... There is no attempt, no desire, no motivation, no design to curtail the independence and autonomy of the Right to Information Act. ...(Interruptions)... This is an enabling legislation...

MR. DEPUTY CHAIRMAN: Please conclude. ...(Interruptions)...

DR. JITENDRA SINGH: This is an enabling legislation which needs to be understood before we arrive at any conclusions. ...(*Interruptions*)...

SHRI P. CHIDAMBARAM: Sir, before starting consideration of the Bill, this motion has to be disposed of. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Thank you. Derek O'Brienji, please move your motion and speak. ...(*Interruptions*)... Please move.

SHRI DEREK O'BRIEN: Sir, let me assert that this is the Council of States. This House of Elders is an expression which is used outside. ...(*Interruptions*)... We are the Council of States. ...(*Interruptions*)... So, when we are referring to it, we refer to ourselves as a Council of States. Thank you. ...(*Interruptions*)... For the last 27 minutes, we are seeing that every rule of Parliament is being re-written and thrown away into the dustbin. ...(*Interruptions*)... But, today while stating the reason for this and a whole lot of amendments for other Bills, I have a simple request. Select Committees are for what purpose? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please move it. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: Why I am moving the motion is because the Parliament has to scrutinise the Bills. ...(*Interruptions*)... We need to study. ...(*Interruptions*)... This is not a T-20 cricket match. ...(*Interruptions*)... Public has to hear. ...(*Interruptions*)... So, I am moving my Motion.

MR. DEPUTY CHAIRMAN: Yes.

Motion for reference of Bill to Select Committee

SHRI DEREK O'BRIEN (West Bengal): Sir, I move:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri Sanjay Singh
2. Shri Tiruchi Siva
3. Prof. Manoj Kumar Jha

4. Shri Bhubaneswar Kalita
5. Shri T.K. Rangarajan
6. Shri Binoy Viswam
7. Shri Majeed Memon
8. Shri Kanakamedala Ravindra Kumar
9. Prof. Ram Gopal Yadav
10. Shri Prasanna Acharya

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

MR. DEPUTY CHAIRMAN: Shri Binoy Viswam, move your Motion. ...*(Interruptions)*...

SHRI BINOY VISWAM (Kerala): Sir, I just want one minute. ...*(Interruptions)*... Sir, based on Rule 130,1 request you, Mr. Deputy Chairman, that you should be of our help. ...*(Interruptions)*... Please help us, Sir. ...*(Interruptions)*... Out of numbers, they are saying that this book is invalid. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please, please. ...*(Interruptions)*...

SHRI BINOY VISWAM: Sir, my point is that making a Bill, a legislation, is not like making a *dosa*. ...*(Interruptions)*... *Dosa* can be made within seconds but the Act is not like that. ...*(Interruptions)*... Sir, treat the Act as an Act not as a *dosa*. ...*(Interruptions)*... Please give us time to discuss, study and scrutinise. Please, please. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Shri Binoy Viswam, please move. ...*(Interruptions)*...

Motion for reference of Bill to Select Committee

SHRI BINOY VISWAM: Sir, I move:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri Ahamed Hassan
2. Prof. Ram Gopal Yadav

3. Shri T.K. Rangarajan
4. Shri T.K.S. Elangovan
5. Shri Jairam Ramesh
6. Shri Satish Chandra Misra
7. Shri Dharmapuri Srinivas
8. Shri Majeed Memon
9. Shri Prasanna Acharya
10. Dr. K. Keshava Rao
11. Shri Sanjay Singh
12. Prof. Manoj Kumar Jha

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

MR. DEPUTY CHAIRMAN: Shri Elamaram Kareem, please move your motion.
...(Interruptions)...

SHRI ELAMARAM KAREEM: Sir, before the Bill is taken up for discussion, this Motion has to be discussed and disposed of. ...(Interruptions)... Yesterday, the Leader of the Opposition categorically told here the sanctity of the Upper House. ...(Interruptions)... The Upper House has to do its duty. Sir, please allow us to discharge our duty. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please move it. ...(Interruptions)...

Motion for Reference of Bill to Select Committee

SHRI ELAMARAM KAREEM Sir, I move:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

(Names to be given at the time of moving the motion)

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

MR. DEPUTY CHAIRMAN: Prof. M.V. Rajeev Gowda, please move your Motion. ...*(Interruptions)*...

Motion for Reference of Bill to Select Committee

PROF. M.V. RAJEEV GOWDA (Karnataka): Sir, there is a phrase 'If it ain't broke, don't fix it'. There is nothing broke with the RTI Act, and, the Government proposes to bring about changes when there is nothing wrong with the RTI Act. We are suspicious that this is an attempt to weaken the Bill. That is why, the Bill needs to be scrutinised by the Select Committee and, therefore, I move:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri G.C. Chandrashekhar
2. Shri Husain Dalwai
3. Prof. M.V. Rajeev Gowda
4. Dr. L. Hanumanthaiah
5. Shri Syed Nasir Hussain
6. Prof. Manoj Kumar Jha
7. Shri K. C. Ramamurthy
8. Shri D. Kupendra Reddy
9. Shri K.T.S. Tulsi
10. Dr. Amee Yajnik

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

MR. DEPUTY CHAIRMAN: Shri K.K. Ragesh, please move. ...*(Interruptions)*

SHRI K.K. RAGESH (Kerala): Sir, 14 Bills have already been passed by the Parliament without a proper legislative scrutiny and you are simply negating the

underlying principle of the Right to Information Act itself. Hence, I am demanding to refer it to a Select Committee.

MR. DEPUTY CHAIRMAN: So, you move it please.

Motion for Reference of Bill to Select Committee

SHRI K.K. RAGESH: Sir, I move:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

(Names to be given at the time of moving the motion)

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

The questions were proposed.

MR. DEPUTY CHAIRMAN: Motion for consideration of the Right to Information (Amendment) Bill, 2019, as passed by Lok Sabha, and the Amendments moved thereto are now open for discussion. ...*(Interruptions)*... Dr. Abhishek Manu Singhvi. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: No, Sir. ...*(Interruptions)*... We want division. ...*(Interruptions)*...

SHRI ANAND SHARMA: We will not allow this. ...*(Interruptions)*... Please dispose it of under the rules. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Dr. Abhishek Manu Singhvi. ...*(Interruptions)*...

SHRI ANAND SHARMA: You have to dispose it of under the rules. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Both will be discussed together. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD: We want to take up the Motions moved by these Members of Parliament. ...*(Interruptions)*...

श्री उपसभापति: प्लीज़, बैल में जाएं। ...*(व्यवधान)*...

SHRI DEREK O'BRIEN: We want division. ...*(Interruptions)*...

श्री भूपेन्द्र यादव: सर, ...(व्यवधान)... सर, ...(व्यवधान)... सर, मेरा यह कहना है ...(व्यवधान)...

श्री उपसभापति: माननीय सदस्यगण, मैं पन्द्रह मिनट के लिए सदन स्थगित कर रहा हूँ।
...(व्यवधान)...

The House then adjourned at thirty-one minutes past two of the clock.

The House reassembled at forty-six minutes past two of the clock,

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN) *in the Chair*

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): The House stands adjourned for ten minutes.

The House then adjourned at forty-six minutes past two of the clock.

The House reassembled at fifty-six minutes past two of the clock,

MR. DEPUTY CHAIRMAN *in the Chair*:

श्री उपसभापति: माननीय सदस्यगण, जो सवाल आपने उठाया था, मैंने उस पर गौर किया है। ...(व्यवधान)... पहले भी इस तरह से बिल के बारे में सेलेक्ट कमिटी के मोशन आये थे। ...(व्यवधान)... दोनों पर डिस्कशन साथ हुए हैं, लेकिन वोटिंग पहले सेलेक्ट कमिटी की होती है। ...(व्यवधान)... So, we are following that process. ...*(Interruptions)*... Now, let me call Shri Jairam Ramesh. ...*(Interruptions)*... Shri Jairam Ramesh, please speak. ...*(Interruptions)*... Dr. Vinay P. Sahasrabudhe, please speak. ...*(Interruptions)*...

डा. विनय पी. सहस्रबुद्धे (महाराष्ट्र): माननीय उपसभापति जी, इस सभागृह के सामने एक बहुत महत्वपूर्ण बिल आया है और बिल पर चर्चा के प्रारंभ में ही जिस पद्धति से ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Nothing will go on record. ...*(Interruptions)*... Please speak. ...*(Interruptions)*...

डा. विनय पी. सहस्रबुद्धे: यहां पर एक politics of paranoia नज़र आ रहा है। ...(व्यवधान)... इस बिल के आगे क्या है, इस बिल का स्वरूप क्या है, इस बिल का उद्देश्य क्या है, इस सारी चीजों के बारे में कोई जानकारी न लेते हुए, कोई सूचना लोगों तक जाए, इसकी रचना न बनाते हुए ...(व्यवधान)... यह सूचना के अधिकार का बिल है और यहां पर मान्यवर सदस्य सूचना के ही बीच में अड़ंगेबाजी करते हुए, इस सूचना के वितरण में बाधा डाल रहे हैं। ...(व्यवधान)... इसकी जितनी भर्त्सना करें, मैं मानता हूँ कि वह कम है। ...(व्यवधान)...

3.00 P.M.

SHRI ANAND SHARMA: *

MR. DEPUTY CHAIRMAN: Vinay ji, please speak. ...(Interruptions)...

SHRI ANAND SHARMA: *

श्री उपसभापति: कोई और बात रिकॉर्ड में नहीं जाएगी। ...(व्यवधान)... कोई Point of Order नहीं, since the House is not in order.

डा. विनय पी. सहस्रबुद्धे: हमने यह देखा है कि जिस पद्धति से सदन के अंदर एक वायुमंडल बनाते हुए, एक अच्छे प्रस्ताव के बारे में ...(व्यवधान)... आपने सही फ़रमाया है कि अगर यह प्रस्ताव सेलेक्ट कमेटी को जाना है, तो उसकी वोटिंग पहले होगी। ...(व्यवधान)... इसमें किसी को कोई रोक नहीं रहा है। ...(व्यवधान)... चर्चा होगी और अगर सदन चाहेगा तो बहुमत के आधार पर निर्णय होगा। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Nothing is going on record. ...(Interruptions)... Please go back to your seats. ...(Interruptions)...

डा. विनय पी. सहस्रबुद्धे: मगर दुर्भाग्यवश अड़ंगेबाजी करते हुए, सूचना के अधिकार की चर्चा करते समय, लोगों को सूचना से ही एक दृष्टि से दूर रखने की कोशिश हो रही है।(व्यवधान)... इसकी जितनी आलोचना करें, कम है। मान्यवर, मैं आपको कहना चाहता हूँ कि सूचना के अधिकार के बारे में ...(व्यवधान)... एक दृष्टि से सूचना, आज के ज़माने में, जैसे कि हमने देखा है कि सूचना का एक commodification हुआ है। सूचना एक वस्तु बन गई है। ...(व्यवधान)... केवल इतना ही नहीं हुआ है, सूचना को एक शस्त्र के रूप में भी उपयोग में लाया जा रहा है।...(व्यवधान)... सूचना का weaponisation भी हुआ है। ...(व्यवधान)... मेरा यह कहना है कि ऐसी स्थिति के अंदर, इस सदन के अंदर यह प्रस्ताव आया है, उसके बारे में अनुकूल और प्रतिकूल सारी चर्चा, जितना समय हम चाहें कर सकते हैं। ...(व्यवधान)... मगर केवल मात्र एक प्रतिष्ठा का बिंदु बनाते हुए, एक point of prestige बनाते हुए, एक झूठे अभिमान का बिंदु बनाते हुए, इसको सेलेक्ट कमेटी के पास भेजने का कोई तात्पर्य है, ऐसा मुझे नहीं लगता है। ...(व्यवधान)... मान्यवर, विपक्ष को इसके प्रति इतना विरोध क्यों है, मैं यह समझ नहीं पा रहा हूँ। ...(व्यवधान)... यहां पर तो ऐसे-ऐसे राजनैतिक दल हैं...(व्यवधान)... एक दल है, जिसका अध्यक्ष कहां जाता है, कहां रहता है, बाहर जाकर क्या करता है? इसके बारे में हमें कुछ पता तक नहीं चलता है, यह स्थिति है। ...(व्यवधान)... दूसरे दल ऐसे हैं कि वे जहाँ से प्रेरणा लेते हैं ...(व्यवधान)... ऐसे कई देश हैं। उन देशों में सूचना के अधिकार का प्रचलन प्रारम्भ नहीं हुआ है। ...(व्यवधान)... वहां पर पहले

* Not recorded.

...(व्यवधान)... सूचना को रोकने की प्रक्रिया वहां होती है और वे लोग यहां पर आकर सूचना के बारे में हमें ...(व्यवधान)... उपसभापति जी, मैं कभी-कभार सोचता हूँ कि ...(व्यवधान)...

श्री उपसभापति: माननीय सदस्यगण, आप वेल में न आएँ। ...(व्यवधान)... आप अपने स्थानों पर वापस चले जाएँ। आप बहस को चलने दें। ...(व्यवधान)... कोई भी सदस्य सेलेक्ट कमेटी चाहता है, तो पहले बहस होने दे, फिर उस पर वोटिंग करा ले। ...(व्यवधान)... हाउस को अधिकार है कि वह उस पर डिबेट करे। ...(व्यवधान)...

डा. विनय पी. सहस्रबुद्धे: आज आपने जो बनी बनाई व्यवस्था थी ...(व्यवधान)... फ्रीडम ऑफ इन्फॉर्मेशन की जगह राइट टू इन्फॉर्मेशन एक्ट, यह केवल आपने किया है, ऐसा मानने का कोई कारण नहीं है। ...(व्यवधान)... इसके बारे में जो डिमांड हुई है, ...(व्यवधान)... मैं मानता हूँ कि इसका कोई कारण नहीं है। ...(व्यवधान)... यह पूरे सदन की प्रॉपर्टी है। इस पर पूरे सदन का अधिकार है। ...(व्यवधान)... और सदन अपने विवेक के आधार पर जो भी बहुमत में रहेगा, उसके आधार पर इसके बारे में निर्णय कर सकता है। ...(व्यवधान)...

उपसभापति महोदय, सूचना के अधिकार के प्रति बड़े व्याकुल होते हुए कुछ लोग यहां पर बोल रहे हैं। ...(व्यवधान)... मैं उनको याद दिलाना चाहता हूँ कि इमरजेंसी और उसके पहले भी, जब श्रीमती गांधी ने एक बार ...(व्यवधान)... विपक्ष ने कहा कि इसमें क्या डाला है? ...(व्यवधान)... मगर उसके बारे में किसी ने जानकारी नहीं दी, किसी ने सदन को बताया नहीं, किसी को भी बताया नहीं। ...(व्यवधान)... ऐसी स्थिति में, हम सब को याद होगा कि हमारे जनसंघ के ज़माने के बहुत बड़े सांसद यज्ञ दत्त शर्मा जी थे। ...(व्यवधान)... यज्ञ दत्त शर्मा जी के नेतृत्व में निर्णय किया गया ...(व्यवधान)... बाद में, जब मोरारजी देसाई की सरकार आई कि यह कालकूपि के, उसके अंदर क्या रखा है, उसका पूरे देश को पता लगना चाहिए। ...(व्यवधान)... आज आपको सूचना के अधिकार के बारे में जैसे जैसा पूतना मौसी को प्रेम आया था, वैसा आपको प्रेम आया है। उस ज़माने में आपने कालकूपि के अंदर क्या रखा था, वह तो किसी को बताया तक नहीं। ...(व्यवधान)... यह तो हमारे यज्ञ दत्त शर्मा जी के नेतृत्व में एक समिति स्थापित करनी पड़ी और जहाँ-जहाँ भी यह कालकूपि रखी गई थी, उसके अंदर क्या है, वह निकाला। ...(व्यवधान)...

उपसभापति महोदय, यह जो इनका प्रेम है, पूतना मौसी के प्रेम जैसा है। ...(व्यवधान)... मैं मानता हूँ कि इसमें कोई निष्ठा नहीं है, कोई प्रतिबद्धता नहीं है। ...(व्यवधान)... हम जानते हैं कि देश के इतिहास में कई प्रसंग आए, जिनमें देश को विश्वास में लेकर जानकारी देना जरूरी था। ...(व्यवधान)... मगर इस देश को स्वर्गीय श्यामा प्रसाद मुखर्जी की मृत्यु कैसे हुई? इसके बारे में कभी बताया नहीं गया। स्वर्गीय लाल बहादुर शास्त्री की ...(व्यवधान)...

श्री उपसभापति: कोई स्लोगन या इस तरह की कोई चीज़ रिकॉर्ड पर नहीं जाएगी। ...(व्यवधान)... जो माननीय सदस्य बोल रहे हैं, उनकी बात ही रिकॉर्ड पर जाएगी। ...(व्यवधान)... जो सदस्यगण, वेल में खड़े हैं, मैं उनसे अनुरोध करता हूँ कि वे अपनी सीट पर वापस जाएँ

और बहस में भाग लें तथा वोट देकर सेलेक्ट कमेटी के लिए तय कर लें। ...**(व्यवधान)**... हाउस में डिस्कस करके, डिबेट करके और वोट करके सेलेक्ट कमेटी में भेजना ही ट्रेडिशनल प्रोसेस रहा है। ...**(व्यवधान)**... इसी आधार पर यह बहस हो रही है। ...**(व्यवधान)**...

डा. विनय पी. सहस्रबुद्धे: माननीय उपसभापति महोदय, मैं यह कह रहा था कि देश के इतिहास में स्वाधीनता के बाद भी, स्वाधीनता के पहले का तो छोड़ दीजिए। ...**(व्यवधान)**... मगर स्वाधीनता के बाद भी कई ऐसे प्रसंग हुए हैं, जिनमें जानकारी से जनता को वंचित रखा गया। ...**(व्यवधान)**... डा. श्यामा प्रसाद मुखर्जी की मृत्यु के पीछे वाकई में कारण क्या थे? क्या उनकी प्राकृतिक, नैसर्गिक मृत्यु हुई थी या उसके पीछे कोई षड्यंत्र था, इसके बारे में देश को कभी बताया नहीं गया। ...**(व्यवधान)**... स्वर्गीय लाल बहादुर शास्त्री जी की मृत्यु के बारे में भी कुछ संदेह का वातावरण उस समय भी था और आज भी है, यह मैं मानता हूँ। ...**(व्यवधान)**... ये तो हमारे देश के बड़े-बड़े नेता हुए। मगर भ्रष्टाचार किस पार्टी के साथ, एक समीकरण जैसा जुड़ गया है, उस पार्टी ने 70 के दशक में, 80 के दशक में, कई ऐसे प्रकरण और मैं मानता हूँ कि दबोच दिए। ...**(व्यवधान)**... नगरवाला एक प्रकरण हुआ था, श्रीमती इंदिरा गांधी उस समय देश की प्रधान मंत्री थीं। ...**(व्यवधान)**... लोगों ने जानकारी रखने का आग्रह रखा कि हमें बताइए कि नगरवाला महोदय कहाँ गए? ...**(व्यवधान)**... आज तक देश को पता नहीं है कि जिस स्टेट बैंक में वह धन डाला गया, उसके जो मैनेजर नगरवाला थे, उनका क्या हुआ? ...**(व्यवधान)**... सूचना के अधिकार के प्रति आप इतने संवेदनशील होकर, एक स्वांग रचते हुए ...**(व्यवधान)**... उपसभापति महोदय, मैं कहना चाहता हूँ कि इस दृष्टि से लोगों को गुमराह करने की कोशिश न करें। मैं मानता हूँ कि यह आवश्यक है। ...**(व्यवधान)**... यहां कहा जा रहा है कि स्कूटिनी होनी चाहिए, स्कूटिनी के लिए कौन मना कर रहा है, स्कूटि जरूर होनी चाहिए। हर पहलू के ऊपर, हर कानून के छोटे-छोटे बिन्दु के बारे में स्किर्टनी जरूर होनी चाहिए और चर्चा होनी चाहिए। ...**(व्यवधान)**... मगर आप जानते हैं, सदन में कई बार इस बिल को सेलेक्ट कमेटी को देने का निर्णय किया था। मैं बताना चाहता हूँ कि मुझे दो बार ऐसी सेलेक्ट कमेटी का नेतृत्व करने का मौका मिला था, मैं उस सेलेक्ट कमेटी का अध्यक्ष था। मगर सेलेक्ट कमेटीज में जो होता है, किस तरह से माननीय सदस्य उसमें उपस्थित रहते हैं और जो चर्चा करते हैं, उसमें गुणात्मक दृष्टि से कोई बहुत अन्तर होता है, ऐसा मैं नहीं मानता हूँ। ...**(व्यवधान)**... इसलिए केवल काल-अपव्यय करना, केवल टाइम ईटींग करना, केवल टाइम कंज्यूम करना, मैं मानता हूँ कि इससे कुछ होने वाला नहीं है। यह छोटा संशोधन है। इसके कारण मूल कानून में कोई आमूल-चूल परिवर्तन नहीं हो रहा है। जो इस बिल के पीछे की भावना है, सूचना के अधिकार का जो मूल कानून है, उस कानून के साथ यह सुसंगत है। यहां पर कतई कोई विसंगति का बिन्दु नहीं है। मैं मानता हूँ कि विवेक आधार पर यदि निर्णय होता है, तो यह बिल निश्चित रूप से इस सदन के माध्यम से पारित होगा। ...**(व्यवधान)**...

मान्यवर, मैं आपके माध्यम से यह भी कहना चाहता हूँ कि इन्फॉर्मेशन एक्ट आया, उससे पहले उसकी चर्चा भी हुई, लेकिन आज राइट टू इन्फॉर्मेशन के इम्प्लीमेंटेशन के बारे में जो दिक्कतें

आ रही हैं, उनमें सबसे पहली दिक्कत, सबसे पहली समस्या, सबसे पहली चुनौती क्या है ? वह चुनौती यह है कि हमारा इन्फॉर्मेशन मैनेजमेंट सही नहीं है। ...**(व्यवधान)**... सूचना तो मिलनी चाहिए, मगर सूचना को रिट्रीव कैसे करें, सूचना को बाहर कैसे निकालें, सूचना का संचय कैसे होगा, उसका रख-रखाव कैसे होगा, इन सारे बिन्दुओं पर ध्यान देना जरूरी था, वह नहीं दिया गया। ...**(व्यवधान)**... इसलिए आज भी ऐसा होता है कि अधिकार को नकारने की किसी की भूमिका नहीं है, मगर अधिकार को अवलंबित करते समय सूचना का जो संकलन होना चाहिए, सूचना का जो स्टोरेज होना चाहिए, सूचना का जो संचय होना चाहिए, उसी के बारे में दिक्कतें हैं। ...**(व्यवधान)**... मैं मानता हूँ कि ऐसी कई चुनौतियाँ हैं, जिनमें से कुछ चुनौतियों का सामना करने के लिए यह जो बिल आ रहा है, उसके पारित होने से व्यवस्था अधिक चाक-चौबन्द होगी और जनता की जो अपेक्षा है, वह इस बिल के माध्यम से पूरा करने के लिए हम अधिक संगत होंगे। ...**(व्यवधान)**...

मान्यवर, इस बिल के अंदर क्या है, वह मैं बताना चाहता हूँ कि इस बिल के अंदर केवल विसंगति को दूर करना है। हमारे सूचना आयुक्तों को नियुक्त किया जाता है, ये सूचना आयुक्त कौन होते हैं? ऐसा कहीं लिखा नहीं है कि जर्नलिस्ट्स होने चाहिए, ऐसा भी कहीं नहीं लिखा है कि ये फॉर्मर IAS अधिकारी होने चाहिए, ऐसा कुछ नहीं है कि ये न्यायविद् होने चाहिए। समाज में जितने सारे प्रबुद्ध लोग हैं, उनमें से कुछ लोगों का उन सरकारों द्वारा चयन किया जाता है और नियुक्त किया जाता है। यह उस दृष्टि से एक नया प्रयोग है। इसलिए उसमें शुरुआती दौर में कुछ दिक्कतें आना स्वाभाविक है। ...**(व्यवधान)**... मगर उन दिक्कतों का सामना करते समय, उनकी समीक्षा करने के बाद क्या कुछ सुधार नहीं करने चाहिए, क्या बिजनेस as usual रखना चाहिए और दिक्कतें आ रही हैं, फिर भी क्या हमें परिवर्तन के बारे में नहीं सोचना चाहिए? ...**(व्यवधान)**... मैं मानता हूँ कि कई बार ऐसा होता है, लोगों को भी लगता है कि एकदम पांच साल, सांसद के बारे में भी लोगों को लगता होगा कि पांच साल के लिए चुन देते हैं, फिर वे सोचते हैं कि पांच साल कुछ ज्यादा ही समय हो गया है, दो-तीन साल पर्याप्त हैं। ...**(व्यवधान)**... ऐसी स्थिति में, एक नए संदर्भ में, जब आप सूचना आयुक्त की नियुक्ति करते हैं, तो उसकी कालावधि को पांच साल के बजाय तीन साल करना, मैं मानता हूँ कि विवेकपूर्ण है और उस विवेक के आधार पर सरकार ने यह निर्णय लिया है। हमें ध्यान में रखना चाहिए कि सूचना अधिकार के अन्तर्गत काम करने वाला जो सूचना आयुक्त है, वह कोई न्यायमूर्ति नहीं है। He is not a judge; he is not a part of judiciary. वह अपने विवेक के आधार पर केवल न्याय मिलने की सुविधा निर्माण करने वाला एक सेवक है। He is a facilitator. इस दृष्टि से, मैं मानता हूँ कि उनकी तुलना सुप्रीम कोर्ट या हाई कोर्ट के न्यायमूर्ति से करना, अपने आप में एक बहुत बड़ी भूल है और उस भूल को सरकार इस कानून में संशोधन के माध्यम से दूर करना चाहती है। ...**(व्यवधान)**...

महोदय, लोग कहते हैं कि इनके वेतन के अधिकार आप कैसे तय करेंगे, यदि सरकार नहीं करेगी, तो कौन करेगा? आखिरकार सरकार ही तो सारी व्यवस्था का नेतृत्व करती रहती है और सरकार के द्वारा विवेक के आधार पर जो वेतन तय होगा, उसी को दिया जाएगा। मैं मानता

[डा. विनय पी. सहस्रबुद्धे]

हूँ कि इसको अनावश्यक ...(व्यवधान)... महिमामंडित करते हुए ...(व्यवधान)... और सूचना आयुक्तों को न्यायमूर्ति के साथ समकक्ष मानते हुए ...(व्यवधान)... एक जो भूल हुई थी ...(व्यवधान)... मूल कानून में ...(व्यवधान)... उस भूल को ठीक करने का, उसमें सुधार लाने का एक प्रयास है। ...(व्यवधान)... एक प्रामाणिक प्रयास है। ...(व्यवधान)... मैं मानता हूँ कि हमें इस प्रयास को सकारात्मक दृष्टि से देखना चाहिए ...(व्यवधान)... इसमें कोई ...(व्यवधान)... paymaster की approach नहीं है। ...(व्यवधान)... हम पैसा देते हैं, वाली भूमिका नहीं है पैसा तो जनता का है और सरकार तो केवल फेसिलिटेटर होती है और प्रधान मंत्री नरेन्द्र मोदी जी के नेतृत्व ...(व्यवधान)... में हमारी भूमिका केवल मात्र इतनी ही रही है। ...(व्यवधान)...

मान्यवर, मैं बताना चाहता हूँ कि इस विषय में ...(व्यवधान)... आपने भी तो परिवर्तन किए थे। ...(व्यवधान)... विपक्ष के जो माननीय सदस्य आज यहाँ पर जोर-जोर से चिल्ला रहे हैं और इसका विरोध कर रहे हैं ...(व्यवधान)... मैं उनके ध्यान में यह बात ला देना चाहता हूँ कि 2011 में सूचना आयोग ने ...(व्यवधान)... श्रीमती प्रतिभा पाटिल, जो उस समय की हमारी राष्ट्रपति थी, ...(व्यवधान)... उन्हें एक नोटिस दिया था कि अपनी संपत्ति का ब्योरा हमें दे दीजिए। ...(व्यवधान)... जो उस समय की सरकार थी ...(व्यवधान)... उसको संबद्ध नहीं था ...(व्यवधान)... वह सरकार विचलित हो गई और सरकार के मुखिया के रूप में उस समय के प्रधान मंत्री डा. मनमोहन सिंह जी ने 2011 में ...(व्यवधान)... मैं आपको अक्टूबर, 2011 की घटना बता रहा हूँ ...(व्यवधान)... कि सूचना आयोग का सालाना सम्मेलन होता है। ...(व्यवधान)... उसमें प्रधान मंत्री जी ने कहा and I am quoting Dr. Manmohan Singh, "सूचना का अधिकार अधिनियम" को अब समीक्षा की जरूरत है। ...(व्यवधान)... 2011 में डा. मनमोहन सिंह जी कह रहे थे कि अभी इसकी समीक्षा की जरूरत है। ...(व्यवधान)... मगर वह हुआ नहीं और बाद में ...(व्यवधान)... आगे चलकर डा. मनमोहन सिंह जी कहते हैं कि "सूचना का अधिकार" अधिनियमों की समीक्षा की जरूरत है ...(व्यवधान)... आर.टी.आई. कानून के जरिए सरकारी योजनाओं पर प्रतिकूल प्रभाव नहीं पड़ना चाहिए। ...(व्यवधान)... This is Dr. Manmohan Singh. यह हम नहीं कह रहे हैं। ...(व्यवधान)... उन्हीं को कुछ डर लग रहा था। ...(व्यवधान)... उन्हीं को कुछ संभावनाएं उजागर होती हुई दिखाई दे रही थीं ...(व्यवधान)... तो ऐसे वातावरण में ...(व्यवधान)... जो 2011 से समीक्षा करने का काम कुछ मात्रा में प्रलंबित था ...(व्यवधान)... यह एक progressive unfoldment होती है ...(व्यवधान)... केवल मात्र इस सुधार से सारा आदर्श स्थिति में जाएगा ...(व्यवधान)... यह किसी का दावा नहीं है, मगर यह बुनियादी सुधार है। यह implementation level आवश्यक सुधार है और इसलिए उसको लागू करने की बात सरकार कह रही है। ...(व्यवधान)... मैं मानता हूँ कि इसके बारे में विवेक के आधार पर निर्णय होना चाहिए। ...(व्यवधान)... शोर-गुल में, शोर-शराबे में और नारेबाजी में इसका निर्णय करना ...(व्यवधान)... सूचना के अधिकार का जो मूल तत्व है ...(व्यवधान)... मैं मानता हूँ कि यह उसके विरोध में है। ...(व्यवधान)...

मान्यवर, बहुत विस्तार से कुछ बात कहने की जरूरत नहीं है, मगर हम सब यह भी जानते हैं कि सूचना के अधिकार के दुरुपयोग के भी कई सारे उदाहरण समाज में देखे हैं ...(व्यवधान)...

देश में देखे हैं। सूचना का जो weaponization हुआ है ...**(व्यवधान)**... कोई blackmailing के लिए भी इसका उपयोग कर रहा है ...**(व्यवधान)**... कहीं-कहीं धमकियाँ भी दी जा रही हैं ...**(व्यवधान)**... खुले आम लोग बोलते हैं कि मैं RTI लगा दूंगा ...**(व्यवधान)**... RTI लगा दूंगा। ...**(व्यवधान)**... यह क्या तरीका है? ...**(व्यवधान)**... RTI Act की जो पवित्रता है ...**(व्यवधान)**... उसको बरकरार रखने के लिए अगर कुछ सुधारों की आवश्यकता है, तो विपक्ष के लोगों को इस पर इतनी आपत्ति क्यों होनी चाहिए ...**(व्यवधान)**... यह हमारी समझ में नहीं आ रहा है।

मान्यवर, मैं आपसे यह कहना चाहता हूँ कि इस विषय में किसी को भी holier than thou की approach लेने की जरूरत नहीं है। ...**(व्यवधान)**... इसके प्रति ...**(व्यवधान)**... अगर हम अपनी राज्य सरकारों की performance को देखें ...**(व्यवधान)**... तो लगभग सभी राज्य सरकारों ने या सभी राज्य स्तरीय सूचना आयोगों में ...**(व्यवधान)**... कहीं पर स्थान रिक्त हैं ...**(व्यवधान)**... कहीं पर जो बैकलॉग है ...**(व्यवधान)**... वह बहुत बढ़ा हुआ है और कई जगह ...**(व्यवधान)**... अपव्यय हो रहा है। ...**(व्यवधान)**... ये समस्याएं होनी स्वाभाविक हैं। ...**(व्यवधान)**... दुर्भाग्यवश इसके बारे में ...**(व्यवधान)**... जो पहले से ...**(व्यवधान)**... पूर्व विचार होना चाहिए था, वह नहीं हो पाया। ...**(व्यवधान)**... जिसके चलते इस सरकार को इन सुधारों को लेकर इस सदन के समक्ष आना पड़ा ...**(व्यवधान)**... मैं मानता हूँ कि जो नारे लगा रहे हैं ...**(व्यवधान)**... जो शोर-गुल मचा रहे हैं, जो अपनी ऊंची आवाज से हमारे विवेक की आवाज़ को दबाने की कोशिश कर रहे हैं, मैं उनसे कहूंगा कि आप कृपया आत्मपरीक्षण कीजिए। ...**(व्यवधान)**... सूचना का अधिकार ...**(व्यवधान)**... सुनने का अधिकार भी होता है। ...**(व्यवधान)**...

श्री उपसभापति: डा. विनय पी. सहस्रबुद्धे जी, आपकी पार्टी ने जो टाइम दिया था उससे अधिक टाइम हो गया है। ...**(व्यवधान)**... प्लीज समाप्त कीजिए।

डा. विनय पी. सहस्रबुद्धे: हमारे सुनने के अधिकार के अंदर ये आ रहे हैं। ...**(व्यवधान)**... हमारा सुनने का और बोलने का जो अधिकार है ...**(व्यवधान)**... उसको ये लोग छीन रहे हैं आपको मुझे सुरक्षा देनी चाहिए। ...**(व्यवधान)**... इसलिए मेरा मानना है कि अपने विवेक का आह्वान करो ...**(व्यवधान)**... अपने विवेक के आधार पर निर्णय करो ...**(व्यवधान)**... आपके शोर-गुल से दबने वाली न यह सरकार है, न हमारी Party है। ...**(व्यवधान)**... आपका बहुत-बहुत धन्यवाद।

श्री उपसभापति: माननीय श्री जयराम रमेश जी। ...श्री देरेक ओब्राइन जी, आप बोलिए। ...**(व्यवधान)**...

SHRI DEREK O'BRIEN: Sir, you bring the House in order. ...*(Interruptions)*... You bring the House in order. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Ask your Members to go back. ...*(Interruptions)*...

श्री देरेक ओब्राइन: बीजेपी विवेक की बात कर रही है। ...**(व्यवधान)**... इनका कोई विवेक है? ...**(व्यवधान)**... इनका कोई विवेक है?

MR. DEPUTY CHAIRMAN: Derek O'Brienji, please ask your Members to go back and you speak. ...(Interruptions)...

श्री देरेक ओब्राईन: आप हाउस को ऑर्डर में लाइए। ...(व्यवधान)... ये विवेक की बात कर रहे हैं ...(व्यवधान)... इनका क्या... conscience है, क्या विवेक है इनका ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please ask your Members to go back from the Well. ...(Interruptions)... You please ask your Members to go back. ...(Interruptions)... श्री जावेद अली खान। ...(व्यवधान)...

Then, I will move to the other speaker. ...(Interruptions)...

SHRI DEREK O'BRIEN: That you can do. You can ask me to go out also.

श्री उपसभापति: श्री जावेद अली खान। ...(व्यवधान)...

श्री जावेद अली खान (उत्तर प्रदेश): सर, हाउस ऑर्डर में नहीं है, इसलिए बोलने का कोई मतलब नहीं है। ...(व्यवधान)... यह चेयर का कर्तव्य है कि पहले हाउस ऑर्डर में आए और उसके बाद वक्ता अपनी बात रखे। ...(व्यवधान)... हमें आपका संरक्षण चाहिए। ...(व्यवधान)... सर, हाउस को ऑर्डर में लाइए। ...(व्यवधान)... यह चेयर की जिम्मेदारी है कि हाउस ऑर्डर में हो। ...(व्यवधान)...

†جناب جاوید علی خان : سر، ہاؤس آرڈر می نہی ہے، اس لئے بولنے کا کوئی مطلب نہی ہے۔۔۔(مداخلت)۔۔۔ یہ چیر کا فرض ہے کہ پہلے ہاؤس آرڈر می آئے اور اس کے بعد وکتہ اپنی بات رکھے۔۔۔(مداخلت)۔۔۔ ہمیں آپ کا سنرکشن چاہیے۔۔۔(مداخلت)۔۔۔ سر، ہاؤس کو آرڈر می لائیے۔۔۔(مداخلت)۔۔۔ یہ چیر کی ذمہ داری ہے کہ ہاؤس آرڈر می ہو۔۔۔(مداخلت)۔۔۔

Now, Shri A. Navaneethakrishnan. ...(Interruptions)... You speak. ...(Interruptions)... This is your time. ...(Interruptions)... Please speak as this is your time. ...(Interruptions)...

श्री उपसभापति: श्री ए. नवनीतकृष्णन। ...(व्यवधान)... Now, Shri A. Navaneethakrishnan. ...(Interruptions)... Please speak as this is your time. ...(Interruptions)... कृपया माननीय सदस्य के पास जाकर इस तरह से न करें। ...(व्यवधान)... उनको बोलने दें। ...(व्यवधान)... नवनीतकृष्णन जी, आप बोलिए। ...(व्यवधान)... Please speak. ...(Interruptions)...

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Sir, the... *...(Interruptions)...*

श्री उपसभापति: माननीय सदस्य की बात के अलावा कोई और बात रिकॉर्ड पर नहीं जाएगी। *...(व्यवधान)...* पूरा देश देख रहा है। *...(व्यवधान)...* अगर राज्य सभा के माननीय वरिष्ठ सदस्य इस तरह से वेल में खड़े होकर शोर करेंगे, तो उससे पूरे देश के सामने क्या impression जाएगा? *...(व्यवधान)...* जो स्थापित convention है, उसके अनुसार हाउस न चलने देना, *...(व्यवधान)...* अगर आप इसे सेलेक्ट कमिटी को भेजना चाहते हैं, तो वोट से तय कर लीजिए। *...(व्यवधान)...* वोट से तय करिए। *...(व्यवधान)...* कोई और बात रिकॉर्ड पर नहीं जा रही है। *...(व्यवधान)...* श्री ए. नवनीतकृष्णन, आप बोलिए। *...(व्यवधान)...*

SHRI A. NAVANEETHAKRISHNAN: The Right to Information is a very valuable right. *...(Interruptions)...* Now, please... *...(Interruptions)...*

श्री उपसभापति: कृपया माननीय सदस्य को बोलने दीजिए। *...(व्यवधान)...* आप बोलिए। *...(व्यवधान)...*

SHRI A. NAVANEETHAKRISHNAN: The Government has brought an Amendment *...(Interruptions)...* We need not be afraid of these Amendments. *...(Interruptions)...* This is my humble opinion *...(Interruptions)...* Now, Right to Information Commission is only a statutory commission. *...(Interruptions)...* Nobody is having any guarantee with regard to the terms and conditions of the Commissioners. *...(Interruptions)...* Definitely, the Central Government will take care of it. *...(Interruptions)...* It cannot be taken as a constitutional guarantee. *...(Interruptions)...* It is only a statutory right. *...(Interruptions)...* So, being a mere statutory right, one cannot claim any absolute right. *...(Interruptions)...* So, it is not being an absolute right, the Government is rightly bringing the Bill. *...(Interruptions)...* So, we need not fear about it. *...(Interruptions)...* We support this Bill. *...(Interruptions)...* Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, Shri Prasanna Acharya. *...(Interruptions)...* Shri Prasanna Acharya. *...(Interruptions)...*

SHRI PRASANNA ACHARYA: Sir, I want to speak but how can I speak? *...(Interruptions)...* I want to speak. *...(Interruptions)...* I want to raise my objections. *...(Interruptions)...* I want to make my point. *...(Interruptions)...* I want clarifications from the Government. *...(Interruptions)...* But, how can I do it under such a din? *...(Interruptions)...*

श्री उपसभापति: प्रसन्न आचार्य जी, कृपया आप बोलें, आपकी बात ही रिकॉर्ड पर जा रही है, कोई और बात रिकॉर्ड पर नहीं जा रही है। *...(व्यवधान)...* कृपया आप बोलिए। *...(व्यवधान)...*

SHRI PRASANNA ACHARYA (Odisha): Sir, it is simply not possible. Sir, I want to speak. I want to put it on record that I am interested to speak. *...(Interruptions)...* But, it is not possible to speak in this situation. *...(Interruptions)...* It is virtually not possible. *...(Interruptions)...* I want to speak. *...(Interruptions)...* I want to make my points. *...(Interruptions)...* I want to seek clarification and explanation from the Government but I cannot speak here. *...(Interruptions)...* How can I speak? *...(Interruptions)...* Unless the House is in order, how can I speak?

श्री उपसभापति: कृपया माननीय सदस्य को बोलने दें। *...(व्यवधान)...* कृपया वेल में खड़े होकर जो माननीय सदस्य बोल रहे हैं, उनको disturb न करें। *...(व्यवधान)...*

SHRI PRASANNA ACHARYA: I want to speak but I am unable to speak. *...(Interruptions)...* You see how I can speak. *...(Interruptions)...* You believe me; I am not able to speak. *...(Interruptions)...* I want to speak but I am not able to speak. *...(Interruptions)...* I want to make my points but I am not able to do it. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Please speak. *...(Interruptions)...* That will only go on record. *...(Interruptions)...*

SHRI PRASANNA ACHARYA: How can I speak? *...(Interruptions)...* How can I speak? *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Now, Shri Ram Chandra Prasad Singh. *...(Interruptions)...* Shri Ram Chandra Prasad Singh. *...(Interruptions)...* Now, Shri K.K. Ragesh. *...(Interruptions)...* Please. *...(Interruptions)...*

SHRI K.K. RAGESH: Sir, I want to speak but how can I speak? *...(Interruptions)...* The House is not in order. *...(Interruptions)...* * *...(Interruptions)...* * *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Shri K.K. Ragesh, you make your speech. Your speech will go on record. *...(Interruptions)...*

SHRI K.K. RAGESH: I want to speak. *...(Interruptions)...* * But let the House be in order. *...(Interruptions)...* * *...(Interruptions)...* * *...(Interruptions)...* * *...(Interruptions)...* I want to speak. *...(Interruptions)...* I need your protection. *...(Interruptions)...* I want to speak. *...(Interruptions)...* Let the House be in order. *...(Interruptions)...* Let the House be in order. *...(Interruptions)...*

* Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: You please speak. ...(*Interruptions*)...

SHRI K.K. RAGESH: * ...(*Interruptions*)... * ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Prof. Manoj Kumar Jha. ...(*Interruptions*)...

SHRI K.K. RAGESH: What is this, Sir? ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA: Sir, I am witnessing the killing of democracy. ...(*Interruptions*)... I am witnessing the killing of democracy. ...(*Interruptions*)... This is not the House...(*Interruptions*)... How can I speak? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: You speak, that will go on record. ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA: How can I speak? ...(*Interruptions*)... Sir, we are butchering democracy. ...(*Interruptions*)... I don't want to be a part of this killing of democracy. ...(*Interruptions*)... I don't want to be a part of this killing of democracy. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Shri R.S. Bharathi. ...(*Interruptions*)... Shri Anil Desai. ...(*Interruptions*)...

SHRI ANIL DESAI (Maharashtra): Sir, I rise in support of the Right to Information (Amendment) Bill, 2019. ...(*Interruptions*)... It is very strange that some Members are saying that democracy is being killed. ...(*Interruptions*)... Democracy is being disturbed in the House. ...(*Interruptions*)... Today it is a painful act on the part of the Opposition that really they are not doing good and the people of India are watching the whole scenario. ...(*Interruptions*)... We, as legislators in the House, should bear it in mind that we owe to the people and our owing to the people, ...(*Interruptions*)... in that, the Right to Information Bill plays a very important part. ...(*Interruptions*)... Sir, this Bill aims to amend the Right to Information Act, 2005, ...(*Interruptions*)... so as to provide that the term of office and salaries and allowances and other terms and conditions ...(*Interruptions*)... of services of Chief Information Commissioner and Information Commissioners and State Chief Information Commissioner and State Information Commissioners ...(*Interruptions*)... shall be as such may be described by the Central Government. ...(*Interruptions*)... According to the provision under Section 13 of the Information Act, 2005, ...(*Interruptions*)... Chief Information Commissioner and

* Expunged as ordered by the Chair.

[Shri Anil Desai]

Information Commissioners shall hold the office ...(Interruptions)... for a term of five years or till they attain the age of 65 years, whichever is earlier, ...(Interruptions)... and shall not be eligible for reappointment. ...(Interruptions)... It also provides that salaries and allowances and other terms and conditions of the services of Chief Information Commissioner and Information Commissioners shall be the ...(Interruptions)... same that of the Chief Election Commissioner and Election Commissioners respectively. ...(Interruptions)... Similarly, Section 16 provides for the term of office and conditions of the services of the State Chief Information Commissioner and State Information Commissioner and provides for ...(Interruptions)... the term of five years or till they attain the age of 65, whichever is earlier ...(Interruptions)... and shall not be eligible for reappointment. ...(Interruptions)... It provides that their salaries and allowances and other terms and conditions of ...(Interruptions)...

श्री उपसभापति: देखिए, इस तरह से कागज़ फाड़ कर फेंकना एक अमर्यादित काम है। ...(व्यवधान)... आप सब राज्य सभा के वरिष्ठ सदस्य हैं। ...(व्यवधान)... आप अपनी-अपनी सीटों पर वापस जाएं, बैल में आकर इस तरह का कार्य न करें। ...(व्यवधान)...

SHRI ANIL DESAI: As rightly mentioned by the hon. Minister in the Statement of Objects and Reasons ...(Interruptions)... that the salary and allowances and other terms and conditions of service of Chief Election Commissioner ...(Interruptions)... and Election Commissioners are equal to a Judge of Supreme Court, and, therefore, ...(Interruptions)... the Chief Information Commissioner and State Chief Information Commissioner ...(Interruptions)... become equivalent to a Judge of Supreme Court in terms of ...(Interruptions)... salary and allowances and other terms and conditions of their service. ...(Interruptions)... However, the functions carried out by ...(Interruptions)... the Election Commission of India and State Information Commissioner are totally different. ...(Interruptions)... As Election Commission is constituted under Sub-clause 1 of Article 324 of the Constitution ...(Interruptions)... and is responsible for superintendence ...(Interruptions)..., direction and control of the ...(Interruptions)... and conduct of the elections to the Parliament and State Legislatures, ...(Interruptions)... and election to the offices of President and Vice-President in the Constitution. ...(Interruptions)... Whereas, the Central Information Commission and State Information Commissioners ...(Interruptions)... are statutory bodies established under the provisions of the Right to Information Act, 2005. ...(Interruptions)... Therefore, their status and service conditions ...(Interruptions)... need to be considered and rationalized accordingly.

...(Interruptions)... By these amendments, the Right to Information Act ...(Interruptions)... will not be diluted as feared by some people and those who are in the Well, they should understand that this is not a dilution of the Right to the Information Act. ...(Interruptions)... On the contrary, by accepting these Amendments, strengthening of the Act will take place, and it will be serving the cause of the people of India. ...(Interruptions)... With this, I conclude my speech with strong support from my party and myself. Thank you.

SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Thank you, Mr. Deputy Chairman, for allowing me to speak on this Bill. ...(Interruptions)... Sir, the proposed amendments in the Bill are pertaining to the tenure of the Chief Information Commissioner and Commissioners, and State Information Commissioner. Sir, it is only relating to the salaries and perquisites of CIC. Apart from the tenure, it also relates to his salary, allowances, and other terms and conditions. ...(Interruptions)... Earlier, the statute itself had indicated the tenure, as well as the salary, which was equivalent to the Chief Election Commissioner and Election Commissioners, as the case may be ...(Interruptions)... Now, the power is vested with the State Government. It is only these two amendments that are being introduced by the Government now, in this Bill. ...(Interruptions)... In this regard, I would like to quote Nelson Mandela who once said: "Information is a basic human right and the fundamental foundation for formation of democratic institutions." In fact, Sir, I recall that a few years back, there was an RTI Movement which resulted in this Act. Elaborate discussions had taken place, and thereafter, the enactment has been made. ...(Interruptions)... Therefore, perusal of the Act needs to be done keeping the background in mind because it is not just another legislation.

Over 60 lakh Indians have used RTI to access information and form their opinion. RTI no doubt, till now, has helped in making the governance transparent, and has increased accountability in administration.

Sir, how can we express if there is no information? There is no freedom of expression if there is no freedom to information. ...(Interruptions)... Sir, I have three suggestions to make.

Firstly, the amendment gives no idea on how much salary will be given to the Chief Information Commissioner and Commissioners both at the Centre and States ...(Interruptions)... Clarification may be given in regard to the salaries of the Chief Information Commissioner and Commissioners. ...(Interruptions)...

[Shri V. Vijayasai Reddy]

The second suggestion which I would like to make is, there are other important issues which the Information Commissions are facing, which could have been addressed by this Amendment, such as, how to ensure that the Commissions are fully staffed, and how to ensure that they have all the resources to do their job effectively.

The third and final suggestion which I would like to make is that the Amendment could have had defined the salary of the Commissioners to be such, as may be set by the Parliament instead of the Government. This would have ensured that salary of the Commissioners is out of the control of the Central Government as well as the powers of the Parliament are intact.

In conclusion, I would like to say that there is no doubt that the Government, in its wisdom, has removed equating CIC and SIC at par with CEC. The Office of the Election Commissioner is a constitutional body, whereas, the office of the Information Commissioner is not a constitutional body. The Government would like to make a distinction between the constitutional body and the statutory body. There is nothing in this Amendment Bill. Therefore, we support the Bill.

One more important point is about giving autonomy under Section 12(4) of the Act and appointment under Section 12(3). I am sure, the Government would never compromise and tinker these Sections as autonomy and process of appointment of CIC, IC and SIC is very important for free flow of information.

And finally, Sir, I would like to make a mention in this regard that except in regard to tenure as well as salaries, there is no Amendment, and the Government is not doing anything insofar as powers of the Chief Information Commissioner, Information Commissioners are concerned. The Government is not doing anything in so far as powers of the Chief Information Commissioner or Information - Commissioners are concerned. ...*(Interruptions)*... The powers of the Election Commissioners or the Information Commissioners are intact, and there is no amendment on that. ...*(Interruptions)*... Only in regard to the salary and other things, the amendment is very much justified. Hence, we support the Bill. ...*(Interruptions)*...

I am reiterating that we support the Bill. Thank you, Sir.

श्री उपसभापति: जो माननीय सदस्यगण वेल में खड़े हैं, मेरा पुनः उनसे निवेदन है कि वे अपनी सीट पर जाएं, चर्चा में हिस्सा लें और वोट के द्वारा इसको सेलेक्ट कमेटी को भेज दें।

...(व्यवधान)... जो हाउस का tradition और परंपरा रही है, उसको follow करें। ...(व्यवधान)... इस तरह से सलोगन, नारे लगाना और कागज फाड़ना... स्कूल के बच्चे बैठे हैं, वे अपर हाउस के बारे में क्या संदेश लेकर जाएंगे? ...(व्यवधान)... इसलिए मेरा आपसे पुनः निवेदन है कि आप अपनी सीट पर जाएं और इस चर्चा को चलने दें।...(व्यवधान)... आप अपने वोट से तय करें और इसको सेलेक्ट कमेटी को भेजें।...(व्यवधान)... डा. अभिषेक मनु सिंघवी।...(व्यवधान)... डा. अभिषेक मनु सिंघवी।...(व्यवधान)...

DR. ABHISHEK MANU SINGHVI: Sir, when the House is not in order, how will I speak? ...(Interruptions)...

श्री उपसभापति: श्री शिव प्रताप शुक्ल।...(व्यवधान)...

श्री शिव प्रताप शुक्ल (उत्तर प्रदेश): मान्यवर, सबसे पहले तो मैं इस बिल का समर्थन करता हूँ, जो हमारी सरकार के द्वारा माननीय मंत्री, डा. जितेन्द्र सिंह जी लाए हैं।...(व्यवधान)... मान्यवर, इस विधेयक में ऐसा कुछ नहीं है, जिसका वितंडावाद वैल में आ करके ये लोग करने के लिए खड़े हुए हैं।...(व्यवधान)... मैं साफ तौर पर यह कहना चाहता हूँ कि इन लोगों को उस समय को याद करना चाहिए, जब इस देश में एक राजनीतिक पार्टी ने पूरे तौर पर इमरजेंसी स्थापित कर दी थी।...(व्यवधान)... कहीं भी लोगों को बोलने का अधिकार नहीं रह गया था।...(व्यवधान)... जब यह कहा गया कि हम कुछ बात कहना चाहते हैं, तो लोगों को ले जाकर जेलों में बंद करने का काम किया गया।...(व्यवधान)... हम जैसे लोग, उस समय नौजवान थे, 19-19 महीने तक जेल में ले जाकर बंद कर दिया गया था और आज ये सभी के सभी लोग इस बात को कहते हैं कि सूचना के अधिकार के तहत, जो यह बात आई है, जो परिवर्तन लाया जा रहा है, इसको सेलेक्ट कमेटी में भेजा जाना चाहिए।...(व्यवधान)... मैं बहुत साफ शब्दों में कहना चाहता हूँ कि जब इस देश में संविधान को बनाया गया, तो संविधान बनाने के साथ ही साथ विधायिका थी, कार्यपालिका थी और न्यायपालिका थी, उस समय कहीं भी यह आरटीआई नहीं था।...(व्यवधान)... आरटीआई को 2005 में बनाया गया और यह कहा गया कि जिन लोगों को आवश्यकता होती है, समय-समय पर वे सूचना के अधिकार के तहत अपनी बातों को रख कर सूचना मांग सकते हैं।...(व्यवधान)... तब यह कहा गया कि मुख्य सूचना आयुक्त होंगे, सूचना आयुक्त होंगे।...(व्यवधान)... उनका कार्यकाल 5 साल का रहेगा। 5 साल के अंतर्गत उनका जो अधिकार होगा, उस समय जो कहा गया, यह कहा गया कि राज्यों के मुख्य सचिव के अनुसार।...(व्यवधान)... जो मुख्य आयुक्त का है और उसके अतिरिक्त जो चुनाव अधिकारी हैं, ...(व्यवधान)... उनके वेतन, उनका अधिकार इसके अनुसार रहेगा।...(व्यवधान)... ऐसे ही केन्द्र में जो बनाया गया, वह सुप्रीम कोर्ट के जज को दृष्टि में रख कर बनाया गया।...(व्यवधान)... मान्यवर, यह statutory body है, इस बात का उन लोगों को ध्यान रखना चाहिए, जो लोग प्रत्येक दिन इस सदन में डा. अम्बेडकर को याद किया करते हैं, ...(व्यवधान)... जो लोग डा. राजेन्द्र प्रसाद जी को याद किया करते हैं, ...(व्यवधान)... मैं उन लोगों से पूछना चाहता हूँ कि उन लोगों के द्वारा, उन महान व्यक्तियों

[श्री शिव प्रताप शुक्ल]

के द्वारा जो संविधान की रचना की गई थी, उस संविधान की रचना में कहीं भी आरटीआई था? ...(व्यवधान)... यह नहीं था। ...(व्यवधान)... आज की आवश्यकता के अनुसार आरटीआई बनी है।...(व्यवधान)... हमारी सरकार कहीं भी आरटीआई के साथ कोई छेड़छाड़ नहीं करने जा रही है, बल्कि यह कह रही है कि इसको हम उसके समान नहीं रखते हैं, जो सुप्रीम कोर्ट की बॉडी है, जो हाई कोर्ट की बॉडी है, जो मुख्य चुनाव आयुक्त की बॉडी है, जो राज्यों के चुनाव आयोग की बॉडी है, मुख्य सचिवों की बॉडी है।...(व्यवधान)... इस प्रकार से इस statutory body को भी यह लाना चाहते हैं। ...(व्यवधान)... मान्यवर, आपको संज्ञान होगा कि कुछ दिन पहले इसी देश में कुछ लोगों ने अपनी उपाधियाँ वापस करने का काम किया था।...(व्यवधान)...ये वही लोग हैं, जो उन उपाधि वापस करने वाले लोगों के साथ खड़े रहा करते थे।...(व्यवधान)...वे कौन लोग थे? वे naxalites के समर्थक थे। वे कौन लोग थे? आतंकवादियों के समर्थक थे।...(व्यवधान)... वे कौन लोग थे? इस देश में कानून के विरोधी थे। ...(व्यवधान)...आज उन्हीं में से कुछ लोग एक दूसरा दृश्य उपस्थित करना चाहते हैं कि mob lynching के संदर्भ में इस देश के प्रधान मंत्री को आगे बढ़कर रोकना चाहिए। ...(व्यवधान)... हमारी सरकार ने mob lynching पर कानून बनाया है। ...(व्यवधान)... हम Law and Order के द्वारा बार-बार उसे नियंत्रित करने का काम करते हैं, लेकिन इन सभी लोगों ने इस बात को कभी नहीं माना।...(व्यवधान)...इनका काम क्या है? ...(व्यवधान)...ये किसी न किसी तरह से नियंत्रित सदन को अनियंत्रित करने का काम करते हैं।...(व्यवधान)...आज इस नियंत्रित सदन को अनियंत्रित करने का काम जो ये लोग कर रहे हैं, निश्चित रूप से हम इस बात को कह सकते हैं कि इन सभी लोगों को इसके लिए सदन से माफी मांगनी चाहिए। ...(व्यवधान)... इस उच्च सदन से माफी मांगनी चाहिए। इस तरह का वातावरण ये लोग यहाँ पर खड़ा कर रहे हैं। ...(व्यवधान)... मान्यवर, मैं कहना चाहता हूँ चीफ इलेक्शन कमिशनर की स्थिति में कुछ कमी नहीं की गई है।...(व्यवधान)...

श्री उपसभापति: माननीय एलओपी ...(व्यवधान)...

श्री शिव प्रताप शुक्ल: मान्यवर, सरकार ने सिर्फ इतना किया है कि समय-समय पर इसकी समीक्षा होनी चाहिए। ...(व्यवधान)...कोई गलत काम नहीं किया है। ...(व्यवधान)... समय-समय पर इसकी समीक्षा होनी चाहिए कि चुनाव आयुक्तों के द्वारा क्या हो रहा है। ...(व्यवधान)... चुनाव आयुक्त आज हाई कोर्ट के जज के बराबर है, सुप्रीम कोर्ट के जज के बराबर है।...(व्यवधान)...राज्यों के चुनाव आयुक्तों के द्वारा लिए गए निर्णय पूरे तौर पर हाई कोर्ट में चैलेंज होते रहे हैं। ...(व्यवधान)...केंद्र के चुनाव आयुक्त के द्वारा लिए गए निर्णय सुप्रीम कोर्ट में चैलेंज होते रहे हैं। ...(व्यवधान)...मैं पूछना चाहता हूँ कि जिनके ऑर्डर ही चैलेंज होते रहे हैं, उनको सुप्रीम कोर्ट के जज के बराबर और हाई कोर्ट के जज के बराबर कैसे मान्यता दी जाएगी? ...(व्यवधान)... किसी भी स्थिति में इनको इस पर मान्यता नहीं दी जानी चाहिए। ...(व्यवधान)... अभी तो हमने कुछ नहीं किया है, हमारी सरकार ने कुछ नहीं किया है। हमारी सरकार ने सिर्फ इतना ही

कहा है कि हम समय-समय पर इसकी समीक्षा करेंगे। ...**(व्यवधान)**...पहले ही ये लोग वितंडावाद कर रहे हैं, क्योंकि इन सभी लोगों का एक ही काम है कि कैसे इस सरकार के कार्यों का विरोध करें? ...**(व्यवधान)**... इस देश में लोगों को जो अनेक प्रकार सुविधाएं दी जा रही हैं, उनका कैसे विरोध करें? ...**(व्यवधान)**... हम तो यह भी कहते हैं कि आरटीआई के द्वारा हमारी सरकार जो कुछ कर रही है, उसे माँगो।...**(व्यवधान)**...आरटीआई के द्वारा हम एक-एक चीज़ देने वाले हैं कि हमने कैसे गैस की एजेंसी दी, हमने कैसे सिलेंडर दिया, हमने कैसे प्रधान मंत्री आवास दिया, हमने कैसे शौचालय दिया, हमने कैसे मुद्रा योजना का लाभ दिया, हमने कैसे स्टैंड-अप योजना दी, हमने कैसे स्टार्ट-अप योजना दी, हमने कैसे आयुष्मान भारत योजना दी। ...**(व्यवधान)**... पाँच लाख रुपए देकर लोगों के जीवन को बचाने का काम अगर किसी ने किया है, तो इस भारतीय जनता पार्टी की, श्री नरेन्द्र मोदी जी की सरकार ने किया है।...**(व्यवधान)**... इसके संदर्भ में बात करिए। ...**(व्यवधान)**... इसके संदर्भ में बात करिए। ...**(व्यवधान)**... आप जब भी बात करेंगे, तब निश्चित रूप से यह तय होगा कि यह सरकार जनहित की सरकार है, यह सरकार गरीबों की सरकार है, यह सरकार दबे-कुचले लोगों की सरकार है।...**(व्यवधान)**... हम कोई सांप्रदायिकता नहीं करते हैं, हम कोई भी दंगावाद नहीं करते हैं, हम कोई जातिवाद नहीं करते हैं। ...**(व्यवधान)**... यह सामने खड़े हुए लोग, जो हमारी नीतियाँ आती हैं, सही नीतियाँ आती हैं, "सबका साथ, सबका विकास, सबका विश्वास", तब इन्हें लगता है कि अब तो हमारी ज़मीन खिसक रही है, अब तो काँग्रेस मुक्त भारत हो रहा है, अब तो विपक्ष मुक्त भारत हो रहा है, तब इनको लगता है कि नई सरकार का विरोध करना चाहिए। ...**(व्यवधान)**... इनका एक ही काम है, विरोध, विरोध, विरोध, लेकिन आपके विरोध के बावजूद, जैसा रवीन्द्र नाथ टैगोर ने यह कहा था कि 'एकला चलो', वैसे हम एकला चलते हुए इस देश के लोगों को अपने कार्यों के द्वारा भारतीय जनता पार्टी की सरकार के साथ जोड़ते चलेंगे।...**(व्यवधान)**... देश की जनता जुड़ेगी, देश का सम्मान जुड़ेगा, इस बात को बड़े साफ शब्दों में मैं कहना चाहता हूँ। ...**(व्यवधान)**... मान्यवर, मैं अपनी बात सत्य कह रहा हूँ। ...**(व्यवधान)**... इन लोगों को बहस करनी चाहिए थी। ...**(व्यवधान)**... अगर हमारी कोई बात गलत होती, तो उन गलत बातों के लिए कहते कि आपने यह गलत कर दिया। ...**(व्यवधान)**... ये हमारी किसी बात को गलत साबित नहीं कर पा रहे हैं। ...**(व्यवधान)**... जब विनय सहस्रत्रबुद्धे जी बोल रहे थे, तब उन्होंने इस बात को कहा था कि पूर्व प्रधान मंत्री मनमोहन सिंह जी ने भी कभी इस बात को कहा था कि समीक्षा करनी चाहिए। ...**(व्यवधान)**... कांग्रेस बार-बार इस बात को करती है कि जब हम विकास का काम दिखाते हैं, तो यह कहती है कि हमने इसको किया था। ...**(व्यवधान)**... जब एक बार मनमोहन सिंह जी ने कहा कि समीक्षा करो और आज हम उसी समीक्षा को कर रहे हैं, तो किस बात का दर्द हो रहा है? ...**(व्यवधान)**... हम तो सही बात कर रहे हैं और सही बात को करते हुए निश्चित रूप से इस देश में सही ढंग से आरटीआई कानून को हम लागू करना चाहते हैं। ...**(व्यवधान)**... हमारी ऐसी कोई मंशा नहीं है कि हम आरटीआई पर कोई प्रतिबंध लगाएँ, रोकें, उनके अधिकारों को कम करें, लेकिन अगर यह बात आती है, उनको समकक्षता नहीं दी जा सकती है, तो इस पर दर्द उन लोगों को हो रहा है, जो कभी

[श्री शिव प्रताप शुक्ल]

आरटीआई के साथ जुड़े हुए थे, जो कभी सूचना आयुक्त थे, जो कभी मुख्य सूचना आयुक्त रहे हैं। ...**(व्यवधान)**... वे लोग इन लोगों को समझाकर, बहलाकर, फुसलाकर विरोध करने के लिए जुटा रहे हैं। ...**(व्यवधान)**... आज सदन में यह लग रहा है कि जैसे घर में छोटे बच्चे को थपकी देकर सुलाया जाता है और माताएँ कहा करती हैं- ओ-ओ-ओ, वैसे ही ये ओ-ओ-ओ-ओ करते हुए लोग ...**(व्यवधान)**... मैं इन लोगों को बड़े साफ शब्दों में कहना चाहता हूँ कि ओ-ओ-ओ-ओ करने की जगह आप इसका समर्थन कीजिए। ...**(व्यवधान)**...

श्रीमन्, मैं एक बात बहुत साफ कहना चाहता हूँ। ...**(व्यवधान)**... यह उच्च सदन है। ...**(व्यवधान)**... उच्च सदन की परम्परा के अनुसार, जो बार-बार पीठ से दिए हुए निर्णय आते हैं, निर्देश आते हैं, क्या ऐसे सभी के सभी लोग उन निर्देशों को नहीं जानते हैं? ...**(व्यवधान)**... किताब उठाएँगे, रूल्स उठाएँगे और रूल्स के आधार पर यह कहने लगेंगे कि ये-ये रूल्स हैं। फिर जब रूल्स के संदर्भ में हमारे भूपेन्द्र यादव जी उसका खंडन करते हैं, तो सारे के सारे बैठकर चुप हो जाते हैं। ...**(व्यवधान)**... मान्यवर, यह बात निश्चित रूप से लेनी चाहिए। ...**(व्यवधान)**... मान्यवर, कहा गया है- निन्दक नियरे राखिए आँगन कुटी छवाय। ...**(व्यवधान)**... हमने इन निन्दकों को निकट रखा है, आँगन में कुटी छवाकर रखेंगे, इनको और सुविधा देंगे। ...**(व्यवधान)**... ये हमारी निन्दा करें और हम इस देश की बहबूदी के लिए, भलाई के लिए कार्य करते रहेंगे। ...**(व्यवधान)**... नरेन्द्र मोदी जी आज भारत में सर्वप्रिय प्रधान मंत्री के रूप में जाने जाते हैं, विश्व में सर्वप्रिय नेता के रूप में जाने जाते हैं, लेकिन इनको विरोध को छोड़ना नहीं है। ...**(व्यवधान)**... इनकी स्थिति यह है कि इन लोगों के नेता कहीं नजर नहीं आते हैं। ...**(व्यवधान)**... न जनता चाहती है, न पार्टी चाहती है, न देश चाहता है, न अंतर्राष्ट्रीय स्तर पर जानकारी है। ...**(व्यवधान)**... इस नाते ये लोग विरोध कर रहे हैं। ...**(व्यवधान)**... मैं पूरे तौर पर इन लोगों से यह कहूँगा कि जितना भी चिल्लाना हो, चिल्लाइये, हम अनैतिक कुछ नहीं करेंगे, सब नैतिक करेंगे ...**(व्यवधान)**... इस नैतिकता के आधार पर इस कानून का भी संशोधन करेंगे। ...**(व्यवधान)**... संशोधन करके देश की जनता को उसका अधिकार दिलाएँगे और उस अधिकार के द्वारा देश की जनता अपनी बहबूदी को प्राप्त करें इस बात को कहेंगे। मान्यवर, बहुत-बहुत धन्यवाद।

SHRI SASMIT PATRA (Odisha): Mr. Deputy Chairman, Sir, for the Biju Janata Dal, for us, this is an extremely important Amendment Bill. ...**(Interruptions)**... The Right to Information Act, when it came in 2005, was a landmark Act. ...**(Interruptions)**... And, this landmark Act has actually redefined the way information is provided for in this country. ...**(Interruptions)**...

Sir, Right to Information is an important ingredient for the entire process of governance. ...**(Interruptions)**... So, when this Amendment has come now, in 2019, there are specific areas on which I would like to focus. ...**(Interruptions)**... But, before that,

as a party, we also have certain reservations. ...*(Interruptions)*... And, I will be placing before you those reservations. ...*(Interruptions)*... And, we will, of course, be seeking an assurance from the hon. Minister in terms of how it can be looked into and taken care of. ...*(Interruptions)*... If you look at the two specific provisos, which have been brought in, in 2005, the Chief Information Commissioner and the Information Commissioners at the Central and the State level would hold the office for a term of five years. ...*(Interruptions)*... But in the new Amendment that is being brought in, it has been changed that the Central Government will notify the term of office for the CIC and the ICs. ...*(Interruptions)*... In terms of the quantum of salary, the RTI in 2005, said that salaries of the CIC and the ICs at the Central level will be equivalent to the salaries paid to the Chief Election Commissioner and the Election Commissioners respectively. ...*(Interruptions)*... The Bill, in 2019, seeks to remove these provisos and states that the salaries, allowances and other terms and conditions of service at the Central, the State CIC and ICs will be determined by the Central Government. ...*(Interruptions)*... Sir, there are these changes which have been brought about. These changes are being spoken about. These are changes primarily dealing with the terms and the quantum of salary. ...*(Interruptions)*... Having said that, it is also important to note that while these changes are being made, it is to be ensured that these changes in no way should have any detrimental influence or impact in terms of the assessment and the working of the RTI Act, 2005. ...*(Interruptions)*... We hope that the Government will provide us the right assurance and the right justification, that these concerns are going to be addressed and addressed strongly. ...*(Interruptions)*... We hope the hon. Minister, since he is in the House, will assure us, the Biju Janata Dal, that the concerns that we have are going to be taken into consideration. ...*(Interruptions)*... We hope that the Right to Information Act of 2005, the way it has been brought forward, will be continued unabated. This term and quantum of salary will not. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Wait for a minute. ...*(Interruptions)*... जो माननीय सदस्यगण Well में खड़े हैं... माननीय सस्मित पात्रा जी की maiden speech है। ...*(व्यवधान)*... हाउस की यह परम्परा रही है कि maiden speech सभी सदस्य बैठकर गौर से सुनते हैं। ...*(व्यवधान)*... Please speak. ...*(Interruptions)*...

SHRI SASMIT PATRA: I could not hear you, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: This is your maiden speech. You take your own time and speak. ...*(Interruptions)*...

SHRI SASMIT PATRA: Sir, I am not taking this as a maiden speech. After me, there is one more speaker. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Only your speech is going on record. Please speak. ...*(Interruptions)*...

SHRI SASMIT PATRA: Sir, after me, there is one more speaker. I hope he will have time. ...*(Interruptions)*... Okay. When we look at the Right to Information Act, we find that over the last 14 years, it has created history. ...*(Interruptions)*... Today, the Right to Information should not be seen from the prism of either politics or political parties. ...*(Interruptions)*... We believe that the Right to Information is critical to the overall governance and development of the country. ...*(Interruptions)*... The RTI has been one of the hallmark legislations going forward. One of the areas that has actually contributed to transparency and accountability in this nation has been the Right to Information. ...*(Interruptions)*... If you were to look at it, the Right to Information came in when the UPA was in power. When this amendment is going to be made, the NDA is in power. ...*(Interruptions)*... Therefore, we do not feel there should be any form of political one-upmanship on this. ...*(Interruptions)*... But the critical elements, the merits of the case should be discussed. ...*(Interruptions)*... The Amendment Bill that has been brought today seeks to have three specific areas — one is the quantum of salary, second is the terms of condition and third is the tenure. ...*(Interruptions)*... These three areas earlier were a part of the State and the State had powers to decide on it and take decisions. But, right now, if you were to look at it, the way it is being changed, we have a fear that it should bring any dilution effect on the original Act. ...*(Interruptions)*... Having said that, certain concerns that have been raised both within the House and outside also need to be addressed sympathetically and very importantly by the Government. ...*(Interruptions)*... Sir, the Biju Janata Dal and our hon. Chief Minister, Shri Naveen Patnaik, always believes in transparency, accountability and free and transparent Government. ...*(Interruptions)*... If you were to look at it, you will find that the way the Citizen Charter and the way the information flow has been increased in Odisha, it has actually had a tremendous impact in terms of governance. ...*(Interruptions)*... So, the kind of governance, the kind of impact that the RTI and information flow has provided to the nation has been substantial. The Amendment Bill in no way should have a detrimental effect. ...*(Interruptions)*... That is an assurance that we want from the Government. Having said this, the information flow and the

access to information of the common citizens of this country is extremely crucial for the growth and development of this nation. ...*(Interruptions)*... A common man on the street may not have access to this hon. House, but he has a right to know what is right and what is wrong for him. ...*(Interruptions)*... He has the right to know that how far he will be able to access information for his own benefit. ...*(Interruptions)*... Therefore, the RTI comes across as that piece of legislation which strengthens him, provides him the right kind of platform to question and ask the Government in terms of what are the issues, what is being done, what is not being done and builds transparency. ...*(Interruptions)*... Sir, RTI, 2005 being a landmark legislation has been the bulwark for people across the length and breadth of the country to build it up. ...*(Interruptions)*... But at the same point of time, Sir, the Amendment, because it provides two or three specific amendments, also needs to be looked at carefully. ...*(Interruptions)*... Sir, Biju Janata Dal believes in ensuring that governance and the right kind of governance is provided through transparency. ...*(Interruptions)*... The hon. Chief Minister, Shri Naveen Patnaik, has always focussed on it. ...*(Interruptions)*... Even in the House today, Sir, we stand to primarily seek an assurance and clarification from the Government in terms of what are the issues that are there and whether the Government will ensure that these issues will not have a detrimental impact on the overall standing and the flow of the 2005 RTI Act. ...*(Interruptions)*... Sir, the Act should not be having any kind of dilution. ...*(Interruptions)*... At the same point of time, information flows, and the way the CICs and the ICs have been functioning, their functioning, their impact and, especially, at the State level, the State Information Commissioners, they should not feel, in any way, pressurised because of this Amendment. ...*(Interruptions)*... In a federal structure, we have the States and the Centre. ...*(Interruptions)*... Till now, the State and the Centre used to have different powers with reference to the RTI Act. ...*(Interruptions)*... But with this Amendment, since the Centre wants to take a certain definitive role in terms of deciding the quantum of salary and the term, therefore, as a Regional Party, Biju Janata Dal, we will surely have certain bonafide concerns which we have and which we are expressing, through you, to the House. ...*(Interruptions)*... Sir, one of the critical elements which the founding fathers of our nation had already built has been that this democracy is strengthened when the common man has the right to information, when a person can actually demand the information and get it in his own time. ...*(Interruptions)*... Sir, the RTI (Amendment) Bill has certain provisos but those provisos also should not, in any way, be detrimental to the 2005 Act. ...*(Interruptions)*...

[Shri Sasmit Patra]

In conclusion, Sir, I would like to tell you one thing very clearly. As Biju Janata Dal, we have a clear stand. ...*(Interruptions)*... We have always stood for nation-building process. Whenever there has been a move to strengthen democracy, to strengthen the nation, to strengthen the overall governance fabric of this nation, the Biju Janata Dal and our leader, Shri Naveen Patnaik, have stood strongly with the Government. ...*(Interruptions)*...

So, we hope that the hon. Minister in this House will provide the Biju Janta Dal an assurance that there will not be any problems or any dilution or any detrimental effect of this Amendment Bill on the RTI Act, 2005 and the common man, especially, the federal structure will be respected. ...*(Interruptions)*... The federal structure, in no way, should have an impact of this kind of a decision. ...*(Interruptions)*... We hope the Government will provide us the clarification and ensure that the structure, the federal system and the polity is taken care of. Thank you very much. ...*(Interruptions)*...

श्री उपसभापति: मैं हाउस पन्द्रह मिनट के लिए स्थगित कर रहा हूँ।

The House then adjourned at fifty-four minutes past three of the clock.

The House reassembled at nine minutes past four of the clock,

[THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA) *in the Chair*]

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Hon. Members, please be seated. I have an announcement to make. The House stands adjourned for another fifteen minutes.

The House then adjourned at ten minutes past four of the clock.

The House reassembled at twenty-five minutes past four of the clock,

MR. DEPUTY CHAIRMAN *in the Chair*.

श्री उपसभापति: माननीय सदस्यगण, यह बहस हम सब मिलकर 5.00 बजे तक conclude कर लें, क्योंकि उसके बाद वोटिंग होगी। मैं चाहूंगा कि अब डा. अभिषेक मनु सिंघवी जी बोलें।

PROF. MANOJ KUMAR JHA: Sir, before that, I have a point of order. I am quoting Rule 110. Just examine the records of the submissions made by some of our friends from the BJP. Rule 110 very clearly specifies that the arguments shall be confined to either in support or in opposition. But, here, we have seen denigrating

remarks about political parties, about political leaders. I think you should examine it and expunge it.

MR. DEPUTY CHAIRMAN: I will examine. ...(*Interruptions*)...

SHRI ANAND SHARMA: Sir, on this I support my hon. colleague because in the din many Members or most of the Members may not have resisted it. But what some hon. Members from the Treasury Benches spoke, I am not deliberately taking names, were disparaging and they made unwanted and unacceptable references to political parties, national leaders of yesteryears including former Prime Ministers. That must be removed from the record. ...(*Interruptions*)... The rules are very clear. ...(*Interruptions*)... The rule is very clear. ...(*Interruptions*)...

श्री उपसभापति: माननीय आनन्द जी, यह हाउस के रूल्स के अनुसार examine होगा।

DR. ABHISHEK MANU SINGHVI (West Bengal): Sir, I rise to oppose this Amendment. There used to be a spoof show on an English Television, 'Not the Nine O'clock News' to make a fun of the Nine O'clock news. This RTI has become the NRTI — Not Right to Information Act — with this Amendment. It is actually trying to control, by a control-freak Government, this enactment through seemingly very simple changes. And let me tell you in a nutshell why it is more sinister, more dangerous and more over-clever, because it seems such a short Amendment on only two issues. Sir, the Amendment is very pointed and short. One, it seeks to say that the term of office of the Central Commissioners and State Commissioners shall be changed from that specified in the Act, for example, 65 years to 'as may be prescribed'. So, the change is 'as may be prescribed by the Central Government' for both Central and State Commissioners. The other second change is that the salaries, allowances and terms of conditions which earlier were equal to the Election Commissioners shall also be 'as prescribed'. So, the entire Amendment is basically two things. Why is it pernicious? Firstly, I can understand an amendment moved to strengthen the institutions under the RTI; I can understand an amendment moved by a *bona fide* Government to elevate the institutions. Remember when we brought Lokpal and I had the privilege of Chairing the Parliamentary Standing Committee then, although it was not required, we added and proposed a constitutional amendment to Lokpal on the ground that it will be largely statutory but the status will be constitutional. Here, you have a very interesting reverse Amendment to devalue and degrade on a very, very strange ground, the strangest ground I have ever seen in a

[Dr. Abhishek Manu Singhvi]

Statement of Objects. Para 3 of the Statement of Objects says, the reason why we are moving this Amendment is, "The salaries and allowances and other terms and conditions of service of the Chief Election Commissioner and Election Commissioner are equal to a Judge of the Supreme Court, and therefore,..." unless we pass this Amendment, "...the Chief Information Commissioner becomes equivalent to a Judge of the Supreme Court." So, the object of this Amendment is that the Chief Information Commissioner should not claim equivalence with the Supreme Court Judge and, therefore, the Amendment is brought. Now, I want to ask this august House: Has the CAG, has the Election Commission, has the Supreme Court collectively or the Supreme Court Chief Justice complained that you have got somebody else equal to them? Have they felt insulted that a statute which existed all this while which gave terms of service equivalent to Election Commissioners is so insulting because Election Commissioners' terms of service are in turn equated to Supreme Court Judges? What a strange Statement of Object that we want to change it because Commissioners will, in this manner, be treated as equal to Supreme Court Judges! Ultimately, they are treated on the basis of the power they exercise. We all understand the powers of the Supreme Court; we all understand the powers of the CAG, the EC. Why tinker with this? I will come to the reason which is much more sinister and surreptitious. Sir, there are two things in the Act. It says 65; 65 is certainty of tenure. Before I become a Commissioner, I know that I will last till 65. Before you accept that post, you know that is 65. That 65 is embedded in statute, in a legislative document. Now, you want to say, by Executive order, 'as may be prescribed'. So, tomorrow, for two years, this Government will prescribe 63; two years later, it will change its mind and prescribe 65 without any legislative mandate required. It is getting a *carte blanche* from the legislature, that allows us to prescribe what we like, and when we like. Sir, what is the reason behind the original provisions? These are for independence and autonomy of the institution. There are three things. One is, age of demitting office. Second is terms and conditions of service. Third is salaries and allowances. Now, although, you cannot reduce these terms during the term of a person, if you leave it to the whim and caprice of a Government, which every two years, changes the age, changes the terms of service, then you are keeping a Damocles sword hanging, as an instrument of power, as a tool of control, over an institution which was supposed to be independent. This cuts at the very root of independence. In the United States, they made the term of the U.S. Supreme Court Judges for life. Federal Judges

are appointed for life, even if they are very old; even if they are critically ill, unless they decide to resign, they can't be removed. Why? The idea was to give them independence and autonomy. It is very interesting. We have Constituent Assembly's debates, which perhaps this Government never saw before they got this amendment. The Assembly debate says that a vital condition precedent for independence of the institution, for autonomy is the fixity of tenure and that is fixity as specified in a legislative instrument not as prescribed by executive orders which the Government of the day, according to its mood, can change every two years. I want to read the very portion; in 1949, on May, 24, Dr. Ambedkar said this. This was, of course, about the Supreme Court Judges where the same principle applies. And, he raised, interestingly the very same point, "have the age in the statute or the Constitution versus 'as may be prescribed'", which is what the Government is doing now. And, he said, I quote, "There are some who say that the Constitution should not fix any age limit whatsoever." Exactly what the Government is doing today! It says that the statute should not fix any age limit whatsoever, that the age limit should be left to be fixed by Parliament, by law. This was between Constitution and Parliament. We are one level lower. This Government is, at the statute level, making it Executive. He objected even to that at one level higher. He said, "It seems to me, it is not a proposition which can be accepted because if the matter of age was left to Parliament to determine from time to time, no person can be found to accept a place on the Bench because an incumbent, before he accepts the place in the Bench would like to know for how many years, in natural course of things, he could hold that office, and, therefore, a provision added to age, I am quite satisfied, cannot be determined by Parliament from time to time but must be fixed in the Constitution itself." Now, these poor people are statutory creatures. You now want to fix their age by Executive order! Today, the Amendment is: take away from the statute, give me the right by Executive order. I am saving the time of this august House by not reading Dr. Ambedkar's other portions which are all relevant, and Mr. Shibban Lai Saxena, who supported his sentiment, and then Mr. K.T. Shah. In fact, Mr. K.T. Shah made the proposal that such statutes and such provisions should appoint for life without any tenure at all. But we don't have that in the Constitution for Information Commissioners. You have put in the statute. Now, you want to amend and take it away by saying, 'as may be prescribed by the Central Government'. That is why, it is pernicious. Sir, I would like to point out another example of '*chit bhi meri, pat bhi meri*'. It is quite astonishing. A few weeks ago, the Law Officer, I believe the Additinal Solicitor General of this

[Dr. Abhishek Manu Singhvi]

Government, on a judgment by the Supreme Court on 15th of February, 2019, that is, about four-five months ago, had stated something. This case was about under the RTI Act, called Anjali Bhardwaj *versus* Government of India. In that, the Supreme Court noted the contention of the Law Officer of the Government of India. So, he tried to save that matter by saying to SC that don't worry, we have Section 13, which fixes the tenure in the statute. That was the argument before the Supreme Court. I quote, "Learned counsel for the petitioner made a grievance that there was no specific condition of service stipulated in the advertisement while inviting applications for the post of Information Commissioners. The Solicitor General, however, submitted that in so far as salary and allowances as well as the terms and conditions of appointment are concerned, those are statutorily provided in Section 13." So, the ASG was defending saying, "Don't worry. The advertisement doesn't have to say it. The statute says it." Then, the Supreme Court quoted the whole of the provision of Section 13, today precisely what the hon. Minister is trying to amend. This is the provision which you today want to amend. Four months ago, you were defending it and using it to defend before the Supreme Court. The Supreme Court held, "In view of the aforesaid provision, it is clear that any candidate, who has powers to become Chief Information Commissioner, knows as to what would be the salary and allowances and what would be the other terms and conditions of service. At the same time, it is always advisable to make express stipulation of terms and conditions in the public notice." Then, they said further, "This is vital for transparency. All States should also follow it." Sir, this is playing ducks and drakes. You win the case by propounding Section 13. Four months later, you come to this House to say, 'Do away with the main part of Section 13', on a remarkable specious, spurious reason that as long as Section 13 exists, the Election Commissioners will claim equality and parity with Supreme Court Judges. Sir, the Supreme Court is not complaining, the CAG is not complaining, nobody is complaining; only the Government of India is scared of giving some independence to the RTI.

Sir, if the Government does this, it is actually going to make it nothing but a *sarkari* department. They are going to downgrade it. They are going to ultimately try and control it because we all know how they control. They want to make sure that the Commissioners try to be in their good books, so that the prescription of age and service is in their control. This is extremely pernicious because, perhaps — I don't know the real reason — there were some bold Commissioners. There were some people who gave orders which were bold. There was a case, for example, about age issues. In the age issues, there was a judgment by a Commissioner called Sridhar Acharyulu. He said, "Disclose,- it is related to the age of the highest executive of this country, the hon. Prime Minister." Shortly, thereafter, the HRD segment of Mr. Acharyulu's jurisdiction

was taken away from him. This is the disclosure which came about the age. There are other disclosures about degrees. Now, is that the reason the Government wants to control such institutions? We don't know, but I have a fair guess that that is how you want to control it.

There is also, Sir, the other reason. You want to cripple the institution, and I will end within two minutes on this. You have already crippled it. You want to cripple it more. To show this crippling, I will just mention some figures. You don't appoint Information Commissioners and the Chief Commissioners for months to various Central Commissions and the State Commissions. You don't appoint for months. Sir, 30,600-odd cases are pending in the Central Commission alone. A 2018 Report by a famous NGO said that several Information Commissioners at the State level were non-functional because of non-appointment and delayed appointment. They have given the numbers about Kerala, Maharashtra, Nagaland, etc. This is my last point and it is very interesting. The State Commission is constituted by the State Government, no doubt.

[THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY) *in the Chair*]

There is a complete mismatch. There is possibly a federalism issue here also. The State Commission is appointed by the State Government. But, in the State Government appointing it, there was a fixed tenure which is fixed in the Central Act. So, a State Government will appoint the Commission, the tenure will be fixed, given in the Act, till the age of 65 years. Now, the appointment will be by the State Government, but the amendment today says that the age-limit will be as prescribed by the Central Government. Sir, I am the State, I am appointing, and the age-limit of the person I am appointing will be as prescribed by the Central Government, and that prescription by the Central Government can change every two years. You find a Kerala Commission, which is a little over active. So, let us change it from four years to two years; let us change it from 65 years to 63 years. This is pernicious also because it is a complete mismatch. The creation of the Commission is by the State, but, the terms and conditions, the salaries and allowances and the age is decided by the Central Government. Sir, may I end by saying that at the minimum, you need to refer it to a Select Committee? These are serious issues. These are national interest issues. Ultimately, we have called this Act a disinfectant of sunlight. Sir, the biggest ghaplas, if I may say so, are also happening at the State-level. So, do not treat those State Commissions as if to be forgotten. You should keep it strong and you should strengthen it and elevate it to a Constitutional status. But, here you are devalveing it to the level of a sarkari department. Thank you.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): The next speaker is Mr. Derek O'Brien. He is not present. Now, the next speaker is Mr. Javed Ali Khan.

श्री जावेद अली खान (उत्तर प्रदेश): माननीय उपसभाध्यक्ष जी, मैं इस बिल का पुरजोर विरोध करने के लिए खड़ा हुआ हूँ। यह बिल, जो माननीय मंत्री जी लेकर आए हैं या सरकार लाई है, इस बिल के बारे में यह बार-बार कहा जा रहा है कि बहुत मामूली-से संशोधनों का प्रस्ताव इसके अंदर किया गया है। ये देखने में छोटे हैं, लेकिन मैं इस संदर्भ में कहना चाहूंगा कि कविवर बिहारीलाल का एक दोहा है,

"सतसैया के दोहरे, ज्यों नाविक के तीर।

देखन मैं छोटे लगैं, घाव करे गंभीर।"

ये गंभीर घाव हमारे साथ नहीं, ये गंभीर घाव विपक्ष के लिए नहीं, दरअसल ये गंभीर घाव लोकतंत्र के ऊपर हैं, जिसकी पहली शर्त यह होती है कि वह पारदर्शी होगा। हम कैसा लोकतंत्र चाहते हैं? सूचनाएं सात तालों में बंद रहें या सूचनाएं आम जनता तक न पहुंचे, हमें ऐसा लोकतंत्र चाहिए या पारदर्शी लोकतंत्र चाहिए? 1984 में राजस्थान का एक मामला सुप्रीम कोर्ट के अंदर था, "कुलावल वर्सेस जयपुर नगर निगम", उसके अंदर सुप्रीम कोर्ट ने क्या कहा था? तब आरटीआई एक्ट नहीं बना था, तब शायद इसका कोई जिक्र भी नहीं था, उस समय सुप्रीम कोर्ट ने कहा था कि, without Right to Information democracy का कोई मतलब नहीं है, लोकतंत्र का कोई मतलब नहीं है। उसके बाद चर्चा चली, व्यापक विचार-विमर्श हुआ, बुद्धिजीवियों की, एनजीओज की, सोशल एक्टिविस्टों की एक कमेटी बनी, जिसने उस वक्त की सरकार को कुछ सुझाव दिए और तब सरकार ने इस दिशा में कुछ कदम उठाने शुरू किए। लेकिन आज, जब सरकार संशोधन लेकर आ रही है, तो मेरे साथी श्री रवि प्रकाश वर्मा जी ने अभी कुछ दिन पहले ही सरकार से यह सवाल पूछा था कि क्या सरकार का, जो आरटीआई 2005 बिल है, इसके अंदर संशोधन करने का विचार है? तब माननीय मंत्री जी ने, उस वक्त भी ये ही मंत्री जी थे, इन्होंने जवाब दिया कि हाँ, इसमें संशोधन करने का विचार है। दूसरा सवाल, हमारे साथी, माननीय रवि प्रकाश वर्मा जी ने पूछा था कि क्या इसके लिए किसी प्रकार का परामर्श समाज के अंदर, देश के अंदर, बुद्धिजीवियों के साथ या आरटीआई के एक्टिविस्टों के साथ किया गया है? तो सरकार का जवाब होता है कि प्रस्तावित संशोधनों में ऐसा कोई सामाजिक व वित्तीय व्यय शामिल नहीं है, जिससे सरकार बाहर के किसी अन्य से इसमें परामर्श करे। यह बिल बड़े परामर्श के बाद बना था, बहुत बहस चली थी, गाँव-गाँव तो नहीं, लेकिन शहरों, कस्बों और यूनिवर्सिटीज के अन्दर RTI होनी चाहिए या नहीं होनी चाहिए, लेकिन जब आप उसकी आत्मा निकालने लगे हैं, उस RTI को बिल्कुल ध्वस्त करने चले हैं, तो आप किसी तरीके का परामर्श नहीं करना चाहते हैं। सूचना से इस सरकार का, जो मौजूदा सरकार है, इसका क्या सम्बन्ध है? उपसभाध्यक्ष जी, मुझे लगता है कि यह सरकार सैद्धांतिक रूप से सूचनाओं का आदान-प्रदान करने से बहुत कतराती है। मैंने इस सरकार के एक दूसरे मंत्रालय से एक सवाल पूछा कि क्या विधि मंत्री यह बताने का कष्ट करेंगे कि सरकार ने सुप्रीम कोर्ट के निर्देशों पर कितने कानून बनाए हैं, तो विधि मंत्री का जवाब आया कि सूचना एकत्रित की जा रही है, वह पटल पर रख दी जाएगी, लेकिन दो साल हो गए हैं, अभी तक उनकी सूचनाओं को पटल मयस्सर नहीं हुआ है। फिर मैंने अगले सेशन में दूसरा सवाल पूछा कि सुप्रीम कोर्ट के निर्देश पर सरकार ने कितने कानूनों को खत्म किया है,

यह बताइए, तो फिर विधि मंत्री जी का जवाब आया कि सूचना एकत्रित की जा रही है, उसे पटल पर रख दिया जाएगा, लेकिन उसके भी पौने दो साल हो गए, अभी तक उन सूचनाओं को सदन का पटल मयस्सर नहीं हुआ है। विधि मंत्रालय कानून बनाता है, लेकिन इनके मंत्रालय को यह पता नहीं कि आपने सुप्रीम कोर्ट के निर्देश पर कितने ऐसे कानून बनाए हैं या खत्म किए हैं। मैंने सवाल सिर्फ तीन साल का पूछा था, जब से इनकी सरकार बनी थी, मैंने तब यह सवाल पूछा था। फिर मैंने पूछा, बहुत जोर मार रहे हैं, आज लोक सभा के अन्दर भी हंगामा कर रहे हैं कि तलाक देंगे, तलाक देंगे, आज वहाँ लोक सभा में तीसरी बार तलाक बिल हो रहा है। मैंने पूछा कि क्या आपने वैवाहिक सम्बन्ध विच्छेदों के सम्बन्ध में कोई सर्वे किया है, आप क्यों कहते हैं कि मुसलमानों में तलाक की समस्या बढ़ रही है, तो विधि मंत्री का जवाब मेरे पास लिखित में है, मैं पटल पर भी रख सकता हूँ, उन्होंने कहा कि सरकार विभिन्न धार्मिक समुदायों में तलाक की संख्या का कोई ऑकड़ा अपने पास नहीं रखती है। वे हवा में लाठी भाँज रहे हैं। क्या कर रहे हैं?

सर, मैं भाषण सुन रहा था, विनय जी बड़े विद्वान हैं। उन्होंने कहा कि इस RTI से छेड़छाड़ करने की कोशिश भूतपूर्व प्रधान मंत्री माननीय मनमोहन सिंह जी ने भी की थी। बिल्कुल सही कहा, 2011 की घटना है। मनमोहन सिंह जी ने कहा, "We will have a re-look at the RTI Act." यह बात उन्होंने बिल्कुल सत्य कही। मेरा तो कहना यह है कि वर्गीय सत्ता लोगों के सशक्तीकरण से खोफ खाती है। इसलिए कहा, लेकिन दूसरी बात जो विनय जी ने नहीं बताई, मैं आपको वह बताता हूँ। जब माननीय मनमोहन सिंह जी ने यह कहा कि we will have a re-look at the RTI Act, उसके बाद जो सबसे जबरदस्त reaction आया, वह उनसे आया, जो आज भारतीय जनता पार्टी के मार्गदर्शक मंडल के सदस्य हैं, शायद वे तत्कालीन नेता विपक्ष रहे होंगे, इधर या उधर, कहीं न कहीं, लाल कृष्ण आडवाणी जी, वे गृह मंत्री भी रहे हैं, हमारे देश के उप प्रधान मंत्री भी रहे हैं। उन्होंने कहा, "My party is opposed to any reviewing of the RTI Act because I believe that it is an effective device for making Government transparent." यह उन्होंने ने 16 अक्टूबर को जबलपुर में कहा, फिर वे 29 अक्टूबर को तिरुवनंतपुरम जाते हैं, वे मनमोहन सिंह जी का पीछा नहीं छोड़ते। वे कहते हैं, "I see no reason for the talk of a critical relook at the RTI." फिर कहते हैं, "BJP is totally opposed to any move to dilute the Act through which some of the major corruption cases have come to light." हमारी मत मानिए, लोगों की मत मानिए, RTI activists की मत मानिए, लेकिन जो आपके मार्गदर्शक हैं और हमारे पूर्व उप प्रधान मंत्री हैं, कम से कम उनकी तो इज्जत रख लीजिए, उनकी तो मान लीजिए, लेकिन आप वह भी करने को तैयार नहीं हैं। आखिर क्यों नहीं हैं, यह बात मैं आपको बताना चाहता हूँ। मैं आपको एक बात और बता दूँ, आप तब शायद राज्य सभा में ही रहे होंगे, 2005 में जब यह बिल आया था। उस समय बीजेपी बड़ी कन्फ्यूजन की स्थिति में थी। बीजेपी को पता ही नहीं था कि यह क्या है। मेरे बाद भूपेन्द्र जी खड़े हो कर इस पर react करेंगे, लेकिन मैं उनको चुनौती देता हूँ। जब 2005 में इस बिल पर बहस चल रही थी, तो राज्य सभा में और लोक सभा में ऐसा नहीं हुआ कि आपकी तरफ से एक भी व्यक्ति ने intervention किया हो। इन्हें पता ही नहीं था कि यह चीज़ क्या है? जब यह आ गया, उसके बाद, अब जब यह इनके गले पड़ रहा है, तो ये इसमें अमेंडमेंट करना चाहते हैं। उन आयुक्तों की शर्तें ऐसी करना चाहते हैं, 'हमारी खाओ और हमारी बजाओ' इनका यह काम है।

[श्री जावेद अली खान]

महोदय, पिछले बजट में क्या हुआ? 2017-18 में आरटीआई का बजट 23.61 करोड़ का था और 2018-19 में इस आरटीआई पर जो खर्च हुआ, उसका बजट घटा कर 8.66 करोड़ कर दिया गया। यह इनकी निष्ठा है। जब यह बनेगा, तो पहले बहस में भाग नहीं लेंगे, न अमेंडमेंट देंगे, न संशोधन देंगे, न बहस करेंगे न सुझाव देंगे, लेकिन जब यह बन गया और ये सरकार में आ गए, तो इन्होंने उसका बजट घटना शुरू कर दिया।

†جناب جاوید علی خان (اترپردیش): مانجھ آپ سبھا ادھیش جی، می اس بل کا پرزور

ورودہ کرنے کے لئے کھڑا ہوا ہوں۔ می بل، جو مانجھ منتری جی لیکر آئے ہی لی سرکار لائی ہے، اس بل کے بارے می تی بار بار کہا جا رہا ہے کہ بہت معمولی سے سنشودھنوں کا پرستاؤ اس کے اندر کٹا گئی ہے۔ تی دیکھنے می چھوٹے ہی، لیکن می اس سنڈریہ می کہنا چاہونگا کہ کوئی بہاری لال کا ایک دوہہ ہے ۔

“ست سربئی کے دوہرے، جیوں ناوک کے ہی،

دیکھنے می چھوٹے لگی، گھاؤ کری گمبھی۔”

تی گمبھی گھاؤ ہمارے ساتھ نہی، تی گمبھی گھاؤ وپکش کے لئے نہی، دراصل تی گمبھی گھاؤ لوک تنتر کے اوپر ہی، جس کی پہلی شرط تی ہوتی ہے کہ وہ پاردرشی ہوگا۔ ہم کیسا لوک تنتر چاہتے ہیں؟ سوچنائیں سات تالوں میں بند رہیں یا سوچنائیں عام جنتا تک نہ پہنچیں، ہمیں ایسا لوک تنتر چاہیئے یا پاردرشی لوک تنتر چاہیئے؟ 1984 میں راجستھان کا ایک معاملہ سپریم کورٹ کے اندر تھا، “کلاول ورسیز جے پور نگرنگم” اس کے اندر سپریم کورٹ نے کیا کہا تھا؟ تب آر ٹی آئی ایکٹ نہیں بنا تھا، تب شاید اس کا کوئی ذکر بھی نہیں تھا، اس وقت سپریم کورٹ نے کہا تھا کہ، without Right to Information

democracy کا کوئی مطلب نہیں ہے، لوک تنتر کا کوئی مطلب نہیں ہے۔ اس کے بعد

چرچہ چلی، ویپک وچار و مرش ہوا، بُدی جیویوں کی، این جی اوز کی، سوشل اپکٹی و سٹوں کی ایک کمیٹی بنی، جس نے اس وقت کی سرکار کو کچھ سچھاؤ دیئے اور تب سرکار نے اس دشا میں کچھ قدم اٹھانے شروع کیئے۔ لیکن آج جب سرکار سنشودھن لیکر آ رہی ہے، تو میرے ساتھی شری روی پرکاش ورما جی نے ابھی کچھ دن پہلے ہی سرکار

سے یہ سوال پوچھا تھا کہ کیا سرکار کا ، جو آر ٹی آئی 2005 بل ہے ، اس کے اندر سنشودھن کرنے کا وچار ہے ؟ تب مانیئے منتری جی نے ، اس وقت بھی یہ ہی منتری جی تھے ، انہوں نے جواب دیا کہ ہاں ، اس میں سنشودھن کرنے کا وچار ہے۔ دوسرا سوال ، ہمارے ساتھی ، مانیئے روی پرکاش ورما جی نے پوچھا تھا کہ کیا اس کے لیے کسی طرح کا پرامرش سماج کے اندر ، دیش کے اندر ، بُدی جیویوں کے ساتھ یا آر ٹی آئی کے ایکٹی وِسٹوں کے ساتھ کیا گیا ہے ؟

تو سرکار کا جواب ہوتا ہے کہ پرستاتوت سنشودھنوں میں ایسا کوئی سماجک و وتئے ویئے شامل نہیں ہیں ، جس سے سرکار باہر کے کسی دوسرے سے اس میں پرامرش کرے۔ یہ بل بڑے پرامرش کے بعد بنا تھا ، بہت بحث چلی تھی ، گاؤں-گاؤں تو نہیں ، لیکن شہروں ، قصبوں اور یونیورسٹیز کے اندر آر ٹی آئی۔ ہونی چاہئے یا نہیں ہونا چاہئے ، لیکن جب آپ اس کی آتما نکالنے لگے ہیں ، اس آر ٹی آئی۔ کو بالکل دھوست کرنے چلے ہیں ، تو آپ کسی طریقے کا پرامرش نہیں کرنا چاہتے ہیں۔ سوچنا سے اس سرکار کا ، جو موجودہ سرکار ہے ، اس کا کیا سمبندھ ہے ؟

اپ سبھا ادھیکش جی ، مجھے لگتا ہے کہ یہ سرکار سیڈھانتک روپ سے سوچناؤں کا آدان-پردان کرنے سے بہت کتراتی ہے۔ میں نے اس سرکار کے ایک دوسرے منترالیہ سے ایک سوال پوچھا کہ کیا ودھی منتری یہ بتانے کا کشٹ کریں گے کہ سرکار نے سپریم کورٹ کے نزدیکوں پر کتنے قانون بنائے ہیں ، تو ودھی منتری کا جواب آیا کہ سوچنا اکتھی کی جا رہی ہے ، وہ پٹل پر رکھ دی جائے گی ، لیکن دو سال ہو گئے ہیں ، ابھی تک ان کی سوچناؤں کو پٹل میسر نہیں ہوا ہے۔ پھر میں نے اگلے سیشن میں دوسرا سوال پوچھا کہ سپریم کورٹ کے نزدیک پر سرکار نے کتنے قانونوں کو ختم کیا ہے ، یہ بتائیے ، تو پھر ودھی منتری جی کا جواب آیا کہ سوچنا اکتھی کی جا رہی ہے ، اسے پٹل

[श्री जावेद अली खान]

پر رکھ دیا جائے گا، لیکن اس کو بھی پونے دو سال ہو گئے ہیں، ابھی تک ان سوچناؤں کو سدن کا پٹل میسر نہیں ہوا ہے۔ ودھی منترالیہ قانون بناتا ہے، لیکن ان کے منترالیہ کو یہ پتہ نہیں کہ آپ نے سپریم کورٹ کے نردیش پر کتنے ایسے قانون بنائے ہیں یا ختم کئے ہیں۔ میں نے سوال صرف تنن سال کا پوچھا تھا، جب سے ان کی سرکار بنی تھی، میں نے تب یہ سوال پوچھا تھا۔ پھر میں نے پوچھا، بہت زور مار رہے ہیں، آج لوک سبھا کے اندر بھی ہنگامہ کر رہے ہیں کہ طلاق دیں گے، طلاق دیں گے، آج وہاں لوک سبھا میں تیسری بار طلاق ہو رہا ہے۔ میں نے پوچھا کہ کیا آپ نے ویوایک سمبندھ وچھیدوں کے سمبندھ میں کوئی سروے کیا ہے، آپ کیوں کہتے ہیں کہ مسلمانوں میں طلاق کی سمسیہ بڑھ رہی ہے، تو ودھی منتری کا جواب میرے پاس لکھت میں ہے، میں پٹل پر بھی رکھ سکتا ہوں، انہوں نے کہا کہ سرکار مختلف دھارمک سموداؤں میں طلاق کی تعداد کا کوئی آنکڑا اپنے پاس نہیں رکھتی ہے۔ وہ ہوا میں لٹھی بھانج رہے ہیں۔ کیا کر رہے ہیں؟

سر، میں بھاشن سن رہا تھا، ونے جی بڑے ودوان ہیں۔ انہوں نے اس آرٹی۔آئی۔ سے چھیڑ چھاڑ کرنے کی کوشش سابق پردھان منتری مائٹے منموہن سنگھ جی نے بھی کی تھی۔ بالکل صحیح کہا، 2011 کی گھٹنا ہے۔ منموہن سنگھ جی نے کہا "We will have a re-look at the RTI Act." یہ بات انہوں نے بالکل سچ کہی۔ میرا تو کہنا یہ ہے کہ ورگئے ستھ لوگوں کو سشکتی-کرن میں خوف کھاتی ہے۔ اس لئے کہا، لیکن دوسری بات جو ونے جی نے نہیں بتائی، میں آپ کو یہ بتاتا ہوں۔ جب مائٹے منموہن سنگھ جی نے یہ کہا کہ we will have a re-look at the RTI Act, اس کے بعد جو سب سے زبردست reaction آیا، وہ ان سے آیا، جو آج بھارتیہ جنتا پارٹی کے مارگ-درشک منڈل کے سدسٹے ہیں، شاید وہ تنکالین نیتا وپکش رہے ہوں گے، ادھر یا ادھر، کہیں نہ کہیں،

لان کرشن ایڈوانی جی، وہ گرہ منتری بھی رہے ہیں، ہمارے دیش کے نائب وزیراعظم

بھی رہے ہیں۔ انہوں نے کہا، "My party is opposed to any reviewing of the RTI

Act because I believe that it is an effective device for making Government

transparent." یہ انہوں نے 16 اکتوبر کو جیلپور میں کہا، پھر وہ 29 اکتوبر کو

تروونتپورم جاتے ہیں، وہ منموہن سنگھ جی کا پیچھا نہیں چھوڑتے۔ وہ کہتے ہیں "ا

"BJP is see no reason for the talk of a critical relook at the RTI."

totally opposed to any move to dilute the Act through which some of the

major corruption cases have come to light." مت مانئے، لوگوں کی مت

مانئے، RTI activists کی مت مانئے، لیکن جو آپ کے مارگ درشک ہیں اور ہمارے

سابق نائب وزیر اعظم ہیں، کم سے کم ان کی عزت رکھ لیجئے، ان کی تو مان لیجئے،

لیکن آپ وہ بھی کرنے کو تیار نہیں ہیں۔

آخر کیوں نہیں ہے، یہ بات میں آپ کو بتانا چاہتا ہوں۔ میں آپ کو ایک بات اور بتا

دوں، آپ تب شاید راجیہ سبھا میں ہی رہے ہوں گے، 2005 میں جب یہ بل آیا تھا۔ اس

وقت بی۔جے۔پی۔ بڑی کنفیوژن کی استتھی میں تھی۔ بی۔جے۔پی۔ کو پتہ ہی نہیں تھا کہ یہ

کیا ہے۔ میرے بعد بھوپیندر جی کھڑے ہو کر اس پر رینکٹ کریں گے، لیکن میں ان کو

چنوتی دیتا ہوں۔ جب 2005 میں اس بل پر بحث چل رہی تھی، تو راجیہ سبھا میں اور

لوک سبھا میں ایسا نہیں ہوا کہ آپ کی طرف سے ایک بھی ممبر کو انٹروین کیا ہو۔ انہیں

پتہ ہی نہیں تھا کہ یہ چیز کیا ہے؟ جب یہ آگیا، اس کے بعد، اب جب یہ ان کے گلے پڑ

رہا ہے، تو یہ اس میں امینڈمینٹ کرنا چاہتے ہیں۔ ان آیکٹوں کی شرطیں ایسی کرنا

چاہتے ہیں، 'ہماری کھاؤ اور ہماری بجاؤ'۔ ان کا یہ کام ہے۔

[شری جاوید اعلیٰ خان]

مہودے، پچھلے بجٹ میں کیا ہوا؟ 2017-18 میں آر ٹی آئی کا بجٹ 23.61 کروڑ کا تھا اور 2018-19 میں اس آر ٹی آئی پر جو خرچ ہوا، اس کا بجٹ گھٹا کر 8.66 کروڑ کر دیا گیا۔ یہ ان کی نشستہا ہے۔ جب یہ بنے گا، تو پہلے بحث میں بھاگ نہیں لیں گے، نہ امینٹمنٹ دیں گے، نہ سنشودھن دیں گے، نہ بحث کریں گے نہ سجاؤ دیں گے، لیکن جب یہ بن گیا اور یہ سرکار میں آگئے، تو انہوں نے اس کا بجٹ گھٹانا شروع کر دیا۔

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude. آپ کے پاس صرف ایک منٹ اور بچا ہے۔

شری جاوید اعلیٰ خان: ٹیک ہے، ایک منٹ ہے، تو میں ایک منٹ میں اپنی بات بتا رہا ہوں۔ دو منٹ ہوں تو دو دیجیے، تین منٹ ہوں، تو تین دیجیے۔ ... (وہو)...

دش کے اندر ایک سنگٹن ہے، جو Human Rights پر نجر رختا ہے۔ وہ سنگٹن سرف کرتا ہے کہ کھاں-کھاں Human Rights کا وائلشن ہو رھا ہے۔ اس سنگٹن کا نام ہے Commonwealth Human Rights Initiative. اسنے بتایا ہے کہ اب تک RTI activists کے ساٹھ 443 اسی غٹناؤں ہرے ہوں، جنمیں یا تو لوگ مارے गए ہوں یا انھوںنے suicide کیا ہے یا انکے ساٹھ assault ہوا ہے یا harassment ہوا ہے یا threatening کی غٹناؤں ہرے ہوں۔ آج سوبھ تک اسمیں 84 لوگ مارے गए ہوں، 7 لوگوں نے آٹمہتیا کر لی، 169 لوگوں کے ساٹھ assault ہوا ہے اور 183 لوگوں کو threaten کیا گیا ہے اور harass کیا جا رھا ہے۔ کیا آپکو یہ پتا ہے کہ یہ کام کون کر رھے ہوں؟ منتری جی، آپ یہ نوٹ کر لیجیے۔ ... (وہو)...

دہ نہرے دیجیے، میں آپکو بتا رھا ہوں، سب اخبباروں میں خفا ہے۔ ... (وہو)...

اس سال اور اس مہینے کی 11 جولائی کو سیبیآر کی Special Court نے گجرات میں ایک وکٹ کو آجیون کاراواس کی سجا دی، وکوںکی وہ ایک آرڈیآر ایکٹویسٹ کی ہتیا میں سممیلٹ تھا۔ اس وکٹ کو دوشی پایا گیا اور آجیون کاراواس کی سجا دی गई۔ میں اس وکٹ کا نام بھی لےنے کو تیار ہوں۔

† جناب جاوید علی خان : ٹھیک ہے، ایک منٹ ہے، تو میں ایک منٹ میں اپنی بات بتا رہا

ہوں۔ دو منٹ ہوں تو دو دیجیے، تین منٹ ہوں تو تین دیجیے۔۔۔ (مداخلت)۔۔۔

دیش کے اندر ایک سنگٹن ہے، جو ہیومن رائٹس پر نظر رکھتا ہے۔ وہ سنگٹن سروے کرتا ہے کہ کہاں کہاں ہیومن رائٹس پر نظر کا وایولیشن ہو رہا ہے۔ اس سنگٹن کا نام ہے کامن ویلتھ ہیومن رائٹس انی شپٹیو۔ اس نے بتایا ہے کہ اب تک آر ٹی آئی ایکٹیوسٹ کے ساٹھ 443 اسی گھٹناؤں ہوئی ہیں، جن میں یا تو لوگ مارے گئے ہیں یا انہوں

نے سوسائٹڈ کیا ہے یا ان کے ساتھ assault ہوا ہے یا harassment ہوا ہے یا threatening کی گھنٹائیں ہوئی ہیں۔ آج صبح تک اس میں 84 لوگ مارے گئے ہیں، 7 لوگوں نے آتم ہتھیا کر لی، 169 لوگوں کے ساتھ assault ہوا ہے اور 183 لوگوں کو threaten کیا گیا ہے اور harass کیا جا رہا ہے۔ کیا آپ کو یہ پتہ ہے کہ یہ کام کون کر رہے ہیں؟ منتری جی، آپ یہ نوٹ کر لیجیئے۔۔۔ (مداخلت)۔۔۔ دے نہیں دیجیئے، میں آپ کو بتا رہا ہوں، سب اخباروں میں چھپا ہے۔۔۔ (مداخلت)۔۔۔ اس سال اور اس مہینے کی گیارہ جولائی کو سی بی آئی کی اسپیشل کورٹ نے گجرات میں ایک شخص کو عمر قید کی سزا دی، کیوں کہ وہ ایک آرٹی آئی ایگٹی وِسٹ کے قتل میں ملوث تھا۔ اس شخص کو قصور وار پایا گیا اور عمر قید کی سزا دی گئی۔ میں اس شخص کا نام بھی لینے کو تیار ہوں۔

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No, no. Please conclude.

श्री जावेद अली खान: मैं उस व्यक्ति की पार्टी भी बताने को तैयार हूँ। उसकी पार्टी है, भारतीय जनता पार्टी और इस पार्टी के भूतपूर्व सांसद हैं - माननीय श्री दीनू बोघा सोलंकी, जो एक RTI activist की हत्या में शामिल थे। ... (समय की घंटी) ... इन्हें सीबीआई कोर्ट ने आजीवन कारावास की सजा दी है। सूचना के अधिकार के साथ यह रिश्ता है इनका और इन्हीं सब चीजों के चलते ये सूचना के अधिकार के कानून को तहस-नहस करना चाहते हैं।

میں سदन سے یہ وینتی کرتا ہوں کہ اس کانون میں جو یہ سنشودن लेकर आए हैं कि ऐसे आयुक्त बनाएंगे، जो जिसकी खाएंगे، उसी की बजाएंगे، आप इस कानून को पास मत होने दीजिए। یہ लोकतंत्र کی تڑپ ہے اور लोकतंत्र کی भावना کے खिलाف ہے، बहुत-बहुत धन्यवाद।

† جناب جاوید علی خان : میں اس شخص کی پارٹی بھی بتانے کو تیار ہوں۔ اس کی پارٹی ہے، بھارتیہ جنتا پارٹی اور اس پارٹی کے سابق سانسد ہیں، ماننے شری دینو بوگھا سولنکی، جو ایک RTI activist کی ہتھ میں شامل تھے۔۔۔ (وقت کی گھنٹی)۔۔۔ انہیں سی بی آئی۔ کورٹ نے عمر قید تا حیات کی سزا دی ہے۔ سوچنا کے ادھیکار کے ساتھ

[श्री जावेद अली खान]

یہ رشتہ ہے ان کا اور انہیں سب چیزوں کے چلتے یہ سوچنا کے ادھیکار کے قانون کو تہس نہس کرنا چاہتے ہیں۔

میں سدن سے یہ ونٹی کرتا ہوں کہ اس قانون میں جو یہ نئے سنشودھن لے آئے ہیں کہ ایسے ایکٹ بنائیں گے، جو جس کی کھائیں گے، اسی کی بجائیں گے، آپ اس قانون کو پاس مت ہونے دیجئے۔ یہ لوک تنتر کی تروٹی ہے اور لوک تنتر کی بھاونا کے خلاف ہے، بہت بہت دھنیواد۔

श्री राम चन्द्र प्रसाद सिंह (बिहार): उपसभाध्यक्ष महोदय, बहुत-बहुत धन्यवाद। मैं इस बिल के समर्थन में खड़ा हुआ हूँ। अभी मैं इनकी बातें सुन रहा था, तो मुझे लग रहा था कि मैं क्या-क्या सुन रहा हूँ? आपको पहले यह पता होना चाहिए कि यह जो Right to Information Act है, इसका मकसद क्या है? इसका मकसद बहुत ही focused है कि जो information public institutions के पास रहती है, उनमें आपका access होना चाहिए। इससे ज्यादा इसका मकसद कुछ नहीं है। यह सिर्फ information की accessibility का मामला है। इसी के लिए यह व्यवस्था की गई और 2005 में यह लागू किया गया था। लेकिन यहां किस बात की चर्चा हो रही है? यहां यह चर्चा हो रही है कि साहब, यह सरकार का डिपार्टमेंट हो जाएगा और सरकार के जो मन में आएगा, वह उससे करवाएगी। ज़रा एक बात सब लोग समझ लें, हालांकि सब लोग जानते भी होंगे। इसमें जो भी नियुक्तियां होंगी, उन्हें कौन करेगा, उसमें कौन होंगे - सिर्फ केन्द्र सरकार ही नियुक्ति नहीं करती है - इसमें केन्द्र और राज्यों के Leader of Opposition भी रहते हैं। ...**(व्यवधान)**... बहुमत तो बाद में आएगा। ...**(व्यवधान)**... पहले से ही व्यवस्था है। ...**(व्यवधान)**... सरकारी डिपार्टमेंट में अगर किसी की पोस्टिंग करते हैं, तो क्या वहां बहुमत देखते हैं? ...**(व्यवधान)**... इसलिए व्यवस्था तो पहले से है। आप हरेक चीज़ को नेगेटिव रूप में मत देखिए। इसे अच्छी तरह समझने की कोशिश कीजिए। इसका रोल बहुत लिमिटेड है। जैसा आप समझ रहे हैं कि इन्हें बहुत से orders पास करने होंगे - ऐसा नहीं है। आप इसे किससे compare कर रहे हैं - Election Commission से - लेकिन Election Commission का काम देखिए कि कितना बड़ा है। आप सब लोग जानते हैं और हम भी जानते हैं कि वह एक Constitutional Body है। आप उसकी ड्यूटीज़ पर मत जाइए। Election Commission ने आज तक देश में 16 चुनाव कराए हैं और पूरी दुनिया में सिद्ध कर दिया है कि हिन्दुस्तान में लोकतंत्र बहुत सशक्त है। ऐसा काम Election Commission ने करके दिखाया है। इसलिए आप Election Commission पर उंगली नहीं उठा सकते। Election Commission का रोल बहुत ज्यादा है। पूरे देश के लिए वे काम करते हैं। इस पर बहुत ज्यादा दिमाग लगाने की जरूरत नहीं है। इनका रोल सिर्फ सूचना प्रदान करना है। कौन सूचना रोक लेगा - कोई सूचना नहीं रोक सकता। जो व्यवस्था है,

उसके अंतर्गत सूचना मिलेगी, लेकिन एक बात जरूर है। क्या आप आर.टी.आई. से समझते हैं कि सरकार में transparency होनी है, accountability होनी है, responsibility fix की जानी है? ऐसा नहीं होता। यह तो पहला स्टेप था। इसके बाद सब लोग चुप हो गए हैं। नैक्स्ट स्टेप होगा कि पब्लिक को जितनी सूचनाएं मिलती हैं, वहीं उन्हें सर्विस का अधिकार भी मिलना चाहिए, उनकी empowerment भी होनी चाहिए। इसीलिए बहुत से स्टेट्स में, हमारे बिहार में भी, राइट टू पब्लिक सर्विस एक्ट है। लगभग 55 सर्विसेज उसमें हैं जिनके जरिए पब्लिक करती में उक्तम 8, जिनके जारए पब्लिक एक्सेस करके सूचना प्राप्त करती है। दूसरे स्टेट्स में भी ऐसा होगा। उसके आगे, अगर आप सही में चाहते हैं कि पब्लिक grievances की redressal हो, तो इसे कानूनी अधिकार बनाइए। हमारे बिहार में बनाया गया है। बिहार में राइट टू पब्लिक ग्रीवांस रिड्रेसल एक्ट है। वहां 44 डिपार्टमेंट्स हैं और 478 स्कीम्स हैं। यदि किसी को भी अपनी ग्रीवांस रिड्रेस करानी है, जो वहां अधिकारी होते हैं, आप उनके पास जाइए। Right to Information Act के जरिए मात्र शुरुआत हुई थी। उसके आगे का रास्ता हमें तय करना चाहिए। इस बिल में बहुत ज्यादा दिमाग लगाने की जरूरत नहीं है। जो भी हमारे Chief Information Commissioner and Information Commissioner होंगे, उनसे जो सूचना मांगी जाएगी, वे सब सूचना उपलब्ध कराएंगे। इन शब्दों के साथ बहुत-बहुत धन्यवाद।

DR. K. KESHA RAO (Andhra Pradesh): Sir, it is my reluctant voice you are hearing. I share the technical issues raised by Dr. Abhishek Manu Singhvi. But, nonetheless, I stand to support the Bill for the simple reason that yesterday I had a talk with both the Ministers.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Keshava Raoji, there are two speakers from your Party and your time would be about five minutes.

DR. K. KESHA RAO: Sir, I would take only two minutes, not more than that. So, I spoke to them. I expressed my views, strong views, and why we were opposing this. I am a signatory to the motion for referring it to a select committee, which I have withdrawn today. You gave me the assurance that it would not impact the independence, which I did not believe. I gave my own reasons, but I still believe that it will not impact the independence. Whatever we are trying to do, the public perception is, we have brought down the status of the Commission. But you think that you will take care of it. And they have also assured us that it will not impact the independence about which we are very much concerned. I hope the Government will see to it that it does not impact the independence or the powers or the boldness with which they were working. Thank you, Sir.

5.00 P.M.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Thank you so much. Now, Shri K.K. Ragesh; not present. Now, Prof. Manoj Kumar Jha.

PROF. MANOJ KUMAR JHA (Bihar): Thank you, Mr. Deputy Chairman, Sir. 'कैसी मशाल लेके चले तीरगी में आप, जो रोशनी थी वह भी सलामत नहीं रही।'

This is where I begin my first argument. Sir, through you, I beseech the hon. Minister that whatsoever be the compulsion, please do not agree to the kind of amendments that you are proposing.

You are actually, by this action, killing the very spirit of Right to Information. सर, उस आंदोलन में एक छोटी हिस्सेदारी मेरी भी थी। माननीय उपसभाध्यक्ष महोदय, मैं आपके माध्यम से राजस्थान के उन गांवों को सलाम करना चाहता हूँ, जिनके आंदोलन की वजह से, एक सत्ता का पक्ष आया, जब वह तैयार हुए, नहीं तो इस मुल्क में कभी कल्पना नहीं होती थी कि राइट टू इन्फॉर्मेशन भी लोगों को available होगा। यह हुआ। इसलिए सलाम राजस्थान की उस जनता को, लेकिन आज उनको क्या लग रहा होगा, मैं इस बात से परेशान हूँ। That is why I said, I beseech you, Mr. Minister, Sir.

सर, मैंने पहले भी सदन में एक दिन कहा था, जब बहुत बड़ी majority आती है, the temptation is to usher in to authoritarian state. Please resist that temptation in the interest of the people, in the interest of the activists, in the interest of the citizens of this country, who had got empowered because of this instrument called Right to Information. Sir, I will not repeat the argument what my other colleagues have said. Sir, in RTI, the proposed Amendments, have a direct attack, first, on the very idea of accountability and, secondly, on the federal structure. माननीय मंत्री महोदय जी, मैंने इस बीच में आपके कई बिल्स देखे हैं, आपकी सरकार के द्वारा लाए गए बिल। न जाने क्या है कि आप कहते हो सहकारी संघवाद और आपका भाव है अहंकारी संघवाद! सहकारी संघवाद कह करके आप जिस प्रकार से राज्यों के अधिकार ले रहे हैं, यह कालांतर में, क्योंकि सत्ता का मिजाज हमेशा एक नहीं होता है, कालांतर में कहीं आप पर भी यह भारी न पड़े, क्योंकि federal structure was a beautiful creation so, I believe, please respect that. You know what was expected of us, what all the activists wanted.

सर, असल में कुछ तो दिक्कत है, जो मैंने अक्सर कहा है कि आपकी कार्यशैली में यह चीज है कि कुछ तो है, जिसकी परदादारी है। कभी डिग्री को लेकर बवाल मचा, तब चुप्पी। बड़े-बड़े लोगों की डिग्री खंगालने की कोशिश की गई... बीच में एक आया कि अगर चुनाव आयुक्त

साहब के dissenting note को हमने मांग लिया, तो राष्ट्रीय हित के साथ compromise हो जाएगा। मेरा यह मानना है कि राष्ट्रीय हित की विवेचना सरकार को अपनी सहूलियत से नहीं करनी चाहिए।

सर, मैं आपके माध्यम से माननीय मंत्री महोदय को कुछ सुझाव दे रहा हूँ, जो activists लोग चाहते थे, expected was to make time-bound and transparent appointments to fill vacancies in Information Commission. Secondly, address the issue of attacks. More than hundred RTI activists have been killed. One was referred to by Javed bhai. Implementing the Whistle Blowers' Protection Act. What worries us! What stops you? जो लोग कई सारे महकमों के करप्शन को लेकर सामने आते हैं, उनको आप प्रोटेक्ट नहीं करना चाहते हैं? आप disinformation को अपना hallmark बनाना चाहते हैं। मेरी आपत्ति वहां है। Poor implementation of Section 4 of the RTI Act, ऑनरेबल मिनिस्टर साहब, आपकी तवज्जो चाहता हूँ और complete lack of transparency in electoral funding.

सर, अंत में एक बात कहना चाहूंगा कि यह जो आरटीआई को ले करके आपका यह अमेंडमेंट है और उसके लिए जितना मैंने विवाद आज देखा कि दिन में Bill pass कराने की कोशिश हो रही थी, आज मुझे लोकतंत्र का काला अध्याय दिखा। हम सब बोलना चाहते थे, लेकिन आप एक pre-legislative scrutiny के बगैर बिल ला रहे हैं। सर, यह बिल किसी सरकार का नहीं था, यह बिल आम आवाम ने अपने आंदोलन से हासिल किया था।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude.

प्रो. मनोज कुमार झा: सर, आम आवाम के आंदोलन से हासिल बिल को... अंत में मैं कहूंगा कि राष्ट्रीय हित... इन सबके इर्द-गिर्द अपनी असफलता मत छुपाइये, क्योंकि यह कहा गया है:-

"वतन को कुछ नहीं खतरा निज़ाम-ए-ज़र है ख़तरे में,
हक़ीकत में जो रहज़न है वही रहबर है ख़तरे में।"

जय हिन्द!

SHRI R. S. BHARATHI (Tamil Nadu): Hon. Vice-Chairman, Sir, thank you very much for giving me this opportunity. First of all, I would like to remind this House when the first Prime Minister of this country, Pandit Jawaharlal Nehru on 15th August, 1947 assumed the office of Prime Ministership, he said that 'From today, I am the first servant of this country.' So, from the Prime Minister to the Peon; we are all servants of the people. And, therefore, our masters are the people. About this Right to Information Act, I would like to remind you that it is the Fundamental Right given to the people who are our masters. We are governing this country. The people who made us sit there should know as to what is happening. I would ask the Government as to what is the

[Shri R. S. Bharathi]

lacuna that you have found in this Act of 2005. What is the urgency for such an amendment? What has made you bring this amendment? Is there any lacuna in RTI Act of 2005? Just to please certain people, you are diluting the powers of the Authority.

Sir, the powers now which are vested with the State, one -by-one this Government, the NDA Government, is trying to grab and usurp the powers of the State. This is another step. What is the urgency? This august House passed a Resolution giving 33 per cent quota for the women. It is kept in the cold storage. Why did this Government, which has got a huge majority in the Lok Sabha, not move that in the Lok Sabha and get it passed? What is the urgency to bring this amendment?

Sir, therefore, on behalf of DMK, I strongly oppose this Bill, and request, through you, to the Government to send this Bill to Select Committee. Thank you, Sir.

SHRI SWAPAN DASGUPTA (Nominated): Mr. Vice-Chairman, Sir, I am a bit puzzled. Just now, we have heard very eloquent speeches on the murder of democracy, and at the same time, we are discussing the Bill. The more I look at this Bill, I am reminded of a British Institution which we have imported into India, which is called the Rules of Precedence. And, if you go through the archives, you will find that a lot of attention of the officialdom at that time was taken up whether the civil engineer or the civil surgeon should sit on the right or left of the Governor. I understand that this is a custom which still prevails in the sections of the bureaucracy and a very good friend of mine said that whether the seniority is decided by whether he joined in the afternoon or in the evening is very, very important. I think what we are doing here is basically suggesting that the quality of democracy is somehow going to be impaired if someone reduced from the Type-8 housing to a Type-7 housing, that their judgement is going to be impaired in that way. And, that, in effect, is what this Bill is all about. It is not a very profound Bill. I had hoped that something, a little more profound would come out which would reveal the points of the RTI. But, since, we are discussing the RTI, I would say that the RTI is also a victim of unintended consequences. It was set up with a certain nobility of purpose to make Government transparent; to allow citizens' access to the process of decision making. I am sure that it has done that to a very large extent. But, at the same time, it has also been hijacked to a very large extent by people whom my good, friend, Prof. Manoj Kumar Jha, has called activists. And, these activists are there who have used the RTI in a wholesale category rather than individual decision

making. That is surrogate politics which has entered into the system and has corrupted it. And, in between, it has also been corrupted by people who, at best, we could call extortionists and blackmailers. And, I think every one of us knows that this is the truth. *...(Interruptions)...* This is the truth and we have refused to admit it. This is what has happened. Secondly *...(Interruptions)...* You may disagree. *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Silence. *...(Interruptions)...* Please. *...(Interruptions)...*

SHRI SWAPAN DASGUPTA: Secondly, I think we have to also concede that the process of decision-making in the Government has been impaired by the fear of RTI, that the bureaucracy does not want to take decisions because of the fear of what might happen.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Mr. Dasgupta, your time is over.

SHRI SWAPAN DASGUPTA: I think these are wonderful cosmetic changes and I am sure, when people move into their Type-VII houses, they will give the equally profound judgement as they gave when they were in the Type-VIII houses. *...(Interruptions)...*

श्री संजय सिंह: आरटीआई के लिए लोगों ने जानें दी हैं। *...(व्यवधान)...*

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय): आप बैठ जाइए, प्लीज़। *...(व्यवधान)...* आप बोल चुके, बैठ जाइए। *...(व्यवधान)...* श्री वीर सिंह। *...(व्यवधान)...*

PROF. MANOJ KUMAR JHA: Sir, there is a point of order. *...(Interruptions)...*

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Under which rule?

PROF. MANOJ KUMAR JHA: Rule 238. As he referred to me as a good friend, I endorse. But activists are watching today. Calling activists as extortionists, I think this undermines the kind of ideals people have set. *...(Interruptions)...* Please expunge it from the proceeding. *...(Interruptions)...*

SHRI SWAPAN DASGUPTA: It has been misled. *...(Interruptions)...* Sir, Mr. Jha knows the English language and he knows that I made a distinction between activists and there was a word put after that and people... *...(Interruptions)...*

DR. JITENDRA SINGH: No, let us not misinterpret it. He has not called an activist, an extortionist. He has called an extortionist an extortionist. ...(*Interruptions*)...

PROF. MANOJ KUMAR JHA: Activists will not look at us kindly, if these kinds of ...(*Interruptions*)... derogatory remarks are made. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Don't make arguments. Hon. Leader of the House, you have three more speakers. Should I call all of them one after another?

नेता सदन (श्री थावरचन्द्र गहलोत): सर, हमने अपने सदस्यों के नाम विद्झूँ कर लिए हैं।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Now, Shri Jairam Ramesh.

SHRI JAIRAM RAMESH (Karnataka): Sir, I rise to speak on this not so profound Bill but a profoundly dangerous Bill. Taking a leaf from the Chairman's book, being profoundly influenced by the Chairman, this Bill is a pill designed to kill and it will kill the RTI. Let me ask the Minister, who unfortunately is not here. Should I wait for the Minister to come back? ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): You can continue. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: I will wait for the Minister to come back. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): You continue. He might have gone to. ...(*Interruptions*)... He will come. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Rather he comes back because only he is in a position to answer the questions that I am going to raise.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): He will reply to your questions.

SHRI JAIRAM RAMESH: But if you insist, I will continue. I want to ask three questions. What is the amendment all about? Why was the original section that is being amended, introduced in the Bill in the first place? Why are these amendments being introduced at this point of time? I want to ask these three questions. Since I was

involved in the process of drafting of the RTI Bill in 2004 and 2005, I have some historical knowledge of what happened. I want to then raise three very quick issues—the importance of RTI, not blackmail or extortion, but actual RTI, which has made a difference to the lives of millions of people. I want to then raise a rebuttal to some of the comments made by the hon. Minister which have been widely reported in the Press in response to the Bill that came up in the other House. What is the amendment all about? My learned colleague, Abhishek Singhvi, has already enlightened us that in essence what the amendments do, is amend Section 13 (1) and amend Section 13(5) of the RTI Act. Section 13(1) sets a term of five years, that is being removed and Section 13(5) equates the salary and allowances with the Chief Election Commissioner at the Centre, the State Election Commissioner in the State. So, these are very simple amendments. Some have called them cosmetic, and I agree with my friend, Shri Swapna Dasgupta that these are not very profound. Why were these Clauses introduced in the first place? Sir, this is interesting. This Bill was drafted and then sent to the Standing Committees. Those were the days when Bills used to go to the Standing Committee. Gone are those days. The Standing Committee submitted its report on the 16th of March, 2005. Sir, the Standing Committee was Chaired by Shri E.M. Sudarshana Natchiappan, and from the Lok Sabha, the BJP Members, were Prof. Vijay Kumar Malhotra, Shri Harin Pathak, Shrimati Kiran Maheshwari, and a couple of others. The Rajya Sabha Members on the Standing Committee who took active part in the deliberations of the Standing Committee, were late Shri Bal Apte, a very learned Member of the House, and Shri Ram Nath Kovind, who is today the President of India. And I myself was a witness in 2005 to the extraordinary interest taken by Shri Bal Apte and Shri Ram Nath Kovind in the finalization of the Standing Committee report.

Sir, you will be interested to know that the original Bill that was presented, actually equated the Information Commissioner to Secretary to the Government of India. The original Bill prepared by Dr. Manmohan Singh's Government, salaries and allowances were equated with the Secretary to the Government of India. However, the Standing Committee said in para 24.3, and I would like to read this para. " The Committee is of the view that the Central Information Commission is an important creation under the Act which will execute the laudable scheme of the legislation and will hold an all India responsibility for this. It should, therefore, be ensured that it functions with utmost independence and autonomy. The Committee feels that to achieve this objective, it will be desirable to confer on the Information Commissioner and

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Deputy Information Commissioners status of the Chief Election Commissioner, and the Election Commissioners respectively. The Committee recommends accordingly insertion of a suitable provision in the Clause to this effect." It was the Standing Committee in which we had very distinguished Members, one of whom subsequently became the President of India, which recommended that Clause in the RTI Bill, which became an Act, and which is now being sought to be amended, and I am sure, with the numbers that the Ruling Party has been able to muster, and various telephone calls that have gone to various State capitals, they may succeed in actually passing these amendments. But, let us understand that these amendments were introduced after months of deliberations in the Standing Committee, and then, they became a part of the Bill, and Parliament then passed the Right to Information Bill, which then became Right to Information Act.

Sir, why are these amendments being brought about now? It is very interesting. It is very important to understand that the timing of these amendments is not so innocuous; it is not so innocent; and I have here, Sir, after reviewing RTI decisions some of which that have already been alluded to by Dr. Singhvi, there are five cases which have propelled the Government to bring forward these amendments. Sir, between 2003 and 2013, the Chief Minister of Gujarat came to the Planning Commission, and the Planning Commission would ask him uncomfortable questions on the state of health in Gujarat, on the state of education in Gujarat; why social development in Gujarat was not commensurate with economic development in Gujarat. In 2014, the Chief Minister of Gujarat, who became the Prime Minister of India * and abolished the Planning Commission. Today, the Prime Minister of India is * on these five cases. What are these five cases?

Firstly, the CIC ordered disclosure of the Prime Minister's educational qualification; the matter is in the Delhi High Court today, as I speak, or maybe it has already been heard today. This is the first embarrassing case for this Government. The second embarrassing case for this Government is, the Prime Minister claimed that four crore bogus ration cards were weeded out by his Government. The RTI showed that the number of bogus ration cards is about 2.3 crore and a correction had to be made by the Prime Minister to make that number commensurate with the Parliamentary question that was answered by Shri Ram Vilas Paswan.

* Expunged as ordered by the Chair.

The third is the disclosure on demonetisation. It was the Chief Information Commission's decision which revealed that less than four hours before the Prime Minister announced demonetisation on 8th November, 2016, the Central Board of the Reserve Bank of India gave its approval...

SHRI BHUPENDER YADAV: Sir, I am on a point of order.

SHRI JAIRAM RAMESH: Sir, I am just quoting. ...(*Interruptions*)... I am not yielding. ...(*Interruptions*)...

कुमारी शैलजा (हरियाणा): सुन लीजिए। ...(*व्यवधान*)... बाद में जवाब दीजिए। ...(*व्यवधान*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Let us listen to his point of order.

SHRI BHUPENDER YADAV: Sir, my point of order is under Rule 238(1). "Rules to observe while speaking: A Member while speaking shall not refer to any matter of fact on which a judicial decision is pending." When he is saying that the decision is coming today evening, then it is a matter pending in the court where a judicial decision is pending. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): You have made your point. Mr. Ramesh, please continue.

SHRI JAIRAM RAMESH (Karnatak): Sir, the first embarrassing case was the disclosure of the Prime Minister's educational qualification. Since it is pending in the court, I am not expanding on it. The second is the false claims made by the Prime Minister on bogus ration cards. The third, which I was reading before I was interrupted is that four hours before the television announcement on demonetisation, it is an RTI request that revealed that the RBI gave its approval to the scheme, but rejected demonetisation for two of its key justifications, elimination of black money and counterfeit notes. The fourth embarrassing case to this Government is that an RTI enquiry revealed that the former Governor of the Reserve Bank of India, Dr. Raghuram Rajan— the Minister may kindly listen to me and not look perplexed because these are all facts; it is the RTI enquiry that revealed this—had listed out the names of NPA defaulters to the Prime Minister's Office eight months into his Prime Ministerial tenure.

Sir, the fifth case, which is embarrassing to this Government is that the Chief Information Commission directed the Prime Minister's Office to disclose information

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about quantum and value of black money brought back from abroad. The Prime Minister's Office refused to share the details of the quantum of black money brought back from abroad despite the CIC ordering the disclosure.

So, Sir, the real reason is not this false reason of parity with the Chief Election Commission. The real reason for these Amendments is to make the Information Commission toothless, to make sure that these types of embarrassments don't repeat themselves. And the only way to do it is to convert the Chief Information Commission from an independent autonomous body to a toothless Government, Prime Minister's Office-directed body. That is the real business of this Amendment Bill.

Sir, a couple of days ago, the Minister defended these amendments. And, while defending these amendments, he said, 'We have strengthened the RTI Act. We have given the CIC its own building. They have their own building.' The hon. Minister said this. The hon. Minister is a learned doctor. He does not take a few months to build a building. Sir, this building took five years to build. I have all the papers with me. I have all the details — when land was allocated, when construction started, etc. Sir, it goes back to 2012. So, Mr. Minister, you did not do the CIC any favour by giving them a building. The building was under construction. You were fortunate that the hon. Prime Minister happen to be there in Office to go and inaugurate the building. So, to say that you have strengthened the RTI by giving the CIC a separate building is a deliberate falsification of facts.

Sir, the second point that the hon. Minister made is, 'One of the missing links is that there was no provision to frame rules under the RTI Act. It should have been there.' Sir, this is completely an erroneous impression. Section 27 — I don't know whether the hon. Minister has ever read the RTI Act — of the Act empowers the Central Government and the State Governments to make rules. We don't pass any Bill without the power to make rules and it is extraordinary that the hon. Minister said that one of the things missing in the previous Act was the power to make rules.

Sir, I come to the third claim of the hon. Minister. He said, 'It is this Government which introduced a portal for the RTI.' Sir, the portal was inaugurated on 21st August, 2013, by his predecessor, Shri V. Narayanasamy, who is now the Chief Minister of Puducherry.

Sir, the fourth argument made by the hon. Minister, in a very eloquent language, is this. He said, 'We walked an extra mile. There should be Leader of Opposition in the Selection Committee. But, now, the leader of the largest Opposition party is a Member.' He made it sound as if he was doing us a favour. Instead of the Leader of Opposition, he had mentioned, 'Leader of the largest Opposition party.' Sir, you look at the original RTI Act.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Mr. Ramesh, one second.

SHRI JAIRAM RAMESH: I will be concluding in 2-3 minutes.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): I am not asking you to conclude. I am only saying that your party has one more speaker to speak. So, you adjust your time accordingly.

SHRI JAIRAM RAMESH: Sir, I will take 2-3 minutes.

Sir, you look at the original RTI Act and I invite the hon. Minister's attention to Section 12(2). What does it say? It says that the Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of the Committee consisting of the Prime Minister, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister to be nominated by the Prime Minister. Sir, the hon. Minister has forgotten to add the explanation in the original Act. The explanation says, 'for purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of People has not been recognized as such, the leader of the single largest group in Opposition of the Government in the House of People shall be deemed to be the Leader of Opposition.' This is in 2005! And, the hon. Minister tells Lok Sabha that there was no provision for the leader of the largest party and we are making this provision. Sir, it is already part of the Act. So, these are all misleading statements being made.

Finally, he has made a statement and the statement reads, 'We have left Section 12(4) untouched and that is heart of the autonomy.' Sir, autonomy comes from appointments. Again to quote the hon. Chairman, 'the manner of making appointments leads to disappointments.' It is the manner in making appointments really causing us concern. It is not so much the fact that there is already a Selection Committee. Of

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course, there is a Selection Committee. I would like to agree with Dr. Swapan Dasgupta that there is a Selection Committee. But, unfortunately, the Selection Committee deals only with roster of names that is submitted to it; it is not a Search-cum-Selection Committee. It is only a Selection Committee and there is a fundamental difference between the two.

Finally, I would appeal to my friends who represent very important, influential regional political parties that these amendments are not in the spirit of cooperative federalism. They are destructive federalism. And, I wanted to appeal these influential, important regional parties to stand up and be counted for States' rights. They have been arguing for the autonomy of States. And, this Amendment is going to determine the terms and conditions of Information Commissioners in various States. I can understand their compulsion. But, once in a while, they must stand up for their convictions as well.

SHRI DEREK O'BRIEN: Mr. Vice-Chairman, Sir, we have already had some very incisive, articulate and thoughtful interventions on this RTI (Amendment) Bill. Yes, the previous speaker asked whether any national party, with a strong regional presence, like the Trinamool, will stand up. Well, even if we are the last one standing, we will stand up and fight this because, I remember, in this House, on August 19, 2013, when we objected to the Land Acquisition Bill, we were in the minority of one-and-a-half political parties, in the sense, we got 19 'Noes', I mean, 19 'against', and there were 218 people who voted against our Motion. Never mind we got 19 — that was in 2013 — but, after that, the Supreme Court in 2016 said that what our view was the right view.

Sir, the points on the RTI have been very well made. And, I will not elaborate on those points. We have had Dr. Abhishek Manu Singhvi and Shri Jairam Ramesh before me. But, this is a bigger issue. Why have we moved this Motion to send this Bill to a Select Committee? The bigger issue is, in the last 28 days, we have seen this glorious institution of Parliament under serious threat. This is not rhetoric. Let me make my case by suggesting some numbers. Sir, what happened today was unprecedented. Parliament Session is going to end tomorrow. This is what you told. The Cabinet Committee is meeting, I think, at 4 o'clock or 5 o'clock or, maybe, at 6 o'clock. The Parliamentary Affairs Minister is announcing Business for the next week in Parliament. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please speak on the Bill. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: This is not on the Bill. This is on the situation we are in today. This is a bigger issue. This is not about whether they will get 130 votes and we will get 25 votes. It is not that issue. Even if we get 25 votes, that is our Opposition space and, as a constructive Opposition, we will fight for our space. So, when you do things, like, allow a Member just casually to speak from four rows behind, even though he is sitting in the first row, and we think it very lightly. No, it is mockery of Parliament. When you take away Rule 95, which allows Members to submit their amendments, it is mockery of Parliament. ...(*Interruptions*)... Okay, the Minister wants to say something. So, I will sit down.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. MURALEEDHARAN): If somebody comes and boos in the Well of the House that is also mockery of Parliament....(*Interruptions*)...

SHRI DEREK O'BRIEN: Sir, I was talking about the mockery of Parliament. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please speak on the Bill. ...(*Interruptions*)... Please do not make allegations and counter-allegations. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: Sir, I have a choice of speaking either on the Bill on my ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No; no, as per rules, you have to speak on the Bill. ...(*Interruptions*)...

SHRI DEREK O'BRIEN: Sir, I am speaking on my Motion. We just saw the Ministers sitting there and keep calling somebody when I am making my speech. Is it also not mockery of Parliament?

Sir, why do we want this Bill to go to a Select Committee? Why do we want more Bills to go to a Select Committee? You can do the historic fact-check to check the record of Parliament. Let's do that. In the fourteenth Lok Sabha — it does not matter who was in Government — sixty per cent of the Bills were sent for Parliamentary scrutiny. In the

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fifteenth Lok Sabha, seventy-one per cent of Bills were sent for Parliamentary scrutiny. It is not that the Opposition wanted to block the Bills. But, we wanted to improve the quality of the Bills. You want to see, if it is a bad Bill, how you can make it better. So, it went up from 60 per cent to 71 per cent. What happened in the Sixteenth Lok Sabha? In the last five years, that number went down to 26 per cent. ...(*Interruptions*)... One out of four Bills is being scrutinised. Now, what is the plan? It is a dubious record, but it is a record. Thirteen Bills have been passed. Now, the Government will turn around and say, in previous Sessions also, Bills were passed. Let me give you those facts. Sir, not rhetoric, only facts! I have checked this. First, how long did the first Session last in the last six Lok Sabhas? It is, only 8 to 11 days. Now, you will come and tell me, — because, now, it has been extended — Parliament is working! We are going to work for 37 days! What are you going to work for 37 days?

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): This is not Zero Hour mention. Please concentrate on the Bill.

SHRI DEREK O'BRIEN: Right, Sir.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Don't go beyond the scope of the Bill.

SHRI A. NAVANEETHAKRISHNAN: Sir, after he finishes his speech, I may be permitted to give explanation to Shri Jairam Ramesh as well as to my dear friend, Derek O'Brien, because they have referred to me. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No. Your name has not been mentioned.

SHRI A. NAVANEETHAKRISHNAN: Subject to correction, I will place my facts.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Your name has not been mentioned. Please sit down.

SHRI ANAND SHARMA: He said, 'regional parties'.

SHRI DEREK O'BRIEN: It is nice, Sir. When you come here, we are colleagues. You are being very fair to me, or not fair to me, I will not say anything, but you are always fair. ...(*Interruptions*)... The issue is, how is federalism going to be hurt with

this Bill? That is a serious objection from the Trinamool. It is happening Bill after Bill. If you go into this Bill, you will know without getting into the details as to who will fix the salary. You are not only hurting federalism, but you are also getting yourself a new ally. You have, you have! We ourselves are seeing that. You don't need to go very far. We sometimes see what has been happening in this House for the last so many days. Don't have to tell us you have the numbers. Yes, have the numbers. But that does not give you the authority to take away my right as a Member of the Opposition, even if you intimidate me, because RTI is the Right to Information. In the last two days, let me tell you, Sir, it is right to intimidate. We know what calls were made; we know what pressure was made. Thankfully, we are Trinamool. We will not give up the right to federalism. We will fight for this. ...*(Interruptions)*... We have passed so many Bills in Parliament, but if you ask a school student, which is the most often used legislation in India since Independence, there is only one answer. Twenty crore people have used it; it is the RTI. It has been running for 14 years. Two crore requests are there. So, this is one of the reasons. As regards the Congress, I can understand, they were selective in choosing what they wanted to hit the BJP with. We are in the middle. But things like the 2G, the Adarsh, also came through the RTI. Didn't they? So, you people also have some faith. The Government has spent ₹ 5,000 crores on advertising. ₹ 61,500 crore bank frauds are there; 6,800 cases were also on RTI. We are talking about the destruction of the autonomy of institutions. We are talking about the Government which wants to intrude into the matters of State. In the last 20 days, they have seen. A sad incident happens in one State, the largest State of India; 10 people died. No advisories. West Bengal is getting advisories, one courier service every day. In fact, I suggested you should make a direct flight now. Keep sending to the States, especially the States who are politically opposed to you. The Other issue in this Bill, and which I ask the Minister to address this while making his reply, is this. The Government could easily block requests if details show the Government in poor light. Can this be done? Can this not be done? This is very important. What about the pendency of cases? What about the Budget cut of 38 per cent? All these are realities. But I have a nice quote here to read. Anyway, let me read the quote. "2015 — We need to become proactively transparent. People should not have to make any effort to get information. More openness in Government will help citizens. In this day and age, there is no need for secrecy. RTI should be used first and foremost to better the process of governance. Today, I feel there is a limitation to RTI. We know the process. But we don't know the

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end product." These are noble words; and I agree with these words — 2015, Prime Minister, Shri Narendra Modi. Now, this was working in 2015. This is said by Shri Narendra Modi, the hon. Prime Minister, Narendra Modiji. He said this in 2015. What has happened between 2015 and now that this entire perception of his will be explained to us on the floor of the House. This bears repeating. "We need to become proactively transparent. People should not have to make any effort to get information. More openness in Government will help citizens. In this day and age, there is no need for secrecy." And whatever has been done here is trying to put some pressure again on a Government.

Sir, our request to this Government is — and I am saying this with all humility — whether it is this Bill or whether it is other important Bills, they need scrutiny. Sir, this is not the Ahmedabad Gymkhana, - this is the Rajya Sabha, the Council of States. When we oppose your Bill, not even oppose your Bill, when we ask your Bill to go to a Select Committee, then you will start saying things like 'we are blocking Parliament, we are moving.' No.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude.

SHRI DEREK O'BRIEN: Yes, Sir. We want to be a constructive Opposition. We will not ever boycott this place; I can speak for our own Party. We will fight you inch by inch, inch by inch. We will not allow you to take away our Opposition's space; we will not. You want to bulldoze Parliament; try. You want to bulldoze the Constitution; try. ...(*Time-bell-rings*)... But we will fight for Parliament, for the Constitution and the right of our opposition.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Thank you. Prasanna Acharyaji ...

SHRI PRASANNA ACHARYA: Sir, Shri Amar Patnaik from my Party will speak.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): But hardly any time is left.

SHRI PRASANNA ACHARYA: Sir, please allow him some time.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): But it cannot be a maiden speech.

SHRI PRASANNA ACHARYA: No, Sir, it is not his maiden speech.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Okay. Shri Amar Patnaik.

SHRI AMAR PATNAIK (Odisha): Sir, the Amendments which have been brought into the Act, as the earlier speakers said, I probably agree with Swapan Dasguptaji, appear very cosmetic. But the main provision regarding independence about which we are talking is whether the terms of appointment can be changed after appointment of the Chief Information Commissioner or the Information Commissioner, as the case may be, needs clarification. That is one clarification which the hon. Minister would have to give. If the terms of appointment are not changed after his appointment, then the debate on the question of independence is something that we have to revisit.

The second point which has been raised and discussed in the House is, it is a creature of a statute, it is not a creature of the Constitution. There is no doubt about it. Now if it is a creature of the statute and if it is being made equivalent to a Constitutional Authority, which the Amendment tries to rectify, the Government will have to clarify if by doing this, isn't it trying to bring down the position of the Information Commissioners and the Chief Information Commissioners in the States to because it is in 30 States where the RTI Act is being used, particularly, by the people belonging to the below poverty line families because they are the ones who are using this particular RTI for getting information to solve their problems of daily lives. Let me now talk about the CAG Act. The Comptroller and Auditor General of India is a creature of the Constitution. The CAG Act says that its salaries and conditions of service shall be determined by law by Parliament. So, the Constitution talks about the CAG. The salaries and conditions of service are to be determined by law for which there is a CAG (Conditions of Service) 1971 Act. Now, in this particular case, we have a statute establishing the RTI Act, and there is an amendment which says that there would be a rule which would be made by the Government, as a subordinate legislation, which would clarify the salaries, allowances and others terms and conditions of service of the Chief Information Commissioner, Information Commissioners, the State Chief Information Commissioner and the State Information Commissioners. Now, the Government would have to clarify if they are contemplating bringing out a rule, a subordinate piece of legislation, which would specify this for all the States and for the Government of India at one go, or if it would be changed by Executive Orders from time to time. Then, there is another point which I would like to get clarified by the Government.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): The time allotted to you is over.

SHRI AMAR PATNAIK: Sir, I would take just one minute more.

The last point which I would like to make is this. Now, what is important in the RTI Act is getting the information. Are the exemptions that have been provided in the RTI Act being changed, or being manipulated? As you would have seen — I too tend to agree with certain portions, having worked in bureaucracy — there are people in the Government whose only job is to write RTI applications and impede governance. But there is also a group of people, the poor people, who have to write RTI applications to get benefits. So, the exemptions have to be rightly aligned. Now, I think that the amendments are fine, but the amendments to the RTI Act could have been much more broad-based in the sense that they could have looked at making the Act more effective and much more helpful in getting information after it is rejected by the Chief PIO. The appeal provision is very weak in the sense that there is no time-limit for an appeal provision.

SHRI K. K. RAGESH (Kerala): Sir, I stand here to oppose this Bill. The amendment would make the Information Commission just another Government department. The proposed amendment would kill the very underlying principle of the RTI Act and also destroy the autonomy of the Information Commission. Also, it would sabotage the federal structure enshrined in our Constitution.

Sir, as I have already stated, 14 Bills have been passed by the Government so far without proper legislative scrutiny. The Government is not aware of the pre-legislative consultation policy of 2014. The Government is, unfortunately, negating the principle of a pre-legislative consultation policy. I may remind the Government about fair legislative process. After a draft is prepared, it is to be put up in the public domain for seeking views and it has to be scrutinized by parliamentary committees. Nothing of that sort is happening here, Sir, and procedures are being violated. When we raise questions about sending a Bill to a Select Committee, the Government just cites numbers saying that in Rajya Sabha, these many Bills have been referred to the Select Committee. Yes, certain Bills have been referred to the Select Committee, but that was not because of the benevolence of the Treasury Benches, but because of the strong, mountain-like, Opposition in this House. If you are serious in the law-making process, I am requesting

the Government, take the views of the Opposition also and send this Bill to a Select Committee. Sir, what is the Government doing through this Amendment? Under the pretext of rationalising the status of Information Commission, you are simply making the Information Commission a Government Department and you want to make the Information Commission merely a caged parrot. That is why you are bringing this Amendment. Your Amendment is going to weaken the Information Commission. It affects the ability of the Information Commission to function in an independent manner; it is curtailing the autonomy of the Information Commission and the supporters of federal principle. Hon. Member, Shri Jairam Ramesh, has already explained the status of Information Commission in this august House and it was discussed in the Standing Committee constituted in 2004. I, too, once again quote the Report of the Standing Committee. I quote, "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." I am reminding you, once again, that it was the Standing Committee that had recommended to elevate the status of the Information Commission as that of the Election Commission and our Parliament accepted that.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude.

SHRI K. K. RAGESH: One more minute, please. Whatever argument you are making is faulty. How can the Central Government decide the salary and allowances of the State Commission? Sir, the RTI Act mandates the States to constitute State-level Commissions and you are trying to control the State-level Commissions also. Sir, it is a blatant violation of the federal principles and, of course, it is an assault on federalism. You are making concerted effort to destabilise the Information Commission. Vacancies are not being filled resulting in delay in disposal of various cases. You tried to dilute the Act through changes in Rules in 2017 and again you brought another Amendment Bill in 2018. Immediately after assuming power, you are continuously trying to destabilise the Information Commission and the supporters of RTI Act. I am again requesting the Government, if you are serious in law-making process, take the views of the Opposition also and send this Bill to a Select Committee. Thank you.

श्री संजय सिंह (राष्ट्रीय राजधानी क्षेत्र दिल्ली): उपसभाध्यक्ष महोदय, आपका धन्यवाद कि आपने मुझे इस विषय पर बोलने का अवसर दिया। मान्यवर, यह RTI कानून किसी सरकार की पहल पर नहीं, बल्कि इस देश में लाखों की संख्या में काम करने वाले, गाँवों में मजदूरों के लिए, किसानों

[श्री संजय सिंह]

के लिए, आम आदमी के लिए संघर्ष करने वाले लोगों के आन्दोलन की बदौलत, उनके संघर्ष की बदौलत इस देश के अन्दर लाया गया। यह इसलिए लाया गया कि घोटालों और भ्रष्टाचार पर रोक लगाई जा सके। यह इसलिए लाया गया कि रिश्वतखोरी के ऊपर रोक लगाई जा सके। मुझे याद है कि अरविन्द केजरीवाल जी के नेतृत्व में 'घूस का घूँसा' अभियान पूरे देश में चला था। मैंने अपने छोटे से शहर, सुल्तानपुर में 10 साल पहले जब एक घर में 10 साल से फोन नहीं लग रहा था, उस मामले में RTI का आवेदन दिया, तो RTI आवेदन लगाने की वजह से 24 घंटे के अन्दर उसके घर में फोन लग गया। मान्यवर, यह इस कानून की ताकत है। यह 'सूचना का अधिकार' कानून, आम आदमी के हाथ का एक मजबूत हथियार था। इसी कानून की बदौलत कॉमनवेल्थ गेम्स का घोटाला सामने आया, कोयला घोटाला सामने आया, 2जी घोटाला सामने आया, राशन घोटाला सामने आया, पानी घोटाला सामने आया, सड़क घोटाला सामने आया, नौकरी घोटाला सामने आया। आज मैं पूछना चाहता हूँ कि क्या आप उन घोटालेबाजों के साथ मिल कर, घोटालों को खोलने वाले इस कानून का गला घोटना चाहते हैं? आप इस सदन को यह बताइए। आप इस कानून का गला क्यों घोटना चाहते हैं? आप इस कानून का गला घोट रहे हैं और इसके लिए इतिहास आपको माफ नहीं करेगा। जो काम आज आप करने जा रहे हैं, उसके बाद इस देश की जनता आपके चेहरे पर कालिख लगाने का काम करेगी।

मान्यवर, आज आप अस्पताल में माँ का इलाज कराने जाइए, तो रिश्वत देनी पड़ती है। तहसील में आय प्रमाण पत्र, जाति प्रमाण पत्र, निवास प्रमाण पत्र बनवाने जाइए, तो रिश्वत देनी पड़ती है। बेटे के admission के लिए जाइए, तो रिश्वत देनी पड़ती है। नौकरी के लिए जाइए, तो रिश्वत देनी पड़ती है। बच्चा पैदा हो जाए, उसके जन्म प्रमाण पत्र के लिए जाइए, तो रिश्वत देनी पड़ती है। बाप की मौत हो जाए, मरने का प्रमाण पत्र बनवाने जाइए, तो भी रिश्वत देनी पड़ती है। आप इस देश को बताइए कि उन रिश्वतखोरों के साथ आपका क्या समझौता हुआ है, जिसकी वजह से आप इस कानून को कमजोर करना चाहते हैं? आप ऐसे-ऐसे संशोधन लेकर आ रहे हैं, जिसका आपको अधिकार नहीं है। आज आपको पूरा देश आपको देख रहा है।

मान्यवर, आरटीआई कार्यकर्ताओं को धन उगाही करने वाला कहा जा रहा है, जिन्होंने आरटीआई के लिए लड़ते हुए अपनी जानें दीं और गोलियां खा कर अपने आप को खत्म किया। इस सदन में आप उनके परिवारों को गाली देने का काम कर रहे हैं। वे लोग आपको माफ नहीं करेंगे। वक्त आएगा, तो वे लोग आपके चेहरे पर कालिख लगाने का काम करेंगे। आपको पूरा देश देख रहा है। मैं कहना चाहता हूँ कि इस आरटीआई संशोधन के माध्यम से आज आप, इस देश के आम आदमी के हाथ में जो रिश्वतखोरी से, भ्रष्टाचार से, अन्याय से, अत्याचार से लड़ने का अधिकार था, उस अधिकार को छीनने का काम कर रहे हैं। आज जब वोटिंग का समय आएगा, उस समय तो हम इसके विरोध में अपना वोट देंगे ही। मुझे मालूम है, हो सकता कि संख्या के खेल में आप जीत जाएं, लेकिन जनता के बीच में आपकी जो सोच है, जो छवि

6.00 P.M.

है, जो काला चेहरा है, वह इस कानून के माध्यम से उजागर हो रहा है। आपको पूरा देश देख रहा है। इन्हीं शब्दों के साथ मैं अपनी बात को समाप्त करूंगा, बहुत-बहुत धन्यवाद।

SHRI BINOY VISWAM (Kerala): Sir, in a few minutes, this House is going to see a tragic incident. In the game of numbers, truth is going to be killed here and the flag of untruth will proclaim the victory over truth in this House. We always say that this is the house of democracy, where the people's will is supreme. No, Sir, people's will is going to be derailed here. The Government has claimed a slogan, 'maximum governance and minimum Government'. In this Bill, we have seen maximum and maximum and maximum Government and minimum, minimum and minimum governance because the Government is afraid of everything. It has killed everything. All the institutions of democracy which the Constitution proclaimed as sovereign are already getting killed. The Government which has caged everything in the country like CBI, ED, RBI, Election Commission, that very same Government is going to cage and kill the RTI Act also. Sir, this is *mathrubhumi*, one of the oldest Dailies in the State of Kerala, which was born in the light of freedom movements. Today, this Daily came out with an editorial saying, "Don't kill and strangle the RTI Act."

That is what the Government is doing here today. This Amendment is arbitrary in nature. This is against the principles of federalism. It violates everything which is so dear to democracy. Sir, this RTI (Amendment) Bill is, from top to bottom, hypocritical. It wants the Information Commissioners and the whole system to be Government's slaves. It is the Government which will decide everything - the tenure, the salary, etc. All the things will be at the whims and fancies of the Government. That means, a Government, which is in utmost fear of everything that is democratic, is going to do its undemocratic...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Just one minute. Hon. Members, now, it is 6 o'clock. Does the Minister want to say something?

SHRI V. MURALEEDHARAN: Sir, since we are deliberating upon a very important legislation, I propose that we may extend the time of the House till it is disposed of.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): What is the sense of the House?

SOME HON. MEMBERS: We support it.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): All right. Mr. Viswam, please continue.

SHRI BINOY VISWAM: So, a Government, which only does lip service for democracy, is repeating the same thing in this Bill too. So, this Bill, in this form, is, in fact, an insult to our hon. House. In the Lok Sabha, they did it. In Rajya Sabha, we are saying that we will vote against it. We may fail, but we believe that this failure is for the victory of truth and democracy. It is for the victory of the people of this country. It is for the victory of everything that is good and great for this country. For that, we say that we will vote and we will see that one day, the country will say that this is the black day for this great nation. Now, I conclude and I oppose the Bill.

श्री रामदास अठावले (महाराष्ट्र): महोदय, सदन में RTI से संबंधित बिल पर चर्चा हो रही है और मेरी पार्टी का नाम है - आर.पी.आई.। ...(व्यवधान)... मुझे बार-बार सुनने में आ रहा है कि आर.पी.आई पर चर्चा हो रही है - अच्छी बात है। ...(व्यवधान)... RTI कानून 2005 में पहली बार देश में बना। मैं इतना ही कहना चाहता हूँ कि -

'बिल का नाम है Right to Information,
आप शान्ति से सुनो मेरा भाषण। ...(व्यवधान)...
NDA की सरकार चाहती है, मजबूत भारत नेशन,
क्योंकि हमें खत्म करना है गरीबों का शोषण।'

जो करप्शन होता रहा, गरीबों का शोषण होता रहा, मानव के अधिकारों पर कब्जा करने का काम होता रहा, दलित पर अत्याचार होता रहा, ...(व्यवधान)... उस सबको खत्म करने के लिए, सूचना के अधिकार कानून में सरकार Amendments लेकर आई है। सूचना के अधिकार का कानून आपने बनाया था, लेकिन उसे amend करने की जिम्मेदारी हम पर आई है। ...(व्यवधान)... इस कानून को और ज्यादा मजबूत बनाने के लिए, Chief Information Commissioner का कार्यकाल जो 5 साल का होता है, वह अधिकार भारत सरकार को मिलना चाहिए। उनके कार्यकाल या अधिकारों में परिवर्तन के लिए जो Amendment सदन में लाए गए हैं, इससे वर्तमान कानून और मजबूत हो जाएगा। कानून तो हम पहले से ही मजबूत बनाते हैं, लेकिन उन्हें implement करने की जिम्मेदारी हम सब पर है। Corruption खत्म करने की जिम्मेदारी हम सब पर है। अभी संजय सिंह जी बोल रहे थे कि इधर घोटाला हुआ, 2जी घोटाला हुआ, दूसरे घोटाले हुए, लेकिन घोटाला करने वाले आपके सामने बैठे थे। ...(व्यवधान)... घोटाला हुआ, ठीक बात है, घोटाला कोई भी रहा हो, घोटाला नहीं होना चाहिए। ...(व्यवधान)... हमारा घोटाला हो या तुम्हारा घोटाला हो। ...(व्यवधान)... आपके समय घोटाला हुआ, इसीलिए हम इधर आए हैं। आपका घोटाला हो

गया, इसलिए हम लोग इधर आए हैं। ...**(व्यवधान)**... आप लोगों का घोटाला नहीं होता था? टूजी घोटाला है, कोयला घोटाला है, सब हैं, ऐसे घोटाले सामने आ गए और इसीलिए नरेन्द्र मोदी जी को मौका मिला और मैंने भी सोचा कि तुम्हारे साथ रहने से क्या फायदा है? ...**(व्यवधान)**... यह जो कानून है, इस संबंध में मेरा कांग्रेस पार्टी से निवेदन है, चूंकि कांग्रेस पार्टी लोकतंत्र को मानती है, कांग्रेस पार्टी बाबा साहेब के संविधान को मानती है, बाबा साहेब अम्बेडकर को मानते हैं, इसलिए आपकी जिम्मेदारी यह है कि जब भी कोई बिल आता है, उस पर हंगामा करने से क्या फायदा है? हम लोग यहां पर हंगामा करने तो नहीं आए हैं, बाहर जाइए, वहां पर हंगामा कीजिए। लेकिन यहां पर हंगामा करने के बजाय... आपकी जो सूचनाएं हैं, अमेंडमेंट के संबंध में आपके जो भी सुझाव हैं, उन सुझावों को स्वीकारने के लिए हमारी सरकार तैयार है। हमें 2019 में फिर से मौका मिला है और हमें बार-बार मौका मिल सकता है। ...**(समय की घंटी)**... आप उधर ही रहेंगे, तो हम इधर ही रहेंगे। अभी ज्यादा से ज्यादा बिल पास होना चाहिए। हमारी सरकार सेशन का कार्यकाल बढ़ाने के बारे में विचार कर रही है। आप लोग बोल रहे हैं कि साल में 100 दिन काम होना चाहिए, 100 दिन नहीं, बल्कि हम सवा सौ दिन बैठेंगे। हमारी सरकार लोकतंत्र को मानती है और भागने का हमारा कोई विचार नहीं है। आप लोग इतना हंगामा मत कीजिए। हमारा काम तो चल ही रहा है, हम तो काम चलाते रहेंगे। बहुत दिनों के बाद आज आपने हंगामा किया और आपका कहना है कि इस बिल को सेलेक्ट कमेटी के पास भेजा जाए। ...**(व्यवधान)**...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude.

श्री रामदास अठावले: सर, हमारी कमेटी इलेक्ट कमेटी है, तो फिर हम सेलेक्ट कमेटी के पास क्यों भेजेंगे? ...**(व्यवधान)**... आनन्द जी, आप तो सीनियर मेम्बर हैं। आप हमारे अच्छे मित्र भी हैं। आप उधर रहें या इधर रहें, हमारी दोस्ती हमेशा रहेगी। दोस्ती में कोई दिक्कत नहीं है, लेकिन पहले की दोस्ती अलग थी, अभी की दोस्ती अलग है। ...**(समय की घंटी)**... मेरी जो आरपीआई है, यह आरटीआई का सपोर्ट करती है और यह जो अमेंडमेंट बिल आया है, इसका पूरा समर्थन करने के लिए मैं यहां खड़ा हुआ हूँ।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please conclude.

श्री रामदास अठावले: सर, मैं केवल इतना ही बताना चाहता हूँ:-

"मोदी सरकार ला रही है आरटीआई बिल,
उसका सपोर्ट करो मेरे कांग्रेस भाई,
क्योंकि मोदी जी पर खुश हैं गांव-गांव की माएं।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Shri Kanakamedala Ravindra Kumar, please start.

श्री रामदास अठावले: इसलिए हम सब लोग आगे बढ़ेंगे और आप सब लोग सपोर्ट करके यह बिल पास कीजिए। अभी 15 दिन हम लोगों को यहां बैठना है और बिल्स को पास करना है। ...(व्यवधान)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please start.

श्री रामदास अठावले: हम इसी तरह से मिल कर अच्छी तरह से काम करते रहेंगे, इन्हीं शब्दों के साथ मैं मेरी रिपब्लिकन पार्टी ऑफ इंडिया की ओर से इस बिल का समर्थन करता हूँ। आरपीआई की ओर से आरटीआई का समर्थन करता हूँ, जय भीम!

SHRI KANAKAMEDALA RAVINDRA KUMAR (Andhra Pradesh): Thank you, Sir, for giving me the opportunity to participate in the discussion on Right to Information (Amendment) Bill, 2019. Sir, the Bill aims to belittle the movement of Right to Information itself. The Bill vests power with the Government to fix the term of services of Information Commissioner and other Information Commissioners who enjoyed the status of Chief Election Commissioner and Election Commissioners. The State Chief Information Commissioner and other Information Commissioners enjoyed the status of Election Commissioner and Chief Secretary of the respective State. Through this Amendment Bill, the Government wants to take into its fold, the power to fix the term and service conditions of Information Commissioners. In fact, the law that allows an ordinary citizen who has no official powers or authority to elicit information from the persons in power in our country, is an absolutely extraordinary development and practice of our democracy. Sir, the Right to Information Act has created a mechanism and platform for practice of continuous vigilance of our Government. Obviously, our ordinary people and our citizens have made a remarkable contribution to our democracy. Sir, the Right to Information Bill was enacted in the Parliament during the UPA regime. The Bill was brought after deliberations and the report of the Standing Committee headed by Dr. E. M. Sudarsana Natchiappan. There are two key words, 'independence' and 'autonomy'. This Bill has taken away the independence of the Information Commissioner by fixing the salaries and allowances of the Chief Information Commissioner and the Information Commissioner. Earlier, it was equated to Chief Election Commissioner and the Election Commissioner. That was done to give the Information Commissioner a high status which could criticise the Government. The present Bill is a regressive Bill, and, in a sense, it wants to make the Information Commission a place where the Government can appoint whom they like, they can end the term when they like, they can fix the salary as they like and they can fix the allowances as they like. So, I want to make a mention

of a much more important Constitutional provision, that is, Article 19A, which speaks about the Fundamental Rights. The Supreme Court proclaimed that the RTI is a Constitutional right emanating from Article 19A which guarantees the freedom of speech and expression. The effort of the Government is to dilute the Right to Information Act. With the power to interfere in the rights of the States to decide about the State Information Commission, it is taking away the independence and authority of the Information Commission. It is against the cooperative federalism. If the Government intends to proceed with the Act, it is for the Government to clarify the apprehensions of the public regarding the probable misuse of these amendments in the future.

Similarly, the Government has to ensure the implementation of Right to Information Act without any effect on previous practice. The so called amendments must be prospective and not retrospective. The Information Commission was set up to function freely and it ensured the freedom of functioning. Moreover, the RTI is an important tool in the hands of ordinary citizens to hold accountable those who are in power. *(Time-bell-rings)* This Bill needs pre-legislative consultation. This was not done in this case. High secrecy was maintained in bringing the amendment Bill. I urge the Government to clarify all these issues and to give an assurance to the House with regard to the proposed amendments and appropriate steps. Thank you for giving me the opportunity to speak.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Thank you. Now, Shri V. Lakshmikantha Rao. You have two minutes' time.

SHRI V. LAKSHMIKANTHA RAO (Telangana): Sir, firstly, our Party, the *Telangana Rashtra Samiti* Party supports it, and, while supporting, I would only say that the aim of the Bill should be to see that the information goes to the person who is in need of it. That system was not there, and, now, a system has been created. Now, nobody can escape after doing a mistake or a fraud or anything. Suppose, there is some information, which I should get as a matter of right, but, if I am not getting that information, this is the place where I can go and ask by paying a mere amount of ten rupees, and, it is the responsibility of the officer, who is sitting there, to collect the information and supply that information to me. If there is any fraud, I can definitely ask the Government or anybody. So, if it is not damaging the aim with which we have brought and implemented this Act, I don't think that the changes with regard to those who are working there, their pay or their appointment by the Minister, etc., will impact much.

[Shri V. Lakshmikantha Rao]

We definitely support it as long as the State Government is respected and the people who are beneficiaries continue to get the information through the RTI. The Central Government will definitely come up to State Governments' expectation and people's expectation. If there is any damage to the Act, one can understand that. But appointing somebody or posting somebody is not really going to change the Act. We feel that there is no change in the aim with which the Act started. The spirit still remains. So, the *Telangana Rashtra Samithi* supports it.

SHRI KUMAR KETKAR (Maharashtra): Sir, actually, we must first understand why this Government chose this time to bring this particular dilution of the Bill. Obviously, the Government is clearly afraid of information. They are not afraid of the Opposition, because the Opposition does not have as many numbers. They realized that the real opposition will come to them from the correct information about the Government's activities and Government's scams. They realized that the real enemy is not going to be just the Opposition, but information in the hands of the Opposition and in the streets. That power they themselves had seen. They were only two seats in 1984 and they used the streets and the Opposition within the Rajya Sabha and the Lok Sabha to force the Government to accept or reject many things. This particular Government is fully aware that the Opposition can be strong with information and street protests. The RTI Bill itself came not because the Lok Sabha demanded it or the Rajya Sabha demanded it. The RTI Bill primarily came, as Shri Sanjay Singh said, from the activists' movement, trade union movement and farmers' movement all over the country. Those activists actually forced the Government to bring the RTI Bill when the UPA was not in full majority. The RTI Bill came under the pressure of the people because they wanted information. They thought that the Government was hiding many things, and unless information was procured, it would not be possible to fight the Government. So, people like Aruna Roy, Nikhil Dey and many other activists actually participated in a mass movement on the streets. Even Anna Hazare, whom the BJP supported tooth and nail, also fought for the Bill and finally the Bill came. So, the RTI Act is a product of mass movement for democratizing the information and for democratizing the system. Therefore, it is necessary that the RTI Act must not be diluted.

Now why is the Government particularly worried about information coming now at this point in time? After coming to power and about coming to power itself, there

have been so many doubts. So many BJP and NDA Members and other Members were surprised and shocked to find that they were elected. They don't know how they were elected. The voice was raised against various *hera feri*, various scams that might have accompanied the election itself. Questions were raised about EVMs and that is how the Election Commission came under the cloud. If the right information is available or is made available to all the parties, all the people and the Opposition as to how they won, how the BJP and NDA persons won in the election, and a lot of information can be made available and the Government can be actually challenged on the basis of election itself.

I remember one particular episode in which Mr. Kapil Sibal exposed that there were something like ₹ 3.5 lakh crore counterfeit notes in circulation during the election. He exposed that with a film. A couple of channels dared to show that film only for a minute or two and then they immediately stopped. The media was being controlled and that particular film, that particular evidence which Mr. Kapil Sibal produced, went only on social media. If all that information were to come and were to be made available with the Opposition, this Government will be really in danger. Not just that information but the very election of this Government could be in danger. I will just give you one small example. Mr. Jairam Ramesh talked about Prime Minister's education. It is in court, so I will not mention that. I will mention something which obviously will not be appreciated by the Opposition, the Ruling Party or anybody else for that matter. That is because it is rather outside the fold. In Mumbai's famous Azad Maidan, * came and protested against the insecurity that she was facing. The matter that she was feeling insecure did not appear in all the papers, but some Gujarati Press and some small English Press published that. Later on, a question was put to the Information Commissioner as to why * herself was feeling so insecure and unsafe.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): I am told that you have one more speaker. So, you have to conclude.

SHRI KUMAR KETKAR: Yes, Sir. That question was rejected stating that it could not be accepted because it was a question of national security. She had said that she was denied even the passport. So, there were all those questions of gross injustice against *. That was not an issue raised by the Opposition or by the Congress or by any NGO. It was raised by * Sir, I will take just one minute. All such authoritarian

* Expunged as ordered by the Chair.

[Shri Kumar Ketkar]

Governments are always afraid of information. I will just give you one reference. There is a book and a film 'All the President's Men' and a 'Film The Post' by Spielberg. If Members choose to watch it, they will realize what information can do to destabilize authoritarian Governments. When the President of the United States tried to bulldoze his rule, the information available with the Press on Pentagon papers and Watergate scandal forced him to resign under the clout of impeachment. I think all the establishmentarians and authoritarian people know that information is a very strong weapon. It does not necessarily require a large number of Opposition Members in Rajya Sabha or Lok Sabha. What it requires is the Right to Information to use that information against any authoritarian or dictatorial rule. That is what the RTI does. Thank you very much.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Now, Dr. L. Hanumanthaiah; you have three minutes.

DR. L. HANUMANTHAIAH (Karnataka): Sir, RTI is used to ask millions of questions in this country, particularly from ration cards to villages to RBI autonomy. Sir, questions were asked about ration shops in villages, RBI autonomy, the Finance Ministry and demonetisation, NPAs, Rafael deals, electoral bonds, unemployment status, appointment of Central Vigilance Commissioners, Election Commissioners and Information Commissioners themselves, etc. This was used for all those activities. Sir, the information related to decision-making at the highest level was accessed because of the independence and high status of the Information Commission. Now, the Government is changing the very basis of that. On account of that, the powers of the highest authority to penalize errant officials and corrupt bureaucrats would be curtailed by the amendment of this Act. This is no less important than the Election Commission of India. You have referred to the Election Commission of India. I just want to further saying that the Election Commission of India was doing its job and the Information Commission is doing its work which is no less than the Election Commission of India. Now, it is working all right. The Commission, which is vested with status, independence and authority, after this amendment, will now be working like a Department of the Government of India. That is not acceptable. The decision of the Government to usurp the powers in respect of the terms and conditions of service and salaries of an independent body must be

understood as an obvious attempt to weaken the independence and authority granted by law. Sir, Section 13 deals with terms and conditions of the Central Information Commissioners. Then, there is Section 16, which is also controlled by the Government of India through rules. It is in respect of terms and conditions of the appointment of the Commissioners in the State, which is an assault on the federalism of the country.

Sir, both UPA and NDA earlier had notified this legislation for public consultation with stakeholders. Sir, it was there for thirty days in the public domain. All the RTI activists, who were involved in this, have given suggestions. They have worked with this. They got the information about this to strengthen this law during that time. I do not know why this Government is not putting this into the public domain. I want to ask the hon. Minister: Why was this not put into the public domain for discussion? The RTI community across the country is worried.

Sir, the Supreme Court, time and again, said that the Right to Vote and Right to Information are Fundamental Rights. Hence, the CIC and CEC stand on equal footing and rightly placed on par by the RTI Act of 2005.

Sir, the absence of the public consultation, no public consultation on the Bill, has impacted the fundamental right of RTI activists and the citizens of this country. It is mandatory. The draft proposal was placed, as I said earlier, for thirty days. Now, no stakeholders were consulted before proposing these Amendments. Sir, the Information Commission is a statutory body. As on May 31st, 2019, there are 30,697 cases pending before the CIC. In 2015-16, RTI applications rejected by the public authorities increased to 60,127. In 2017-18, about 63,296 RTI applications were rejected. Sir, please tell me, what all of them will do if this is not accepted and if the Amendment is done.

So, I would request the Government, please send it to the Select Committee to strengthen this Act, not to defame this Act or de-strengthen this Act. The Government may please accept it graciously. It will help the federalism of the country and the RTI Act.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Thank you. Now, the hon. Minister.

SHRI BHUPENDER YADAV: Sir, I am on a point of order. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Sir, I just want one explanation with the permission of the Chair because our friend and senior Member, Mr. Jairam Ramesh and Mr. Derek O'Brien referred to me. ...*(Interruptions)*... My explanation is very simple. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Have they named you? ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: They have directly referred to me. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No, no. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Sir, what is this? ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No, no. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Mr. Derek O'Brien referred to me specifically. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): That can be discussed with the Chairman. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: I have changed my place. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Please discuss that with the Chairman. ...*(Interruptions)*... Please. भूपेन्द्र जी, आप बोलिए।

SHRI BHUPENDER YADAV: Sir, I have two things. ...*(Interruptions)*...

SHRI A. NAVANEETHAKRISHNAN: Sir, I must be given an opportunity. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): No, no. ...*(Interruptions)*... You have not been named. ...*(Interruptions)*... Try to understand, you have not been named. ...*(Interruptions)*... Please. ...*(Interruptions)*...

श्री भूपेन्द्र यादव: उपसभाध्यक्ष महोदय, मैं दो बातें कहना चाहता हूँ। पहली बात यह है कि जावेद साहब बोले, वे अच्छा बोले और उन्होंने मेरा नाम लिया। जावेद साहब ने मैटर ऑफ फैक्ट्स

पर जो बोला और जयराम रमेश जी ने जो बोला है, जयराम रमेश जी ने बाल आप्टे और महामहिम राष्ट्रपति जी, जो उस समय सदस्य थे, उनका नाम लिया है, तो उससे संज्ञान में यह आता है कि भारतीय जनता पार्टी के नेता इस बिल को बनाने में न केवल प्रत्यनशील थे, बल्कि पूरी तरह उनकी जानकारी में भी था। यह matter of fact है, इसे correct किया जाना चाहिए। किसी भी राजनीतिक दल को इस प्रकार से single outline नहीं करना चाहिए।...(व्यवधान)...

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय): ठीक है। रिकॉर्ड्स verify किये जाएंगे।

श्री भूपेन्द्र यादव: दूसरा, जो रूल 238(A) है। फ़ैक्ट्स को चैक करना चाहिए। किसी भी राजनीतिक दल के बारे में एकदम ऐसी स्टेटमेंट ...(व्यवधान)...

श्री जावेद अली खान: मैंने चैक करके ही बोला था। ...(व्यवधान)...

† جناب جاوید علی خان: می نے چیک کر کے ہی بولا تھا۔۔۔(مداخلت)...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): It will be verified. Records will be verified.

श्री भूपेन्द्र यादव: सेक्रेटेरिएट में ...(व्यवधान).... जावेद जी, आज आप नारे लगाते, किसी का भाषण नहीं होता, तो इसका अर्थ यह नहीं था कि आप लोगों को पता नहीं था। आप फ़ैक्ट्स को तोड़-मरोड़ कर नहीं कह सकते हैं। ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय): भूपेन्द्र जी, आप बोलिए।

श्री भूपेन्द्र यादव: दूसरा, मेरा आपसे निवेदन यह है, मैं इसे विवाद का विषय नहीं बनाना चाहता हूँ, लेकिन केतकर जी ने जो अपने भाषण में कहा है, रूल 238 में जो defamatory part है, मैं आपसे कहूंगा कि आप रिकॉर्ड को चैक करिए और उस fact को डिलीट करिए, expunge करिए।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR RAY): Sure. It will be verified and if anything is found unparliamentary, that will be expunged. Now, Mr. Minister.

DR. JITENDRA SINGH: Thank you Mr. Vice-Chairman, Sir. At the outset, I have to thank all the hon. Members for having offered their valuable inputs. This is House of Elders known to be a treasure of wisdom. Therefore, when we come here even after the Bill has been passed in the Lok Sabha; we come here looking for some new enlightenment and I am sure that at the end of this debate, all of us, at least me, would go back wiser than before.

†Transliteration in Urdu Script.

[Dr. Jitendra Singh]

I have to thank Dr. Vinay P. Sahasrabuddhe; Shri A. Navaneethakrishnan; Shri Prasanna Acharya; Shri Ram Chandra Prasad Singh; Shri K. K. Ragesh; Shri Jha; Shri R. S. Bharathi; Shri Anil Desai; Shri Vijayasai Reddy; Dr. Abhishek Manu Singhvi; Shri Shiv Pratap Shukla; Shri Sasmit Patra; Shri Jairam Ramesh; Shri Javed Ali *Saheb*; Dr. K. Keshava Rao; Prof. Manoj Kumar Jha; Shri Derek O'Brien; Shri Amar Patnaik and, of course, Shri Swapan Dasgupta; Shri Sanjay Singh; Shri Vinoy Viswam; Shri Ramdas Athawale; Shri Ravindra Kumar; Shri V. Lakshmikantha Rao; Shri Kumar Ketkar and Dr. L. Hanumanthaiah.

Without going into details because it has been discussed quite elaborately, at the outset, let me express my acknowledgement of the support received from some of the Members with, of course, some of the reservations which were genuinely their concern. Dr. K. Keshava Rao, from TRS, wanted an assurance that there would be no impact on the independence of the RTI. So, I wish to convey to him and, through you, to the entire House that there is no interference as far as the independence or the autonomy of the Act is concerned, which was also actually endorsed by Shri Jairam Ramesh when he quoted Sections 3 and 12. But, of course, he put it in a different way that the appointments are also linked by, and that is his way of interpretation.

(MR. DEPUTY CHAIRMAN *in the Chair.*)

But, *per se*, there is no such interference and, therefore, that can be rest assured. I acknowledge that support from him. I am also obliged to acknowledge the support from BJD, Shri Sasmit Patra, who put across two-three points for clarification about the quantum of salary, the terms and conditions and the tenure, and, then, of course, that the appointment of the State level Information Commissioners would not be made by the Centre. Again, I wish to assure him that nothing of that sort is being envisaged in the Bill. The appointment of the Information Commissioners in the State was earlier as per the RTI Act of 2005 being made by the respective State Governments and the same provision is sought to be continued.

Some of the other observations; some of them cryptic and some of them sarcastic but I enjoyed all of them because I said that I have come here to gain some pearls of wisdom. One query in his characteristic style came from Dr. Manu Singhvi. He said that has the Chief Justice of India complained that the Chief Information Commissioner was

equated with him and therefore, you felt constraint to bring in this? I humbly submit that he did not complain. The Chief Justice of India has not complained. So, having conceded your point, let me add over here that when the RTI Act at that time was brought in by the then Government; at that time also, the Chief Justice of India was not asked, "Whether you would mind being equated"? So, I think, we need not get into this legal one-upmanship because I can't match your legal acumen. Having said that about the fixity of the tenures, I think there is some kind of a misinterpretation. It was never mentioned that we would keep changing the tenure after every two years. And let me also add over here because I hate to read this to an illustrious legal brain as Manu Singhvi. I am quite ignorant about law but Section 2 of the RTI Act, 2005 itself says, "The word 'prescribed' means prescribed by rules made under this Act by the appropriate Government or the competent authority." Further, as per Section 29 of RTI, 2005, every rule made by the Central Government under the Act shall be laid before each of the Houses of Parliament and if both the Houses agree with modification in the rule, the rule should not be made. Section 2G and Section 29 are not proposed to be amended by this Bill. That is my understanding of law. You can correct me because you know better on this subject. Therefore, my understanding is that even though the Government will have the power to make the rules, but these are subject to the overriding authority of the Parliament. I think we should not have any concern that whichever the authority framing the rules would then have unbridled powers, not subject to be checked by the Parliament and at the same time, there will not be any tenure, or nothing like child's play of every two years changes being brought in. Similarly, another point that was raised was about the State ICs being appointed or the terms and conditions. Appointment, of course, is through the State Government, the terms and conditions and the tenure being determined by the Centre. I think Manu Singhvi also raised this point and some other friends also. Actually, this is something which was originally envisaged in the RTI Act of 2005. This is not being brought in now. I am not grudging that. I have to actually thank honourable legal luminaries because I am a student of Science but I was constrained to read Law overnight yesterday to be able to stand in front of you. The 2005 RTI Act was enacted through Entry 97, List I, that is, the Central List of the Seventh Schedule, which gives residuary powers and hon. Members like Chidambaramji, Abhishekji, they all understand this very well. Article 248 (2) of the Constitution of India says that the Parliament has exclusive power to make any law with respect to any matter not enumerated in the List

[Dr. Jitendra Singh]

II and III. The Entry 97 of Union List also lays down that Parliament has exclusive power to make laws with respect to any matter not enumerated in List II or III. Thus, Article 248 and Entry 97 of the Union List of the Constitution of India assign the residuary powers of legislation exclusively to the Union. If no entry in any of the three lists covers a piece of legislation, it must be regarded as a matter not enumerated in any of the three lists, and belonging exclusively to Parliament under Entry 97, List I by virtue of Article 248. In their wisdom and rightly so perhaps, when the RTI Act of 2005 was enacted, this residuary power came into play and the same exists. So it is not that something now has happened to determine the tenure.

SHRI P. CHIDAMBARAM: This is not the issue that we are raising.

DR. JITENDRA SINGH: But I am trying to clarify. I will come to that also.

SHRI P. CHIDAMBARAM: Under the Act today, the State Government constitutes the State Information Commission. Appointment, as you have just now said, is made by the State Government. The question is: Why are you taking the power to prescribe the tenure and the terms and conditions of that appointment? Why cannot the State Government prescribe the tenure and the terms and conditions? If the constitution is by the State Government, appointment is by the State Government, why are you taking the power to prescribe the tenure and the terms and conditions? Can't you trust the States to prescribe the tenure and the terms and conditions?

DR. JITENDRA SINGH: I think I would again reiterate what I said. As far as appointment is concerned, that part is clear. As far as this part is concerned, this is as it was happening earlier as well. This is not something that we are doing now. ...*(Interruptions)*... No, no. ...*(Interruptions)*... Let me clarify. ...*(Interruptions)*... Now the terms and conditions ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: ...misleading the Lok Sabha and now the Rajya Sabha. ...*(Interruptions)*... Nobody can mislead you. I will come to you also. I will just explain to you. Give me a minute. I agree with you to the extent that Section 27 is being amended to frame these rules. I got your point. That is your point of objection. ...*(Interruptions)*... What I am saying is that this power is with the Centre, and of

course, Section 27, when amended, will give this power to the Centre to determine the terms and conditions and tenure. That is what I am saying, and residuary power is the separate issue. ...(Interruptions)... I got your point. I will come to that, when I answer why is this Bill, because that is the second part of my reply, which is being raised by a number of hon. Members! I am just trying to clarify some of the contentious issues which came forward. Then, Javed Ali sahib asked, why is there no consultation with intellectuals, the public representatives, and the RTI activists? Now, Section 4(1)(c) of the RTI Act, Chapter-2. Now, my interpretation may be wrong. But, that is an interpretation which is already there. It reads as follows:

4(1) "Every public authority shall publish all relevant facts while formulating important policies or announcing the decisions which affect public, provide reasons for its administrative, *quasi judicial* decisions to affect persons, or, the understanding was that the public was not affecting the autonomy or independence of the RTI *per se*." It is only dealing with the tenure, terms and conditions of the functionaries. So, that is our understanding. I am glad that hon. Chidambaramji has, at least. ...(Interruptions)... You may not agree. But, that is our understanding, and that is why, we did not put it in the public forum. ...(Interruptions)... No, I have the right to put across why we did not do so. The question was: Why was it not put in the public forum? My response is that at that time, you were dealing with the RTI's gamut, its spectrum. At this moment, we are dealing with certain functionaries, certain points, कुछ अधिकारियों के कितने वेतन रहे, कितने नहीं रहे। It is between the Government and the Officers, not the public. That is our response.

डा. के. केशव राव: यह जावेद अली खान साहब के लिए है।

डा. जितेन्द्र सिंह: हां, यह जावेद अली खान साहब के लिए है। यह प्वाइंट जावेद अली खान साहब ने भी raise किया था। अब इन्होंने कहा कि 2005 में RTI आया, इन्होंने पता नहीं पढ़ा या नहीं पढ़ा। इनके कहने पर मैंने थोड़ा-बहुत फिर पढ़ लिया, लेकिन थोड़ा ज्यादा पढ़ा गया। वह कैसे, इसको पढ़ने से ध्यान में यह आया कि फ्रीडम ऑफ इन्फॉर्मेशन एक्ट तो 2002 में envisage किया गया था, जब वाजपेयी जी की सरकार थी and then, it gradually evolved. I am not exposing myself to be accused that this Government. ...(Interruptions)...

SHRI DIGVIJAYA SINGH: I was the Chief Minister of Madhya Pradesh at that point of time. I recommended it to the then Government. ...(Interruptions)...

DR. JITENDRA SINGH: Exactly. I agree with you. That is what I am very humbly saying. I am not saying we did it or they did it. I said, 'this was a continuous process going on.' Everybody was on board, and as was being said that Members from all the parties were there in the Committee. It was evolving. This process, this thought, this concept was evolving. Meanwhile, the Government changed around May, 2004. In December 2004, the Bill was introduced by the then UPA-1, and in 2005, it became an Act. So, I think, let us not get into कि मुझसे पढ़ा गया या नहीं पढ़ा गया। But, I am glad that you inspired me to read this. प्रो. मनोज कुमार झा साहब शायरी बहुत अच्छी करते हैं। अब, क्या हुआ कि जब से मैं दिल्ली आया और सदन में आया, यदि ज्यादा शायरी करो, तो लगता है कि यह अपना काम कम करता है। If you speak, then you are not taken seriously, लेकिन मनोज जी ने ऐसी चिन्ताएं व्यक्त कीं, जिनका तो हमने कभी जिक्र ही नहीं किया। फ़ैज़ अहमद फ़ैज़ का एक बड़ा मशहूर शेर है-

"सारे फसाने में जिसका जिक्र न था,
वह बात उन पर बड़ी नागवार गुज़री।"

न मालूम किस लिए आपने इतना कुछ कह डाला कि जैसे बहुत जुल्मो-सितम हुआ। लता जी का महल फिल्म का एक पुराना गाना है-

"कोई नहीं जलाता और दीप जल रहे हैं,
कोई नहीं चलाता और तीर चल रहे हैं।"

किसी ने चलाया ही नहीं, तो फिर तीर आपको कहां से दिख गया? इसलिए आप आश्वस्त रहिए, ऐसा कुछ नहीं है। It is being done with a very clean intention and we are open to your suggestions. ...*(Interruptions)*... Jairam Rameshji is a very kind friend of mine. Only two days back, I could catch hold of two of his books. When he was speaking, for a moment, I felt very small about myself. I thought I was totally an illiterate person listening to the way he was pointing out to my ignorance, one after another. मुझे लगा कि मुझे इतनी अनपढ़ता का अहसास तो आज तक नहीं हुआ था। And then he said कि यह पोर्टल तो हमने चलाया। वे तो हमारे दोस्त ही थे, नाइंसाफी थी। हुआ क्या है कि what I had said is कि मोबाइल ऐप पर, every Government, and every individual, whether he is small or not, or whether Minister or not, takes credit in highlighting what it has done. मोबाइल ऐप हमने लाया और my exact words were और अब यह सुविधा उपलब्ध है कि दिन-रात, किसी भी समय आप उठकर RTI दर्ज करा सकते हैं, बल्कि in lighter way में मैंने कहा था कि रात के 12.00 बजे के बाद भी, यदि ज्ञानोदय हो, तो उठकर RTI लगा दीजिए। मेरे कहने का अर्थ

यह नहीं था। I am not denying what was done by the earlier Governments. कुछ-कुछ बातें और जयराम जी ने कहीं, I would not like to respond to, because that was not very much in good taste that this was done with a feeling of vengeance or revenge. Then he cited a number of RTI replies, which I would not like to go into. But, somebody else in my place would sometimes feel tempted to say कि कहीं ये उस मानसिकता से तो नहीं प्रेरित, जिस मानसिकता के आधार पर उस समय की सरकारें चली थीं। वर्ष 1975 में जस्टिस सिन्हा ने एक जजमेंट दिया, तो इमर्जेंसी लगानी पड़ी थी। We leave it at that. Just to prove to you that I am not as unintelligent as you think, I said this. I can respond to you. ...(व्यवधान)... उतना ही, ज्यादा नहीं करेंगे।

सर, about the Select Committee, अब ऐसा है कि whether to send it to the Standing Committee or to a Select Committee, of course, is a prerogative of hon. Members. But, this should not be the numerical issue as Derekji was saying कि कोई जाता ही नहीं है, क्यों नहीं जाता? What I understand from my relatively small experience in Parliament is, it should be determined on the merit of the Bill whether to send it to the Standing Committee or the Select Committee and not that इतने नहीं भेजे, तो अब क्यों न भेजें।

Because if you have to go by the numbers, then from 2004 to 2009, out of 180 Bills, 124 Bills were passed without sending them to any Committee. From 2009 to 2014, out of 179 Bills, 125 in Lok Sabha were passed without sending to the Committees. ...(Interruptions)... That point is well taken. What I am saying is ...(Interruptions)... नहीं मांगा, तो यही बड़प्पन है। ...(व्यवधान)... मांगने के लिए नहीं मांगा। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Mr. Minister, please address the Chair.

उपसभापति जी, कहने का तात्पर्य यह है कि let us leave it to the merit of the case. अब आ गया, why this Bill and why not. सबसे पहले तो यह कहा गया कि कोई बहुत बड़ा गुनाह हो रहा है। यह बिल लाया जा रहा है, something to hype. I might sound a little boisterous, and before I invite any adverse smiles, right from the beginning, this Government has made a declaration of intent of 'minimum Government, maximum governance' and has tried to live upto it at various levels of governance. We were the ones who brought in the self-attestation and the abolition of interviews. I am not saying that the other Government would not have brought it. But, since we were there, we brought it. I think this is on record. What is minimum Government and maximum governance? The essence is उसमें पारदर्शिता रहे, उसमें सरलीकरण हो, उसमें नागरिक की भागीदारी हो citizen centricity हो। These are inherent points. Now, as far as the RTI is

[Dr. Jitendra Singh]

concerned, as I said, आप मोबाइल एप भी लाए। Section 4 of the RTI Act envisages that you try to put maximum information in the public domain so that आरटीआई की जरूरत भी न रहे और pendency भी कम हो। अब इसमें भी, in the last five years, there has been a very active movement. And most of the information is now available on even before an order of empanelment or transfer reaches an officer, it is already there on the website and he accesses it there. अब ICs की नियुक्ति का Jairamji was quite concerned why the vacancies remain unfilled or why they are not filled in time. If you go by records, as of today, we have — because Central IC has ten plus one — four vacancies. There have been occasions when the IC was functioning with just five members, before 2014. Please don't get provoked Jairamji because I ...*(Interruptions)*...

SHRI JAIRAM RAMESH: The post of CIC was vacant for eight months and the court had to tell you to appoint the CIC. ...*(Interruptions)*...

DR. JITENDER SINGH: I am going to tell you why. You just please listen to me. I will not provoke you because I can't face your might. ...*(Interruptions)*... So, in a good humour, I will respond to you. See, what has happened is, it is a multi-factorial outcome. I was just telling the numbers. If you said six, I am just telling you that there were five also in your time. Hon. Chidambaram will appreciate because he has dealt with these Committees also. On certain occasions, a couple of ICs are appointed together and their tenures end together. They exit at the same time. So, the process, it has to go through advertisement, takes time. Sometimes the meeting is not held in time. Now, I will say something, which hon. Jairamji would excuse me. I will make one observation. This is about court that you mentioned. At least on three occasions, the meeting of the Selection Committee had to be cancelled. Do you know why? Because, the Leader of the largest party, Mallikarjun Khargeji, would prefer to send us a letter instead of coming himself. I am not grudging. I am just saying that the meeting had to be deferred. So, there may be a number of factors. Let's not hold it against the Government of the day for the simple reasons that vacancy took some time. Of course, I give you the credit of having laid the foundation stone of the new building. I don't deny that. But incidentally परमात्मा को यह मंजूर था कि उसका लोकार्पण मोदी जी के हाथों से हो, तो अब परमात्मा को तो challenge कर नहीं सकते। Now, the point is: Why this Amendment? As I said in the beginning, I don't know how well it will be accepted by some of the Members, this is, as you said, a statutory body. The others are constitutional bodies.

A point was made that sometimes the heads of the statutory bodies can also be conferred a constitutional status for reasons, which are in good faith, have their basis. What our understanding was that, for example, a Central Information Commissioner is equal to a Chief Election Commissioner, and whereby equivalent to the judge of the Supreme Court, and so also, the Information Commissioner, because the State Information Commissioner is equivalent also to the Supreme Court Judge and the State IC, is equal to the Chief Secretary. Now, a verdict passed by the Central Information Commission is liable to be challenged in the High Court. So, from a layman's point of view, a Supreme Court Judge's verdict is being challenged in the High Court. ...(*Interruptions*)... That is another school of thought. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Judges have not taken any exception, only you are taking exception. ...(*Interruptions*)...

SHRI K.K. RAGESH: There are many instances.

DR. JITENDRA SINGH: So, what I am trying to say is, in order to cut the long story short, ...(*Interruptions*)... No, no. I am not challenging what is being said. I said, this is one interpretation and that is another interpretation. I took your interpretation also. Some of the statutory bodies can have this. So, in a nutshell, what I am trying to say is that please be rest assured, this legislation or this Amendment is being brought in without any motivation and in good faith. There are a number of other tribunals which have been sought to be harmonised in the last few months. There have also been occasions when the court has directed to bring in uniformity, streamlining or institutionalising. I am sure, at the end of the day, this will lead to more streamlining and institutionalising of the Information Commission, and that, in process, would also strengthen the provision of the RTI Act. Thank you.

MR. DEPUTY CHAIRMAN: I shall first put the Amendment moved by Shri Derek O'Brien for reference of the Right to Information (Amendment) Bill, 2019, as passed by Lok Sabha, to a Select Committee of Rajya Sabha to vote.

The question is:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri Sanjay Singh

7.00 P.M.

[Mr. Deputy Chairman]

2. Shri Tiruchi Siva
3. Prof. Manoj Kumar Jha
4. Shri Bhubaneswar Kalita
5. Shri T.K. Rangarajan
6. Shri Binoy Viswam
7. Shri Majeed Memon
8. Shri Kanakamedala Ravindra Kumar
9. Prof. Ram Gopal Yadav
10. Shri Prasanna Acharya

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha."

The House divided.

SHRI DEREK O'BRIEN: Sir, I want Division. And give me a chance to say three sentences, that we, as a constructive Opposition, are committed to maintaining the integrity of Parliament, that we, as a constructive Opposition, are committed to standing up to federalism and that we, as a constructive Opposition, will not let the majority of numbers overcome the truth of our conscience. That is it, Sir. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Division. Let the lobbies be cleared.

सभी माननीय सदस्य-गण कृपया अपनी सीटों पर जाएं। ...(**व्यवधान**)... माननीय मंत्री जी, कृपया अपनी सीट पर जाएं। ...(**व्यवधान**)... माननीय सदस्य-गण, कृपया अपनी सीटों पर जाएं। ...(**व्यवधान**)... कृपया सदन में शांति बनाए रखें। ...(**व्यवधान**)... Secretary-General will now explain the voting procedure.

SECRETARY-GENERAL: Hon. Members, as you are aware, due to some changes in the composition of this House, the consequential changes in the seating plan and allotment of Division Nos. to new Members could not be done so far. The voting today, therefore, on this Motion of Amendment will be done through voting slips. These voting slips will be distributed to Members by the officers of the Secretariat. Hon.

Members may cast their vote by ticking 'Ayes' 'Noes', Abstentions' as per their choice and hand-over the slips back to the officials after signing. Thank you.

श्री उपसभापति: वोटिंग प्रोसेस कंप्लीट होने तक ...(व्यवधान)... सारे लोग अपनी जगह जाएं, मैं माननीय एलओपी को सुनने को तैयार हूँ ...(व्यवधान)... सारे लोग अपनी-अपनी जगह जाएं, बैठें। ...(व्यवधान)... माननीय एलओपी। ...(व्यवधान)... सारे लोग अपनी-अपनी सीट पर जाएं। ...(व्यवधान)...

नेता विरोधी दल (श्री गुलाम नबी आज़ाद): माननीय डिप्टी चेयरमैन सर, हमें आप पर और आपकी पारदर्शिता पर पूरा विश्वास है, लेकिन मुझ अफसोस के साथ कहना पड़ता है कि जब President's Address पर, उनके अभिभाषण पर भाषण हो रहे थे, माननीय प्रधान मंत्री जी मौजूद थे और मैंने उस वक्त भी यह बताया था कि किस तरह से ये 303 सीट्स आती हैं। ...(व्यवधान)... यह उसका एक नमूना था। ...(व्यवधान)... यह उसका एक नमूना था। ...(व्यवधान)... यह उसका नमूना था। ...(व्यवधान)... ये ऐसे ही आती हैं। ...(व्यवधान)... इसी तरह से आती हैं। ...(व्यवधान)... पार्लियामेंट के अंदर मिनिस्टर आकर intimidate करते हैं। ...(व्यवधान)... मिनिस्टर्स आकर political parties के लीडरों को intimidate करते हैं। ...(व्यवधान)... यह चार्ज है हमारा आप पर कि intimidate करते हैं। ...(व्यवधान)... आपके रूलिंग पार्टी के लोग signature कराते हैं। ...(व्यवधान)... जिन माननीय एमपीज़ की समझ में नहीं आया, उनसे signature करा कर ...(व्यवधान)... मैंने कल भी बताया था कि आप इस पार्लियामेंट को सरकार का एक विभाग बनाना चाहते हैं और सरकार का हिस्सा बनाना चाहते हैं। ...(व्यवधान)... इस पार्लियामेंट को सरकार की तरह मत चलाइए। ...(व्यवधान)... आप इसको डिपार्टमेंट की तरह चला रहे हैं। ...(व्यवधान)... आप डेमोक्रेसी को खत्म कर रहे हैं। ...(व्यवधान)... हमें आप पर कोई विश्वास नहीं है। ...(व्यवधान)... हम walk out करते हैं। ...(व्यवधान)...

آقاند حزب اختلاف (جناب غلام نبی آزاد): مانئے ڈپٹی چیئرمین سر، ہم آپ پر اور آپ کی پاردرشیتا پر پورا وشواس ہے، لیکن مجھے افسوس کے ساتھ کہنا پڑتا ہے کہ جب خطبہ صدارت پر، ان کے ابھ ٹھہاشن پر بھاشن ہو رہے تھے، مان ئے پردھان منتر ی ج ی موجود تھے اور م ی نے اس وقت بھی ہی بتائی تھا کہ کس طرح سے 303 سیٹیں آتی ہیں۔ ... (مداخلت) ... ہی اس کا ایک نمونہ تھا ... (مداخلت) ... اس کا ایک نمونہ تھا ... (مداخلت) ... ہی اس کا ایک نمونہ تھا ... (مداخلت) ... ہی اسی طرح سے آتے ہیں۔ ... (مداخلت) ... پارلیمنٹ کے اندر منسٹر آکر intimidate کرتے ہیں۔ ... (مداخلت) ... ہی چارج ہے ہمارا آپ پر کہ intimidate کرتے ہیں۔ ... (مداخلت) ... آپ کے رولنگ پارٹی

[श्री गुलाम नबी आज़ाद]

के लोग signature क्राते है --- (मداخلत) --- جن ماننے ای بھی کی سمجھ میں نہی آئی
اسے signature کراکر --- (مداخلت) --- میں نے کل بھی بتائی تھا کہ آپ اس پارلیمنٹ کو
سرکار کا ایک وبھاگ بنانا چاہتے ہیں اور سرکار کا حصہ بنانا چاہتے ہیں --- (مداخلت) ---
اس پارلیمنٹ کو سرکار کی طرح مت چلائے۔ --- (مداخلت) --- آپ اس کو ڈپارٹمنٹ کی
طرح چلا رہے ہیں۔ --- (مداخلت) --- آپ ڈھکڑھکی کو ختم کر رہے ہیں۔ --- (مداخلت) --- ہم
آپ پر کوئی وشواس نہی ہے۔ --- (مداخلت) --- ہم walk out کرتے ہیں۔ --- (مداخلت) ---

(At this stage some hon. Members left the Chamber)

श्री उपसभापति: कृपया शांत रहें। ... (व्यवधान) ... अपनी सीट्स पर बैठें। वोट की काउंटिंग
हो रही है, process चलने दें। कृपया शांति बनाए रखें। ... (व्यवधान) ... कृपया शांति बनाए रखें।
The result of the Division on disposal of Amendment for reference of the Bill to Select
Committee is.

Ayes: 74

Noes: 117

AYES- 74

Anand Sharma, Shri

Antony, Shri A.K.

Azad, Shri Ghulam Nabi

Bachchan, Shrimati Jaya

Baidya, Shrimati Jharna Das

Bajwa, Shri Partap Singh

Banerjee, Shri Ritabrata

Bharathi, Shri R. S.

Bharti, Shrimati Misha

Bhattacharya, Shri P.

Bhunja, Shri Manas Ranjan

Biswal, Shri Ranjib
Biswas, Shri Abir Ranjan
Bora, Shri Ripun
Chakraborty, Shri Subhasish
Chandrashekhar, Shri G.C.
Chhetri, Shrimati Shanta
Chidambaram, Shri P.
Dalwai, Shri Husain
Dullo, Shri Shamsher Singh
Elangovan, Shri T. K. S.
Gowda, Prof. M. V. Rajeev
Gupta, Shri Manish
Gupta, Shri Narain Dass
Gupta, Shri Prem Chand
Gupta, Shri Sushil Kumar
Hanumanthaiah, Dr. L.
Hariprasad, Shri B. K.
Hussain, Shri Syed Nasir
Jha, Prof. Manoj Kumar
Kalita, Shri Bhubaneswar
Kareem, Shri Elamaram
Karim, Shri Ahmad Ashfaque
Ketkar, Shri Kumar
Khan, Shri Javed Ali
Khan, Shri Mohd. Ali
Mukut Mithi, Shri
Narah, Shrimati Ranee
Nishad, Shri Vishambhar Prasad

O'Brien, Shri Derek
Patel, Shri Ahmed
Punia, Shri P. L.
Ragesh, Shri K. K.
Ramamurthy, Shri K. C.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rao, Dr. K.V.P. Ramachandra
Rathwa, Shri Naranbhai J.
Ravi, Shri Vayalar
Ray, Shri Sukhendu Sekhar
Reddy, Dr. T. Subbarami
Selja, Kumari
Sen, Ms. Dola
Shanmugam, Shri M.
Sibal, Shri Kapil
Singh, Shri Akhilesh Prasad
Singh, Shri Digvijaya
Singh, Shri Sanjay
Singhvi, Dr. Abhishek Manu
Sinh, Dr. Sanjay
Somaprasad, Shri K.
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Tamta, Shri Pradeep
Tankha, Shri Vivek K
Thakur, Shrimati Viplove
Vaiko, Shri

Verma, Shrimati Chhaya
Verma, Shri Ravi Prakash
Viswam, Shri Binoy
Vora, Shri Motilal
Wilson, Shri P.
Yadav, Prof. Ram Gopal
Yajnik, Dr. Amee

NOES-117

Acharya, Shri Prasanna
Agrawal, Dr. Anil
Akbar, Shri M. J.
Alphons, Shri K. J.
Athawale, Shri Ramdas
Baishya, Shri Birendra Prasad
Bajpai, Dr. Ashok
Balasubramoniyam, Shri S. R.
Baluni, Shri Anil
Banda Prakash, Dr.
Bhunder, Sardar Balwinder Singh
Chandrasegharan, Shri N.
Chhatrapati, Shri Sambhaji
Chowdary, Shri Y. S.
Daimary, Shri Biswajit
Dasgupta, Shri Swapan
Desai, Shri Anil
Dhindsa, Sardar Sukhdev Singh
Dhoot, Shri Rajkumar
Dudi, Shri Ram Narain

Dungarpur, Shri Harshvardhan Singh

Ganguly, Shrimati Roopa

Gehlot, Shri Thaawarchand

Goel, Shri Vijay

Gohel, Shri Chunibhai Kanjibhai

Gokulakrishnan, Shri N.

Goyal, Shri Piyush

Gujral, Shri Naresh

Hembram, Shrimati Sarojini

Jain, Dr. Anil

Jaishankar, Shri S.

Jatiya, Dr. Satyanarayan

Javadekar, Shri Prakash

Jha, Shri Prabhat

Joginipally Santosh Kumar, Shri

Judev, Shri Ranvijay Singh

Kanakamedala Ravindra Kumar, Shri

Kardam, Shrimati Kanta

Kashyap, Shri Ram Kumar

Kore, Dr. Prabhakar

Lokhandwala, Shri Jugalsinh Mathurji

Mahatme, Dr. Vikas

Mahendra Prasad, Dr.

Malik, Shri Shwait

Mandaviya, Shri Mansukh

Manhas, Shri Shamsher Singh

Mathur, Shri Om Prakash

Meena, Dr. Kirodi Lal

Mohammedjan, Shri A.
Mohapatra, Dr. Raghunath
Muraleedharan, Shri V.
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Nanda, Shri Prashanta
Naqvi, Shri Mukhtar Abbas
Nathwani, Shri Parimal
Navaneethakrishnan, Shri A.
Nekkanti, Shri Bhaskar Rao
Netam, Shri Ram Vichar
Nirmala Sitharaman, Shrimati
Oraon, Shri Samir
Panchariya, Shri Narayan Lal
Pandey, Ms. Saroj
Paswan, Shri Ram Vilas
Patnaik, Shri Amar
Patra, Shri Sasmit
Perween, Shrimati Kahkashan
Poddar, Shri Mahesh
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Puri, Shri Hardeep Singh
Rajbhar, Shri Sakaldeep
Ram Shakal, Shri
Ramesh, Shri C. M.
Rane, Shri Narayan
Rao, Shri G.V.L. Narasimha

Rao, Shri Garikapati Mohan
Rao, Dr. K. Keshava
Rao, Shri V. Lakshmikantha
Raut, Shri Sanjay
Reddy, Shri V. Vijayasai
Rupala, Shri Parshottam
Sable, Shri Amar Shankar
Sahasrabuddhe, Dr. Vinay P.
Selvaraj, Shri A. K.
Shukla, Shri Shiv Pratap
Singh, Shri Amar
Singh, Chaudhary Birender
Singh, Shri Ajay Pratap
Singh, Shri Gopal Narayan
Singh, Shri K. Bhabananda
Singh, Shri Ram Chandra Prasad
Sinha, Shri R. K.
Sinha, Shri Rakesh
Soni, Shri Kailash
Srinivas, Shri Dharmapuri
Subhash Chandra, Dr.
Suresh Gopi, Shri
Swamy, Dr. Subramanian
Tasa, Shri Kamakhya Prasad
Tendulkar, Shri Vinay Dinu
Thakur, Dr. C.P.
Thakur, Shri Ram Nath
Tomar, Shri Vijay Pal Singh

Tundiya, Mahant Shambhuprasadji

Uikey, Shrimati Sampatiya

Vaishnaw, Shri Ashwini

Vaithilingam, Shri R.

Vats, Dr. D.P.

Vemireddy, Shri Prabhakar Reddy

Venkatesh, Shri T. G.

Verma, Shri Ramkumar

Vijayakumar, Shri A.

Vijila Sathyananth, Shrimati

Yadav, Shri B. Lingaiah

Yadav, Shri Bhupender

Yadav, Shri Harnath Singh

The motion was negatived.

SHRI SUKHENDU SEKHAR RAY: Sir, I have a point of order under Rule 134.

MR. DEPUTY CHAIRMAN: Let me complete this process.

SHRI SUKHENDU SEKHAR RAY: No, no! Sir. This is related to this result.

MR. DEPUTY CHAIRMAN: Let me complete the process; then, you speak.

SHRI SUKHENDU SEKHAR RAY: No, no! Sir, kindly see Rule 134 once. Sir, now, I read it out with your kind permission. Sir, Rule 134 states, "When any of the following motions moved in the Council with reference to a Bill originating in the House and transmitted to the Council is negatived by the Council, the Bill shall be deemed to have been rejected by the Council." Now, what are the motions? They are, "(i) that the Bill be referred to a Select Committee of the Council." The motion to refer the Bill to the Select Committee has been negatived. So, as per the provisions of Rule 134. ...*(Interruptions)*... Kindly look at the Rules Book. ...*(Interruptions)*... Please read out carefully. ...*(Interruptions)*... The motion for referring the Bill to the Select Committee has been negatived by vote. ...*(Interruptions)*... Thereafter, as per provisions of Rule 134, it shall be deemed to have been rejected. ...*(Interruptions)*...

पर्यावरण, वन और जलवायु परिवर्तन मंत्री (श्री प्रकाश जावडेकर): उसका अर्थ यह नहीं है।
...(व्यवधान)...

SHRI SUKHENDU SEKHAR RAY: It is written here. ...(Interruptions)... The Bill shall be deemed to have been rejected. ...(Interruptions)... Without looking at the rules, why are they arguing? ...(Interruptions)... Look at the rules first. ...(Interruptions)... हम कहेंगे कि आप इसको थोड़ा देखिए। आप पहले मेहरबानी करके थोड़ा पढ़िए कि रूल में क्या लिखा हुआ है।

MR. DEPUTY CHAIRMAN: Please take your seat. Regarding your point of order, आपके द्वारा लाया गया अमेंडमेंट negative हो चुका, लेकिन बिल के consideration के लिए जो मोशन है, वह कायम है, वह negatived नहीं है। So, we will proceed. ...(Interruptions)...

SHRI SUKHENDU SEKHAR RAY: I walk out in protest of wrong interpretation.
...(Interruptions)...

(At this stage the hon. Member left the Chamber)

MR. DEPUTY CHAIRMAN: After the Motion moved by Shri Derek O'Brien being negatived, I shall now take up the Motion moved by Shri Binoy Viswam. The question is:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri Ahamed Hassan
2. Prof. Ram Gopal Yadav
3. Shri T.K. Rangarajan
4. Shri T.K.S. Elangovan
5. Shri Jairam Ramesh
6. Shri Satish Chandra Misra
7. Shri Dharmapuri Srinivas
8. Shri Majeed Memon
9. Shri Prasanna Acharya

10. Dr. K. Keshava Rao
11. Shri Sanjay Singh
12. Prof. Manoj Kumar Jha

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now take up the Motion moved by Shri Elamaram Kareem. The question is:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

(Names to be given at the time of moving the motion)

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now take up the Motion moved by Prof. M.V. Rajeev Gowda. The question is:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

1. Shri G.C. Chandrashekhar
2. Shri Husain Dalwai
3. Prof. M. V. Rajeev Gowda
4. Dr. L. Hanumanthaiah
5. Shri Syed Nasir Hussain
6. Prof. Manoj Kumar Jha

7. Shri K. C. Ramamurthy
8. Shri D. Kupendra Reddy
9. Shri K.T.S. Tulsi
10. Dr. Amee Yajnik

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now take up the Motion moved by Shri K.K. Ragesh. The question is:

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members:-

(Names to be given at the time of moving the motion)

with instructions to report by the last day of the first week of the next Session of the Rajya Sabha".

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now take up the Motion moved by the hon. Minister, Dr. Jitendra Singh. The question is:-

"That the Bill to amend the Right to Information Act, 2005, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill. In clause 2, there are seven Amendments -Amendments (Nos.1 and 2) by Shri K.K. Ragesh, not present; Amendments (Nos. 5 and 6) by Prof. M.V. Rajeev Gowda, not present; Amendments (Nos.10 and 11) by Shri Elamaram Kareem, not present; Amendment (No.14) by Dr. T. Subbarami Reddy, not present.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 3, there are six Amendments. Amendment (No.3) by Shri K. K. Ragesh, not present; Amendments (No. 7 and 8) by Prof. M.V. Rajeev Gowda, not present; Amendments (No. 12 and 13) by Shri Elamaram Kareem, not present; Amendment (No.15) by Dr. T. Subbarami Reddy, not present.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there are two Amendments. Amendment (No.4) by Shri K. K. Ragesh, not present; Amendment (No. 9) by Prof. M.V. Rajeev Gowda, not present.

Clause 4 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. JITENDRA SINGH: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The lobbies may be cleared. कृपया लॉबी खोल दें।

SPECIAL MENTIONS

MR. DEPUTY CHAIRMAN: Special Mentions. Kumari Selja, not present. Shri Prabhakar Reddy Vemireddy, not present. Shrimati Vijila Sathyananth, just lay it.

***Demand to conduct examinations for Central Government posts region-wise in regional languages**

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): Hon. Deputy Chairman, Sir, you have already stressed the importance of mother tongue as the medium of instruction at the school level. Even the draft new education policy has proposed that, at least, up to the secondary school level, mother tongue should be the medium of instruction. Sir, may I recall, even the examinations for Indian Administrative Services (IAS) are being conducted in regional languages. The Government of India has awarded the distinction of classical language to Tamil, Telugu, Kannada, Malayalam, Odia and Sanskrit. Classical language status is given to languages, which have a rich heritage and independent nature.

*Laid on the Table.