

Main-Matrix

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1.The RTI's Shift to a 'Right to Deny Information'

This text is a critical analysis of the amendments made to the Right to Information (RTI) Act, specifically Section 80(X), by the Digital Personal Data Protection (DPDP) Act. It argues that these changes effectively transform the "Right to Information" into a "Right to Deny Information," severely undermining transparency, facilitating corruption, and threatening democracy.

1. Core Principle of the Original RTI Act

- **Foundation:** In a democracy, all information held by the government inherently belongs to the citizens, who are the legitimate sovereigns.
- **Government's Role:** The government is merely a custodian of this information on behalf of the people.
- **Default Mode:** The fundamental principle is that **all information must be shared with citizens by default.**

2. The Original Section 80(X) on "Personal Information"

- **Purpose:** A detailed provision designed to **balance** the right to information with individual privacy.
- **Conditions for Denial:** Personal information could be denied if:
 - It had no connection to a public activity.
 - It constituted an "unwarranted invasion of privacy."
- **Exception:** Information could still be disclosed if there was a **larger public interest.**
- **Key Proviso (The "Add Test"):** "Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."
 - **Meaning:** An ordinary citizen had the same right to information as elected representatives in Parliament.

3. The Drastic Amendment by the DPDP Act

- **Change:** The DPDP Act drastically shortened the original, nuanced Section 80(X) to just **six words.**
- **Result:** This simplification makes it easy to deny most information requests.

4. The Ambiguity of "Personal Information"

- **Core Problem:** The amended RTI Act lacks a clear definition of "personal information," creating a conflict with the DPDP Act's definition.

- **Two Conflicting Interpretations:**

1. **Natural Person Interpretation:** "Person" refers only to a living individual (a natural person).
 2. **DPDP Definition:** "Person" is defined expansively to include individuals, Hindu undivided families, firms, companies, associations, and **the State itself**.
- **Consequence of the DPDP Definition:** If adopted, "almost everything is personal information," as most government data can be linked to some "person" under this broad definition. This transforms the RTI into a **Right to Deny Information (RDI)**.
 - **Override Clause:** The DPDP Act contains a provision that overrides all other laws in case of conflict, including the RTI Act.

5. Chilling Effect on Public Information Officers (PIOs)

- **Fear of Penalties:** The DPDP Act specifies severe financial penalties (as high as ₹250 crore) for data breaches.
- **Incentive to Deny:** Fearing these penalties, PIOs will be incentivized to **err on the side of denial** rather than disclosure when in doubt, effectively creating a "right to deny information."

6. Implications: Facilitating Corruption

- **Loss of Public Monitoring:** Citizens are the most effective anti-corruption monitors. Denying them information severely hampers this mechanism, especially as official agencies (vigilance departments, Lokpal) have allegedly failed.
- **Denial of Essential Information:** Crucial documents like corrected marksheets, details of pension beneficiaries (to combat "ghost" schemes), and even simple signed orders could be withheld as "personal information." This could lead to **over 90% of information being denied**.
- **Unfettered Corruption:** Information on corruption, like details of "ghost employees," will be hidden, allowing corruption to "flourish and continue unhindered."
- **"Larger Public Interest" Clause is Ineffective:** While still in the Act (Section 8(2)), using this clause to force disclosure is extremely rare and difficult for officers to invoke, making it a futile safeguard.

7. Lack of Outcry and Call to Action

- **Notable Silence:** There has been a lack of public and media outcry compared to previous RTI amendments.
- **Reasons for Apathy:**
 - The change is "under the guise of data protection," making the threat seem abstract.
 - An "ego issue" mentality where people only care about their own data not being shared.
- **The Stakes:** The amendments are described as a "very fundamental attack on our fundamental rights" and a "fundamental erosion of our democracy."

8. Recommended Actions

1. **Media & Citizen Engagement:** Spark widespread public discussion across the country.
2. **Political Accountability:** Demand that political parties commit in their election manifestos to reversing these amendments.
3. **Build Public Opinion:** Use media support to build strong public opinion on the issue.
4. **Recognize the Gravity:** Treat this with the same urgency as other critical national debates.

9. Conclusion and Warning

- **Consequence of Inaction:** If citizens remain silent, they will imperil their freedom and democracy.
- **Hope:** Collective action can lead to these changes being reversed.
- **The Future:** The future of transparency and accountability in India depends on whether citizens and the media can push back to protect the RTI Act.

GS Paper Linkages:

1. GS-II: Governance, Constitution, Polity, Social Justice

This is the most direct and important area for its application.

- **Topic: Important Aspects of Governance, Transparency & Accountability**
 - **Use Case:** This is the quintessential example to discuss the challenges to transparency and accountability in modern governance.
 - **Argument:** The amendment exemplifies how a well-intentioned law (Data Protection) can be used to undermine a foundational pillar of good governance (the RTI Act). It shows a shift from a "**default to disclose**" model to a "**default to deny**" model for government information.
- **Topic: Right to Information**
 - **Use Case:** To critically examine the evolution and recent setbacks of the RTI Act.
 - **Argument:** The original RTI Act, with its nuanced Section 80(X), balanced privacy and transparency through the "larger public interest" test. The DPDP amendment simplifies this into a blanket denial, effectively nullifying the spirit of the Act.
- **Topic: Role of Civil Services in a Democracy**
 - **Use Case:** To discuss the constraints and pressures faced by civil servants in implementing laws.
 - **Argument:** The severe penalties in the DPDP Act (up to ₹250 crore) create a perverse incentive for PIOs to deny information requests to avoid personal and institutional risk, thereby failing in their duty to be transparent.
- **Topic: Separation of Powers & Legislature's Role**
 - **Use Case:** To discuss the power of Parliament to amend laws and the need for legislative scrutiny.

- **Argument:** The amendment was passed without adequate parliamentary debate or public consultation on its impact on transparency, highlighting a procedural flaw in law-making.

2. GS-IV: Ethics, Integrity and Aptitude

- **Topic: Accountability and Ethical Governance; Challenges of Corruption**
 - **Use Case:** To link transparency directly to the fight against corruption.
 - **Argument:** The RTI Act is the most powerful tool in the hands of citizens to expose corruption ("ghost" beneficiaries, tender manipulations, unauthorized appointments). By blocking access to this information, the amendment effectively "**facilitates corruption and protects the corrupt.**" It removes the most effective layer of public scrutiny.

2. Property rights, tribals and the gender parity gap

1. Core Issue

The article discusses the widespread denial of ancestral property inheritance rights to tribal women in India (except in some matrilineal tribes of the north-east), framing it as a severe form of gender discrimination and a violation of the fundamental right to equality.

2. Key Legal Case: *Ram Chavan and Ors. vs Sushman and Ors* (SC, July 17, 2025)

- **Parties:** Daughters (legal heirs of Dhaiya, a ST woman) vs. their uncles.
- **Claim:** The appellants sought an equal share in their maternal grandfather's property.
- **Lower Courts' Ruling:** The Trial Court and First Appellate Court in Chhattisgarh dismissed the plea, citing that no such custom exists in the Gond tribe for female inheritance.
- **High Court Ruling:** The Chhattisgarh High Court granted the daughters an equal share. It ruled that denying female heirs rights under the "guise of customs" exacerbates gender discrimination, which the law must eliminate.
- **Supreme Court's Stance:** The SC equated the exclusion of daughters from ancestral property to a violation of their fundamental right to equality.

3. Historical Legal Precedent: *Madhu Kishwar vs State of Bihar* (1996)

- **Issue:** A petition challenged customary laws that excluded tribal women from inheriting land or property.
- **Outcome:** The Supreme Court's majority judgment refused to strike down these provisions, fearing it would cause chaos in the existing legal framework.

4. Current Legal and Social Context

- **Governing Laws:** Tribals in Scheduled Areas are governed by their own customary laws in matters of marriage, succession, and adoption.
- **Statistical Evidence:** The All India Report on Agriculture Census (2015-16) shows only **16.7%** of ST women possess land compared to **83.3%** of ST men.
- **Common Arguments for Denial:**

1. **Communal Ownership:** The belief that land is community property with no individual owners.
 2. **Fear of Alienation:** The fear that tribal women marrying non-tribal men will lead to the alienation of tribal land.
- **Counterpoint:** The article argues that money from land sales/acquisition rarely goes to the village council (*gram sabha*), and the nature of land often remains tribal even after transfer (as with forest land).

5. Legal Test for Customary Law

For a custom to be legally valid, it must pass the test of:

- Antiquity
- Certainty
- Continuity
- Reasonableness
- Conformity with public policy

Example Case: *Prabha Minz vs Martha Ekka* (Jharkhand HC, 2022)

- The Jharkhand High Court ruled in favor of the property rights of Oraon tribe women because the defendant failed to prove the existence of a custom that *continuously* deprived daughters of inheritance.

6. Proposed Solution: A Separate Tribal Succession Act

- **The Gap:** Section 2(2) of the Hindu Succession Act, 2005, explicitly excludes Scheduled Tribes from its purview.
- **The Recommendation:** The article calls for the creation of a separate **Tribal Succession Act** to specifically address and secure the inheritance rights of tribal women.
- **Supporting Precedent:** The Supreme Court's affirmative stand in *Kamala Nett vs Special Land Acquisition Officer* (2022) is cited as a step towards gender parity, providing momentum for such a legal change.
- **Method:** Codification of tribal laws, similar to the codes for Hindus and Christians, is suggested as a way to resolve the issue substantially.

GS Paper Linkages:

1. GS-II: Governance, Constitution, Polity, Social Justice

This is the most direct and significant area for its application.

- **Topic: Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions, and basic structure.**
 - **Use Case:** Discuss the conflict between **Fundamental Rights (Article 14 - Right to Equality, Article 15 - Prohibition of discrimination)** and the protection granted to **customary tribal laws (under Schedule V and Article 371)**.

- **Argument:** The article showcases the tension between the constitutional guarantee of equality and the protection of tribal customs. You can argue for a harmonious construction where customs must conform to the basic structure of the Constitution (which includes equality).
- **Topic: Mechanisms, laws, institutions, and Bodies constituted for the protection and betterment of these vulnerable sections.**
 - **Use Case:** To critically evaluate the efficacy of existing legal frameworks in protecting tribal women's rights.
 - **Argument:** The piece highlights a **legal vacuum**—the Hindu Succession Act excludes tribals, and there is no uniform code for them. This demonstrates a failure of institutions and laws to protect a vulnerable section (tribal women). The proposed "Tribal Succession Act" is a suggested institutional reform.
- **Topic: Welfare schemes for vulnerable sections and the performance of these schemes.**
 - **Use Case:** To argue that economic empowerment schemes for tribal women are incomplete without securing their fundamental property rights.
 - **Argument:** Without land titles, tribal women cannot access credit, subsidies, or benefits meant for farmers, rendering many welfare schemes ineffective for them.

2. GS-I: Indian Society

- **Topic: Salient features of Indian Society, Diversity of India.**
 - **Use Case:** To discuss the diversity of tribal customs and the challenges of balancing gender justice with respect for cultural traditions.
 - **Argument:** The article provides a concrete example of how societal diversity (customary laws) can sometimes conflict with the universal value of gender equality.
- **Topic: Role of women and women's organization, population and associated issues, poverty and developmental issues, urbanization, their problems, and their remedies.**
 - **Use Case:** To analyze the intersection of gender, tribal identity, and economic development.
 - **Argument:** Denial of property rights is not just a social injustice but a key cause of economic disempowerment and poverty among tribal women. Secure land rights are a prerequisite for their socio-economic development.

3. GS-IV: Ethics, Integrity and Aptitude

- **Topic: Ethics and Human Interface: Essence, determinants, and consequences of Ethics in human actions.**
 - **Use Case:** To examine the ethical dilemma between **cultural relativism** (respecting tribal customs) and **universalism** (applying the universal ethic of gender equality).

- **Argument:** Is it ethical to allow a custom that discriminates against women in the name of preserving culture? The article provides a strong case to argue that customs must be evaluated against the ethical touchstone of equality and justice.
- **Topic: Aptitude and foundational values for Civil Service.**
 - **Use Case:** To discuss the role of a civil servant in such a scenario.
 - **Argument:** As a district magistrate in a tribal area, how would you handle this conflict? The answer would involve showing empathy, upholding constitutional morality over discriminatory customs, and acting as a facilitator for change through awareness and legal channels.

3. Social media platforms should proactively remove fraudulent content

1. Core Problem: The Rise of Sophisticated Online Scams

A new wave of online investment fraud is exploiting multiple vulnerabilities:

- **Method:** Use of AI-generated **deepfake videos** featuring public figures (e.g., Finance Minister Nirmala Sitharaman) to endorse fake schemes.
- **Channel:** Promotion primarily on **social media platforms** like Instagram.
- **Target:** Exploiting the **limited technical and financial literacy** of a large section of the population.
- **Lure:** Promises of **rapid profits** and fabricated evidence of gains.

2. Contributing Factors & Challenges

- **Regulatory Gaps:** Cryptocurrency platforms and similar schemes often operate in a **regulatory grey area**, not classified with the same clarity as conventional securities.
- **Jurisdictional Issues:** Many fraudulent platforms are **hosted abroad** and use complex, anonymous transaction chains (like crypto wallets), making it difficult for national police units to pursue them.
- **Low Public Awareness:** Awareness campaigns are uneven and often too general. Many users cannot identify online manipulation, and complaints are usually only filed after victims try and fail to withdraw funds.
- **Sophistication of Scams:** The use of deepfakes makes the scams appear highly credible.

3. Critique of Social Media Platform Response

Platforms like Instagram are the principal channel for these scams but respond passively:

- **Reactive, Not Proactive:** Policies emphasize **user self-protection** and reporting mechanisms rather than **proactive detection and removal** of fraudulent content.
- **Slow Takedowns:** Fraudulent content remains accessible long enough to entrap victims before takedown requests are processed.
- **Moderation Challenges:** The sheer volume of content makes manual review impossible, while **automated systems are still limited** in detecting sophisticated deepfakes.

- **Incentive Structure:** As private entities that profit from user engagement, platforms have an incentive to **avoid intrusive monitoring** of uploads.

4. Proposed Solutions

The article argues that a multi-pronged approach is necessary:

1. Government Regulation:

- Define clear **standards for registration and disclosure** for investment platforms.
- Enhance **cross-border cooperation** to limit the operating space for fraudsters.

2. Public Policy on Literacy:

- Treat **technical and financial literacy** as a public policy priority.
- Make awareness efforts **continuous** and integrate them into **educational institutions**, moving beyond periodic police campaigns.

3. Platform Accountability:

- **Require social media platforms** to proactively identify and remove fraudulent content, moving beyond their current reactive stance.

5. Conclusion & Warning

Without these coordinated measures, these sophisticated online scams will continue to **entail huge human and material costs** for society.

GS Paper Linkages:

1. GS III: Technology, Internal Security, Disaster Management

This is the most direct fit.

- **Topic: Challenges to Internal Security through Communication Networks, Role of Media and Social Networking Sites in Internal Security Challenges.**
 - **Use Case:** Use the article as a prime example of a non-traditional internal security threat. These scams cause significant financial loss to citizens, erode trust in institutions (when deepfakes of ministers are used), and can destabilize the financial well-being of families.
 - **Argument:** The case illustrates how technology (social media, AI, crypto) is being weaponized by non-state actors operating from abroad, posing a challenge that traditional policing cannot handle. This necessitates a new framework for **cyber-security and financial security**.
- **Topic: Basics of Cyber Security; Money-Laundering and its prevention.**
 - **Use Case:** To discuss the mechanisms of cybercrime and the challenges in preventing it.
 - **Argument:** The use of cryptocurrency wallets and overseas hosting exemplifies the **interconnection between cyber fraud and money laundering**. The article

can be used to argue for stronger **Know Your Customer (KYC)** norms for crypto platforms and enhanced international cooperation to track digital transactions.

- **Topic: Awareness in the fields of IT, Space, Computers, Robotics, Nano-technology, bio-technology.**
 - **Use Case:** To highlight the dual-use nature of technology—AI for innovation vs. AI for crime (deepfakes).
 - **Argument:** The scam is a direct consequence of a gap between technological advancement and public awareness. This strengthens the need for **digital literacy** as a critical component of education policy.

2. GS II: Governance, Constitution, Polity

- **Topic: Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.**
 - **Use Case:** To critique the existing regulatory framework for emerging technologies like cryptocurrency and social media.
 - **Argument:** The "regulatory grey area" mentioned in the article is a result of slow and ambiguous policy formulation. You can argue for the urgent need for a **robust and clear regulatory framework** for cryptocurrencies and a defined **accountability mechanism for social media platforms (Intermediary Guidelines)**.
- **Topic: Important Aspects of Governance, Transparency and Accountability.**
 - **Use Case:** To discuss the governance challenge of regulating private, powerful multinational tech companies.
 - **Argument:** The "incentive structure" of platforms prioritizes profit over user safety. This raises questions about **governance of digital public spaces** and how to hold these non-state entities accountable for the content they amplify.

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"YOUR SUCCESS, OUR COMMITMENT"