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

Context

- The **Right to Information (RTI) Act** in India has long been celebrated as a landmark legislation that deepened democracy by empowering citizens with access to government-held information.
- By establishing **transparency as the default mode of governance**, the RTI transformed the relationship between citizens and the state, enabling ordinary people to scrutinize decisions, demand accountability, and expose corruption.
- Yet, **the recent amendments to Section 8(1)(j)** through the Digital Personal Data Protection (DPDP) Act **mark a significant departure from this vision**.
- What was once a nuanced balance between privacy and transparency now risks becoming a legal framework for denying access to vital public information.

The Original Balance of Section 8(1)(j) of the RTI Act

- When first enacted, **Section 8(1)(j) of the RTI Act sought to carefully reconcile the citizen's right to information with the individual's right to privacy**.
- It **allowed public authorities to withhold personal information** only if it had no connection to public activity or if disclosure would amount to an unwarranted invasion of privacy.
- Even then, **disclosure was permitted when a larger public interest justified it**.
- A **crucial safeguard in this provision was its proviso**: information that could not be denied to Parliament or a State Legislature could not be denied to an ordinary citizen either.
- This **acid test ensured that privacy could not be used as a blanket excuse to restrict transparency**, while also acknowledging that privacy is an evolving concept, to be assessed case by case.

The Ambiguity of Personal Information

- The **DPDP Act's intervention has radically altered this equilibrium**. By reducing Section 8(1)(j) to a mere six words, it introduces ambiguity and expands the scope of "personal information" to the point of absurdity.
- Two **interpretations of person** now compete: one confined to natural persons, the other, derived from the DPDP Bill, encompassing entities as diverse as companies, associations, and even the state itself.
- If the latter definition prevails, **nearly every document or decision could be shielded as personal information**.

- In effect, the RTI risks being transformed into a Right to Deny Information (RDI).
- This **expansive interpretation is compounded by the DPDP Act's overriding effect on other laws** and its severe penalties for disclosure violations, which may reach as high as ₹250 crore.
- Faced with such risks, **Public Information Officers (PIOs) are incentivised to adopt a defensive posture**, erring on the side of denial rather than disclosure.
- This chilling effect undermines the very spirit of the RTI, **replacing openness with opacity**.

Implications for Corruption and Accountability

- **Corruption thrives in secrecy**, and transparency has long been one of the few effective tools available to citizens in combating it.
- With broadened definitions of personal information, **even routine and seemingly harmless documents, such as a corrected marksheet**, a signed official order, or lists of pension beneficiaries, **can now be withheld**.
- **Examples like Rajasthan's public disclosure of pension details**, which once exposed ghost employees and ghost cards, **may no longer be permissible**.
- This **legal transformation effectively institutionalises opacity**. Information that directly exposes corruption or malpractice could be dismissed as personal.
- Even the clause allowing disclosure in cases of larger public interest provides little relief, as **it is rarely invoked in practice and demands an onerous justification** from citizens.
- Thus, **the DPDP amendments not only weaken the RTI but also embolden corruption** by making concealment the default.

Apathy and the Need for Collective Action

- **Unlike previous RTI amendments**, such as those altering the salaries and tenures of commissioners, **these changes have not sparked widespread outrage**.
- **Part of the reason lies in their presentation**: couched in the language of data protection, they appear benign or even necessary.
- Moreover, **many citizens mistakenly believe that their own data**, however collected or used by the government, **should remain private at all costs**, overlooking the broader implications for collective accountability.
- Addressing this requires **urgent and coordinated action**.
- First, **media and citizen engagement must intensify, creating awareness** and debate across the country.
- Second, **political accountability should be demanded**, with parties required to commit to reversing these amendments in their manifestos.
- Third, **strong public opinion must be cultivated, treating this issue with the same gravity** as other national crises.

Conclusion

- The **RTI Act was never merely a piece of legislation**; it was a democratic promise that citizens would have the means to hold their government accountable.
- **By hollowing out Section 8(1)(j)** and prioritising privacy in an indiscriminate manner, **the DPDP Act risks converting this promise into an illusion.**
- Transparency and accountability, **the lifeblood of democracy, are imperilled by legal ambiguities** that empower denial rather than disclosure.
- The **future of transparency in India now depends on whether its people can reclaim the RTI** before it is too late.

The RTI's Shift to a 'Right to Deny Information' FAQs

Q1. What principle is the RTI Act based on?

Ans. The RTI Act is based on the principle that all government-held information belongs to the citizens in a democracy.

Q2. How did the original Section 8(1)(j) balance privacy and transparency?

Ans. It allowed denial of personal information only if it invaded privacy without public interest, while ensuring that information available to Parliament could not be denied to citizens.

Q3. What major change did the DPDP Act bring to the RTI Act?

Ans. The DPDP Act reduced Section 8(1)(j) to a vague six words, making it easier to deny most information as "personal."

Q4. How do these changes affect the fight against corruption?

Ans. The changes weaken transparency, allowing corruption-related information to be hidden under the excuse of personal data.

Q5. Why has public outrage been limited over these amendments?

Ans. Public outrage has been limited because the changes were presented under the guise of data protection, making them appear harmless to ordinary citizens.

Source: [The Hindu](#)

Property Rights, Tribals and the Gender Parity Gap

Context:

- Over a month after the **International Day of the World's Indigenous Peoples (August 9)**, the issue of indigenous rights remains pressing—especially following the Supreme Court's July 17, 2025 ruling in *Ram Charan & Ors. vs Sukhram & Ors.*
- This judgement held that **excluding daughters from ancestral property violates the fundamental right to equality.**
- Viewed through a gender-equality lens, this underscores deep injustice: most tribal women lack statutory inheritance rights (except some matrilineal communities in the Northeast).

- The moment calls for legal reform to secure tribal women's equal property rights.
- In this context, this article highlights the urgent need to address gender inequality in tribal property rights, examining recent court rulings, customary laws, and the call for a dedicated Tribal Succession Act.

Plea for Equal Share in Tribal Property Rights

- In *Ram Charan & Ors. vs Sukhram & Ors.*, the appellant-plaintiffs, legal heirs of Dhaiya, a Scheduled Tribe woman from Sarguja, Chhattisgarh, sought partition of property belonging to their maternal grandfather, Bhajju Gond.
- Dhaiya, one of six children (five sons and a daughter), was denied her share, **as tribal custom excluded women from ancestral property**.
- The Trial Court and First Appellate Court dismissed the plea, also rejecting arguments that Hindu traditions and the Hindu Succession Act should apply, citing lack of evidence.
- However, the Chhattisgarh High Court granted Dhaiya's heirs an equal share, ruling that **customs denying women property rights perpetuate gender discrimination**.
- The Court emphasized that such discrimination must be weeded out by law.
- This marked a departure from the **1996 Madhu Kishwar vs State of Bihar case**, where the Supreme Court, while recognising gender disparity in tribal inheritance customs, declined to strike them down, fearing legal chaos.

Customary Laws and Tribal Women's Land Rights

- In **Scheduled Five Area** States like Chhattisgarh, Jharkhand, and Odisha, tribal communities follow customary laws in matters of marriage, succession, and adoption.
- Despite women contributing more to farm work, these customs deny them inheritance rights in ancestral property.
- Data from the Agriculture Census 2015-16 shows only **7% of Scheduled Tribe women own land, compared to 83.3% of men**.
- Arguments against granting women rights often cite land as communitarian property or fears of alienation if women marry non-tribal men.
- However, money from land sales rarely benefits the gram sabha, undermining this reasoning.
- Courts stress that **customs must meet tests of antiquity, certainty, continuity, reasonableness, and alignment with public policy to be valid**.
- In 2022, the Jharkhand High Court upheld inheritance rights for Oraon women in ***Prabha Minz vs Martha Ekka***, ruling that the community failed to prove a continuous custom of excluding daughters from property rights.

Need for a Separate Tribal Succession Act

- The Supreme Court, in *Kamala Neti (Dead) Thr. Lrs. vs Special Land Acquisition Officer* (December 2022), took a progressive step toward gender parity in tribal women's property rights.
- Since Section 2(2) of the Hindu Succession Act, 2005 excludes tribal communities, a dedicated **Tribal Succession Act** could address this gap.

- Codifying tribal succession laws, similar to those for Hindus and Christians, would ensure clarity, reduce gender discrimination, and provide statutory inheritance rights for tribal women, strengthening equality and justice.

Conclusion

- Ensuring equal property rights for tribal women requires codifying succession laws, reforming discriminatory customs, and embracing legal measures that uphold justice, equality, and inclusive development.

Property Rights, Tribals and the Gender Parity Gap FAQs

Q1. What was the significance of the Ram Charan vs Sukhram judgment?

Ans. The judgment affirmed that excluding daughters from ancestral property violates fundamental equality rights, setting a precedent against gender discrimination in tribal inheritance customs.

Q2. How do customary laws in Scheduled Five Area States affect tribal women?

Customary laws deny women inheritance rights despite their larger contribution to farm work, perpetuating gender disparity in land ownership among Scheduled Tribes.

Q3. What data reflects the land ownership gap between tribal men and women?

Ans. The Agriculture Census 2015-16 shows only 16.7% of tribal women own land compared to 83.3% of tribal men, highlighting stark inequality.

Q4. How did the Jharkhand High Court ruling in Prabha Minz vs Martha Ekka impact women's rights?

Ans. The court upheld Oraon women's inheritance rights, rejecting claims of continuous custom excluding daughters, reinforcing that customs must align with equality and public policy.

Q5. Why is a Tribal Succession Act considered necessary?

Ans. Since the Hindu Succession Act excludes tribals, a separate Tribal Succession Act would codify inheritance rights, reduce discrimination, and secure equality for tribal women.

Source: TH

Building Sovereign Capability in Critical Technologies - India's Talent Imperative

Context:

- **Critical technologies** are increasingly **shaping global power hierarchies**.
- While **India** has made significant strides in science and technology, its **research ecosystem reveals imbalances** in talent attraction, institutional mechanisms, and quality of breakthroughs.

- The challenge is not numbers, but the capacity to attract and embed top-tier researchers in mission-driven domains that **ensure strategic autonomy**.

India's Current Research Profile:

- **India** accounts for **only 2.5% of highly cited papers** and 2% of global top-cited scientists (Stanford-Elsevier report).
- India ranks in the top five in 29 technologies, but **lacks consistent global breakthroughs** due to a **fragmented ecosystem**.
- **Restrictions** on high-tech transfers from the US and China exacerbate the gap.

Global Dynamics and Emerging Window of Opportunity:

- **China:**
 - It not only dominates 37 of 44 critical technologies (ASPI) but also converts this into sovereign strength through aggressive talent recruitment.
 - Through the **Young Thousand Talents Program**, China recruited 3,500 scientists, resulting in exponential growth in research output and institutional rankings.
- **US:**
 - **Decline in research funding:** The Trump administration has announced budget cuts of over **50%** for federal science grant-making bodies such as the National Science Foundation and NASA.
 - **Limited tenure opportunities:** Only 15% of STEM PhDs secure tenure track jobs within five years, down from 25% two decades ago.
 - **Visa restrictions:** Tightened visa regimes have left many Indian-origin PhDs and postdoctoral fellows stranded.
- **Europe's strategy:**
 - France announced a €100 million fund to attract global researchers.

India's Policy Landscape:

- **Anusandhan National Research Foundation (ANRF):**
 - Through the **Rs 1 lakh crore** Research and Development Innovation **Fund**, the government has (for the first time in decades) committed **large-scale, mission-oriented investments** in science.
 - This has been coupled with rapid **Ease of Doing Science**
- **Weaknesses:**

- Despite multiple fellowship schemes, India has **not been very successful in attracting and retaining global academic talent**.
- **Compensation** remains uncompetitive compared to global benchmarks, world-class **laboratories** and sustained **research grants** are often absent.
- Also, there are **no clear pathways** for long-term absorption or career progression.
- **Recruitment** has **not been tied to mission-oriented research streams** in areas where India must develop sovereign capability.

The Focused Research Organisations (FRO) Model:

• Key features:

- **Establishing** a limited number of FROs embedded in Institutes of National Importance with proven expertise (e.g., IIT Delhi for quantum communication).
- **Structured** as Section 8 companies with 51% industry participation, creating a public-private-academy partnership.
- **Attract** 500 top-class researchers in 5 years, prioritising early-career talent.
- **Ensure integration** of existing Indian academics via joint appointments, rotational leadership, and project-based entry.

• Strategic domains of focus:

- **Focus areas:** Domains that will **define strategic autonomy** in the decades ahead are **semiconductors, propulsion and hypersonics, synthetic biology, quantum communication**, etc.
- **IIT Delhi milestone:**
 - In collaboration with DRDO, it has recently achieved a milestone in quantum entanglement-based free-space **quantum secure communication** over distances exceeding 1 km.
 - This stands out as **a natural anchor for a national FRO** on quantum communication. This model has four distinct design principles.
- **Four design principles:**
 - **Globally competitive** compensation through pooled resources.
 - **Strategic focus** on sovereign capability in select domains.
 - **Hybrid ecosystem** combining global expertise, indigenous knowledge, and industry resources.
 - **Institutional permanence** with predictable funding and talent pathways.

Conclusion:

- **India stands at a crossroads** in its technological sovereignty journey.
- **External shifts** in the global research landscape **offer a rare window to attract and embed top-tier researchers**.
- **Establishing FROs is vital** to ensure long-term capability-building, sovereign autonomy, and economic competitiveness.

- Delay in action risks losing a generation of scientific talent and deepening dependence on foreign powers.
- The choice is clear: **invest now** in talent-driven critical technologies, or embracing long-term technological dependence.

Building Sovereign Capability in Critical Technologies FAQs

Q1. Why is India's research profile considered imbalanced?

Ans. Because India lacks an ecosystem for consistent global breakthroughs and high-quality research, despite having numbers and talent.

Q2. How has China successfully converted scientific research into sovereign technological strength?

Ans. By aggressively recruiting global talent through initiatives like the Young Thousand Talents Program and focusing on mission-driven research.

Q3. What global factors have created a window of opportunity for India to attract top scientific talent?

Ans. US science funding cuts, limited STEM career pathways, tightened visa regimes, and Europe's aggressive researcher recruitment drive.

Q4. What structural gaps hinder India's ability to attract and retain global academic talent?

Ans. Uncompetitive compensation, absence of world-class labs, fragmented recruitment, and lack of mission-oriented research pathways.

Q5. How can Focused Research Organisations (FROs) contribute to India's strategic autonomy in critical technologies?

Ans. By creating permanent, mission-driven, industry-backed institutions that attract top global researchers and build sovereign capabilities.

Source: IE

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