



News Analysis (15 Mar, 2019)

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RTI vs. OSA

Recently, the government has sought action against The Hindu newspaper and news agency ANI under Official Secrets Act, 1923 for publishing documents related to India's deal to buy 36 Rafale jets from France.

In this context, we will look into the debate on the **Official Secrets Act, 1923 (OSA) in light of the Right to Information Act, 2005 (RTI)**.

Legal Position

- Whenever there is a conflict between the two laws, the provisions of the **RTI Act override those of the OSA**.
- **Section 22 of the RTI Act** states that its provisions will have effect notwithstanding anything that is inconsistent with them in the OSA.
- Similarly, **under Section 8(2) of the RTI Act**, a **public authority may allow access to information covered under the OSA**, "if the public interest in disclosure outweighs the harm to the protected interests".

Issues with OSA

Colonial Legacy

The OSA was enacted in 1923 by the British to keep certain kinds of information confidential, including, but not always limited to, information involving the affairs of state, diplomacy, national security, espionage, and other state secrets.

• Vague Terms

- The **OSA has provisions that are too broad and vague, often leaving room for arbitrariness**.

For instance, under Section 2(8)(d) of the Act defining a "prohibited place", "any railway, road, way or channel or other means of communication by

land or water..." can be notified by the Central government as a 'prohibited place'.

- **Section 3 provides for a penalty for spying to be imposed on anyone who is even found in the 'vicinity' of a prohibited place.**
- It **punishes the communication of any information obtained in contravention of the Act**, which could prejudice the security of the state or friendly relations with foreign states. This **provision targets whistle-blowing and investigative journalism**, no matter how critically important it might be to have the information public.
- Former Army Chief, General V.K. Singh, who wrote a book detailing instances of corruption, nepotism, and negligence within the Research and Analysis Wing, was charged with an offense under the OSA.
- **Against the Constitutional Values**
OSA is against the **constitutive logic of a democratic republic, where the state is supposed to be transparent to its citizens.**

Reforms within OSA

- **Second administrative reforms** commission submitted the report "Right to Information: Master Key to Good Governance", which said that "**The Official Secrets Act, 1923 should be repealed.**"
But the **government rejected the recommendation**, saying "**The OSA is the only law to deal with cases of espionage, wrongful possession and communication of sensitive information detrimental to the security of the State.**"
 - In **2006**, the **Home Ministry recommended substantial changes to the OSA**, in line with the privacy regime established by the RTI.
 - **There are calls to repeal the OSA and replace it with a National Security Act** that is more consistent with the aspirations of an open, democratic republic.
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FSDC Panel on Credit Ratings

Recently the **Financial Stability and Development Council (FSDC)** panel has discussed ways to address challenges pertaining to the quality of credit ratings.

It expressed concerns over the inability of rating agencies' to assess credit risk and take timely rating actions.

Example: Recent IL&FS defaults crisis which had AAA rating just before it started defaulting.

Financial Stability and Development Council (FSDC)

- FSDC is a **non-statutory apex council** under **Ministry of Finance** constituted by Executive Order of Union Govt in 2010.
- The Chairman of the Council is the Finance Minister and its members include the heads of financial sector Regulators (RBI, SEBI, PFRDA, IRDA), Finance Secretary and/or Secretary, Department of Economic Affairs, Secretary, Department of Financial Services, and Chief Economic Adviser.
 - In May, 2018 government reconstituted FSDC to include the Minister of State responsible for the Department of Economic Affairs (DEA), Secretary of Department of Electronics and Information Technology, Chairperson of the Insolvency and Bankruptcy Board of India (IBBI) and the Revenue Secretary.
- It aims strengthening and institutionalizing the mechanism of financial stability and development.
- It will monitor macro-prudential supervision of the economy. It will assess the functioning of the large financial conglomerates.
- It will address intra regulatory coordination issues.
- The Raghuram Rajan committee (2008) on financial sector reforms recommended for the creation of FSDC.

Credit Rating Agencies

- A credit rating agency (CRA) is a company that assigns credit ratings, which rate a debtor's ability to pay back debt by making timely principal and interest payments and the likelihood of default.
- The assessed entities may be companies, special purpose entities, state governments, local governmental bodies, non-profit organisations and even countries.
- There are six credit rating agencies registered under SEBI namely, CRISIL, ICRA, CARE, SMERA, Fitch India and Brickwork Ratings.

Important Facts For Prelims (15th March 2019)

Bannerghatta National Park

- The **Eco-Sensitive Zone** (ESZ) Expert Committee of the Ministry of Environment and Forests (MOEF), has recommended the **reduction of nearly 100 sq. km in the ESZ of Bannerghatta National Park.**
- ESZ provides a **regulated buffer zone** around protected areas.
- The fear is that this reduction would lead to more quarrying in the area.
 - However, there is a **Supreme Court ruling prohibiting quarrying and mining activities** within **1km of protected areas irrespective of the ESZ distance.**
 - Therefore, **the 'safe zone' of 1 km** around protected areas is already in place across the country.

- Other '**development' activities** apart from mining and quarrying can take place, which can have an **adverse impact on forests**.

Bannerghatta National Park

- The Bannerghatta National Park is located near **Bangalore in Karnataka**.
- Wildlife such as elephants, gaur, leopard, jackal, fox, wild boar, sloth bear, Sambar, Chital, spotted deer, barking deer, common langur, bonnet macaque, porcupine, and hares are found in abundance.
- The Bannerghatta Biological Park has been an integral part of Bannerghatta National Park.
- It emerged out as an **independent establishment during the year 2002**.
- Bannerghatta Biological Park is one among the few places in the world where wilderness is preserved so close to a big city. It is having different units such as Zoo, Safari, Butterfly Park and Rescue Center (Conservation of captive animals).

West Nile Virus

The Union health ministry has sent a disease surveillance team to Kerala to investigate a case of West Nile fever.

West Nile Virus

- West Nile virus can cause a fatal **neurological disease in humans**.
- However, approximately 80% of people who are infected **do not show any symptoms**.
- West Nile virus is mainly transmitted to people through the bites of **infected mosquitoes**.
- The virus can cause **severe disease and death in horses**.
- Vaccines are available for use in horses but not yet available for people.
- It does not have specific treatment either.
- **Birds are the natural hosts of West Nile virus**. It spreads to human by **Culex mosquitoes**. Mosquitoes become infected when they feed on infected birds.
- WNV was first isolated from a patient from the **West Nile district of Northern Uganda in 1937**.

Cases in India

- WNV is **very uncommon in India**. However, WNV infections have been reported from Vellore and Kolar districts during 1977, 1978 and 1981.
- During an outbreak of **Acute Encephalitis Syndrome (AES)** in Kerala, in May 2011, the presence of WNV was confirmed in clinical specimens.