



DAILY EDITORIAL ANALYSIS

TOPIC

**TWENTY YEARS OF RIGHT TO
INFORMATION (RTI)**

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Context

- The **Right to Information (RTI) Act**, which once empowered the ordinary Indian to challenge the extraordinary opacity of governance, facing the challenges of erosion of its power, governance and others.

About the Right to Information (RTI) Act, 2005

- It was enacted by the Parliament of India on June 15, 2005, and enforced from October 12, 2005, by **replacing** the earlier **Freedom of Information Act, 2002**.
- Its primary objective is **to empower citizens, promote transparency and accountability** in government functioning, and curb corruption.

Do You Know?

- **Beawar** in Rajasthan is known as the '*RTI City*'.
- Its decades of **grassroots struggle** along with **Mazdoor Kisan Shakti Sangathan (MKSS)** played a key role in shaping the RTI Act into reality.

Key Provisions of the Act

- **Universal Access (Section 3):** Every citizen has the right to request information from public authorities.
- **Public Information Officers (Section 5):** Designated officials are responsible for receiving and responding to RTI applications.
- **Time-bound Responses (Section 7):** Authorities need to respond within 30 days, or 48 hours in cases involving life and liberty.
- **Exemptions (Section 8 & 9):** Such as national security, privacy, and trade secrets.
- **Appeal Mechanism:** Citizens can appeal to higher authorities and Information Commissions if denied access.
- **Institutional Mechanisms: Central Information Commission (CIC) and State Information Commissions (SICs)** are **quasi-judicial bodies** established under the Act **to hear appeals and complaints**.
 - ♦ These commissions ensure compliance and can impose penalties on officials for non-disclosure or delays.
- **Digital Access and Implementation:** Public authorities are required **to publish information online** under Section 4(1)(b), and many have set up RTI portals for filing applications digitally.
 - ♦ The **National Informatics Centre (NIC)** and other government bodies have facilitated online access to RTI services.
- **Amendments (2019):** It gave the central government the power **to determine the tenure and salaries of Information Commissioners**, raising concerns about the independence of these bodies.

What are the core issues with the RTI?

- **Delay, Denial, and Disuse:** Delayed responses from public authorities, often exceeding the 30-day statutory limit.
 - ♦ Denial of information through vague or unjustified exemptions.
 - ♦ Disuse due to citizen fatigue and lack of awareness, especially in rural areas.
- **Institutional Weakening Through Amendments (2019):** It gave the central government **control over the tenure and salaries of Information Commissioners**, compromising their independence. It has led to:
 - ♦ Reduced accountability of public officials.
 - ♦ A chilling effect on proactive disclosures.
- **Threats to RTI Activists:** RTI users, especially grassroots activists, face harassment and intimidation.
 - ♦ In some cases, physical violence or murder, with little institutional protection.

- **Declining Public Engagement:** RTI Act suffers from issues like low awareness among citizens, limited media coverage of RTI-related issues, and lack of sustained civil society pressure compared to earlier years.
- **Privacy vs Transparency:** The **Digital Personal Data Protection Act (DPDPA)** has amended **Section 8(1)(j) of the RTI Act**, expanding exemptions related to personal information. It potentially:
 - ♦ Prioritizes privacy at the cost of transparency.
 - ♦ Could be misused to shield public officials from scrutiny.

How the DPDPA Weakens the RTI Act?

- The **DPDPA's Section 44(3)** introduces a crucial amendment to **Section 8(1)(j)** of the RTI Act, which originally balanced **the right to privacy** with **the public's right to know**.
 - ♦ The RTI Act had permitted disclosure of personal information when it served public interest.
- It weakens the RTI Act by:
 - ♦ Preventing disclosure of names of officials involved in wrongdoing;
 - ♦ Shielding the corrupt from exposure;
 - ♦ Restricting journalists, researchers, and activists from sharing information without permission;
 - ♦ Imposing **penalties up to ₹250 crore**, discouraging legitimate investigations;

Way Forward: Strengthening the RTI Act

- **Restore Institutional Independence:** Reinstate fixed terms and independent remuneration structures to ensure impartiality and credibility of Central and State Information Commissions.
- **Safeguard Against Privacy Overreach:** Clarify that privacy protections should not override the public's right to know in **matters of governance and accountability**.
- **Protect RTI Users and Activists:** Establish legal safeguards and fast-track grievance redressal mechanisms to protect whistleblowers and information seekers.
- **Improve Implementation and Awareness:** Enforce compliance through audits and penalties, and expand public awareness campaigns, especially in rural and marginalized communities.
- **Digitize and Streamline Access:** Ensure all public authorities adopt digital filing systems and publish real-time updates on RTI responses.

Conclusion

- Twenty years on, the RTI Act remains a cornerstone of India's democratic architecture.
 - ♦ It has empowered citizens, improved governance, and fostered a culture of accountability.
- India needs to recommit to its principles and ensure that the right to information continues to thrive in the digital age, to preserve its legacy.

Source: IE

Daily Mains Practice Question

[Q] How has the implementation of the Right to Information (RTI) Act shaped democratic accountability in India, and what challenges threaten its effectiveness?

