



DAILY EDITORIAL ANALYSIS

TOPIC

**GAPS IN IMPLEMENTATION OF RIGHT
TO INFORMATION ACT, 2005**

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Context

- The **Right to Information (RTI) Act, 2005**, has completed 21 years, drawing attention to persistent gaps in proactive disclosure despite improvements in transparency audits and public access to information.

About the Right to Information Act, 2005

- The RTI Act was enacted to promote transparency, accountability and informed citizen participation in governance.
- It empowers Indian citizens to access information held by public authorities, subject to statutory exemptions.
- It gives practical effect to the **right to information as an integral part of the freedom of speech and expression under Article 19(1)(a)** of the Constitution, as recognised by the Supreme Court.

Key Provisions

- **Section 3:** Guarantees the right to information to Indian citizens, subject to the Act.
- **Section 4:** Requires **public authorities** to maintain records and proactively disclose prescribed information.
- **Section 6:** Specifies the procedure for filing RTI applications.
- **Section 7:** Generally requires information to be provided within 30 days. Where a request concerns the life or liberty of a person, the time limit is 48 hours.
- **Section 8:** Lists exemptions from disclosure, including certain information affecting national security and personal privacy.
- **Sections 12 and 15:** Provide for the constitution of the Central Information Commission (CIC) and State Information Commissions, respectively.
- **Section 19:** Provides for appeals against decisions concerning access to information.
- **Section 20:** Provides for penalties against **Public Information Officers (PIOs)** in specified cases of non-compliance.

Section 4: Foundation of Proactive Transparency

- Section 4 is central to the RTI framework because it **requires public authorities to disclose important information** on their **own initiative**, reducing the need for citizens to file individual applications.
- **What Must Be Disclosed:** Section 4(1)(b) specifies **17 categories of information**, including:
 - ♦ The organisation, functions and duties of public authorities.
 - ♦ Powers and responsibilities of officers and employees.
 - ♦ Decision-making procedures and applicable rules.
 - ♦ Regulations, manuals, instructions and records used in administration.
 - ♦ Directories of officers and employees and their remuneration.
 - ♦ Budget allocations, expenditure and details of subsidy programmes.
 - ♦ Information about concessions, permits and their beneficiaries.
 - ♦ Details of information available electronically.
 - ♦ Facilities available to citizens for obtaining information.
 - ♦ Names and contact details of Public Information Officers.
- The Act requires **Public Authorities (PAs)** to publish relevant facts while formulating important policies and to provide reasons for **administrative or quasi-judicial decisions** affecting individuals.
- In addition, the **Department of Personnel and Training (DoPT)** has issued guidelines recommending wider disclosures under eight broad categories, including procurement, public-private partnerships and RTI applications received by departments.

Related Concerns and Issues

- **Weak Implementation of Section 4:** Many departments fail to publish mandatory information regularly.
 - ♦ Websites contain outdated, incomplete or inaccessible information.
 - ♦ Transparency audits are not conducted or published consistently.
 - ♦ Citizens need to file applications even to obtain routine administrative information.
- **Pendency of Appeals and Complaints:** Delays in deciding cases can make information irrelevant, particularly when it concerns public recruitment, welfare benefits or ongoing administrative decisions.
 - ♦ Delayed disposal weakens the deterrent effect of penalties against officials who violate the Act.
- **Vacancies and Institutional Weaknesses:** Delays in appointments and inadequate institutional capacity; and shortages of staff and technological infrastructure.
 - ♦ Concerns about the independence of Information Commissions from the authorities whose decisions they review.
- **Threats to RTI Activists and Information Seekers:** Limited protection for individuals seeking sensitive public information.
 - ♦ Fear of retaliation discourages citizens from raising questions about powerful individuals or institutions.
- **Concerns Regarding the RTI Amendment Act, 2019:** Under the amended framework, the Central Government is empowered to prescribe tenure of CIC, ICs and State-level commissioners, salaries, allowances and other service conditions through rules.
 - ♦ Greater executive control over these conditions could affect the perceived independence of Information Commissions.
- **Digital Divide and Accessibility:** Limited internet connectivity in some rural and remote areas; and low digital literacy among certain sections of society.
 - ♦ Difficulty navigating departmental websites and online filing systems.
 - ♦ Information published in formats that are difficult to search or understand.
 - ♦ Accessibility barriers for persons with disabilities and linguistic minorities.
- **Poor Record Management:** Missing, incomplete or poorly indexed records; delayed digitisation of government documents; and inconsistent record-retention practices.
 - ♦ Limited coordination between departments responsible for maintaining information.
- **Inadequate Deterrence and Accountability:** Delays in initiating or concluding penalty proceedings; inconsistent enforcement of statutory penalties; limited accountability for persistent failures in proactive disclosure; and insufficient follow-up on deficiencies identified during transparency audits.
- **Privacy Versus Transparency:** An overly restrictive approach to disclosure could limit legitimate public scrutiny, while indiscriminate disclosure could violate personal privacy.
- **Limited Awareness and Administrative Resistance:** Resistance to sharing information that may expose administrative shortcomings.
 - ♦ Poor coordination between departments and their designated information officers.
- **Concerns About Misuse and Frivolous Applications:** Some RTI applications may be repetitive, excessively broad or motivated by personal disputes rather than public-interest concerns.
 - ♦ However, **the possibility of misuse should not be used to weaken the fundamental purpose of the Act.** A request that appears inconvenient to a public authority is not necessarily frivolous.

Chart 1: The number of public authorities (PAs) registered with the CIC and those who submitted the transparency audit reports to the Commission in the last five years

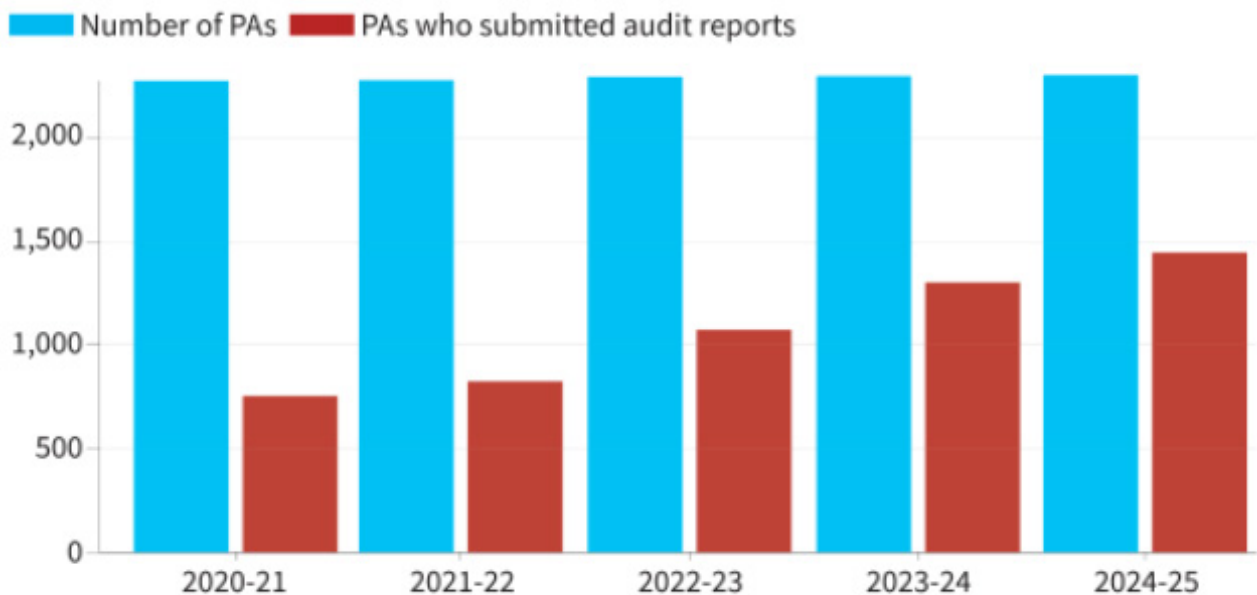
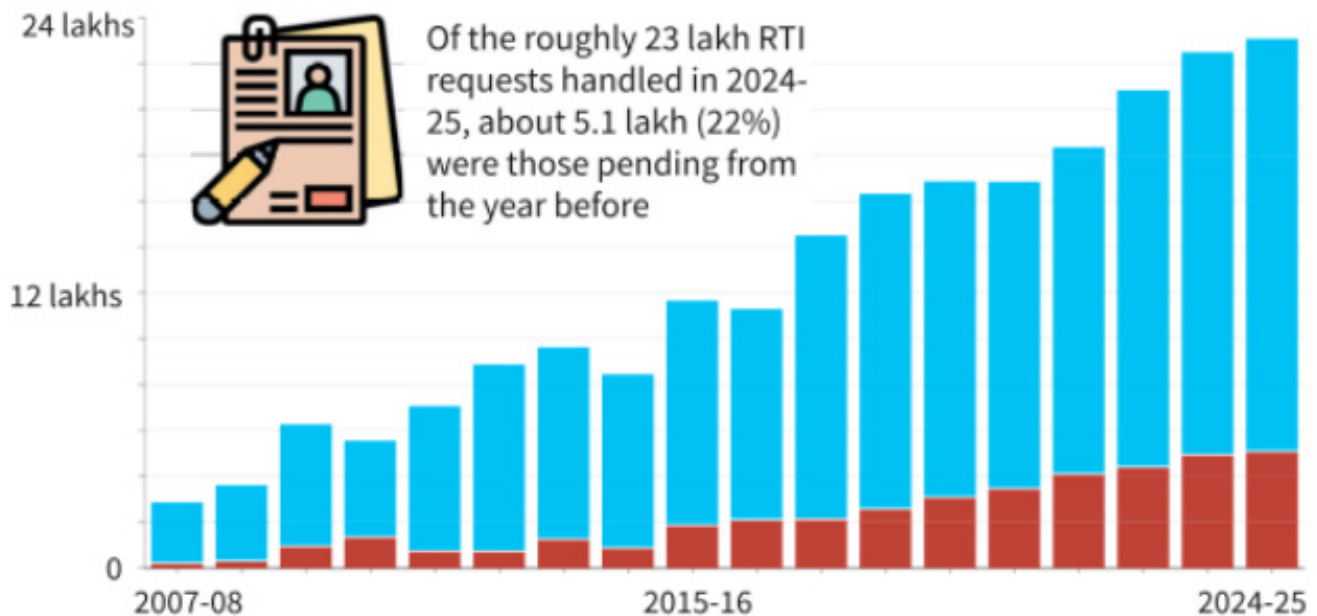


Chart 2: The number of RTI requests filed every year and the pendencies from previous years have consistently grown over the years



Why Does Section 4 Matter?

- **Strengthening Accountability:** Public access to information about expenditure, policies and administrative decisions makes it easier to scrutinise the functioning of government departments.
- **Curbing Corruption:** Greater openness reduces opportunities for arbitrary decisions, favouritism and misuse of public funds.
- **Empowering Citizens:** Access to reliable information enables people to understand government schemes, claim entitlements and participate meaningfully in democratic processes.

- **Administrative Efficiency:** When routine information is readily available, citizens need not file separate RTI applications for basic details. It can reduce the workload of public authorities and Information Commissions.
- The **Supreme Court of India** has recognised the importance of the right to know in democratic governance.
 - ♦ In the **State of U.P. v. Raj Narain (1975)**, it affirmed the public's legitimate interest in knowing how public affairs are conducted, subject to permissible restrictions.
 - ♦ The **constitutional foundation** of the RTI framework is closely associated with **Article 19(1)(a)**, which guarantees freedom of speech and expression, and the broader democratic values underlying the Constitution.

Why Does Proactive Disclosure Remain Weak?

- **Weak Enforcement:** Non-compliance may not lead to timely corrective action.
- **Poor Record Management:** Incomplete or outdated records make regular disclosure difficult.
- **Limited Awareness:** Officials may lack adequate understanding of their disclosure responsibilities.
- **Insufficient Monitoring:** Audit findings do not always translate into measurable improvements.
- **Administrative Resistance:** A culture of secrecy can discourage openness.
- **Inconsistent Digital Practices:** Differences in website design and information formats make disclosures difficult to locate and compare.
- **Digital Divide:** Online publication alone may not adequately serve citizens with limited internet access or digital literacy.

Way Forward

- **Strengthen Compliance:** Ensure timely Section 4 disclosures and regular transparency audits across public authorities.
- **Fix Accountability:** Assign responsibility for updating departmental websites and addressing deficiencies identified during audits.
- **Standardise Disclosures:** Introduce uniform formats, searchable databases and accessible dashboards across government websites.
- **Improve Record Management:** Digitise records and establish regular updating mechanisms while protecting exempt and sensitive information.
- **Promote Citizen Awareness:** Use local bodies, educational institutions and civil society organisations to improve RTI literacy.
- **Ensure Inclusive Access:** Supplement online disclosures with accessible offline channels so that digitally excluded citizens are not left behind.
- **Reduce Pendency:** Make commonly requested information readily available, allowing Information Commissions to focus on disputes that genuinely require adjudication.

Conclusion

- The RTI Act has strengthened Indian democracy by giving citizens a means to question public authorities and demand accountability.
- However, its effectiveness depends not only on the right to seek information but also on the government's willingness to disclose it proactively.

- **The next phase of RTI reform** needs to move **beyond procedural compliance** towards a **culture of openness** in which accurate, relevant and regularly updated public information is the norm.
- **Effective implementation of Section 4** can strengthen public trust, improve governance and reduce the avoidable burden on Information Commissions.

Daily Mains Practice Question

[Q] The implementation of the Right to Information (RTI) Act, 2005, continues to face several institutional and administrative challenges despite being a landmark legislation for promoting transparency and accountability. Critically examine.

Source: TH

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