

STATUS OF THE RIGHT TO INFORMATION ACT**The Hindu**

Paper - II & IV (Governance & Ethics)

For 13 years, the Right to Information Act, 2005, helped citizens obtain information and data from Central and State institutions that are not readily available in the public domain. The RTI Act allows any citizen to make requests for access to data, documents, and other information in the government's possession. India's RTI Act has been commonly cited as among the most comprehensive public records access legislations in the world. In recent years, though, activists worry that the system is being made less and less effective, shutting off a crucial means to hold public officials accountable.

Has the RTI Act been amended?

Apart from allowing certain information to be kept secret for national security and sovereignty reasons, the RTI Act makes one exemption — it prohibits the personal data disclosure of citizens by the government, unless there is an overriding public interest in doing so.

The Digital Personal Data Protection Act, 2023, amended this qualified prohibition into a total prohibition. However, the National Campaign for Peoples' Right to Information (NCPRI) argued that it would make 'social audits' in ration distribution impossible to carry out. In social audits, a community member gets a list of ration beneficiaries through an RTI request, and individually verifies that the beneficiaries got what they appear to have received on paper. There are also concerns that powerful public officials would evade accountability by invoking this blanket ban on disclosing personal information.

Past amendments to the RTI Act have also raised concerns. The Right to Information (Amendment) Act, 2019 gave the Union Government unilateral power in deciding how long information commissioners, who hear appeals against unsatisfactory or absent RTI responses, can serve, and what their salaries are.

How else is the RTI Act undermined?

The RTI Act itself isn't the only way activists see the transparency it has ushered in undermined. The RTI Act's implementation is dependent on subordinate rules made by the Union Government and State Governments. For instance, the simple matter of what payment method a public authority can accept is left to the States to decide. Some States like Tamil Nadu do not accept Indian Postal Orders (IPOs), which are cheques that can be bought at post offices and attached to an application as payment. IPOs are generally the easiest payment method to obtain. Other payment methods are less convenient or otherwise burdensome — court fee stamps can only be purchased at a courthouse, and a demand draft for ₹10 may require a processing fee that is over twice that amount.

Tardy appointments to information commissions — the Central Information Commission (CIC) for the Union Government, and various State Information Commissions (SICs) — have also undermined confidence in the RTI framework, as appeals can take months or even years to be heard, if ever. For example, the Jharkhand SIC has had no commissioners to hear appeals since May 2020, essentially suspending the ability to appeal ineffective administration of the RTI Act in the State.

What about online RTIs?

Allowing RTI applications to be filed online largely removes some barriers — instead of obtaining uncommon financial instruments, citizens can simply file a request online and pay with UPI. However, many States do not have an online RTI portal, and even if they do, it is common for many State Government bodies to simply not be registered on the portal.

The Union Government's RTI portal — launched in 2013 — is also past its prime. While many public authorities under the Union Government are on the portal, filing applications on it has become harder. Having an account on the RTIOnline portal allowed citizens to have their personal particulars filled in on each application by default. Now, however, the facility to create an account has disappeared, and the site forces all users to enter their particulars afresh each time they file an application. Further, past data of applicants has been stuttering in and out of the portal. In August, data of applications filed by users before 2022 disappeared without a trace, and after The Hindu reported this, the Government restored the applications.

What next?

Beyond the evident structural problems that institutions and websites for RTI pose, dissatisfaction is growing at the most basic level. More and more first appeals are being filed, Venkatesh Nayak, Director of the Commonwealth Human Rights Initiative NGO, said in an analysis of the newest report by the CIC. This indicates, according to Mr. Nayak, that people are increasingly dissatisfied with the information they are receiving from public officials. While activists have long warned of the weakening of the RTI Act, most of the damage they have seen is not merely from changes in the text of the law, but from the ways that various institutions across different Government apparatuses discharge their duties, in the narrowing of avenues to conveniently file requests and obtain information after doing so, and having appeals fall on unstaffed appellate bodies.

Expected Question

Que. Consider the following statements in the context of the Right to Information Act:

1. Implementation of the RTI Act is dependent on the subordinate rules made by the Central Government and State Governments.
2. It was implemented in 2005.

How many of the above statements are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer : c

Mains Expected Question & Format

Que.: 'In recent years, concerns have been raised that the Right to Information Act is being made less effective, closing an important means of holding public officials accountable.' **Comment on this statement.**

Answer Format :

- ❖ Discuss the Right to Information Act in the first part of the answer.
- ❖ In the second part discuss how and why the Right to Information Act is being made less effective.
- ❖ Finally, give a conclusion showing the way forward.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.