



Right to Information (RTI) Act

For Prelims: Right to Information (RTI) Act, Central Information Commission

For Mains: Right to Information (RTI) Act, Transparency & Accountability

Why in News?

According to a report, the backlog of appeals or complaints under the [Right to Information \(RTI\)](#) Act is steadily increasing in Information Commissions every year.

What are the Findings of the Report?

- **Pendency of Cases:**
 - At present, **nearly 3.15 lakh complaints or appeals pending** with 26 information commissions across India.
 - The number of appeals and complaints pending in 2019 was 2,18,347 which increased to 3,14,323 in 2022.
 - The highest number of pending cases were in Maharashtra followed by Uttar Pradesh, Karnataka, etc.
- **Defunct Information Commissions:**
 - Two out of 29 information commissions across the country are completely defunct, four of them headless at the moment, and only 5% of the positions are occupied by women.
 - Jharkhand and Tripura have been completely defuncted for 29 months and 15 months respectively. Manipur, Telangana, West Bengal and Andhra Pradesh are without chiefs.
- **Not Imposing Penalties:**
 - The commissions did not impose penalties in 95% of the cases where penalties were potentially imposable.
- **Tardy Disposal of Cases:**
 - The report also **flags concerns regarding tardy disposal rates** in several commissions and the lack of transparency in their functioning.
- **e-filing facility for RTI Applications:**
 - Only 11 information commissions out of 29 provide e-filing facility for RTI applications or appeals, but only five are functional.

What is the Right to Information (RTI) Act?

- **About:**
 - The Right to Information Act 2005 mandates timely response to citizen requests for government information.
 - The basic object of the Right to Information Act is to empower the citizens, **promote transparency and accountability** in the working of the Government, contain corruption, and make our democracy work for the people in a real sense.
- **Right to Information (Amendment) Act, 2019:**

- It provided that the **Chief Information Commissioner and an Information Commissioner** (of Centre as well as States) shall hold office for such term as prescribed by the Central Government. Before this amendment, their term was fixed for 5 years.
- It provided that the **salary, allowances and other service conditions of the Chief Information Commissioner and an Information Commissioner** (of Centre as well as States) shall be such as prescribed by the Central Government.
 - Before this amendment, the salary, allowances and other service conditions of the Chief Information Commissioner were similar to those of the Chief Election Commissioner and that of an Information Commissioner were similar to those of an Election Commissioner (State Election Commissioners in case of States).
- It removed the provisions regarding deductions in salary of the Chief Information Commissioner, an Information Commissioner, the State Chief Information Commissioner and a State Information Commissioner due to pension or any other retirement benefits received by them for their previous government service.
- The **RTI (Amendment) Act, 2019** was **criticized on grounds of diluting the law and giving more powers to the central government.**
- **Issues in the Implementation:**
 - Non-compliance in proactive disclosure by public authorities
 - Hostile approach of **Public Information Officers** (PIOs) towards citizens and misinterpreting provisions of the Right to Information (RTI) Act to conceal information.
 - Lack of clarity on what public interest is and right to privacy
 - Lack of political will and poor infrastructure
 - Rejection of information requests made by active citizens on important matters of public importance
 - Covert means of attacks and threats against RTI activists and applicants to suppress their voices

What is the Central Information Commission?

- **Established:** The Central Information Commission was established by the Central Government in 2005, under the provisions of the Right to Information Act (2005). It is **not a constitutional body**.
- **Members:** The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners.
- **Appointment:** They are appointed by the President on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
- **Tenure:** The Chief Information Commissioner and an Information Commissioner shall hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier.
 - They are **not eligible for reappointment**.
- **Power and Functions of CIC:**
 - It is the duty of the Commission to receive and inquire into a complaint from any person regarding information requested under RTI, 2005.
 - The Commission can order an inquiry into any matter if there are reasonable grounds (suo-moto power).
 - While inquiring, the Commission has the powers of a civil court in respect of summoning, requiring documents etc.

Way Forward

- **Proper Functioning of Information Commissions:**
 - Proper functioning of information commissions is crucial for people to realise their right to information.
 - Under the RTI law, **information commissions are the final appellate authority** and are mandated to safeguard and facilitate people's fundamental right to information.

▪ **Transparency:**

- There is an **urgent need for the transparency watchdogs** to function in a more effective and transparent manner.

▪ **Digitisation of the System:**

- The digital RTI portal (website or mobile app) can **deliver more efficient and citizen-friendly services** which are not possible through conventional mode.
- This will be beneficial for both transparency seekers and the government.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability." Discuss. **(2018)**

Source: [TH](#)

PDF Reference URL: <https://www.drishtiias.com/printpdf/right-to-information-rti-act>

