



Missing Public Information on RTI Online Portal

For Prelims: [RTI Act](#), Article 19(1)(a) of the Constitution, [Central Information Commission](#), Public Information Office, [Blockchain technology](#).

For Mains: Issues Associated with RTI in India.

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Why in News?

The **Union government's RTI Online portal** has encountered a situation where a significant amount of public information, including past applications and responses, has **gone missing**.

- The portal is undergoing maintenance with the aim of restoring the vanished archival data. This incident underscores the **challenges associated with upholding accountability within the framework of the RTI Act**.

What is the Right to Information (RTI) Act?

- **About:**
 - The **Right to Information (RTI) Act** is a legislative framework that empowers Indian citizens to **access information held by public authorities**. Enacted in 2005, the act aims to promote **transparency, accountability, and participation in government processes**.
 - It replaced the **Freedom of Information Act 2002**.
 - **Earlier Mazdoor Kisan Shakti Sangathan (MKSS), an NGO**, in Rajasthan that forced the state government to pass the right to information Act in 1997.
 - According to Section 22 of RTI Act, the provisions of this Act will be **effective regardless of any contradictions with the Official Secrets Act of 1923**, existing laws, or any agreements established through laws other than this Act
- **Constitutional Backing:**
 - The RTI Act is derived from the [Article 19\(1\)\(a\) of the Constitution of India](#), which guarantees the freedom of speech and expression.
 - In ***Raj Narain vs the State of Uttar Pradesh case***, the Supreme Court ruled that Right to information will be treated as a fundamental right under article 19.
- **Time period:**
 - In normal course, **information to an applicant is to be supplied within 30 days** from the receipt of application by the public authority.
 - If information sought concerns the [life or liberty of a person](#), it shall be supplied **within 48 hours**.
 - In case the application is sent through the **Assistant Public Information Officer or it is sent to a wrong public authority**, five days shall be added to the period of thirty days or 48 hours, as the case may be.
- **Exempted Information:**

- **Sec 8 (1) of RTI Act** talks about which information is exempted under RTI, it includes information related to **national security, strategic matters of the state, foreign relation, incitement to offenses** etc.
- **Implementation:**
 - The **Public Information Office (PIO)** is a pivotal component of the RTI Act's implementation.
 - A PIO is a **designated officer within a public authority who acts as a bridge between citizens seeking information and the government** organization holding that information.
- **Appellate Authority and Mechanism:**
 - If a citizen's RTI request is **denied or they are not satisfied with the response provided by the PIO**, they can appeal to the **First Appellate Authority** within the same public authority.
 - If the citizen is **still dissatisfied with the decision of the First Appellate Authority**, they can file a second appeal to the **Central or State Information Commission**.

What are the Recent Amendments in the RTI Act?

- **Amendment in 2023:** Recently, **section 44 (3)** of the [Digital Personal Data Protection Act 2023](#) modified **Section 8 (1)(j) of the RTI Act**, creating an **exemption for all personal information from disclosure** and removing the previously established exceptions that **permitted the release of such information**.
- **Right to Information (Amendment) Act, 2019:** It brought **changes to the tenure and conditions of the Chief Information Commissioner (CIC) and Information Commissioners (ICs)** at both the central and state levels.
 - **Term of ICs:** Their **terms became subject to central government prescription** (currently, set for a period of 3 years), **unlike the previous fixed 5-year term**.
 - **Determination of Salary:** It also provides that the **salary, allowances and other service conditions** of the CIC and an ICs (of centre as well as states) shall be such as **prescribed by the central government**.
 - **Deductions in Salary:** Act of 2019 **removed the provisions of the deduction of pension, or any other retirement benefits for previous government service**, at the time of the appointment of the CIC and ICs.

What are the Issues Associated with RTI in India?

- **Pendencies of Cases:** At present, more than **3 lakh complaints or appeals** are pending with various information commissions across India.
 - In addition, there are significant vacancies in the positions of **Information Commissioners (ICs) and State Information Commissioners (SICs)**.
- **Misuse of RTI Act:** Some people use the RTI Act for **frivolous, vexatious, or personal motives**, rather than for public interest. This leads to **wastage of time and resources** of the public authorities and hampers their work efficiency.
- **Excessive Exemptions:** The act provides for exemptions to protect sensitive information. However, there have been **instances where these exemptions have been misused to deny legitimate requests for information**.
- **Right to Information vs. Right to Privacy Laws:** The tension between the **RTI Act and emerging data protection and privacy** laws raises questions about the hierarchy of these rights and the potential conflicts between them.

Way Forward

- **Open Data Ecosystem:** There is a need to establish a **comprehensive open data ecosystem where relevant government datasets are available to the public in readable formats**.
 - This could bring down the cases of RTI and enable **citizens, researchers, and journalists** to access and analyze data more effectively.

- **Blockchain for Data Security:** There is a need to explore the **use of [blockchain technology](#) to create an** immutable and transparent record of government actions and decisions **related to RTIs**, ensuring **accountability and preventing data tampering**.
- **Transparency Index for Authorities:** There is a need to develop a **transparency index that rates public authorities based on their responsiveness to RTI requests**, fostering healthy competition for better accountability.
- **AI-Assisted Responses:** There is a need to implement **AI-powered systems** to categorize and process RTI requests, making the response process more efficient while **ensuring accurate information retrieval**.

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)**

PDF Reference URL: <https://www.drishtias.com/printpdf/missing-public-information-on-rti-online-portal>

