



Restoring the Spirit of RTI

This editorial is based on "[The RTI is now the 'right to deny information'](#)" which was published in The Hindu on 25/02/2024. The article brings into focus the declining effectiveness of the RTI Act, once a landmark reform for transparency, now weakened by bureaucratic dominance, case backlogs, and systemic resistance.

For Prelims: [Right to Information \(RTI\) Act](#), [Digital Personal Data Protection Act](#), [Article 19\(1\)\(a\)](#), [Article 21](#), [MNREGA](#), [Electoral Bond Scheme](#), [RTI \(Amendment\) Act, 2019](#), [Article 12 of the Constitution](#), [H.D. Shourie Committee](#).

For Mains: Significance of RTI in India, Key Issues Hindering the Effectiveness of RTI.

The [Right to Information \(RTI\) Act](#), once hailed as a landmark reform that empowered citizens by ensuring transparency and accountability in governance, has faced a **steady decline in effectiveness due to systemic resistance** from those in power. Despite being one of the **world's strongest transparency laws**, its implementation has been undermined by **Information Commissions** dominated by retired bureaucrats, delays in appointments, and an increasing backlog of cases. The latest setback comes with the [Digital Personal Data Protection Act](#), which critics argue is transforming RTI into a "Right to Deny Information."

How did the Right to Information Come into Existence in India?

- **Judicial Recognition of Right to Information (1975-1989)**
 - **1975:** Supreme Court recognized **Right to Know** as part of fundamental rights.
 - **1982:** Expanded interpretation under [Article 19\(1\)\(a\)](#) & [Article 21](#), linking RTI to **freedom of speech & right to life**.
 - **1985:** NGOs demanded **access to environmental information** post [Bhopal Gas Tragedy](#).
- **Grassroots Movements and Early Drafts (1990-1999)**
 - **1990s:** Movements like **Mazdoor Kisan Shakti Sangathan (MKSS)** in Rajasthan exposed corruption in **wage payments** through **Jan Sunwai (public hearings)**.
 - **1996:** Formation of **National Campaign for People's Right to Information (NCPRI)**, which drafted an RTI Bill with the **Press Council of India**.
 - **1997:** Government referred the draft to [H.D. Shourie Committee](#), which submitted its recommendations.
- **Legislative Attempts and Early State RTI Laws (2000-2004)**
 - **2000:** Parliamentary **Standing Committee** reviewed the RTI draft; Rajasthan, Maharashtra, Goa, Tamil Nadu, Delhi, and Karnataka passed **State RTI laws**.
 - **2002:** Parliament passed the **Freedom of Information Act**, but it was **never notified**.
 - **2003:** The Supreme Court pressured the government to implement **RTI-based**

governance reforms.

- **2004:** UPA government's **Common Minimum Programme** promised a stronger **RTI law**.
- **Passage of the RTI Act (2004-2005)**
 - **2004:** NCPRI submitted amendments to the **National Advisory Council (NAC)**.
 - **December 2004:** Government introduced a **limited RTI Bill** covering only the **Central Government**, leading to protests.
 - **2005:** After lobbying, Parliament passed a **comprehensive RTI Act** covering **Central & State Governments**.
 - **October 12, 2005:** **RTI Act came into force**, making **Shahid Raza Burney's RTI application in Pune** the first filed under the law.

How does the Right to Information (RTI) Contribute to Governance in India?

- **Strengthening Democracy and Citizen Empowerment:** RTI enables citizens to access **government records, policies, and decisions**, ensuring **accountability**.
 - It strengthens **participatory democracy**, allowing people to question authorities and demand better governance.
 - It also acts as a tool for **social audit**, helping marginalized communities assert their rights.
 - **Example:** RTI applications played a key role in questioning irregularities in the **electoral bond scheme**.
 - Also, the Supreme Court held that the **Electoral Bond Scheme** was unconstitutional for **violating the right to information of voters**.
- **Fighting Corruption and Promoting Good Governance:** RTI helps in uncovering **corruption, bureaucratic inefficiency, and policy failures**, making public officials more accountable.
 - By reducing secrecy in governance, it ensures that **government contracts, fund allocations, and decision-making processes** are subject to scrutiny.
 - **Example:** The **Adarsh Housing Scam (2010)** was exposed when an RTI query revealed how flats meant for war veterans and their families were illegally allotted to politicians and bureaucrats.
- **Ensuring Transparency in Public Welfare Schemes:** RTI helps track the **implementation and fund utilization** of government schemes, preventing leakages and inefficiency.
 - Citizens can demand **attendance records, expenditure details, and beneficiary lists**, ensuring public funds reach the intended recipients.
 - **Example:** Recent RTI queries exposed irregularities in West Bengal's **MGNREGA scheme**, revealing fake work records, outdated job cards, and a flawed tendering process.
- **Upholding Fundamental Rights and Social Justice:** RTI is linked to **Article 21 (Right to Life) and Article 19(1)(a) (Freedom of Speech and Expression)**, as access to information is necessary for informed decision-making and exercising other fundamental rights.
 - It is a crucial tool for **human rights activists, journalists, and marginalized groups** to fight discrimination and injustice.
 - **Example:** In **Bilaspur, Chhattisgarh (2008-09)**, RTI findings exposed the misuse of BPL ration cards, depriving genuine beneficiaries of their entitled grains, forcing the government to rectify the issue.
- **Empowering Media and Whistleblowers:** RTI serves as a powerful investigative tool for **journalists, activists, and whistleblowers**, enabling them to access official records and expose wrongdoing.
 - It has strengthened investigative journalism by making **government contracts, judicial proceedings, and administrative decisions** more accessible.
 - **Example:** The **coal allocation scam ("Coalgate")** was unearthed through RTI, leading to cancellation of **illegal coal block allocations**.

What are the Key Issues Hindering the Effectiveness of RTI?

- **Vacancy and Backlog in Information Commissions:** The efficiency of RTI is crippled by the high number of vacancies in **Central and State Information Commissions**, leading to delays in appeals and complaints.

- Without adequate commissioners, **cases remain unresolved for years**, reducing RTI's effectiveness.
- As of **June 2024**, **over 4 lakh appeals and complaints** were pending across **29 information commissions**.
 - As of October 2024, **4 State Information Commissions remain defunct due to the absence of commissioners**, while the Central Information Commission operates with **only 3 out of 11 sanctioned members**, according to a **Satark Nagrik Sangathan report**.
- **Dilution through Legislative Amendments:** Recent amendments have undermined the independence of the Information Commissions, making them susceptible to government influence.
 - The **RTI (Amendment) Act, 2019**, gave the central government power to determine the tenure and salaries of Information Commissioners, reducing their autonomy.
 - Further, the **DPDP Act, 2023**, amended **Section 8(1)** of RTI, exempting **all personal information** from disclosure, even if it concerns public officials.
- **Bureaucratic Resistance and Non-Compliance:** Many public officials deliberately delay or deny information, fearing **exposure of inefficiencies and corruption**.
 - Some institutions even refuse to appoint **Public Information Officers (PIOs)**, making it difficult for citizens to access information.
 - Political parties have also defied RTI, limiting scrutiny of their funding and internal workings.
 - In **2023-24**, nearly **42% of RTI appeals** to the Central Information Commission (CIC) were returned without hearing.
- **Expansion of Exemptions and Secrecy Laws:** Several government bodies remain outside the purview of RTI due to broad exemptions.
 - It has been observed that government departments often deny information under RTI, **citing national security concerns under Official Secrets Act, 1923**.
 - **27 security agencies**, including **RAW, IB, and CERT-In**, are exempt under **Second Schedule of RTI Act**.
- **Inordinate Delays in Information Disclosure:** The RTI Act mandates a response within **30 days** (or **48 hours** in life and liberty cases), but authorities often violate these deadlines.
 - This delays justice, especially in cases involving human rights violations, environmental clearances, and corruption inquiries.
 - The lack of stringent penalties for such delays encourages lethargy among officials.
 - A 2022 report stated that **12 of 29 information commissions in India** have a waiting time of over a year to hear an appeal on wrongful denial of information or complaint.
- **Threats to RTI Activists and Whistleblowers:** RTI activists face serious threats, including harassment and violence, discouraging citizens from exposing corruption.
 - Many activists have been attacked or killed for seeking sensitive information, yet protection mechanisms remain weak.
 - The **Whistleblower Protection Act, 2014**, meant to safeguard informants, has not been effectively implemented.
 - According to the **Commonwealth Human Rights Initiative (CHRI)**, across India, 99 RTI activists have lost their lives and 180 assaulted since 2006.
- **Skewed Gender Representation in RTI Institutions:** The lack of gender diversity in Information Commissions limits the perspective on issues affecting women.
 - Since its inception, the RTI framework has been dominated by male officials, failing to ensure gender-sensitive governance.
 - This weakens the representation of women's concerns in transparency mechanisms.
 - Since the passage of the Right to Information Act in 2005, merely **9% of all information commissioners** across the country have been **women**.
 - Also, **12 out of 29 information commissions** have not had a single woman commissioner since the inception.
- **Lack of Awareness Among Citizens:** Many citizens, especially in rural areas, remain unaware of their RTI rights, **leading to its underutilization**.
 - Government efforts to promote RTI awareness through campaigns and education remain inadequate.
 - Without knowledge of the process, marginalized communities struggle to demand

accountability.

- According to a PWC study, only **12%** of the rural population and **30%** in urban population were aware of the RTI Act.
- **Misuse of the Right to Information (RTI) Act:** The RTI Act is a vital tool for transparency, but its misuse for frivolous or non-serious queries burdens public offices and diverts resources from critical governance matters.
 - Some individuals file RTIs to **harass officials or settle personal disputes**, undermining the Act's original intent.
 - For instance, **an RTI was once filed to count the number of cattle in a region**, highlighting how irrelevant queries can strain administrative efficiency.
 - Such misuse weakens the effectiveness of the RTI Act and hampers its role in ensuring accountability.

What Measures can be Adopted to Enhance the Effectiveness of RTI?

- **Filling Vacancies and Reducing Backlogs:** Ensuring timely appointments of **Information Commissioners at both the Central and State levels** is crucial to clearing pending cases.
 - A fixed timeline for recruitment, along with an **independent selection process**, can reduce political influence in appointments.
 - Fast-track mechanisms and additional benches should be introduced to handle high-pendency cases.
 - Leveraging **AI-driven case management systems** can help prioritize urgent matters and expedite hearings.
 - Regular **performance audits of Information Commissions** should be conducted to ensure efficiency.
- **Partial Restoration of Information Commissions' Autonomy:** Strengthening the **State and Central Information Commissions' financial and administrative autonomy** will prevent government interference.
 - The appointment process should involve **parliamentary oversight** rather than executive discretion.
 - Judicial scrutiny through **periodic Supreme Court and High Court reviews** can reinforce independence.
- **Strengthening Proactive Disclosures (Section 4 of RTI Act):** Public authorities should be mandated to **proactively disclose information online** to minimize the need for RTI requests.
 - Government websites should be regularly updated with details on **budgets, tenders, contracts, decision-making processes, and fund allocations**.
 - Adoption of **Open Data Portals** can ensure real-time access to non-sensitive information.
 - **Social audits and third-party evaluations** should be institutionalized for major schemes and government programs.
- **Curbing Bureaucratic Resistance and Enhancing Compliance:** Strict penalties should be imposed on officials who delay or deny information without valid reasons.
 - Establishing an **RTI Compliance Rating System** for ministries and departments can incentivize transparency.
 - Public Information Officers (PIOs) should undergo **mandatory annual training** to improve awareness and efficiency.
- **Ensuring Protection of RTI Activists and Whistleblowers:** The **Whistleblower Protection Act, 2014**, should be fully implemented with provisions for **anonymous complaints and emergency protection mechanisms**.
 - Fast-track courts should handle cases of **attacks on RTI activists** with strict legal deterrents.
 - Dedicated **RTI Activist Helpline and Support Cells** should be established at district levels.
 - Government and civil society partnerships can set up **legal aid funds** for activists facing threats.
- **Increasing Gender Representation in Information Commissions:** A **minimum gender quota** should be introduced in the appointment of Information Commissioners to ensure diversity.

- Government recruitment policies should encourage more women to apply for **PIO and IC positions**.
- RTI training programs should be tailored to **women-led self-help groups (SHGs) and grassroots organizations**.
- Women-centric **transparency initiatives**, especially in healthcare, social welfare, and rural development, should be promoted.
- **Expanding Awareness and Digital Accessibility:** RTI literacy should be integrated into **school and college curriculums** to build awareness from an early age.
 - The government must conduct **nationwide RTI awareness campaigns** using digital platforms, community radio, and local governance bodies.
 - Simplification of RTI filing procedures, including **regional language support** and **mobile-based applications**, can increase reach.
 - Encouraging **Gram Panchayats to hold RTI awareness sessions** can boost rural participation.
- **Addressing Overlapping Laws like the Official Secrets Act, 1923:** The **Official Secrets Act (OSA), 1923**, should be reformed to align with RTI principles and reduce unjustified secrecy.
 - Government decision-making, especially on issues **not related to national security**, should be made more transparent.
 - The **Second Schedule of RTI Act**, which exempts 27 security agencies, should be periodically reviewed to ensure **non-sensitive information is disclosed**.
- **Leveraging Technology for RTI Implementation:** AI-driven **chatbots and automated RTI assistants** can help citizens draft better RTI applications.
 - Blockchain-based **record-keeping** can prevent data tampering and ensure that disclosed information remains authentic.
 - RTI portals should integrate with **DigiLocker** to provide easy access to publicly available documents.
 - **Real-time tracking systems** should be introduced, allowing applicants to monitor their RTI request status.

Conclusion:

To restore the Right to Information's effectiveness, India must **prioritize timely appointments, enhance digital transparency, and strengthen whistleblower protections**. Proactive disclosures and AI-driven case management can reduce delays and improve governance. A truly empowered RTI framework will reinforce democracy by ensuring accountability and public trust. The future of transparency depends on **revitalizing RTI as a tool for participatory governance**.

Drishti Mains Question:

Assess the factors weakening the effectiveness of the RTI Act and propose measures to enhance its transparency and accountability.

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)