



Mains Practice Question

Q."While the Right to Information Act has enhanced transparency, its implementation has encountered significant institutional challenges." Analyze the statement with reference to recent amendments to the RTI Act. **(250 words)**

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Approach

- Introduce the answer by briefing about Right to Information (RTI) Act, 2005
- Give Key arguments supporting Enhancement of Transparency Through RT
- Highlight Key Institutional Challenges Affecting RTI Implementation
- Suggest Measures for Strengthening the RTI Framework
- Conclude suitably.

Introduction

The **Right to Information (RTI) Act, 2005** has been a transformative tool in India's governance, ensuring **transparency, accountability, and citizen participation** in decision-making.

- However, despite its success, the **implementation of RTI has faced serious institutional challenges**, particularly due to **recent legislative amendments and weakening of Information Commissions' autonomy**.

Body

Enhancement of Transparency Through RTI:

- **Strengthening Democracy & Citizen Empowerment:** RTI has enabled public scrutiny of **government policies, financial allocations, and electoral funding**, thus promoting **participatory governance**.
- **Fighting Corruption:** Major scams such as the **Adarsh Housing Scam** and **Coalgate** were exposed using RTI, demonstrating its role in uncovering irregularities.
- **Ensuring Transparency in Welfare Schemes:** RTI has been used to track **fund utilization in schemes like MGNREGA**, revealing frauds in wage payments and fake job cards.
- **Upholding Fundamental Rights & Social Justice:** It has played a crucial role in exposing **malpractices in public distribution systems (PDS), health services, and education**.
- **Empowering the Media and Whistleblowers:** Investigative journalism and citizen activism have been strengthened through RTI, **promoting free speech and accountability**.

Key Institutional Challenges Affecting RTI Implementation:

- **Dilution Through Legislative Amendments**
 - The **RTI (Amendment) Act, 2019** granted the central government the power to

determine the tenure and salaries of Information Commissioners, reducing their autonomy.

- The **Digital Personal Data Protection (DPDP) Act, 2023 amended Section 8(1) of RTI**, exempting all personal data from disclosure, even in cases of public interest.
- This has **curtailed access to information about government officials, electoral bonds, and public procurement**, restricting transparency.
- **Weakening of Information Commissions**
 - The **Central Information Commission (CIC) and State Information Commissions (SICs)**, responsible for RTI appeals, suffer from **severe vacancies, funding shortages, and political influence**.
 - Several **State Information Commissions remain defunct**, while the **CIC operates with only 3 out of 11 sanctioned members**.
- **Bureaucratic Resistance and Non-Compliance**
 - Public officials often **delay or deny information**, fearing exposure of inefficiencies and corruption.
 - Nearly **42% of RTI appeals filed with the CIC in 2023-24 were returned without a hearing**, showing systemic non-compliance.
- **Threats to RTI Activists and Whistleblowers**
 - RTI activists **face serious threats, including physical attacks and legal harassment**, discouraging citizens from seeking information.
 - **99 RTI activists have been murdered and 180 assaulted** since 2006 for exposing corruption in land deals, mining, and welfare schemes.
 - The **Whistleblower Protection Act, 2014**, meant to provide safeguards, remains largely unimplemented, leaving activists vulnerable.

Measures for Strengthening the RTI Framework:

- **Restoring the Autonomy of Information Commissions**
 - Amend the **RTI (Amendment) Act, 2019**, to restore **fixed tenure and independent salary structures** for Information Commissioners.
 - Ensure **timely appointment of Information Commissioners** at both the central and state levels to clear pending cases.
- **Addressing Exemptions and Overlapping Laws**
 - Reform the **Official Secrets Act, 1923**, to align it with **RTI principles**, ensuring transparency in non-sensitive matters.
 - Periodically review the **Second Schedule of the RTI Act**, assessing which exempt agencies can disclose non-sensitive data.
- **Protecting RTI Activists and Whistleblowers**
 - Fully implement the **Whistleblower Protection Act, 2014**, with provisions for **anonymous complaints and emergency protection mechanisms**.
 - Fast-track court trials for **cases involving attacks on RTI activists** to provide a strong deterrent.
- **Enhancing Public Awareness and Digital Accessibility**
 - Conduct **nationwide RTI awareness campaigns** using digital platforms, community radio, and local governance bodies.
 - Strengthen **e-RTI portals with AI-driven assistance** to help citizens draft better RTI applications and track responses.

Conclusion

The **Right to Information Act remains a cornerstone of Indian democracy**, empowering citizens to hold the government accountable. **Stronger regulatory mechanisms, proactive disclosures, and better protection of whistleblowers** is crucial to **ensuring RTI remains a powerful tool for transparency and good governance**.

