Concerns over RTI

Why in news?

For 13 years, the Right to Information Act (RTI), 2005, helped citizens obtain information and data from the Government and State institutions that are not readily available in public domain.

What is RTI Act 2005?

- **Fundamental right**- RTI is a part of the fundamental right of
  - **Article 19*(1)***- Freedom of speech and expression.
  - **Article 21**- Right to life and Personal liberty
- It has been made a statutory right through the Parliament's enactment, the *Right to Information Act, 2005.*
- **Responses**- It mandates *timely* response to citizens' requests for government information.
- **Definition**- Section 2(j) of the RTI Act defines "right to information," as the right to information accessible under this Act which is held by or under the control of any public authority.
- **Objective**-
  - To secure access to information for the citizens.
  - To empower citizens, promote transparency and accountability in the working of the Government,
  - To contain corruption, and make our democracy work in the real sense
- **Nodal agency**- *Department of Personnel and Training under Ministry of Personnel, Public Grievances and Pensions*.

Rights under RTI act
• Seek any information which is held by any public authority. • Take copies of government documents. • Inspect works, documents, and records of government. • Take notes, extracts, or certified copies of government documents or records. • Take certified samples of Government work. • Obtain information in the form of diskettes, floppies, tapes, video cassettes, or in any other electronic mode or through printouts.

- **Application** - ***Only*** *those private bodies or organizations* which are owned, controlled, or substantially financed by the Government are directly covered.
- In others, if the government department is allowed to access information by means of any other act, then the same can be accessed by the citizen under the RTI Act through the aid of that government department.
- **The Right to Information (Amendment) Bill, 2019** – It primarily amends *Sections*

13 and 16 of the Right to Information (RTI) Act, 2005.

- The appointment of the central Chief Information Commissioner (CIC) and Information Commissioners (ICs) will be "for such term as may be prescribed by the *Central Government".*
- The salaries, allowances and other terms of service of both CIC and ICs at both central and state levels shall be such as may be prescribed by the *Central Government.*
- Provisions regarding deductions in salary has been removed.

What is the significance of RTI?

- A step for ensuring good governance
- Upholding people's empowerment through participation
- A step towards democratisation of governance
- Enhancement of public accountability
- Ensuring rule of law
- Quest for combating corruption
- Creation of an instrument against misuse of discretionary powers
- Helpful in promoting administrative efficiency
- Creation of a democratic and open society
- The quest for the promotion of civil liberties
- Ensures effective implementation of the government schemes
- Introduced transparency in admissions and recruitments
- An instrument for reforming administration
- Provided statutory basis for an implied fundamental right

What are the issues with RTI?

- **Dependency**- The RTI Act's implementation is dependent on subordinate Rules made by the Union and State Governments.
    - Example- What payment method a public authority can accept is left to the States to decide.
- **Complexity-** Tamil Nadu do not accept Indian Postal Orders (IPOs), which are cheques that can be bought at many post offices, and attached to an application as payment.
- **Inconvenient payment methods** - Court fee stamps, for instance, can only be purchased at a courthouse.
- **Delayed appointments**- Delayed appointments in CIC, and SICs have undermined the confidence in the framework.
- Due to delayed appointments, the appeals can take months or years to be heard.
    - The *Jharkhand SIC,* had no commissioners to hear appeals since 2020, essentially suspending the ability to appeal
- **Lack of Online RTIs**- Many States do not have an online RTI portal, and many State Government bodies are not registered in the portal.
- **Lack of flexibility**- Filing applications in Union government's RTI portal has become harder.
- 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.

- **Loss of data**- The past data of applicants has been stuttering in and out of the portal. Recently, data of applications filed by users before 2022 disappeared without a trace, which was later restored.
- **Unfriendly site**- RTI portal site is still slow, and at least one user who lost his account entirely has been complaining that data of his applications and appeals are still not showing up on the site.
- **Dissatisfaction-** Dissatisfaction is growing at the most basic level as more and more first appeals are being filed.
- **Low awareness-** As per survey it was revealed that *only 15%* of the respondents were aware of the RTI Act.

What lies ahead?

- There is a need to enhance accountability and clarity in role of the Public Authority, appropriate Governments and Information Commissions.
- Appropriate governments should create RTI Implementation Cell to foster coordination.
- Design a monitoring and evaluation framework for continuously monitoring the progress of the RTI activities.

International regulatory landscapes
• **Canada-** Access to Information Act is a one stop shop for Suo-Moto Information. It also provides designated minister for RTI. • **Mexico-** It is the first countries in Latin America to pass a "right to information" law. • **IFAI**- It is an independent organization with the necessary autonomy and authority to enforce the Information Law. • It also review those cases in which the authorities deny access to information and determine whether the requested information is public, privileged or confidential.

References

1. The Hindu- RTI weakened over years
2. RTI- About RTI

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