

Global RTI Rating and its flaw

Why in news?

India has slipped to the 6th position in the recent global RTI ratings.

What is a Global RTI rating?

TOP 10

Afghanistan	139
Mexico	136
Serbia	135
Sri Lanka	131
Slovenia	129
India	128
Albania	127
Croatia	126
Liberia	124
El Salvador	122

- It is a rating system for assessing the strength of the legal framework for guaranteeing the right to information in a given country.
- It is, however, limited to measuring the **legal framework only** and **does not gauge the quality of implementation**.
- These ratings are made on the basis of 61 indicators.
- It is a program founded by the Centre for Law and Democracy (CLD), an NGO, along with Access Info Europe.

What does it say about India?

- According to the rating agencies, India scored 128 out of a possible total of 150 points.
- India ranked lower than smaller nations like Afghanistan, which adopted the RTI later than India, and Serbia.
- Despite the RTI statute in India remaining the same along with its legal

framework, India has slipped from its 2nd position (2011) to 4th, 5th and 6th in 2016, 2017 and 2018 respectively.

- The question of doubt arises with respect to the rating system as the framework in position has not changed drastically.
- Out of the 61 indicators, there are 9 indicator categories under which India's points have been downgraded.

Is the ranking system flawed in assessing India's RTI?

- Indicator number 2 is presumption for access to information subject to limited exceptions.
- Section 8(2) of Indian RTI Act specifically overrides Official Secrets Act 1923, and has **made disclosure a rule and secrecy an exception**.
- Yet, India was given one instead of two points.
- The 7th indicator is the non-exclusion of executive and administrative units like ministries, local bodies, police, armed forces and bodies controlled or owned by the above.
- Our RTI's public authority definition covered these aspects, but CLD says that jurisdiction exclusion of the state of Jammu and Kashmir and broad exemption to 18 bodies under Section 24 reduced India's points.
- The 22nd indicator is of a clear maximum timeline for processing requests.
- With respect to this indicator too, India got one out of two points
- Even though our Act states that information should be given as soon as possible, with a maximum limit of 30 days.
- In contrast, two points were given to Afghanistan which also said the same without maximum limit.
- India and Sri Lanka prescribe fees for information, but on this, the 24th indicator, India was given one while Sri Lanka got two points.
- No charges and limitations on the reuse of information obtained under RTI was the 27th criterion.
- The Indian Act does not prohibit it, and the courts have said it can be used as evidence.
- Still, India was given zero out of two.
- For the 30th criterion, pertaining to the "harm test", India was given only one point while Afghanistan was awarded four points for equally applying the harm test to all clauses of exemption.
- In India, Section 8(2) says that notwithstanding the Official Secrets Act 1923, nor any of the exemptions in Section 8(1), access to information cannot be denied if public interest in disclosure outweighs the harm to protected interest.
- It is clear that the mandate of the International Agency for meeting this

indicator is fully met by the Indian RTI Act.

- Such discrepancies go on.

What would be a fair assessment of the India's RTI look alike?

- It is evident that had the rating agency gone through the RTI Act and the legal framework of India more closely, India would have got 140 of 150 points.
- India would also retain its position on the top, if not among the top three.
- The point to note here is that the rating evaluates the legal framework in position rather than its implementation.
- The point which needs reconsideration at present is the blanket exemption of some organizations from furnishing information under Section 24 of the Act.
- The preamble of the RTI aims at promoting accountability and minimizing corruption.

Source: The Indian Express

