

## General Studies-2; Topic: Information sharing and transparency in government, Right to Information.

### Right to Information Act (RTI)

#### 1) Introduction

- Right to Information (RTI) is an act of the Parliament of India which sets out the rules and procedures regarding citizens' right to information.

#### 2) Genesis of the law

- It was the Supreme Court that had sown the seeds of the RTI Act.
- The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries.
- Their right to know, which is derived from the concept of freedom of speech.
- The country saw many demands for an RTI Act; 12 states had enacted their own transparency laws before it was passed as a central legislation and implemented in 2005.
- Before the RTI Act, the Supreme Court advocated “Voters’ right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy.

#### 3) Recent Developments

- Centre amended the RTI Act for the first time since 2005.
- The amendments passed by parliament empowered the central government to frame rules to decide the tenure, salaries and terms of service of all commissioners in the country.
- Repeal of the J&K RTI Act following the reading down of Article 370
- Opening of the Chief Justice of India’s office to RTI

#### 4) Need for Strong RTI

- The ideal of ‘Government by the people’ makes it necessary that people have access to information on matters of public concern.
- The free flow of information about affairs of Government paves way for debate in public policy and fosters accountability in Government.
- It creates a condition for ‘open governance’ which is a foundation of democracy.”

#### 5) Supreme Court's Observations

- Recently Chief Justice of India Sharad Arvind Bobde called for a “filter” to check “abuse” of the Right to Information (RTI) Act.
- Over the years, the Supreme Court has stressed the importance of transparency under RTI at times, and also remarked on its overuse at other times.

#### 6) Criticism

- **Denial of Information**
  - a. Supreme Court said that Public Information Officers have evaded the general public from getting the rightful information that they are entitled to
  - b. Section 4 of the Act calls for pro-active and voluntary dissemination of information, but only a few Central and State institutions have published relevant information.
- **NGOs under RTI**

- a. Supreme Court had declared that NGOs are not beyond the RTI Act.
  - b. This was based on an examination of the question whether NGOs are substantially financed by the government.
  - c. Whether an NGO or body is substantially financed by the government is a question of fact which has to be determined on the facts of each case.
  - d. The spotlight falls of several NGOs that have been getting public money and were not covered under the RTI.
- **Time Consumed in Replying**
    - a. According to estimates, nearly 60-70 lakh RTI applications are filed in India every year.
    - b. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.
    - c. The Supreme Court had ordered disclosure of the requisite information.
  - **Personal and Public**
    - a. Various public authorities have denied information on cases/inquiries going on against government officials.
  - The other problem has been persisting vacancies in the State and Central Information Commissions

### 7) Concerns / Challenges

- Sometimes the kind of queries that were being asked were not always in public spirit and were posed by people who had no “locus standi” in the matter regarding the queries.
- A Transparency Audit report revealed that public authorities fared poorly with little transparency in parameters such as organisation and functions, budget and programme, e-governance, and other information disclosures.

### 8) Jan Soochna portal

- Jan Soochna Portal is the first ever public information portal launched by the government of Rajasthan.
- It aims to provide information on government services and authorities to public suo moto in the true spirit of right to information.
- The portal will prevent anomalies and corruption in government.

### 9) Way Forward

- State governments must follow the Rajasthan government’s initiative of Jan Soochna portal, which aims to make people, including the marginalised sections, a part of the governance process.
- Centre and States must expedite filling up the vacancies in the State and Central Information Commissions.
- Public authorities must be advised to provide for greater voluntary dissemination on government portals, which should ease their load.