



## EDITORIAL: THE HINDU

**GENERAL STUDIES 2: POLITY**  
**TOPIC: RIGHT TO INFORMATION**

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The RTI is now the 'right to deny information'

### Declining Effectiveness of the RTI Act

#### 1. Introduction & Initial Promise of the RTI Act

- The Right to Information (RTI) Act was introduced to empower citizens by granting access to government-held information.
- It was regarded as one of the strongest transparency laws in the world, aimed at reducing corruption and ensuring accountability in governance.
- The Act enabled citizens to act as vigilance monitors over public authorities and decision-making processes.
- However, over the years, the implementation of the RTI Act has fallen short of expectations, and democratic accountability has not improved as anticipated.

#### 2. Early Government Resistance

- The government quickly realized that the RTI Act shifted power from bureaucrats to citizens, making governance more transparent.
- Within a year of its enactment, attempts were made to amend the Act to dilute its effectiveness.
- These amendments sought to restrict access to information and create loopholes that would favor government agencies.
- However, widespread public protests and activism forced the government to withdraw these amendments, showing the initial strength of citizen participation.

#### 3. Weakening of the RTI Mechanism

- **Role of Information Commissions:** Information Commissions were set up at the Central and State levels as the final appellate bodies for RTI appeals.
- **Bureaucratic Dominance:** Most commissioners appointed were retired bureaucrats who were reluctant to uphold transparency.
- **Flawed Selection Process:** The selection of commissioners did not prioritize individuals with experience in transparency, governance, or public accountability.



- **Lack of Commitment:** Many commissioners saw their positions as post-retirement benefits and worked with minimal enthusiasm, failing to uphold the spirit of the RTI Act.

#### 4. Delays & Inefficiencies in RTI Processing

- **Case Backlog:** High Court judges dispose of over 2,500 cases annually, but RTI commissioners handle far fewer, despite RTI cases being relatively simpler.
- **Inefficient Case Handling:** Given the straightforward nature of RTI appeals, each commissioner should ideally handle over 5,000 cases per year.
- **Delayed Responses:** The RTI Act mandates that government departments respond within 30 days. However, no such deadline exists for Information Commissions.
- **Impact of Delays:** This has led to massive backlogs, where some cases take over a year for resolution, rendering the requested information irrelevant by the time it is received.
- **Citizen Struggles:** Many applicants abandon their cases due to lengthy delays, which ultimately weakens the effectiveness of the RTI Act.

#### 5. Poor Enforcement of Penalties for Non-Compliance

- **Lack of Accountability:** The RTI Act has provisions to penalize officers who deny information without valid reasons.
- **Hesitation in Imposing Penalties:** Many Information Commissioners hesitate to impose fines on government officials, fearing backlash or political pressure.
- **Encouraging Non-Compliance:** The reluctance to penalize erring officials has created a culture of non-compliance, where government departments frequently ignore RTI requests.
- **Delays in Commissioner Appointments:** Governments delay appointing new commissioners, leading to increased case backlogs and weakening the enforcement mechanism.

#### 6. Judicial Interpretations Weakening RTI

- **Exemptions Under Section 8:** Courts have ruled that exemptions under Section 8 of the RTI Act (which allows withholding certain types of information) should be applied flexibly.
- **Supreme Court Ruling Impact:** The Supreme Court, in a key judgment, stated that indiscriminate RTI requests could hinder administration and national development.
- **Negative Perception:** This ruling has created a perception that excessive use of RTI is a problem, discouraging government officials from actively responding to requests.
- **Increased Rejections:** Many departments now cite this ruling as a reason to reject RTI applications, further limiting transparency.

#### 7. Impact of Personal Information Clause on Transparency



- **Restricted Access to Public Officials' Information:** A major court ruling restricted access to the personal details of public officials, citing privacy concerns.
- **Case Example:** An RTI applicant sought information on disciplinary actions taken against a public servant, but the request was denied under the personal information exemption.
- **Lack of Public Interest Consideration:** The court did not assess whether the requested information was related to public duty or if its disclosure was in the public interest.
- **Contradiction with RTI Principles:** The RTI Act states that any information accessible to Parliament should also be accessible to the public. However, this ruling ignored that principle.
- **Precedent for Denial:** This decision has been repeatedly used to deny similar RTI requests, limiting transparency regarding government officials' accountability.

## 8. Legislative Changes Further Weakening RTI

- **Impact of the Digital Personal Data Protection Act:**
  - This new law has introduced stricter restrictions on access to personal data.
  - The Act has been used to justify further limitations on RTI applications, restricting access to key information.
- **Shifting Towards "Right to Deny Information" (RDI):**
  - With judicial rulings and legislative amendments, the RTI Act is gradually shifting towards becoming a Right to Deny Information rather than a tool for transparency.

## 9. Conclusion: Need for Citizen & Media Vigilance

- **Role of Citizens and Media:** The effectiveness of the RTI Act depends on active citizen participation and media scrutiny.
- **Protecting Article 19(1)(a):** Without public vigilance, the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution could be diluted.
- **Need for Reforms:** Strengthening the RTI framework, ensuring faster responses, enforcing penalties for non-compliance, and resisting restrictive amendments are crucial to preserving the spirit of the RTI Act.

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