

7. 20 Years of RTI Act

Marking the 20th anniversary of the Right to Information (RTI) Act on October 12, the Satark Nagrik Sangathan has released a study assessing the performance of information commissions across India.

Right to Information (RTI) Act, 2005 – Organized Overview

Historical Background

Early Proposals

1990 – Former PM V.P. Singh first proposed the idea of RTI.

1970s–1980s – Judicial recognition linking “right to know” with Article 19(1)(a) (freedom of speech) and Article 21 (life and liberty).

Landmark Cases – Raj Narain and S.P. Gupta affirmed citizens’ right to know how public power is exercised.

Grassroots Movements

Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan – Advocated access to muster rolls and budgets through **Jan Sunwai** (public hearings) to check corruption in wage payments and local works.

Legislative Journey

1996 – National Campaign for People’s Right to Information (NCPRI) drafted RTI Bill with Press Council of India.

1997 – Tamil Nadu first state to enact an RTI law.

2002 – Freedom of Information Act (replaced by RTI, 2005).

12 October 2005 – RTI Act came into force. First application filed in Pune by Shahid Raza Burney.

Purpose & Objectives

Promote transparency and openness in government operations.

Strengthen accountability and good governance in public institutions.

Empower citizens to actively participate in democracy.

Institutional Framework

Nodal Ministry – Ministry of Personnel, Public Grievances & Pensions (MoPPG&P).

Coverage – Union, State, and local public authorities.

Central and State Information Commissions (CIC & SICs)

Appointment –

CIC – President appoints; selection committee includes PM (Chair), Leader of Opposition, Union Minister nominated by PM.

SIC – Governor appoints; selection committee includes CM (Chair), Leader of Opposition, State Minister nominated by CM.

Tenure – 5 years or until 65 years (original Act); RTI Amendment 2019 allows central government to decide tenure and service conditions.

Removal – President or Governor, after Supreme Court inquiry for proven misbehavior/incapacity.

Public Information Officers (PIOs) – Designated in every public office to process RTI applications.

Key Provisions

Broad Definition of Information (Sec 2(f)) – Records, documents, emails, opinions, samples held by public authorities.

Timelines – 30 days for standard requests; 48 hours for matters concerning life or liberty.

Exemptions (Sec 8) – National security, strategic, scientific, economic interests, personal privacy, trade secrets.

Override (Sec 22) – RTI Act supersedes inconsistent laws.

Conflict with Official Secrets Act, 1923 – RTI prevails over Official Secrets Act, but Sec 8(2) exempts intelligence/security organizations like IB, RAW, NTRO.

Constitutional & Judicial Backing

Article 19(1)(a) – Right to freedom of speech includes “right to know.”

Landmark Cases –

1. State of Uttar Pradesh v. Raj Narain (1975) – citizens' right to know government actions.
2. Union of India v. ADR (2002) – disclosure of candidates' assets/criminal records.

Amendments

RTI (Amendment) Act, 2019 – Central government decides tenure, salary, and service conditions of CICs/ICs. Reduced autonomy of Information Commissioners; tenure changed to up to 3 years.

Digital Personal Data Protection (DPDP) Act, 2023 – Exempts personal information from disclosure unless public interest outweighs privacy.

Significance

1. Citizen empowerment, transparency, accountability in governance.
2. Combats corruption (e.g., Coalgate, Adarsh Housing Society scam).
3. Strengthens democracy and fundamental rights.
4. Encourages better record-keeping and public trust.

Global Comparison

Country	Act/Year	Key Feature
Sweden	Freedom of the Press Act, 1766	Unrestricted access to government documents
USA	FOIA, 1966	20 working days response; exemptions for security/law enforcement
UK	FOIA, 2000	Access to public authority records; exemptions for security/personal data
EU	Directive on Access to Documents, 2001	Applies to EU institutions; exemptions for defense, foreign policy, personal data

Challenges in India

Functional – Vacancy crisis in CIC/SICs; backlog of appeals; gender imbalance; weak penalties on non-compliant officers.

Structural – Exemptions misused; dilution through amendments; DPDP Act limiting transparency.

Procedural – Operational delays due to resource constraints; bureaucratic resistance; non-compliance by political parties; delayed response.

Awareness & Safety – Threats to RTI activists; weak whistleblower protection.

Way Forward

1. Fill CIC/SIC vacancies and manage backlog efficiently.
2. Enforce proactive disclosure (Sec 4) and timely annual reports (Sec 25).
3. Conduct awareness campaigns, especially in rural areas.
4. Strengthen Whistleblower Protection Act.
5. Digitize records and train PIOs.
6. Ensure independent functioning of Information Commissioners through parliamentary oversight.

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