

A DUTY TO PUBLISH: ON RTI

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

The Right to Information Act's role in fostering a more informed citizenry and an accountable government has never been in doubt ever since its implementation in 2005. But there have been persistent and growing misgivings. 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; here, Rajasthan has taken a lead through its [Jan Soochna portal](#). The other problem has been persisting vacancies in the State and Central Information Commissions, which was raised in a plea in the Supreme Court on Monday. A three-judge Bench led by the CJI allowed the request and asked the Centre and States to expedite filling up the vacancies. The CJI also curiously observed that officials were sensing fear [leading to paralysis of action](#) due to the working of the RTI, going on to elaborate that the kind of queries that were sometimes being asked were not always in public spirit and were posed by people who had no "locus standi" in the matter regarding the queries. This argument by the CJI is difficult to accept as the RTI Act explicitly rejects the need for locus standi in Section 6(2) — "an applicant making request for information shall not be required to give any reason for requesting the information...". This clause is present for vital reasons — seeking locus standi in order to respond to public requests could result in a chilling effect as public authorities (PAs) could choose to deny information to general citizens on subjective grounds. Besides, information commissioners and public officials have the authority to reject requests based on criteria that enable exemption from information disclosure. Data on RTI requests since 2005 show that the yearly rejection rate (requests rejected as a percentage of those received) has come down steadily to 4.7% in 2018-19. A change in the Act that seeks locus standi as a criterion could dramatically increase this number. Rather than focusing on locus standi, public authorities would be advised to provide for greater voluntary dissemination on government portals, which should ease their load.

A Transparency Audit report submitted to the Central Information Commission (CIC) in November 2018 sought feedback from 2,092 PAs under the CIC to evaluate implementation of Section 4 of the Act. Only 838 (40%) responded and even here, 35% of the PAs fared poorly with little transparency in parameters such as organisation and functions, budget and programme, e-governance, and other information disclosures. The other key misgiving with RTI implementation has been the persisting problem of vacancies in the CIC and State commissions — the CIC has four vacancies and 33,000 pending cases. After the top court's directions, this lacuna should be addressed by governments quickly.

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