

A CONCERTED ATTACK ON RTI

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

This year marks 15 years of the enactment of the Right to Information (RTI) law, which has empowered millions to assert their citizenship and show truth to power. It was a vibrant grassroots movement, led not just by the educated elite but the working poor across the country, that eventually resulted in the passage of the historic law in 2005.

The right to information has been upheld by the Supreme Court as a fundamental right flowing from Article 19 of the Constitution, which guarantees every citizen the right to free speech and expression. Without access to relevant information, people's ability to formulate opinions and express themselves meaningfully is curtailed. Since its enactment, the RTI law has been used by people to seek information to actively participate in decision-making processes and hold governments accountable.

Also read | [At 15, RTI Act crippled by rising backlog](#)

Every year nearly six million applications are filed under the RTI Act, making it the most extensively used transparency legislation in the world. National assessments have shown that a large proportion of these are filed by the poorest and the most marginalised who have understood the tremendous potential of the law to empower them to access their basic rights and entitlements, especially in the absence of effective grievance redress mechanisms to address service delivery failures. During the COVID-19 crisis too, the law has been widely used to seek information about availability of medical facilities, like ventilators and ICU beds, and to hold government departments accountable for delivery of foodgrains and social security benefits meant for those in distress, including migrant workers.

The RTI Act has also been put to effective use by public-spirited citizens to shine the light on corruption and arbitrary abuse of power by the state. People have used it to question the highest offices. Information has been accessed about the anonymous electoral bonds through which thousands of crores have been channelled into political parties. The Prime Minister's Office has been queried about the expenditure of the PM CARES Fund set up to provide relief during disasters like the current pandemic.

By giving every citizen of India the right to access government files and records, the law has potentially created 1.3 billion whistleblowers and auditors. It has empowered citizens to question those who govern and hold them to account. Consistent attempts by governments to denigrate the law bear testimony to this tilting of the balance of power.

Comment | [The tremor of unwelcome amendments to the RTI Act](#)

The worst blow to the RTI regime has come in the form of a persistent and concerted attack on the transparency watchdogs set up under the law. Information Commissions at the Centre and in the States are the final adjudicators empowered to act against violations of the legislation. In 2019, regressive amendments were made to the RTI Act which did away with statutory protection of fixed tenure and high status conferred on the commissioners. Despite stiff opposition within and outside Parliament, the government pushed the RTI (Amendment) Act which allows the Central government to determine the tenure and salaries of all Information Commissioners, signalling that directions to disclose inconvenient information could invite adverse consequences.

The functioning of commissions has been severely impeded by governments not appointing Information Commissioners in a timely manner. Vacancies in Information Commissions lead to large backlogs of appeals/complaints and long delays in the disposal of cases, effectively frustrating the people's right to know. The track record of the BJP-led government at the Centre has been particularly abysmal. Since May 2014, not a single commissioner of the Central Information Commission (CIC) has been appointed without citizens having to approach courts. Despite Supreme Court orders to fill all vacancies, six out of 11 posts of commissioners are currently vacant in the CIC, including that of the chief. The CIC is headless for the fifth time in the last six years! State governments appear to have adopted a similar strategy. Eight State Information Commissions are functioning without a chief. Two commissions — Tripura and Jharkhand — are totally defunct with no commissioners.

Also read | ['Abuse' of RTI has led to 'paralysis and fear' among officials, says CJI Bobde](#)

The right to question is the hallmark of a democracy. Any attack on the RTI law, which has empowered citizens to question those in power, is an attack on the foundation of our democratic republic. It is a clear reflection of the lack of political will of governments to be answerable to the people of the country.

As the RTI law completes 15 years, it is again time for those whom it empowers — the citizens — to assert themselves and protect their fundamental right to information, which they attained after a long struggle.

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END

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