

THE RIGHT TO INFORMATION ACT (RTI) AND ITS ROLE IN IMPROVING ADMINISTRATIVE ACCOUNTABILITY

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ABSTRACT:

The Right to Information Act (RTI), enacted in India in 2005, represents a critical tool for enhancing transparency and accountability in administrative actions. This paper examines how RTI empowers citizens by granting them access to information held by public authorities, effectively making the administrative processes more transparent. It evaluates the impact of the Act on governance, focusing on its role in combating corruption, promoting transparency, and enabling citizens to hold public authorities accountable. Additionally, the research discusses the limitations of the Act, such as the lack of proper implementation and the reluctance of certain authorities to disclose information. Through a comparative analysis of landmark cases and decisions by the Central Information Commission (CIC), this paper highlights the evolving role of RTI in ensuring administrative accountability. The research concludes by exploring the future potential of RTI in the context of digital governance and the challenges posed by increasing governmental control over information.

Keywords: Transparency, Accountability, Corruption, Implementation

Introduction:

The Right to Information Act, 2005, was enacted in India to empower citizens to receive information about the country's development and fight against corruption. The Act, which came into force on 12th October 2005, allows citizens to exercise their Fundamental Right of Speech and Expression, promotes transparency and accountability, and forces public authorities to digitize their records and publish certain categories of information. It relaxes constraints on information disclosure under the Official Secrets Act of 1923 and enables citizens to assert their Fundamental Right of Speech and Expression.¹ The Act aims to strengthen citizens' ability to contain and reduce corruption by enabling them to ask for information from public authorities. The Act mandates public authorities to disclose information and Public Information Officers to act

as intermediaries between information seekers and authorities.² With over 4800 applications daily and over 17,500,000 applications in the first ten years, the Act has expanded democratic space and empowered ordinary citizens to exercise greater control on state power.³

“Hum Janenge, Human Jiyenge” (the right to know, the right to live—a slogan of the RTI movement)⁴

Aim:

The Right to Information Act 2005 India has aimed to allow citizens access to State and Central Government records, which is the fundamental right under Article 19 of the Indian Constitution.

² <https://blog.ipleaders.in/right-to-information-act-2005/>

³ [https://www.sdg16.plus/policies/indias-right-to-information-act-guarantees-citizens-right-to-access-information-from-government-bodies/#:~:text=This%20growing%20awareness%20and%20public,of%20the%20\(RTI\)%20Act](https://www.sdg16.plus/policies/indias-right-to-information-act-guarantees-citizens-right-to-access-information-from-government-bodies/#:~:text=This%20growing%20awareness%20and%20public,of%20the%20(RTI)%20Act)

⁴ [https://www.sdg16.plus/policies/indias-right-to-information-act-guarantees-citizens-right-to-access-information-from-government-bodies/#:~:text=This%20growing%20awareness%20and%20public,of%20the%20\(RTI\)%20Act](https://www.sdg16.plus/policies/indias-right-to-information-act-guarantees-citizens-right-to-access-information-from-government-bodies/#:~:text=This%20growing%20awareness%20and%20public,of%20the%20(RTI)%20Act)

¹ <https://blog.ipleaders.in/supreme-courts-judgements-right-information/>

The Act has defined a format for requesting information, a period for the authorities to provide it, a method for providing information, charges for requesting information, and organizations exempted. All constitutional authorities are applied, which include the executive, legislation, and judiciary.

Objectives:

Some of the primary goals of the RTI Act include combating corruption, retaining democratic values, providing a legal framework for citizens' democratic right to information, transparency and accountability, and coordinating divergent government interests and use of resources.⁵

Features:

The RTI Act secures a right for every citizen of India where he or she can seek public information from any government agency and access government documents. All the government agencies and any other body owned by the government have to respond to these requests. These enquiries are processed by the PIOs, who are at district or divisional level. Application must be made either in Hindi or English and may either be through an e-mail or an RTI request written by hand. Eligible applicants who are blind, deaf or disabled can lodge their grievances before the PIO. Late PIOs are liable to pay a fine of Rs. 250 per day.⁶

Key provisions:

- Right to receive information:

Any citizen of India can request any public authority to provide information in writing or through electronic means.

- Time-bound response:

Public authorities must respond to an RTI request within a period of thirty days or forty-eight hours if the question involves the life or liberty of the petitioner

- Exemptions:

Certain information that cannot be disclosed under the RTI Act. These include personal details or matters pertaining to national security

- Appeals:

In case the applicant is not satisfied with the response, they may appeal to a higher authority within the public authority or to the Information Commission.

- Maintenance of Records:

Public authorities shall maintain the records in such a form that facilitates the right to information. Thus, this means cataloguing and indexing of records and computerizing records appropriate for doing so.

- Proactive Disclosure:

Public authorities should proactively disclose certain categories of information so that citizens do not have to formally request such information.

- Application fee:

Application fee is payable along with the application. The fee for filing applications with the Government of India is Rs. 10.

- Additional charges:

The applicant may be required to pay extra fees for the expenses incurred in providing information.

The essence of the RTI Act was mainly to encourage greater transparency and accountability in the working of public authorities.⁷

Transparency And Accountability:

The Right to Information Act of 2005 is a crucial legislation in India that empowers citizens to seek information from government authorities. It aims to introduce transparency and accountability, eradicating corruption and promoting a healthy democracy. The Act replaces the weak Freedom of Information Act of 2002, which was deemed insufficient. It mandates a transparent flow of information from government to citizens, promotes accountability through visibility,

⁵ <https://blog.ipleaders.in/supreme-courts-judgements-right-information/>

⁶ <https://unacademy.com/content/railway-exam/study-material/static-gk/features-of-the-right-to-information-act/>

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https://dgrindia.gov.in/writereaddata/media/documents/important_section_of_rti_en.pdf

answerability, enforcement, and feedback. Successful applications include exposing malpractices in public food distribution systems, environmental impact assessments, police and public safety, and government scholarships. However, the Act faces operational challenges such as low awareness among citizens, government resistance, and delays in processing applications. Several changes could improve transparency and accountability, such as better training for government officials and public information campaigns.⁸

Exposing Corruptions And Malpractices:

The RTI Act aims to promote transparency and accountability in government institutions by addressing corruption, reducing investments, and fostering trust. It advocates for efficiency in policy making, service delivery, and administrative decisions.⁹ Administrative efficiency is crucial for efficient management of political machinery and good organization. The Act also provides a tool to uncover malpractice in government institutions by identifying specific problems, drafting a clear application, and following up with the PIO. This can lead to media coverage, complaints, or court cases. Maintaining accurate records, being prepared for resistance, and persistence are essential for building transparency and accountability within institutions.¹⁰

Mechanisms for Enhancing Administrative Accountability

The RTI Act aims to ensure transparency in government operations by designating Public Information Officers (PIOs) to provide information to the public. PIOs must respond within 30 days of receiving a request or on their initiative. Appeals and penalties can be made to higher authorities, State or Central Information Commissions, and defaulting PIOs. Public authorities are required to provide information proactively, including organizational structure, financial profile, and public functions.

Impact of the RTI Act on Administrative Practices

The RTI Act has significantly transformed public authorities, fostering transparency and reducing corruption. It has made government actions public, preventing officials from operating with impunity. The Act has also improved service delivery by allowing public authorities to access information about their complaints. It has also empowered marginalized communities, exposing irregularities in welfare schemes.

Challenges In Implementation And Enforcement:

Although the Right to Information (RTI) Act of 2005 has become a vital measure enhancing Indian administrative accountability, several challenges had to be overcome in its implementation and enforcement. This overview shall sum up both aspects:

1. Bureaucratic resistance: Most government officials are against divulging information due to increased scrutiny or even allegations of corruption.
2. Awareness gap: This section of the population, especially rural, unaware of rights under the RTI Act.
3. Infrastructure gap: Many public authorities lack sufficient and efficient systems for storing, retrieving, and disseminating information.
4. Appeals backlog: Generally, Information Commissions will see a huge number of appeals, which causes considerable delays in disclosing information.
5. Harassment of RTI Activists: There are instances where RTI activists are harassed and, at times, killed just to scare others from using the Act.
6. Misuse of Exemption Clauses: Many authorities misuse exemption clauses in the Act to deny information that ought to be public.
7. Poor Record-Keeping: Most government offices have unfriendly, out-of-date record-keeping practices that challenge the timeliness and accuracy of responses.

⁸ <https://www.advocatesharad.com/post/right-to-information-rti-act-and-transparency-in-india>

⁹ <https://documents.doptirculars.nic.in/D2/D02rti/RTI-A.pdf>

¹⁰ Government of India. "The Right to Information Act, 2005." Ministry of Law and Justice, 15 June 2005, <https://rti.gov.in/rti-act.pdf>.

8. Weak follow-through: Non-enforcement of penalty provisions in case of non-compliance makes the Act very weak.

Role of Improving Administrative Accountability:

The Right to Information Act in India has enhanced government transparency, enabling citizens to question authorities, uncover corruption, and promote better service delivery. It has also improved voting decisions, judicial appointments, and environmental laws enforcement. However, a smooth implementation process is needed for full implementation.¹¹

The RTI Story: Power to the People by Ms. Aruna Roy:

Ms. Aruna Roy's book, "The RTI Story: Power to the People," urges villagers to unite against corrupt educated thieves. The book, written by illiterate Dalit activist Mohanji, narrates the drafting of the Right to Information Act and its impact on rural communities. Roy cites Baba Adhav's quote that RTI would change the system, but the government has faced challenges in implementing it. She calls for a signature campaign for the Whistleblower Act, Grievance Redressal Act, and changes, including an RTI activist's death for displaying information in public domain.¹²

Comparison with International Practices:

India's Right to Information Act 2005 (RTI Act) is a comprehensive law that applies to all government bodies and some private ones, with a response time of up to 30 days. It has exemptions for national security, individual privacy, and commercial confidentiality, with an override public interest provision. India charges nominal fees, exempting those below the poverty line. It has independent oversight through Information Commissions at both the Centre and State levels, unlike the US and UK. The Act allows proactive disclosure of some information, which is less effective in some other countries. It has no requirement of citizenship for applicants, unlike the US FOIA, which is available to anyone. India

also has a relatively few remedies against violations. The Act is robust by international standards, but implementation remains a challenge.¹³

Limitations And Criticisms:

The RTI Act 2005 in India has improved government accountability, but faces challenges such as bureaucratic resistance, delays in information commissions, inadequate penalties, safety concerns, misuse of exemption clauses, and limited scope. Despite these issues, the Act has promoted transparency, service delivery, proactive disclosure, media investigations, and environmental protection. Redressing these drawbacks is crucial for achieving full potential in Indian governance.¹⁴

Technological Advancement:

The Right to Information (RTI) Act 2005 in India has been significantly improved by technological advancements. Online portals have made the process more accessible, efficient, and transparent, reducing paperwork and physical visits. Digital record management systems have also been integrated, making accessing and sharing easier. Analytical data and artificial intelligence have improved speed and revealed information request patterns, leading to proactive disclosure of sought information. These technological interventions have made the RTI process more inclusive, especially for remote areas and those with disabilities.¹⁵

Interaction of the Right to Information Act, 2005 with Other Laws:

a) Evidence Act:

- The RTI Act thus complements the Indian Evidence Act, 1872 by allowing citizens access to official documents that can be admissible as evidence.

¹¹ Sharma, Pradeep. "Right to Information in India: Implementation and Impact." *The Indian Journal of Public Administration*, vol. 65, no. 1, 2019, pp. 137-158. SAGE Journals, <https://doi.org/10.1177/0019556118814691>.

¹² <https://www.manthanindia.com/aruna-roy-rti/>

¹³ Mendel, Toby. "Freedom of Information: A Comparative Legal Survey." UNESCO, 2008, <https://unesdoc.unesco.org/ark:/48223/pf0000158450>.

¹⁴ Srivastava, Meetika. "The Right to Information Act: A Critical Analysis." *Indian Journal of Public Administration*, vol. 63, no. 3, 2017, pp. 442-455. SAGE Journals, <https://doi.org/10.1177/0019556117720770>.

¹⁵ Bhatnagar, Subhash. "E-government and access to information." *Global Corruption Report 2003*, Transparency International, 2003, pp. 24-32. https://images.transparencycdn.org/images/2003_GCR_AccessInfo_EN.pdf.

- Information received through the RTI can be made admissible evidence before court if relevant and authentic.
- It helps enhance the ability of citizenry to collect evidence in cases concerning administrative malpractices and corruption.

b) Official Secrets Act:

- All the provisions of RTI Act overrule the Official Secrets Act 1923, in revealing information dealt with in the public interest.
- This engagement dilutes the powers of the government to withhold information based on the availability being an official secret.

c) Information Technology Act:

- IT Act, 2000 is an add-on to RTI Act since it establishes legal mechanism for electronic record storage and retrieval.
- This interaction helps in making the RTI more effective about the information dissemination.

Administrative accountability in context with improvement in its functionality

The RTI Act in India promotes transparency, citizen empowerment, whistle-blower protection, judicial review, policy assessment, bureaucratic reform, and media engagement. It requires public authorities to disclose information, deter corruption, and enable judicial review. The Act encourages independent scrutiny, bureaucratic reform, and media engagement, making public administration responsive and clean.

Recent Amendments In The RTI Act:

The RTI Act, 2005, has been amended several times, including the 2013 Bill, which removed political parties from public authorities' definitions. The 2017 draft provision may soon impact the RTI Act, while the 2018 Amendment Act aims to change the authority of central information commissioners, affecting their autonomy and independence. The amendment also proposes a

change in the 5-year term, granting the government some power over the RTI Act.¹⁶

Landmark Cases On The RTI Decided By The Supreme Court Of India:

CBSE v. Aditya Bandopadhyay & Ors. (2011)¹⁷

Here the Supreme Court ruled that the right to information under the RTI Act, 2005 does not extend to students' right to view and inspect their evaluated answer books in public examinations. The examining body, CBSE, claimed to hold information without giving it out in a fiduciary relationship. The court ruled that the RTI Act would apply override all bye-laws of the examining bodies, and unless the answer-books fall within the exempted category, the examining body would be required to provide access to inspect and take copies. The court issued a directive to CBSE for the information to be furnished, but the court's observations were uncalled for and unexplainable.

Girish Ramchandra Deshpande v. Central Information Commission & Ors. (2013)¹⁸

In this case, the court ruled that personal information, including movable property, assets, liabilities, and career information, can be denied under Section 8(1)(j) of the RTI Act. The court found that all requested information, including memos, orders of punishment, income tax returns, and gifts received, was personal information of the public servant. The court expanded the scope of Section 8(1)(j) and crossed all limits of debate or judicial interpretation over law. The only justification for denial of information is that the court agrees with the Central Information Commission's decision.

Karnataka Information Commissioner v. PIO¹⁹

In Karnataka Information Commissioner v. PIO, an appellant sought information and guidelines for scrutinizing and classifying writ petitions. The PIO refused, stating that RTI applicants must follow the Karnataka High Court's rules. The matter then

¹⁶ <https://blog.ipleaders.in/supreme-courts-judgements-right-information/>

¹⁷ CBSE v. Aditya Bandopadhyay & Ors. 2011 AIR SCW 4888

¹⁸ Girish Ramchandra Deshpande v. Central Information Commission & Ors. 012 AIR SCW 5865

¹⁹ Karnataka Information Commissioner v. PIO Writ Appeal No.3255/2010

went to the State Information Commission, which ordered information to be provided. The Supreme Court challenged the order, stating that the commission and the PIO lacked 'locus standi' and were spending taxpayers' money. The Supreme Court imposed a stern rebuff, costing ₹10,000. The Supreme Court had previously accepted the Chief Information Commissioner's judgment and had previously named the Commission as a party in many petitions challenging the Commission's decision. This verdict has impacted Information Commissions, making them submissive to the courts. The negative verdicts do not contribute to the rule of law, as authorities must gain respect to uphold the law.

Recommendations:

- Manning of Information Commissions: More resources will be provided to complement them so that backlogs decrease.
- Training for PIOs: Regular training programs on how to accept and process RTI applications and maintain the records systematically should be conducted to avoid delays.
- The Public, who is the ultimate beneficiary under the Act, need more education toward their rights under the Act as well as the effective usage of the Act for accountability of the government.

Suggestions Legislative Reforms:

- Exemption Clauses Reformed: Suggested is the narrowing down of exemptions so that no exemption clause is misused for denial of information.
- Restoration of Independence of Information Commissions: Revision of the recent amendments which have diluted the autonomy of commissioners.

Conclusion:

The Right to Information Act, 2005, is still one of the most significant instruments in bringing in greater transparency and accountability to India's governance process. Successful implementation

can transform public administration into citizen-centric ones. However, continuous efforts are required to address challenges and strengthen mechanisms supporting the implementation of the RTI Act for it to successfully fulfil its objectives.

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