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An Analysis on Right to Information Act 2005

PRIYA SHARMA¹

ABSTRACT

A basic human right known as the Right to Information (RTI) enables anyone to access information held by the government and other public entities. It is an effective instrument for encouraging openness, responsibility, and democratic participation in government. By enabling individuals to access information on decisions, policies, and actions taken by the government, the RTI gives them the authority to hold public officials and institutions accountable for their deeds.

The RTI has come to be identified as a crucial instrument for strengthening free and democratic societies in international human rights agreements including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Since it decreases the risk of abuse of power and corruption, it is also recognised as a fundamental component of efforts to promote good governance and combat corruption.

This abstract provides an overview of the key elements of the RTI, including its legal and normative basis, its scope and limitations, and its potential benefits and challenges. It discusses the importance of the RTI in promoting transparency, accountability, and citizen engagement, and highlights examples of successful implementation of RTI laws in various countries. It also examines the challenges and obstacles that may impede the effective implementation of the RTI, such as bureaucratic resistance, lack of awareness or capacity among citizens, and potential conflicts with other rights and interests.

The RTI is a critical right that empowers individuals to access information, hold governments accountable, and promote transparency and good governance. Its effective implementation requires strong legal frameworks, institutional capacity, and citizen engagement. The RTI has the potential to contribute to more open, democratic, and accountable societies, but also requires constant vigilance and efforts to address challenges and ensure its full realization.

I. INTRODUCTION

An important piece of legislation known as the Right to Information (RTI) Act gives people the right to access information that is kept by the government and other public entities. It encourages

¹ Author is a student at ICFAI University, Dehradun, India.

accountability, openness, and citizen participation in governance by enabling people to ask for and receive information on a range of topics of public concern. The RTI Act was passed in order to address the ongoing demand for transparency in government and to provide people more authority to hold the government responsible.

The prevalent issue of opacity and lack of transparency in the operation of government institutions led to the need for the RTI Act. Before the RTI Act was passed, government organisations frequently worked in secrecy and had little to no duty to make information available to the public. Because of this lack of openness, there was corruption, abuse of authority, and denial of the right to knowledge for the public.

Also, there was a rising understanding that transparency and accountability are crucial for a strong democracy and that voters have a fundamental right to know how their government works. Democracy's foundational element is access to information, which empowers people to engage in public discourse, make informed decisions, and hold elected officials and other public figures accountable for their deeds.

To close this loophole and give citizens the power to access information held by the government and public authorities, the RTI Act was introduced. citizens to seek and obtain information through formal channels. The Act played a significant role in advancing openness, accountability, and participatory governance in India and served as an inspiration for laws of a similar nature in other nations.

The RTI Act was passed in order to address the need for transparency in government, give people the right to access information, and encourage accountability in governmental institutions. It has been a key tool for promoting transparency and giving citizens more power to take part in the political process.

II. PROCEDURE TO SEEK INFORMATION

Under right to information act the procedure to get the information is very simple. The person who wants to get the information from any office he have to make a request to the Public Information Officer. In the request he will only indicate the matter on which he wants to get the information. He can made the application either in Hindi or in English and after that he can go through the documents which are officials. He can also collect the materials of different work. If the applicant did not get the information within thirty days or he is not satisfied with the answer then he can appeal to the appellate authority who is superior to the Public Information Officer. Then the appellate authority will decide the appeal within the thirty days . If the appellant is still not satisfied then he can file the another appeal to the Central Information

Commission or the State Information Commission within the 90 days. The Central Information Commission deals with the appeals of office, financial institution, public sector undertaking and the others matter. The State Information Commission deals with office matters, financial institution, public sectors undertaking etc under the State Government.

Central Information Commission and State Information Commission are the higher authority they also have power to impose penalty on the defaulting public Information Officers

III. EXTENT OF RIGHT TO INFORMATION ACT

1. Right To Information Act Regulations:

This law will be applicable throughout all of India and will encompass all institutions created by the parliament or a state's legislative power, including the executive, legislative, and judicial branches. Anyone can obtain information from the government or a government document with a certified copy by using this statute. The work of public authorities is made more transparent and accountable thanks to this Act.

2. Information Right

All public authorities are required to keep records in a proper manner, and those data should be computerised and connected to a network globally so that everyone may access them.

Secondly, the publication must be completed in the allotted 120 days.

The materials that is provided should be in the local language so that people can communicate through the language and should be cost effective.

(A) Who can make a request through this Right to Information Act

Any person who wants to obtain the information can make a request in written form or the electronic form either in English or in Hindi with the prescribed fee. He can make a request to the Central Public Information Officer or to the State Public Officer.

Any person who make a request it is not important for him to give any reason for requesting the information or his any personal detail.

Where a application is made by a public authority to another authority the application shall be transferred if he thinks appropriate he will transfer the application and it shall be done within the five days.

(B) Disposal of the request (Section-7)

1. The Central or the State information officer either will provide the information or reject the request if the request is made under the concern of life and liberty the information

will be provided within forty-eight hours.

2. It shall be thought that the application is rejected if the Central and the State government fails to provide the information within the specific period.
3. When access is provided to the record but the person is seriously disabled the Central and the State public information officer will provide him assistance to access the documents.
4. The applicant may pay the prescribed fee when access is provided to the printed or the electronic form. And such fee should be reasonable, no fee shall be charged from a person who is below the poverty line.
5. After the rejection of the application the Central and the State Public officer shall communicate to the person –
 - (a) Reason of rejection
 - (b) Time within which the application is rejected
 - (c) the particulars of the appellate authority.

Unless doing so would significantly divert resources from the public authority or be harmful to the safety or security of the public, information must typically be delivered in the form for which it is requested.

In order to fulfill its mandate of preparation and forwarding of the Annual Report to appropriate Government, the Central Information Commission invites filled quarterly returns through online mode from all PAs in a prescribed pro-forma in accordance with Section 25(3) of the RTI Act. All PAs, as defined under Section 2(h) of the RTI Act, are required to be registered with the Commission for this purpose.

Table 2.1 gives the trend of registration of PAs since 2005-06 and Figure 2.1 gives the percentage of compliance of the PAs since inception . The number of registered PAs may change for various reasons viz. creation/identification/ deletion of PAs/directions of the Commission or various Courts etc.

Sl. No.	Year	Total Number of PAs Registered with CIC	Number of PAs who Submitted All the Four Quarterly Returns	Number of PAs who did not submit All the Four Quarterly Returns	Percentage Compliance for Submission of Quarterly Returns
(a)	(b)	(c)	(d)	(e)	(f)=(d)x100/(c)
1	2005-06	938	837	101	89.23

2	2006-07	1412	1168	244	82.72
3	2007-08	1597	1382	215	86.54
4	2008-09	1770	1528	242	86.33
5	2009-10	1847	1427	420	77.26
6	2010-11	2149	1452	697	67.57
7	2011-12	2314	1593	721	68.84
8	2012-13	2333	1864	469	79.90
9	2013-14	2276	1651	625	72.54
10	2014-15	2030	1528	502	75.27
11	2015-16	2023	1903	120	94.07
12	2016-17	2092	1964	128	93.88
13	2017-18	2079	2079	0	100
14	2018-19	2145	2145	0	100
15	2019-20	2193	2131	62	97.17
16	2020-21	2275	2182	93	95.91
17	2021-22	2278	2173	105	95.39

As per section 25 of the RTI Act, there is a legal requirement for the PAs to submit Quarterly Returns to the Commission. Due to herculean efforts made by the Commission, 95.39 % PAs have submitted all the four Quarterly Returns during the reporting year. The figure below depicts the performance of the PAs in respect of the statutory obligation of submitting Quarterly Returns.



IV. RTI REQUESTS- DETAILS IN A NUTSHELL

How many PAs are officially registered with the Commission.

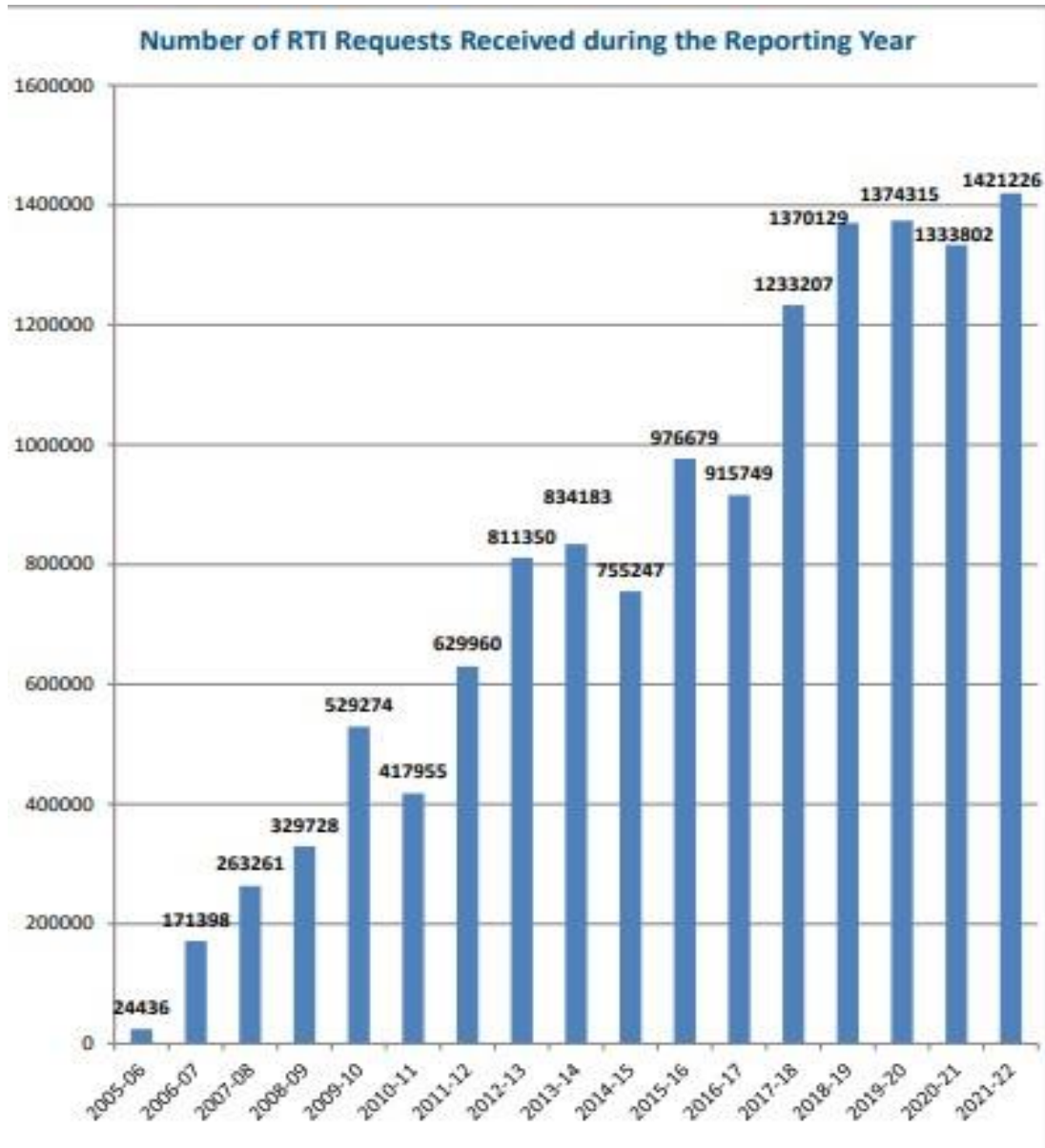
- Beginning the RTI requests.
- The total number of RTI queries submitted throughout the reporting period.
- The sum of all RTI requests (Opening RTI balance plus RTI requests actually received).
- The quantity of RTI requests denied.
- The percentage of RTI requests that were rejected in comparison to the total number of RTI requests received during the reporting year.

According to Table 2.4, there has been a noticeable decline in the PAs' denial of RTI petitions.

The percentage of RTI requests that were turned down for the reporting year was 3.78%, which is the lowest rejection rate recorded since the CIC's creation.

Sl. No.	Year / Key Aspects	Number of PAs Registered with the Commission	Opening Balance of RTI Requests	Number of RTI Requests Received during the Reporting Year	Total Number of RTI Requests	Number of RTI Requests Rejected	Percentage of Rejection vis-à-vis Number of RTI Requests Received during the Reporting Year (%)
(a)	(b)	(c)	(d)	(e)	(f)=(d)+(e)	(g)	(h)=(g)X100/(e)
1	2005-06	938	0	24436	24436	3387	13.9
2	2006-07	1412	12026	171398	183424	15388	9
3	2007-08	1597	23926	263261	287187	18966	7.2
4	2008-09	1770	32792	329728	362520	23954	7.26
5	2009-10	1847	97474	529274	626748	34057	6.43
6	2010-11	2149	137771	417955	555726	21413	5.1
7	2011-12	2314	76016	629960	705976	52313	8.3
8	2012-13	2333	75331	811350	886681	62231	7.7
9	2013-14	2276	128447	834183	962630	60127	7.21
10	2014-15	2030	89785	755247	845032	63351	8.39
11	2015-16	2024	188538	976679	1165217	64666	6.62
12	2016-17	2092	212430	915749	1128179	60428	6.59
13	2017-18	2079	215466	1233207	1448673	63206	5.13
14	2018-19	2145	259919	1370129	1630048	64344	4.7
15	2019-20	2193	310110	1374315	1684425	58634	4.27
16	2020-21	2275	348410	1333802	1682212	51390	3.85
17	2021-22	2278	410907	1421226	1832133	53733	3.78

The trend in the receipt of RTI requests may be seen from Figure 2.2. Figure 2.2 clearly shows the upward trend in receipt of RTI requests over the period of time.



Number of RTI Requests, First Appeals and Second Appeals/Complaints received in top 20 Ministries/Departments/Independent PAs (In terms of Number of RTI requests received)

Sl. No.	Ministry/Department/ Independent Public Authority	Number of Requests Received	Number of First Appeals Received	Percentage of RTI requests converted into First Appeals (%)	Number of Second Appeals/ Complaints Received
1	Ministry of Finance	179393	24065	13.41	4783
2	Ministry of Railways	145549	15421	10.60	1362
3	Ministry of Corporate Affairs	141254	4932	3.49	159
4	Ministry of Communications	114728	8816	7.68	1412
5	UT of Delhi	113347	11744	10.36	1904

6	Ministry of Education	94208	19054	20.23	1247
7	Ministry of Defence	66939	15590	23.29	1140
8	Ministry of Personnel, Public Grievances & Pensions	65221	5604	8.59	408
9	Ministry of Health & Family Welfare	59257	5483	9.25	416
10	Ministry of Home Affairs	55184	9445	17.12	1149
11	Ministry of Labour & Employment	54273	4870	8.97	442
12	Ministry of Road Transport & Highways	23448	2347	10.01	197
13	Ministry of Petroleum & Natural Gas	21855	2562	11.72	384
14	Ministry of Housing & Urban Affairs	20715	6352	30.66	417
15	Ministry of Coal	15384	1793	11.65	340
16	Ministry of Law & Justice	13425	690	5.14	170
17	Ministry of External Affairs	12716	995	7.82	157
18	Ministry of Civil Aviation	12400	967	7.80	99
19	UT of Chandigarh	11238	724	6.44	124
20	Ministry of Consumer Aff., Food, & Public Dist.	11122	1498	13.47	287

(A) What kinds of data can be sought using RTI?

It allows many country to individuals that request and receive information from the government and agencies or public institutions. The information that can be sought through RTI varies depending on the specific law and country, but generally includes.

1. **Government policies and Decisions:-** You can seek information on the policies and decisions of government agencies and public institutions, including the reasons behind those decisions.
2. **Budget and Expenditure:-** You can request information on the Budget and expenditure of government agencies and public institutions, including how much money was spent on specific projects or programs.
3. **Contract and Agreement-** You can seek information on contracts and agreement agencies and public institutions and private companies or individuals.
4. **Public safety and Environmental Issues-** You can request information on public safety and environmental issues, including pollution levels, safety records of factories or other facilities, and disaster response plans.
5. **Personal Information-** You can seek information about your personal records held by

government agencies and public institutions, including employment record, health record, and criminal records.

V. THE RIGHT TO INFORMATION ACT OF 2005 CONTAINS SIGNIFICANT PROVISIONS

The RTI Act has the following major provisions:

- 1. The right to information:** Every citizen has the right to access information kept by government agencies and public organisations under the RTI Act. A formal request can be made to access the information, and the authority must answer within 30 days. The time restriction can be extended up to 45 days in some situations.
- 2. Response Time Limit:** The RTI Act mandates government organisations and public institutions to reply to RTI requests within 30 days.
- 3. The RTI Act defines "information"** as any material in any form, including records, views, notes, papers, emails, advice, press releases, circulars, logbooks, contracts, models, and data material kept in any electronic form.
- 4. Exemptions:** The RTI Act exempts some information from disclosure, including information that would jeopardise national security, strategy, economic interest, or an individual's privacy.
- 5. Public Authorities:** The RTI Act is applicable to all public authorities, including as the government, legislative body, judicial system, and any organisations and institutions that get funding from the government.
- 6. FEES:-** The ability to appeal to a higher authority is available to those who pay a charge to acquire information. The citizen may file an appeal with the information commission if the higher authority also rejects it.
- 7. Information Commission:** To decide on appeals and complaints brought under the Act, the RTI Act creates Information Commissions at the national and state levels.

(A) Recent changes

The Right to Information Act was established in India in 2005 to offer citizens the ability to access information held by government agencies. Since then, the Act has undergone various changes through amendments and judicial interpretations. To mention a few, the RTI Act made the following important changes: -

- **Act Amendment:** In 2019, the government amended the RTI Act to provide it the right to set the duration of the terms of duty of the information commissioners, including their salaries, allowances, and other perks, rather than mandating them to serve for five years.
- **Personal Information revelation Limitations:** The Supreme Court of India ruled in 2018 that the RTI Act does not allow the revelation of personal information about public officials unless it is required to comply with a legal requirement.
- According to a 2013 judgement by the Central Information Commission, political parties are not subject to the RTI Act since they are not public authorities.
- **Application fees:** In 2012, the government increased the application price for RTI inquiries from Rs. 10 to Rs. 50.
- **Online RTI Applications:** In order to make the RTI application process easier and more accessible, the government created an online site in 2013.

(B) RTI Act Criticism

1. One of the act's major flaws is that poor record-keeping within the bureaucracy leads to missing files.
2. There is a shortage of personnel to run the information commissions.
3. Supplementary laws, such as the Whistleblower's Act, are diluted, reducing the impact of RTI legislation.
4. Because the government does not proactively publish information in the public domain as required by the act, the number of RTI applications has increased.
5. There have been reports of frivolous RTI applications, as well as the information obtained being used to blackmail government officials.

(C) Legislation for Non-Disclosure of Information vs. the Right to Information Act

1. Sections 123, 124, and 162 of the Indian Evidence Act provide for the withholding of document disclosure.
2. Under these provisions, the head of department may refuse to provide information on state affairs, and only swearing that the information is a state secret will entitle them not to disclose it.
3. Similarly, no public officer shall be compelled to disclose communications made in official confidence to him.

4. The Atomic Energy Act of 1912 makes it a crime to disclose information restricted by the Central Government.
5. The Central Civil Services Act requires government employees not to communicate or share official documents unless required by law.

(D) What distinguishes the rights to privacy and information, respectively?

In the modern era of frequent technical information breaches, both the right to privacy and the right to knowledge are fundamental human rights. These two rights often work together to make governments accountable to citizens.

The Access to Information Act protects everyone's basic right to access information held by governmental bodies. Furthermore, privacy laws provide individuals the fundamental right to choose who has access to and uses the personal data about them that is stored by both public and private entities

(E) Benefits

In the words of many campaigners, the Right to Information Act is "a weapon for empowering ordinary citizens and transforming the culture of governance by making it transparent, less corrupt, participatory, and responsible."

Additionally, they point out that RTI requests give activists on a variety of social issues, such as "rights to land and the environment, social security benefits, the operation of financial institutions, changes to the financing of political parties, public infrastructure, and even public-private partnerships. It is also known as freedom of information, is a fundamental right that empowers the government and public institution. Here are some benefits of the right to information:-

1. **Openness and Accountability:** The right to information allows citizens to learn about how public resources are being utilised, which can encourage good governance. This encourages openness and accountability in government and public institutions.
2. **Citizen Empowerment:** The right to knowledge empowers citizens to engage in the decision-making process and hold the government responsible for its actions. It gives people the power to decide for themselves and to stand up for their rights and interests.
3. **Enhanced Service Delivery:** By giving individuals information about public services, policies, and making it simpler for them to use the system and processes, it can result in enhanced service delivery.

4. **Economic growth:** We can promote economic growth by providing business owners and entrepreneurs with knowledge about markets, regulations, and opportunities. As a result of helping to level the playing field, this might encourage competitiveness.
5. **Protection of Human Rights:** The right to knowledge is a crucial tool for upholding human rights. By having access to information regarding human rights breaches, citizens may use it as a tool to advocate for their rights and the rights of others.

Ultimately, the right to information is a fundamental one that is crucial for advancing accountability, empowerment, transparency, and the defence of human rights.

VI. ORGANIZATIONS THAT ARE EXEMPTED

According to section 24 of the Act, the RTI Act does not apply to central or state intelligence and security organisations, except in cases of corruption or human rights violations. Schedule 2 of the Act includes a list of such central organisations. The schedule was altered four times: in September 2005, March 2008, October 2008, and May 2021. Organizations that are exempt from disclosing information to the public. These are a few examples:

1. **Intelligence and Security Agencies:** The RTI Act exempts information pertaining to the country's intelligence and security agencies from disclosure.
2. **Special operations and intelligence agencies:** The RTI Act exempts information related to the country's special operations and intelligence agencies from disclosure.
3. **Military and paramilitary forces:** The RTI Act exempts information pertaining to the country's military and paramilitary forces from disclosure.
4. **Economic and financial institutions:** Certain economic and financial institutions, such as the Reserve Bank of India and the Securities and Exchange Board of India, are exempt from disclosing specific types of information.
5. **Personal Information:** Under the RTI Act, information that could infringe on an individual's privacy, such as medical records, is exempt from disclosure.

Bureau of Intelligence Research and Analysis Including its technical wing, the Aviation Research Center, the Directorate of Revenue Intelligence, the Central Economic Intelligence Bureau, the Directorate of Enforcement, and the Narcotics Control Bureau. Tibetan Border Police from India, Assam Rifles, National Security Guard, and Central Industrial Security Force, India's Sashastra Seema Bal Financial Intelligence Unit, Directorate General of Income-tax (Investigation), National Technical Research. These are exempted from disclosing the information.

VII. RTI AMENDMENT IN INDIA

The RTI Act was amended in 2019 by the government of India. The amendment introduced changes to the terms and conditions of service for the Chief information Commissioner(CCI) and information Commissioners(ICs) at the Central Information Commission(CIC) and the State Information Commission(SIC). It amended the tenure and salaries of the CIC and ICs.

The amendment has been criticized by some as it is perceived as a dilution of the RTI Act. It has been argued that the changes in the tenure and salary of the CIC and ICs could affect their independence and impartiality in discharging their duties.

It is important to note that amendments to the RTI Act should aim to strengthen the right to information and not undermine it. Any amendment should be in line with the principles of transparency, accountability, and good governance.

(A) The decision of the Supreme Court

The Supreme Court of India has delivered several judgments related to the Right To Information Act. Here are some of the important decisions:

1. Central Board of Secondary Education (CBSE) vs. Aditya Bandopadhyay(2011)

The issue in this case was whether CBSE, as a public authority, was required by the Right to Information Act to disclose information.

Aditya Bandopadhyay, a student and RTI activist, requested information from CBSE about the process of evaluating answer sheets for the All India Senior School Certificate Examination (AISSCE). The CBSE denied the request, citing exemptions under the RTI Act.

After hearing the case, the Central Information Commission (CIC) determined that CBSE was a public authority under the RTI Act and thus required to provide the requested information. In the Delhi High Court, the CBSE challenged the CIC's decision, which was upheld. CBSE then appealed to the Supreme Court.

The Supreme Court ruled on August 9, 2011, that CBSE is a public authority under the RTI Act and, as such, must disclose information sought under the act, subject to any exemptions provided for by the Act. The court went on to rule that the evaluation of answer sheets for the AISSCE cannot be denied on the basis of exemption..

The Supreme Court ruled on August 9, 2011, that CBSE is a public authority under the RTI Act and is thus required to disclose information sought under the Act, and that CBSE cannot deny access to this information on the grounds of "information" under the Act or on the grounds of

exemption.

The decision in the CBSE vs. Aditya Bandopadhyay case is significant because it established that bodies such as the CBSE, which are established and funded by the government, fall under the purview of "public authorities" under the RTI Act and are thus required to disclose information sought under the Act.

2. State of Uttar Pradesh vs. Raj Narain (1975)

In this case an opposition candidate, challenged the election of then-Prime Minister Indira Gandhi from the Rae Bareilly constituency. Narain alleged that Gandhi had used government machinery and resources for her campaign, which violated the election rules.

The case reached the Allahabad High Court, which found Gandhi guilty of corrupt electoral practices and invalidated her election. Gandhi then appealed to the Supreme Court of India, which suspended the High Court's decision and allowed her to continue as the Prime Minister.

The case is significant in relation to the Right to Information (RTI) Act as it was a key factor in the introduction of the RTI Act in India. The case exposed the limitations of the existing laws in terms of providing citizens with information and holding elected representatives accountable.

The RTI Act was enacted in 2005, giving Indian citizens the right to access information held by public authorities. The act aims to promote transparency and accountability in government functioning and reduce corruption. The Act empowers citizens to seek information from government bodies and penalizes officials who do not comply with requests for information.

In summary, the State of Uttar Pradesh vs. Raj Narain case played a significant role in the introduction of the RTI Act in India, as it highlighted the need for citizens to have access to information to hold elected representatives accountable.

3. Namit Sharma v. Union of India, 2013

The interpretation of the Right to Information Act of 2005 was at issue in this instance. The case was heard by the Indian Supreme Court. Namit Sharma, the petitioner, requested particular information on a corruption case from the Central Bureau of Investigation in accordance with the facts of the case. The CBI claims that the information was refused because it was exempt from disclosure under the RTI Act.

The Central Information Commission (CIC) was notified of the petitioner's complaint, and the CBI was then forced to provide the requested information. In response to the CBI's appeal of the decision, the Delhi High Court affirmed the CIC's judgement. The CBI then appealed the decision to the Supreme Court.

Whether the material requested by the petitioner was exempt from disclosure under the RTI Act was the key question before the Supreme Court. According to the CBI, the data was exempt under Section 8(1)(h) of the Act, which exempted data that would interfere with an existing investigation or prosecution.

The Supreme Court ruled that the petitioner's requested material was in fact exempt from disclosure under Section 8(1)(h) of the RTI Act. The Court did rule, however, that the CBI was had to provide certain disclosures, including the identity and title of the official who made the decision to withhold the material.

The Court further highlighted that exemptions to the right to information should be interpreted strictly and that the RTI Act was intended to encourage transparency and accountability in public institutions. The court also ruled that the RTI Act was a potent tool in the hands of individuals and that public institutions should share as much information as they can, within the bounds of the Act's exclusions.

The verdict in the *Union of India vs. Namit Sharma* case, in general, defined the intent and application of the RTI Act and stressed the value of openness and accountability in public institutions.

4. *Secretary, Minister of Defence vs. Dharam Pal (2013)*

The issue in this case was whether the office of the Minister of Defence is a public authority under the RTI Act.

Dharam Pal, the petitioner, has filed an RTI application seeking information about land allotment by the Ministry of Defence. The Ministry refused to provide the requested information, claiming that it was exempt from disclosure under various provisions of the RTI Act.

The case was heard by the Central Information Commission (CIC), which ruled in Dharam Pal's favour, stating that the Minister of Defence is a public authority and thus subject to the RTI Act's provisions. The CIC ordered the Ministry to provide the petitioner with the requested information.

Dissatisfied with the CIC's decision, the Ministry filed a writ petition before the Delhi High Court, which upheld the CIC's decision. The Ministry then filed an appeal with India's Supreme Court.

The Supreme Court stated in its decision that the position of Minister of Defence is a constitutional office and that the Minister is not a legal entity capable of holding property or

entering into contracts. The court did, however, rule that the office of the Minister of Defence is a "public authority" under the RTI Act because it performs a public function and is accountable to the people.

The RTI Act, according to the Court, is a powerful tool for citizens to ensure transparency and accountability in government operations. It held that the Act's exemptions must be interpreted narrowly, and that public authorities must disclose information of great public interest.

As a result, the Supreme Court dismissed the Ministry of Defence's appeal and upheld the CIC's decision, directing the Ministry to disclose the information sought by the petitioner. The decision reaffirmed the RTI Act's importance in promoting transparency and accountability in government operations.

(B) Process and governance

In India, the right to information is governed by two major bodies:

The Central Information Commission (CIC) is the Chief Information Commissioner who oversees all central departments and ministries, each of which has its own public information officer (PIO).

The State Information Commission. The process and governance of this right are typically governed by laws and regulations at the national level. In most countries, there is a specific law that outlines the process for citizens to request information from government bodies, as well as the responsibilities of those bodies to provide that information. These laws may include provisions for the types of information that can be requested, the timeframes for responding to requests, and the fees that may be charged for accessing information.

Many countries have established independent oversight bodies, such as information commissions or ombudsmen, to ensure that the right to information is properly implemented and governed. These bodies are in charge of resolving disputes concerning the right to information, as well as advising citizens and government bodies on how to comply with the law.

A culture of openness and transparency within government and public bodies was also required for effective implementation of the right to information, in addition to legal and regulatory frameworks. This can be fostered through public official training and awareness-raising programmes, as well as public education campaigns emphasising the importance of the right to information for democracy and good governance.

Overall, the process and governance of the right to information are critical for ensuring that

citizens have access to the information they need to participate fully in the democratic process and hold their government accountable.

VIII. CAN YOU ASK FOR REASONS UNDER THE RIGHT TO INFORMATION

Yes, under the Right to Information (RTI) Act, you can ask for the reasons for any administrative or governmental decision or action. The RTI Act empowers citizens to seek information from public authorities about their decisions and actions, including the reasons for such decisions and actions.

For example, you can use the RTI Act to ask for reasons behind the rejection of a particular application or proposal, the reason for delay in a project, the reasons behind a policy decision, and so on.

It is important to note that while the RTI Act allows you to ask for reasons, there may be certain exemptions and restrictions in accessing certain types of information. It is always advisable to familiarize yourself with the provisions of the Act and the rules and regulations governing its implementation before making an RTI application

IX. ISSUES IN RIGHT TO INFORMATION ACT 2005

Here are few key issues:

1. **Lack of Awareness and accessibility:** One of the biggest challenges with the RTI Act is the lack of awareness among citizens about their rights to access information. There are also concerns about the accessibility of information, particularly for people who live in remote or rural areas where infrastructure and resources may be limited .
2. **Delay in Response:** Another issue with the RTI Act is that there are often delays in getting responses to information requests. Public authorities are required to respond within 30 days, but in many cases, this deadline is not met.
3. **Exemptions and Loopholes:** The Act provides for several exemptions and loopholes, which can be used by public authority or personal privacy can be withheld.
4. **Inadequate Proactive Disclosure:** The Act requires public authorities to disclose certain information proactively, but in practice, this is not always done effectively. As a result, citizens must rely on RTI applications to obtain information.
5. **Harassment of Applicants:** In some cases, RTI applicants are harassed or threatened by public officials or private entities. Citizens may be discouraged from exercising their right to information as a result of this.

Addressing these issues will necessitate a collaborative effort from both the government and citizens. The government should improve proactive disclosure, reduce delays, and address the issue of exemptions and loopholes in order to strengthen the Act's implementation. On the other hand, citizens should be encouraged to exercise their right to information and hold public officials accountable for providing timely and accurate information.

1. How can right to information be improved:

There are some steps that could be taken to improve the quality of RTI Act.

2. Strengthen the implementation of the RTI act:

This can be done by improving the training of officials, providing better infrastructure and resources, and enforcing penalties for non-compliance .

3. Increase awareness of the RTI act:

More efforts should be made to educate citizens about their right to information and the process for accessing it.

4. Reducing exemptions:

Currently, there are several exemptions in the RTI Act that limit the right to information. These exemptions should be reviewed and reduced, ensuring that they are in line with the constitutional guarantees of free speech and transparency.

5. Implement online RTI portals:

Online portals can be a useful tool for citizens to access information quickly and easily. The government should work towards.

6. Strengthen the role of information commissions:

The information commissions are responsible for ensuring that the RTI Act is being implemented effectively. They should be given more powers to enforce compliance and penalize non-compliance.

7. Improve the quality of information:

The information provide under the RTI Act should be made to ensure that the quality of information is improved, and that citizens have access to all relevant information.

By taking these steps, the quality and effectiveness of the RTI Act can be improved, which will promote transparency, accountability, and good governance.

X. CONCLUSION

The Right to Information Act (RTI Act) of 2005 is a landmark piece of legislation in India that empowers citizens to seek information from public authorities while also encouraging transparency and accountability in governance. The Act established a framework for citizens to access information held by public authorities and requires timely responses to requests for information.

To summarise, the RTI Act of 2005 has been critical in promoting transparency and accountability in governance, empowering citizens to participate in decision-making, and fostering an open culture in public institutions. The Act has played a critical role in increasing public authorities' accountability and has evolved into a powerful tool for citizens to exercise their right to information and hold public officials accountable.

Overall Summary Of RTI application filed during 2021-22

Sr. No.	Name			Grand Total	
1	Total number of PAs			2278	
2	Total number of PAs who have not submitted Annual Returns			105	
3	Total number of PAs who have submitted Annual Returns			2173	
4	Opening balance of Requests Received under RTI (as on 1st April 2021)			410907	
5	Number of RTI requests received during year			1421226	
6	Total number of RTI requests (Rows 4+5)			1832133	
7	Number of RTI requests transferred to other PAs			204607	
8	Total Number of First Appeals Received			162990	
9	Total Number of First Appeals Disposed			105535	
10	Decisions where Applications for Information rejected			53733	
11	Number of cases where disciplinary action taken against any officer in respect of administration of RTI Act			16	
12	Total Amount Collected (fee + addl. charges + penalty) (Rs.)			6908937	
13	Number of CAPIOs appointed by PAs			66680	
14	Number of CPIOs appointed by PAs			24631	
15	Number of FAAs appointed by PAs			10075	
16	Total of (13+14+15)			101386	
17	No. of times various Provisions were invoked while Rejecting Requests	Relevant Sections of RTI Act	Section 8(1)	(a)	454
18				(b)	114
19				(c)	27
20				(d)	4343
21				(e)	4475
22				(f)	480
23				(g)	696
24				(h)	2386
25				(i)	567
26				(j)	14236

27				9	191
28			Other Sec-	11	598
29			tions	24	8613
30				(Others)	17944
Total (From 17 to 30)					55124

XI. REFERENCES

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