

THE AWARE CONSUMER

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Right to Information

Is it Delivering What it Promised?

INTERVIEW



Mr. VENKATESH NAYAK

Director,
Commonwealth Human Rights Initiative, India Office

- **IN FOCUS**
From 'Right' to 'Fight':
The Hampered Reality of RTI in India

- **OUT OF THE BOX**
Does RTI Help Citizens Get Justice?
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VIEWPOINT

MESSAGE FROM PUBLISHER & EDITOR



RIGHT TO INFORMATION is fundamental in a democracy! We are the people who give our political leaders the power to govern our country and we have every right to know about the functioning of the government and even question the reasons behind their decisions.

The Right to Information (RTI) Act, 2005 was enacted with great hope and public support to empower the citizens to hold the government responsible for their actions. It gives the common man access to the workings of the government, thus making public authorities transparent and accountable to the consumers.

You can ask about anything related to the public at large – status of a government project, beneficiaries of a welfare scheme, working of a financial institution or voter list for elections. Name it in your application and the concerned department will be duty bound to reveal the information within 30 days, or face legal action.

Indeed, RTI is a formidable weapon that has been wielded time and again to expose irregularities and corruption simply by requesting the necessary information from the government. In fact, it was an RTI application that was instrumental in uncovering the true face of the Adarsh Housing Society scam, 2G scam, Commonwealth

Games scam, etc. and bringing the crooks to task!

However, with this landmark legislation's efficacy being tested today, this edition of The Aware Consumer will take a 360-degree look on the promise of RTI, its challenges, limitations, systemic failures and also what can be done to strengthen the Act.

While delving into whether the Act is serving its purpose, we also seek to ignite awareness on how it can be best employed to enhance the relationship between the government and the consumers, thereby enabling the government to function smoothly.

Dear readers, always remember that transparency is the government's duty and your right. So, let's keep asking some tough questions! Let's keep demanding correct answers!

A handwritten signature in black ink, appearing to read 'B. K. Misra', with a horizontal line underneath.

Prof. Bejon Kumar Misra
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Obtuse Angle by Prof. B P Acharya



PRAFULL D. SHETH

Editorial Board Member



RTI

WILL THE PROMISE BE FULFILLED OR FORGOTTEN?

DESK TALK

THE RIGHT TO Information is a 'Sunshine Act' that gives the Indian citizens the right to question the efficiency of public services, thus making the government more responsive towards its people. It was hailed as one of the most progressive and powerful transparency laws in the world that empowers consumers to seek information directly from the public authorities.

It took years of campaigning before millions of people were able to use the RTI Act to demand information from government departments and officials. The default status since 2005 is that all information should be made available to the consumers when requested, barring a few exceptions such as national security. This helps ensure fair treatment and delivers justice to consumers across the country.

Alas, the ground reality is that the implementation of the legislation is marked by both unreasonable denials and gross misuse. While on the one hand, miscreants do not hesitate to use it for harassment and blackmail,

genuine and pertinent queries are often denied on flimsy grounds. Then there are unnecessary delays and even the answers that we get are mostly evasive.

Alas, while the Act may have been in force for two decades now, the public officials are yet to change their attitude from secrecy to sharing!

What's more, several activists decry the constant institutional pushback with successive governments attempting to dilute the law! And, it is feared that the

provisions of the recent Digital Personal Data Protection legislation can make answers almost impossible to access under the guise of protecting 'personal information'.

The question that arises is – Will the RTI be able to

fulfil what it was meant to do? Or, will its power wither away slowly?

The onus is on us to not allow this tool of empowerment to fade into silence. Let's keep the right to information alive - not just in law, but in action! ▶



What Is the Right to Information? - A Consumer's Guide

The 'Right to Information' codifies a fundamental right of the citizens of India. It empowers ordinary consumers to question the government about its activities, thus equipping them to keep tabs on the workings of the government machinery.



RTI is a crucial pillar for the functioning of a transparent and vibrant democracy. It is ushering in people-centred governance!



RIGHT TO INFORMATION

Every Indian citizen has the right to access information held by public bodies under the democratic principles of transparency, accountability and trust.

THE RIGHT TO Information (RTI) Act, 2005 sets out the rules and procedures for consumers to seek information from the government. It applies to all public authorities, including government departments, ministries, local bodies, public sector undertakings and even certain private organisations performing functions delegated/substantially financed by the government. It extends to the whole of India and applies to both central and state governments.

15th June 2025 marked 20 years of the enactment of the Right to Information Act - ushering in a new era of openness in governance!

The coordinating agency is the Department of Personnel and Training under Ministry of Personnel, Public Grievances and Pensions, Government of India.

Consumers can use the RTI to request information on public services; local development projects along with contracts and agreements; salaries, allowances, promotions and transfers of government officials; cases and court decisions; etc. They can inquire about public expenditure, budget allocations and how funds are utilised by government departments and agencies. They can also seek explanations regarding public policies, decisions, execution of government schemes and other activities.

The Whys and Wherefores

The right to information is a powerful instrument that enables the consumers to access the official documents, records, reports, memos, emails, circulars and any other materials of government entities. They can inspect the documents, take copies, notes, extracts or seek certified copies of the same.

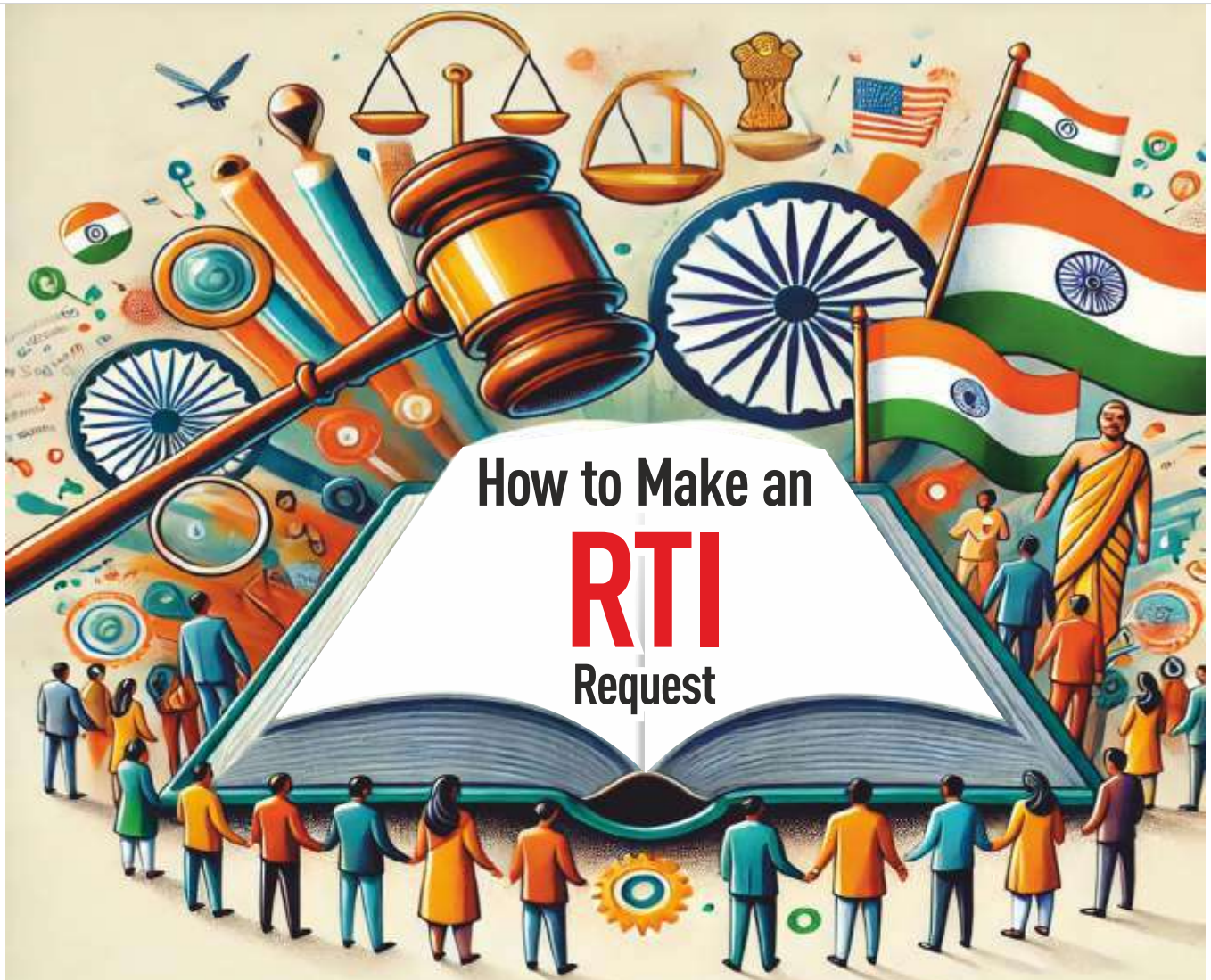
The RTI Act mandates timely response to requests for government information. Every query should be replied to within a period of 30 days from the date of receipt of the application. And, if the matter relates to the petitioner's life and liberty, the information has to be provided within 48 hours.

Certain types of information are exempt from disclosure, such as information that would compromise national security, sovereignty or integrity; endanger life or infringe on intellectual property rights. Central and state intelligence and security organisations are exempted except in cases of corruption or human rights violation.

The public authorities are required to designate Public Information Officers (PIOs) and appellate authorities to handle the RTI requests. The public bodies should also computerise their records for wide dissemination and proactively publish certain categories of information so that people need minimum recourse to request information formally.

The PIO is the initial contact for citizens who request information under the RTI Act. If consumers are dissatisfied with the response received, they can take legal action - file a first appeal against the PIO with the designated Appellate Authority. This can be escalated to the Central/ State Information Commission, if needed. The PIOs can also be penalised for failing to provide information or for providing incomplete/incorrect information.

Almost every government body has appointed a PIO and provides a RTI section on its website.



- You can make a request in writing, preferably on a plain sheet of paper, clearly specifying the information you are seeking. It can be written in English, Hindi or the local language. This can be sent by registered post, speed post, email or physically handed over to the PIO/Assistant PIO of the relevant department or ministry (details will be available online).
- RTI applications for central ministries, departments or public authorities can also be filed online at <https://rtionline.gov.in/>. Similarly, most states and UTs also have their own online portals for filing RTI applications, appeals, etc.
- You have to provide a return address for the information to be sent.
- Retain a copy of the application and acknowledgment receipt.
- A nominal application fee of Rs. 10 has to be paid by postal order, demand draft, bankers cheque or a court stamp payable to the Accounts Officer of the public authority. Proof of payment has to be submitted with the application. Online applicants can pay through credit/debit card, internet banking or UPI. Further fees may have to be paid towards the cost of providing the information.
- The fee is waived for people living below the poverty line. However, such applicants must provide a copy of the certificate issued by the appropriate government in this regard, along with the application.

RTI Online is a centralised platform provided by the Government of India for filing RTI applications, paying fees electronically, tracking status of applications and submitting first appeals in real-time. It provides guidelines, FAQs and resources to help people understand their rights and obligations under the RTI Act.

If the applicant is not satisfied with the appeal decision, they can seek legal remedies, such as filing a writ petition in the High Court or Supreme Court.

Central and State Information Commissions have been established to adjudicate appeals and ensure compliance with the Act. The Chief Information Commissioner heads all the central departments and ministries. Similarly, the State Information Commission is established by state governments and is headed by a State Chief Information Commissioner (SCIC).

Why Every Consumer Should Care About RTI?

The RTI Act has made government actions open to scrutiny, thus promoting transparency and accountability in government operations.

As the citizenry is informed, they can hold the public authorities responsible, thus enhancing government efficiency, increasing responsiveness, ensuring good governance and thereby, strengthening the democracy. The people become empowered to engage with the government, participate more actively in the decision-making processes and advocate for their rights. Especially the marginalised communities can use the information to demand their rights.

The right to information mechanisms facilitate investigative journalism - as the journalists can access government records and

documents, they get a leg-up in investigative reporting and can hold the government accountable for its administration.

Then again, public officials cannot abuse their powers or take arbitrary decisions under the cover of government secrecy. They have to justify their actions whenever requested. This has made it easy to expose wrongdoings, thus reducing corruption. Public interest takes centre stage as any kind of inefficiency, mismanagement and waste can be identified, leading to better resource allocation and overall improvement in government services and policies.

It is evident that the RTI Act has fundamentally changed the power equation between the government and the consumers! But, has it actually assured us transparent and ethical governance? ▶




In 2019, the Supreme Court of India upheld the decision of bringing the office of Chief Justice of India under the purview of the Right to Information (RTI) Act.





The Hampered Reality of RTI in India

The RTI has had a positive impact, but it is beset with challenges and limitations which keep the legislation from achieving its full potential. Alas, systemic issues and misuse keep government accountability, transparency and social justice still a far-fetched dream!



Ordinary consumers can ask extraordinary questions – But do they get the right answers, if any?

THE RTI ACT upholds that information belongs to the citizens of India and not to the government or bureaucrats. They are only the custodians of public information and should share it readily. In fact, it has been famously stated that like a banker can't ask us why we want to see our bank account statement, similarly the government cannot deny if we ask them how they are governing our country!

This has made the government answerable to the people and transformed the way the citizens interact with their elected representatives. Anybody can get information on the workings of the public entities.

However, this landmark legislation has failed to live up to its promise on account of a wave of impediments hindering its effectiveness. Let's take a look at how the RTI story has unfolded so far:

Non-Compliance - A huge chunk of RTI applications are delayed or fail to receive replies. The 30-day deadline remains on paper as applicants wait months - sometimes years - for basic responses. The officials blatantly disregard the timeline and delays/denials are the norm. Even the appeals remain pending in the information commissions, leading to delays in delivering justice.

Denials on Dubious Grounds – Certain types of information is exempt from disclosure to the public. The matters remain open to interpretation and public authorities constantly take cover of this ruse to reject the applications. They cite vague and flimsy reasons like 'confidentiality' and 'national security concerns', conveniently overlooking the fact that the RTI Act allows for information to be disclosed if it serves the public interest, even if it falls under the exemptions. Some even skirt the requests on the grounds that they are not a 'public authority'.

Since 2005, the list of exempted government organisations has grown from 18 to 26.

When an RTI applicant asked for information about the cheetah project in Madhya Pradesh, it was denied on the grounds that giving the information might hurt India's relationship with other countries!




Over 4 lakh appeals and complaints are pending across 29 information commissions across India as of June 2024.
- Satark Nagrik Sangathan

Bureaucratic Resistance – Many public authorities deliberately obstruct the information as they are apprehensive of exposing the inefficiencies or wrongdoings in their departments. At times, they blatantly refuse to provide information on high-profile projects. The defiance is most pronounced in cases of human rights abuse and corruption. Most public entities do not proactively publish information in the public domain as envisaged in the Act. Some do not even maintain proper records and many files are reported missing!

A report released in 2022 stated that 12 of the 29 information commissions have a waiting time of over a year to hear an appeal on wrongful denial of information.

Limited Resources - Some public authorities do not have the resources and infrastructure to effectively respond to RTI requests. The high volume of requests slows down the responses. At times, the public information officers lack adequate training to provide the appropriate information.

Limited Powers – The information commissioners actually have not been given adequate authority to enforce the RTI Act in its letter and spirit. They often fail to secure compliance from the public authorities after awarding compensation to the applicants.

Staffing Issues – The pendency of applications and backlog of appeals can also be attributed to continued vacancies in the central and state information commissions as well as the failure of various public entities to appoint information officers.

Skewed Gender Composition: Since the passage of the RTI Act, merely 9% of all information commissioners across the country have been women. This effectively limits the perspective on issues affecting women.

Lack of Awareness – Most people – especially in rural areas - are still unaware of their right to seek information from the government. And even when they are, the



There's been a noticeable decline in the responsiveness of RTI requests lately. Decisions that were once prompt now suffer delays, making it increasingly challenging to extract information through the Right to Information Act. //

- Commodore Lokesh Batra, RTI Activist



Only 12% of the rural population and 30% of the urban populace is aware of the RTI Act.

- PricewaterhouseCoopers study

process of filing, following up and appealing is too technical or inaccessible. This has limited its utilisation and effectiveness.

Complex Procedures – Many consumers find the RTI application process to be complex and time-consuming. There is no fixed format for the physical application and many departments do not even publish user guides.

Threats and Risks to Life - Activists and whistleblowers using RTI to expose corruption and wrongdoing face intimidation, harassment and threats. Some have even been attacked or killed for trying to expose wrongdoings. The lack of protection for applicants has created a climate of fear in the country.

authorities. Some even look to attain publicity by filing an RTI! This diverts public resources away from important governance issues. **For instance, an RTI was once filed to count the number of cattle in a region!**

There are reports of RTI being used as a vindictive tool for personal grudges and for blackmailing the government authorities. Apart from civil society, there are allegations of misuse of RTI by rivals in political battles too.

**Transparency on Trial:
Where does RTI Stand Today?**

It's not just about the structural and functional issues in implementation. Growing government intervention is also undermining the efficacy of the RTI Act. Recent parliamentary amendments are a case in point here. Even the supplementary laws are either not strong enough (Whistleblowers' Protection Act) or counteract the RTI law (Indian Evidence Act, Official Secrets Act, etc.).

Information Commissioners Become Spectators Instead of Watchdogs:

The Right to Information (Amendment) Act, 2019 modified the terms and conditions of employment for the Information Commissioners (ICs) at the central and state levels. It empowered the central government to prescribe the tenure, salaries, allowances and other terms of service of the Chief ICs and ICs while they earlier enjoyed the stature equivalent to election commissioners.

This kind of political influence is widely criticised for diluting the independent functioning and neutrality of the transparency panel as the information commissioners are no longer able to force public bodies to part with information. It is also in direct contradiction with the review by a Parliamentary Standing Committee in 2005 which stated that the terms of appointment of information commissioners was the 'essence of the RTI Bill'!

This came after our Honourable Prime Minister Narendra Modi himself had once remarked at the annual convention of information commissioners, "More openness in government will help citizens. In this day and age, there is no need for secrecy!"



Since 2005, 99 RTI activists across India lost their lives, 7 committed suicide and 350 faced assault or harassment for seeking information on illegal construction, alleged scams in social welfare schemes, and corruption in panchayats.

- Commonwealth Human Rights Initiative (CHRI)

Gross Misuse – The people themselves are guilty of misusing the right to information. Many consumers file frivolous applications seeking irrelevant or voluminous information just to harass or pressurise the public



The Delhi High Court duly noted that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this 'sunshine Act'.

RTI activists uphold that in a government system where seniority and hierarchy is everything, demoting information authorities is a proxy way of killing the RTI!

Exempting Political Parties: Fact of the matter is that political parties have been trying to circumvent the RTI from the word go. They wanted to keep their internal procedures and funding details confidential and argued that the disclosed information can be misused. Most parties contended that they are not public authorities and so, cannot be brought under the RTI Act. Meanwhile, activists upheld that political parties should be brought under the purview as they receive huge donations from corporates and even illegal foreign contributions.

While the Chief Information Commission declared in 2013 that six political parties should be considered public authorities under the RTI Act, these parties neither complied with the directive nor challenged it in any court. The concerned organisations filed a non-compliance suit in the Supreme Court, but it continues to remain pending till date.

What can be a greater irony than the political parties claiming to serve the public but being reluctant to share information with the citizens?



Contradiction with Privacy Rights: The latest Digital Personal Data Protection (DPDP) Act, 2023 exempts all personal information from disclosure, thus further diminishing the effectiveness of RTI. If the proposed RTI amendment comes into force, the law will basically be rendered toothless. In the words of activists, "RTI will become RDI - Right to Deny Information!"



More than 20 million RTI applications were filed across India between 2005 and 2017. However, the number of RTIs filed in recent times is dwindling as officials stonewall the requests and people are unable

to get the desired information from the government.

Conclusion

Does it make sense to constrain the law's ability to bring about complete transparency? Why squander this invaluable opportunity to redesign the governance processes, particularly at the grassroots level where the citizens' interface is maximum? ▶

We have to keep in mind that RTI isn't just a legal tool - it's a democratic right. And like any right, it only works when people use it, protect it and demand it. This is a wake-up call for the consumers – we have to fight to keep the right to information alive before it fails us completely!



INTERVIEW



Mr. VENKATESH NAYAK

**Director, Commonwealth Human Rights Initiative,
India Office**

Mr. Nayak was closely associated with the public education process and the lobbying of Members of Parliament for the Right to Information Act, 2005. He is a Co-Convenor of the National Campaign for People's Right to Information since 2011. Till date, he has trained over 8,500 government officers and more than 800 executives from public sector enterprises for implementing the RTI Act.

He has provided technical support to the governments of various countries for drafting and reforming RTI laws as well as designed and conducted RTI capacity building workshops for their people.

Q In your studied opinion, how effective is the RTI Act today? And, how effective have the Information Commissions been so far?

To the best of my knowledge, there is no consensus-based criteria for measuring the effectiveness of transparency laws anywhere in the world. All that has been developed so far by international experts is a scale to measure the relative strength or weakness of an RTI law, not the efficacy of its implementation. So, the question- whether an RTI law is effective or not becomes a matter of perspective. Nevertheless, if you browse through cyberspace, you will find hundreds of stories of successful use of RTI by private citizens to redress their grievances, be it about stoppage of rations or scholarships or to expose cases of petty and big-ticket corruption.

The Information Commissions were designed to be champions of transparency as the RTI law seeks to embed that democratic value in governance. Across the Central and State level, the first few batches of Information Commissioners played that role. Over the last decade, governments have allowed vacancies in these Commissions to linger until the Supreme Court directs them to fill them up within specific timelines. Even here many of the appointments are of pliant retired bureaucrats or those with close affiliation to the party in power. Civil society review of their work shows trends of reluctance to impose penalties even in the most deserving of cases. Nevertheless, they serve as the forum of last resort for aggrieved citizens beyond which they cannot escalate the disputes as the constitutional courts are mostly out of their reach.

Q How have the constitutional courts approached the right to know in the RTI era?

The constitutional courts were responsible for the development of the people's right to know jurisprudence for three decades before the RTI Act came into existence. However, their approach over the last twenty years shows a marked change after people started using the RTI Act to quiz these very courts about their working. They have ruled out access to judicial records under RTI even though there is no such limitation in the Act or Rules. Information about judicial appointments and action taken about allegations of corruption against sitting judges are almost always denied on grounds of personal privacy or protecting the independence of the judiciary.

It must be pointed out that the largest number of cases filed in the High Courts against the decisions of Information Commissions are by governments because most citizens do not have the means to pursue litigation at that level.

In several instances, the Supreme Court has also favoured personal privacy protection over transparency to the citizenry. Nevertheless, there are several landmark judgements which have expanded the boundaries of transparency, like the disclosure of RBI's bank inspection reports (which banks have not complied with yet) and the information received regarding Swiss bank accounts where black money was stashed away. Many High Courts have also corrected the errors in the decisions of Information Commissions in scores of cases giving effect to the letter and spirit of the RTI Act.

Q Do you think Indian citizens feel empowered to use RTI as a user-friendly tool?

RTI is by design a citizen-empowerment tool. From tiny villages to mega cities, both youth and the elderly, men and women and even children have used the RTI law effectively to demand rule-based governance or accountability. Just imagine how empowered a nine-year old student from a beedi-workers' family in Telangana might have felt to see his RTI application cause the resumption of government scholarships for himself and 10 other students in his class!

There are hundreds of thousands of such stories across the country which the media has reported with gusto. In fact, a few years ago, the Central Government commissioned a very interesting research paper which showed that RTI has helped create a new line of civil society leadership in villages and towns of Odisha to combat corruption in public spending and provision of essential services.

At the same time, it is equally true that many an RTI applicant feels dejected by the pro-government approach which many Information Commissioners are known to adopt either by refusing to disclose information that would reveal maladministration or corruption or by refusing to impose monetary penalties on errant PIOs in the most deserving of cases.

Q What protections should be in place to safeguard RTI applicants?

We must recognise the fact that the 50-60 lakh information requests filed every year (conservative estimate) make the Indian experience truly unique among the fraternity of 140 countries with national-level RTI laws. No other country reports such numbers, even though we have not been able to expand usage to even a bare 1% of the adult population in 20 years. But we also have to face the ignominy of being the only country where RTI interventions have proved to be dangerous to people's lives.

More than a 100 RTI users are reported to have been murdered across the country till date for simply seeking



It is possible to seek and obtain information about purely private schools, hospitals or cooperative societies from the respective regulatory departments in the Government.

transparency or accountability or both. Hundreds more have been brutally assaulted or threatened with dire consequences for filing RTIs. At CHRI, we document media reports of these cases of attacks on RTI users. Unfortunately, we do not have a statutory mechanism to prevent such occurrences nor does the criminal justice system act swiftly to bring the culprits to justice. The Whistleblowers Protection Act, enacted in 2014, has not even been implemented till date.

In the absence of formal protection mechanisms, one safeguard is to ensure compulsory public disclosure of the information which the victim of such attacks had sought, so as to frustrate the motive of the attackers who would like it to remain under wraps. Many of us have volunteered to file identical RTI applications when an activist complains about harassment because he has sought some information from the local authorities. That helps mitigate the risk to some extent.

Q Do you agree that political parties should be brought under the purview of RTI?

Yes, as an entity which seeks to represent the citizenry in Parliament, legislatures and local bodies, every political party must be directly accountable to them. In Fiji, there is a special transparency law covering every registered political party. Any citizen may walk into its office and demand inspection of its records and accounts on payment of a nominal fee. If they can do it, why can't we?

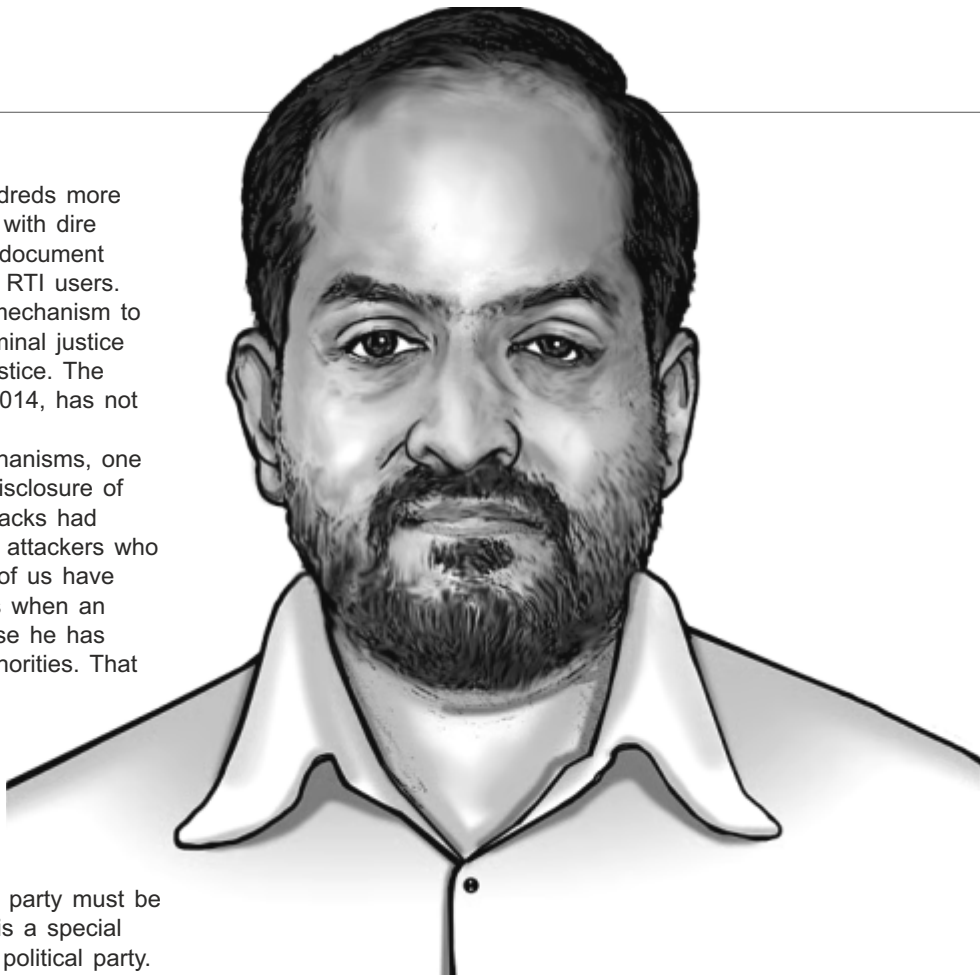
Q Do you think the RTI Act should apply to the private sector with the shrinking of the public sector's ever-increasing dominance over the economy?

The RTI Act covers private sector entities if they are substantially financed by the government directly or indirectly. But, purely private sector entities which do not receive any kind of government funding, are kept out of its ambit.

Nevertheless, there is a provision which enables citizens to seek the intervention of a public authority to collect information from such private entities for the purpose of public disclosure by using their regulatory powers. For example, it is possible to seek and obtain information about purely private schools, hospitals or cooperative societies from the respective regulatory departments in the Government. But this is an area where jurisprudence has not crystallised adequately.

In January 2023, a Constitution Bench of our Supreme Court ruled by a 4:1 majority that the fundamental rights protected under Articles 19(1) (various freedoms) and 21 (the right to life and liberty) can be claimed against persons other than the State and its instrumentalities also. This implies two things:

- a) that the people's right to know which is deemed to be a fundamental right can be demanded of private sector entities as well and
- b) the government has a duty to either expand the



ambit of the existing RTI Act to cover private sector entities or bring in a special law laying down their transparency obligations towards citizens.

Q Do you think the criticisms that RTI is being weakened or diluted by recent amendments and privacy laws are valid?

Many scholars, researchers and even former Information Commissioners have written obituaries to the RTI Act in recent years. The latest amendment made through the Digital Personal Data Protection Act in 2023 turns the personal privacy protection clause into an absolute exemption.

The fear is that when this amendment becomes operational, entire categories of information about individuals, especially those who avail benefits of social welfare programmes and schemes, would be hidden. Even names of officers who record their opinion on files while making important decisions might be denied. RTI users who obtain personal information from government files might become data fiduciaries with obligations to keep such information confidential under pain of hefty monetary penalties. Hence, they will not be able to publicly disclose such documents as has been the practice until now. Further, the Central Government-appointed Data Protection Authority would decide disputes about personal information disclosure with the Information Commissions having not even a say in the matter.

Already, there are stray examples of public authorities denying access to personal information by citing this



Information about judicial appointments and action taken about allegations of corruption against sitting judges are almost always denied on grounds of personal privacy or protecting the independence of the judiciary.

amendment even though the Central Government has not operationalised it. Hence, we need crystal clear guidelines that make good on the government's assurance that information that was hitherto accessible under the RTI Act will not be denied by taking recourse to the new data protection law.

Q What are the top three reforms the RTI framework needs today as a priority?

First, in order to rein in the casual or even cavalier manner in which many PIOs respond to even mundane requests, their performance in this appointed role must become a criterion for their annual performance appraisal. Penalties imposed on them must be included in their dossier for consideration for increments and promotions. Similarly, when they are being considered for promotion/empanelment for a higher post, their track record of implementing the RTI Act must become a criterion for evaluation.

Second, the first appellate authorities (FAAs) are the weakest link in the chain of authority under the Act. Very often, FAAs uphold their PIOs' decisions without reviewing them thoroughly. Neither the centre nor most of the states have made rules of procedure for disposing appeals. Comprehensive rules must be made quickly for disposing first appeals in a judicious manner.

Third, persons with proven track record of working for the establishment of the RTI Act's vision either within or outside government must be appointed to the Information Commissions. Without champions of transparency manning these bodies, the attitudes of resistance within the bureaucracy cannot be addressed effectively.

Q How close are we to the RTI Act's vision of an institutionalised regime of transparency where the need for filing formal RTI applications is reduced progressively?

This is another sad story. The RTI Act expressly mentions that every public authority must endeavour to voluntarily place in the public domain as much

information as is permissible under its provisions, so that people's need to seek information through formal requests is minimised. However, the Act does not make any officer specifically responsible for complying with this requirement. Even though many of us worked hard to develop guidelines for implementing the proactive information disclosure provision, it has had little impact.

Thankfully, in 2023, the Supreme Court made compliance with these guidelines mandatory. Now, Information Commissions are pushing public authorities to adopt these guidelines and audit their hitherto performance to improve upon it. Some States like Rajasthan and Karnataka have taken important initiatives like the Jan Soochana Portal and Mahiti Kanaja, respectively to voluntarily publish a wealth of information about their programmes and activities. Their effectiveness in terms of use by citizens and consequent linkages with reduction of RTI applications remains to be assessed.

Q Do you believe the RTI Act will remain relevant in the years to come? What message would you give to the young citizens of our country about the power and responsibility of using and protecting RTI?

Despite the retrograde amendments, one thing is very clear, no ruling political party can afford to repeal the RTI Act without inviting public ire.

Rights-based laws like RTI can be compared with muscles in our bodies. The more we use them, the healthier will they be, or else they will atrophy. It is equally important to avoid irresponsible and reckless use of RTI by seeking unmanageably voluminous information or by flooding a public authority with hundreds of information requests.

Today, a wealth of material is available online for the youth to equip themselves with the basics of RTI procedures to start using this democratic tool. They should educate themselves using these resources and engage with the administration by asking questions in a lawful and peaceful manner. Once they get hold of the information they sought, there will be no stopping them from using it more and more in other governance or development issues which matter to them.

What is also urgently necessary is for the RTI fraternity to come together formally on common platforms to act in a systematic and strategic manner at various levels - village, town, district, state and nationally. This is the need of the hour to ensure that the RTI Act is not diluted further! ▶

Does RTI Help Citizens Get Justice? – Hits & Misses

Information is Power! People from all walks of life use RTI to dig deeper into the reality of the government and become empowered to question them with facts. This underscores that no one is above scrutiny in a democracy, and public resources must always serve the public good!



A young girl filed an RTI asking who gave the order for printing Mahatma Gandhi's image on currency notes! Another nine-year-old's RTI forced the Delhi police to register his bike! Others have asked anything and everything from the electricity bill of the local commissioner to the amount spent by the government for training an athlete.

THE RTI ACT came as a much-needed breath of fresh air for the common man. There was a wave of hope that the citizens will finally be recognised as the real 'rulers of the nation' and can question the government with dignity and respect. The consumers would become the vigilance monitors of the public officials who can no longer use public funds arbitrarily and corruption will be curbed. And, with government officials accountable for their actions, government policies and practices will change for the better!

While this transparency legislation fell short of expectations, the people became informed enough to expose scams and other misdeeds of the government. Indeed, whenever someone feels that the government is not fulfilling its obligations or promises, they can wield the mighty RTI weapon to find out exactly what is going on – be it the status of a welfare scheme, work being done on a government project, list of ration card holders, voters whose names may have been deleted, names of borrowers whose loans have been written off, etc. Armed with the relevant information, they can defend, claim and enforce their rights. What's more, they can also pull up the government for delays in public works, shortfalls and leaks in welfare schemes, embezzlement of funds and so on.

A Look At Some Notable RTI Wins

Time and again, the RTI Act has been used to expose corruption in various sectors, including infrastructure projects, public distribution systems and land acquisition. It has not only helped uncover irregularities in government policies and schemes, but also lead to improvements in their implementation. **Above all, people use RTI to access information about the benefits they are entitled to under various government programmes and receive their rightful entitlements.**

For instance, the underprivileged sections are supposed to get subsidised food grains under the National Food Security Act. If they do not receive the food as promised by law, they can file an RTI application to find out how the grains are being distributed and why they were not provided. In fact, an RTI

filed by an Assam-based non-governmental organisation revealed irregularities in the distribution of food meant for people below the poverty line. The allegations of discrepancies in the public food grain distribution system were probed and several government officials were arrested.

RTI applications have played a vital role in uncovering divergences in the distribution of government scholarships intended for underprivileged students. They triggered investigations, resulting in tighter compliance with norms and helped ensure that financial aid reaches the students who truly deserve it.

Similarly, RTI applications have been instrumental in identifying and addressing issues of misallocation in schemes like MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act).

When Vaishnavi Kasturi, a visually impaired student, was denied a seat in the Indian Institute of Management, Bangalore despite her impressive score in the entrance exam, she filed an RTI to know why was she denied admission. Due to this, the IIMs had to make their admission criteria public. It appeared that more weightage was given to 10th and 12th exams than the score of the entrance exams!

Though RTI's aim is not to create a grievance redressal mechanism, the notices from the information commissions often spur the public authorities to redress grievances.

It is RTI requests that helped unveil some of the most prominent and debated corruption cases in India.

Adarsh Housing Society Scam: The 31-storey Adarsh Housing Society in Mumbai was actually supposed to be a 6-storey building for war widows and veterans. RTI applications by Yogacharya Anandji and Simpreet Singh brought to light the true picture of how these flats were illegally allocated to bureaucrats, politicians and their relatives. It also disclosed the nexus between politicians and high-profile military officials. Finally, Maharashtra Chief Minister Ashok Chavan had to resign and the building was demolished.

Suvarana Bhagyawant of Ambhegaon village in Maharashtra kept making the rounds of the panchayat office for two years to get her grandfather's death certificate. Every time, the official asked her to pay a bribe of Rs 500 or come back later. She needed the certificate so that her grandmother could apply for the widow's pension. When Suvarana filed a query under the RTI Act, she got the certificate in just 8 days!

The elated lady pointed to an RTI application and said, "This piece of paper is like a weapon for the powerless to fight against the corrupt establishment."



It just takes 10 Rs to right a wrong. The biggest achievement of RTI is that it tells the most powerful people that they are not beyond the reach of a common man.

- Simpreet Singh, RTI activist



Similarly, it was an RTI filed in Punjab that revealed that the funds meant for victims of the Kargil War were used by bureaucrats to buy cars and air-conditioners.

2G Spectrum Scam:

RTI played a key role in exposing the discrepancies in the allocation of 2G spectrum licenses by bypassing the rules to favour certain telecom companies. The underpricing of telecom licenses caused a loss of Rs 1.76 lakh crore to the exchequer. This resulted in the arrest of key figures including former Telecom Minister, A. Raja.



Commonwealth Games Scam:

RTIs filed by activists laid bare shocking irregularities, misappropriation of funds and corruption in the Commonwealth Games, 2010. Items were procured at prices several times higher than market rates, many contracts were awarded without open tenders and social welfare projects



Rs 744 crore was diverted from for Dalits.

Coalgate Scam:

RTI applications filed by activists and journalists helped reveal the lack of clear criteria in the allocation of coal blocks and how some companies received blocks without competitive bidding.



Pratibha Patil Land Controversy:

RTI replies revealed that the former President of India, Pratibha Patil had been allotted nearly 2.6 lakh sq ft of defence

land in Pune. Misuse of power also became apparent as the scale of construction on the land exceeded what was permissible for a retired President. The backlash prompted the former President to voluntarily give up the land!

Hence, citizen-driven inquiries are very powerful for exposing corruption!

RTI Fails: Information Denied

- RTI applications seeking details on electoral bonds were denied under national interest, despite concerns over political funding opacity.
- During the Covid-19 pandemic, RTIs requesting details about vaccine procurement, pricing and expenditure were rejected under commercial confidence.



- RTI requests about the use of Pegasus spyware for surveillance were denied under national security claims.

- RTI applications about the PM Cares Fund were thwarted by stating that it is not a public authority under RTI.

- RTI request to the Supreme Court inquiring whether it had ever received complaints of corruption or bad behaviour against **Justice T Raja**, (former judge in the Madras High Court) was denied stating that the apex court does not keep such records in the way asked by the applicant.



- An RTI seeking access to the in-house inquiry committee report concerning allegations against **Justice Yashwant Verma** of the Delhi Court was rejected citing



key legal exemptions. This was in relation to the large sum of cash that was accidentally

Recently, some RTI applicants were slammed by the information commissioners for filing hundreds of RTI applications on the same issue. Some are even blacklisted, even though the law does not have any provision for taking such action.

The Central Chief Information Commissioner, Heeralal Samariya stated, “While 70-75% of RTI applicants are genuine, 20-30% exploit the system by filing an overwhelming number of applications, sometimes exceeding 1,000 in a year. These

excessive requests not only slow down the process but also disrupt governance.”



In this context, Vinita Deshmukh, consulting editor of Moneylife questioned, “How about the information commissions putting pressure on public authorities to ensure pro-active disclosures under Section 4 of the RTI Act?”

discovered in a storeroom attached to the judge's residence during a firefighting operation.

Demystifying RTI Rejections

RTI applications can be rejected only under specific conditions outlined in the RTI Act. These conditions relate to the nature of the information requested and potential harm if disclosed. Such as:

- If the application is incomplete or lacks necessary details
- If the application is repetitive or becomes overly burdensome
- If the information pertains to the exemptions outlined under the RTI Act
- If the information could potentially harm the country's sovereignty, security or economic interests, or if it could incite violence
- If a court has prohibited the disclosure of certain information, or if disclosing it would be a contempt of court
- If the disclosure of information would violate the privilege of Parliament or a State Legislature
- If the information involves trade secrets or intellectual property that could harm a third party's competitive position
- If the information is held in a fiduciary capacity (i.e., in a position of trust)
- If the information is already publicly available, such as on the internet



Point to Note: If an RTI application is rejected, the public information officer (PIO) must provide a written explanation stating the reasons for the rejection.

ROUNDUP



INDIA'S DIGITAL CROSSROADS:

Privacy, RTI and Press Freedom



Srinivas Madhav

*Transparency and Equality Advocate and Author
(Opinions are personal)*

THE DIGITAL PERSONAL Data Protection Act, 2023 (DPDP Act), marks a pivotal moment in India's journey toward safeguarding the fundamental right to privacy, as affirmed by the Supreme Court in the landmark *Justice K.S. Puttaswamy* judgment of 2017. However, its proposed amendment to the Right to Information (RTI) Act, 2005, has sparked concerns about undermining transparency, a cornerstone of democratic governance.

The DPDP Act's Amendment to the RTI Act

Section 8(1)(j) of the RTI Act currently exempts personal information from disclosure but allows its disclosure if it serves a public interest or cannot be denied to Parliament or a State Legislature. Section 44(3) of the DPDP Act proposes an amendment - replacing this provision with a blanket exemption for "information which relates to personal information."

This raises two critical concerns: First, any information which relates to personal information can be exempt from disclosure. Second, the PIO's discretion to disclose even the personal information when he/she is satisfied that larger public interest justifies disclosure will be done away with. An absolute personal information exemption without a public interest rider is feared to shield public officials from scrutiny - especially in cases of corruption or misuse of power.

However, Section 8(2) of the RTI Act, still untouched by the DPDP Act, can mitigate those concerns. This provision overrides all exemptions, allowing information disclosure when public interest outweighs the harm. Justice K.M. Joseph called this clause a 'priceless right' in the Rafale review case (*Yashwant Sinha & Ors. v. CBI*, 2019).

The Controversial Colon

The legislative journey of Section 8(1)(j) reveals a subtle yet pivotal change via Amendment No. 44, during Lok Sabha's clause-by-clause consideration on 11 May 2005. A colon was inserted - apparently innocuous - between the end of clause (j) and the proviso: "Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

Earlier drafts, including those proposed by the National Advisory Council (NAC) and the Parliamentary Standing Committee, used a full stop, treating the proviso as a separate sub-clause (2). Their intention was clear: the proviso was meant to apply to the entire Section 8(1) and not merely to clause (j).

There is no record of either the NAC or the Standing Committee recommending this syntactic twist. Yet, the amendment passed, and with it, the strength of the RTI Act's foundational principle - equivalence in access to information between the citizen and Parliament - was subtly curtailed.

The Central Information Commission (CIC) never explicitly rejected arguments favouring a broader interpretation of this proviso. In *Bhagat Singh v. CIC* (Delhi HC, 2007), Justice S. Ravindra Bhat advocated a liberal interpretation of the RTI Act as a rights-based law.

(j) information which relates to personal information **the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:**

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

Section 8 of the RTI Act: Text highlighted in bold is amended and deleted by the DPDP Act, while sub-section (2), requiring the public interest test, remains unchanged

What Information Can Be Denied to Parliament?

Under the Rules of Procedure and Conduct of Business in Lok Sabha, questions by Members of Parliament face restrictions. They cannot ask about personal character or conduct (Rule 41(2) (vi, x, xi)) or reflect upon high authority without a substantive motion (Rule 352(v)). Generally, questions also exclude trivial matters, past history or confidential information like Cabinet discussions or advice to the President. Thus, questions typically cannot inquire into individuals' personal conduct except in their official capacity.

A crucial link exists between information accessible to the Parliament and the public via the RTI Act. Section 8(1)'s proviso implies that limits on MPs in Parliament also partly define what citizens can be denied. Whether the proviso applies to all exemptions or only to clause (j) has already been debated, but the underlying principle remains that what cannot be denied to Parliament cannot be denied to the public.

Finland's approach offers a useful model. Under Finland's Parliament Act (1995), extended by its new Constitution, members and committees have broad information rights; individual MPs access any non-classified information necessary for their functions. India could draw lessons from this model to ensure personal information is protected without compromising public accountability.

The DPDP Act's amendment to the RTI Act may appear threatening to the transparency regime at first glance. However, in practice, its impact may not be as severe, especially if safeguards within the RTI Act - such as Section 8(2) - are effectively invoked to uphold public interest.

The 'colonial ambiguity in Section 8(1)(j) could be addressed - either via an RTI Act amendment replacing the colon with a full stop (ensuring the proviso applies to all of Section 8(1)), or through judicial/administrative clarification. This would restore the original intent of the RTI Bill and Parliament, reinforcing citizens' right to information on par with MPs.

Balancing Privacy and Transparency

The intersection of privacy and the right to information presents one of the most challenging constitutional dilemmas. Both rights are fundamental - privacy under Article 21 and the right to information under Article 19(1)(a) - and are essential to a functioning democracy. Conflicts often arise when disclosure of public records may reveal personal data, especially in matters involving public officials or political funding.

The Electoral Bonds case (*Association for Democratic Reforms v. Union of India, 2024*) provides a landmark precedent for this balancing exercise. The Supreme Court struck down the Electoral Bond Scheme, holding that voters' right to know the sources of political funding outweighed the donors' right to privacy. The Court reasoned that political donations are not purely private acts - they are intended to influence public policy and elections and thus lie within the public domain. Applying this 'double proportionality test', the Court assessed the extent of infringement on both rights and concluded that transparency was essential to preserving electoral integrity, preventing quid pro quo arrangements, and upholding constitutional morality.

Real Challenge for Journalists

A greater challenge arises from the DPDP Act's lack of explicit exemption for journalistic activities, raising concerns for press freedom and investigative reporting. S.17(2)(b) exempts research and archiving but fails to recognise journalism as a legitimate purpose for processing personal data.

This omission, even if unintended, could create a chilling effect on journalism: Media organisations as Data Fiduciaries can only process digital personal data with the individual's consent. The individual (Data Principal) requires clear notice about the purpose of using (or even storing) such data.

In addition, big media houses, if classified as Significant Data Fiduciaries under S.10, need to fulfil added obligations. They must appoint Data Protection Officers, conduct periodic data audits and Data Protection Impact Assessment.

Obtaining 'free, specific, informed, unconditional and unambiguous consent' is impractical in investigative journalism, particularly in cases involving corruption, crime or governance failures. Fear of ₹50 crore to ₹250 crore fines may dissuade journalists from exposing any wrongdoing by any person.

The Editors Guild of India urged the Central Government last year to issue a notification under S.17(5) of the DPDP Act to exempt media organisations from compliance obligations that obstruct investigative journalism. However, such a notification, if issued 'for such period as may be specified' would offer only temporary protection - like a sword hanging over press freedom.

A more credible and permanent solution would be to amend Rule 15 of the draft Digital Personal Data Protection Rules, 2025, to explicitly exempt journalism from certain consent requirements. For this to happen, S.17(2)(b) of the DPDP Act needs to be amended by the Parliament, ensuring that the law does not apply to the processing of personal data necessary for journalistic purposes, subject, as may be appropriate, to a public interest requirement. In doing so, a balance can be achieved between the protection of personal data and the upholding of press freedom.

Both the DPDP Act and RTI Act serve vital democratic values - privacy and transparency - and both must be protected and upheld. ▶



Many international data protection frameworks offer specific exemptions for journalistic activities. For example, Article 85 of the European Union's General Data Protection Regulation (GDPR) allows member states to create exemptions for processing personal data for news reporting. The UK's Data Protection Act 2018 does not provide a blanket exemption for journalists but excludes them from most data protection obligations if data processing is carried out with a view to 'publishing' material in the 'public interest'.



Pyush Misra
Trustee,
Consumer Online Foundation

Strengthening RTI: What Needs to Change?

“The RTI Act, hailed as a cornerstone of transparency and accountability, seems to be at a crossroads today. While it did empower citizens, it seems to be gradually losing steam today. Can we revive this pioneering democratic instrument so that it continues to open doors for the consumers?”
– Pyush Misra



“Information is the currency of democracy and critical to the emergence and development of a vibrant civil society!”

– Thomas Jefferson

INDIA IS A proud democracy that gives its citizens the right to know about the functioning of the government and the reasons behind their actions. The greater the access to information, the better is the responsiveness of the public authorities. In this context, the RTI Act proved to be a valuable tool that held the government accountable and promoted good governance.

However, two decades down the line, the shine seems to be wearing off this 'Sunshine Act'! Opaque bureaucratic culture and the penchant for secrecy continues to supersede. This is a wakeup call for the government to address the limitations head-on to ensure the full effectiveness of RTI and protect its integrity.

Restoring the Waning Spirit of RTI

Timely Appointments in Commissions – Most information commissions are either defunct or grossly understaffed. Moreover, majority of appointees are either retired government officials or individuals with political connections, A fixed timeline for recruitment with an independent selection process along with increase in staff and resources is crucial for reducing the backlogs. In fact, fast-track mechanisms, additional benches and AI tools should be introduced to handle high-pendency cases.

Besides this, it is crucial to restore the autonomy of the information commissioners. Judicial scrutiny should replace government interference.

Curb Bureaucratic Resistance – Information officers and departments flout the rules without facing any consequences which emboldens their inaction. A robust penalty system for officials who delay or deny information without valid reasons will be effective here. Additionally, an RTI Compliance Rating System should be instituted for ministries and departments. RTI compliance can also be linked to the performance evaluations of the government officials and departments.

The current exemptions are wide and have to be clarified and sharpened.



Mr. M. SRIDHAR ACHARYULU
Former Information Commissioner

Both the public information officers and information commissioners should undergo mandatory training to improve awareness and efficiency.

Increase Gender Representation – The RTI system should have gender diversity – with minimum gender quota - to make it representative and more responsive to every citizen.

Prune Exemption List – The exemptions to RTI disclosure should be reviewed and tightened with clear guidelines on the application of the 'larger public interest' override clause. The public authorities should be required to demonstrate specific, substantial harm that would result from disclosure.

Reinforce Proactive Disclosures – The RTI mandate of proactive disclosures by the public authorities should be strictly enforced with penalties for those who fail to comply. This will automatically minimise the need for RTI requests. In fact, there should be an 'Open by Default' policy where all non-sensitive government data - related to budgets, tenders, contracts, decision-making processes and fund allocations - is updated immediately on the government portals.

Protect Whistleblowers – People seeking information should be duly protected with provisions for anonymous complaints and emergency protection mechanisms. Fast-track courts should handle cases of threats or violence against activists and special helplines must be set up to

The RTI is safeguarding a fundamental right guaranteed under the Constitution and so the government should seriously look into the possibility of elevating the information commission to the status of a constitutional authority.



Mr. WAJAHAT HABIBULLAH
First Chief Information Commissioner of India
and a member of the
Advisory Board of The Aware Consumer

The Asian Centre for Human Rights recommended that a separate chapter, 'Protection of Those Seeking Information Under the (RTI) Act' should be inserted into the RTI Act.

provide legal and emotional assistance. Moreover, the Whistleblower Protection Act must be implemented in its entirety to shield those who reveal corruption.

Expand Awareness and Accessibility: The government should conduct nationwide RTI awareness campaigns and RTI literacy should be integrated into school curriculums. The RTI filing procedures should be simplified with regional language support and mobile-based applications. RTI kiosks can also be set up in rural areas.

Apart from the above, controversial sections like land allotments by the government and actions of political parties should be brought under the purview of the RTI Act.

In sum, urgent reforms and a collective commitment is what will uphold the right to information before it disappears into thin air. Do we want to lose the ability to build a relationship with the government and enable it to function smoothly?

We should also bear in mind that the right to information by itself is not sufficient to improve governance. A lot more needs to be done to usher in accountability in governance - like decentralisation of power and fusion of authority with accountability at all levels! ▶

While public sector banks are already subject to RTI, the private sector remains outside the Act's purview. This is a matter of concern, given the extensive use of public funds by private banks and the critical role they play in the economy. To address this gap, private sector banks should be brought under the RTI Act. This would allow citizens to seek information about their financial practices, thereby increasing accountability in the sector.



Mr. SUBHASH CHANDRA AGARWAL
noted RTI activist

The Second Administrative Reforms Commission (ARC) was constituted on 31 August 2005, as a Commission of Inquiry for preparing a detailed blueprint for revamping the public administrative system. In one of its reports titled, 'Right to Information – Master Key to Good Governance', the committee made several recommendations to strengthen the implementation of RTI. Like:

- **Repeal the Official Secrets Act and amend governmental privilege in evidence under the Indian Evidence Act.**
- **Establish National Coordination Committee (NCC) as a national platform for effective implementation of the Act**
- **Recruitment of adequate staff in the public authorities for proper functioning of RTI.**
- **Proper record keeping by experts so that information can be retrieved as per the requirement of the applicants and digitisation of records**
- **Rigorous RTI training and capacity building of government officials**
- **Awareness campaigns can be entrusted to credible non-profit organisations at the state level.**

**ADMINISTRATIVE
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RTI

– Making Truth a Right Across the World

In a world seeking transparency and accountability across frontiers, the right to information has emerged as one of the most powerful tools for empowering citizens. What was once seen as a privilege granted by those in power has now become a recognised right in many democracies across the globe. Now, no government that enforces the right to information can refuse any citizen that asks how it governs the country.



It's as simple as that - Truth cannot be a privilege of a few; it should be a right for everyone!

TRANSPARENCY LAWS PROVIDE a legal mechanism that empower consumers to demand their rights and force officials to act responsibly. Such well-informed consumers are equipped to maintain the necessary vigil on the governance and keep them accountable to the governed.

Today, legislations upholding the freedom of information serve as a bridge between the governed and the government, breaking open opaque systems and ensuring that public officials can no longer hide the truth behind the curtains of bureaucracy and red tape.

The Game-Changing Global Road to Truth

The journey towards achieving the right to information has been long and challenging across the globe, marked by reforms, resistance and ultimately, remarkable progress.

International bodies like the United Nations and World Bank have repeatedly emphasised on transparency as a cornerstone of good governance. Other organisations – like Transparency International – advocate freedom of information as part of government accountability and anti-corruption frameworks. **The push for RTI is not just about information - it's about justice, dignity and participatory democracy!**

- In its very first session, the UN General Assembly adopted a resolution stating, "Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the UN is consecrated."
- The Universal Declaration of Human Rights (UDHR) - established in 1948 – highlighted the significance of the right to information by guaranteeing individuals the liberty to seek and receive information and ideas through any media and regardless of frontiers.
- The International Covenant on Civil and Political Rights (ICCPR), 1966 asserts that everyone should have the right to freedom of expression, the freedom to seek and impart information and ideas of all kinds.
- The UNESCO 2015 Resolution on Access to Information declared that all public bodies should proactively disclose information.
- Even the UN's Sustainability Development Goals (SDG 16) highlights access to information as a target for promoting inclusive institutions.

Over 130 countries across the world have enacted freedom of information or right to information laws, a testament to the fact that access to information is fundamental to democracy.

Sweden: The roots of freedom of information trace back to Sweden, which passed the Freedom of the Press Act way back in 1766 - the first law in the world to give citizens the right to access government-held documents, ensuring that state actions are open to scrutiny. Even today, the country

Most citizens across democracies have the right to ask for any information from their government and the government is answerable to them.

is known for its strong transparency laws that promote a culture of openness.

United States: The Freedom of Information Act was passed in 1966, giving citizens and journalists the right to request information from federal agencies. It became a powerful tool for investigative journalism and civic activism. While the law has been instrumental in uncovering government actions, it also faces criticism for excessive redactions.

Europe: Countries like Denmark, Norway, France and the Netherlands further strengthened the foundation for freedom of information legislation in the western world in the 1970s.

Australia: In 1982, the country passed its own version of freedom to information legislation, providing a robust mechanism for the citizens to hold public institutions accountable.

Canada: The Access to Information Act, 1983 has been effective in ensuring accountability, but it faces challenges with delays and exemptions.

Asia: Philippines was the first Asian country to recognise the right to access information held by the State by passing a Code of Conduct and Ethical Standards for Public Officials and Employees in 1987. Transparency laws were adopted by Hong Kong in 1995, Thailand in 1997 and South Korea in 1998.

South Africa: In 2000, South Africa became the first African country to adopt a comprehensive access to information law post-apartheid.

International Day for Universal Access to Information - 28 September

In 2015, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) declared 28 September as the International Day for Universal Access to Information (IDUAI).

The primary focus of this global initiative is to promote and protect the right of open access to information for development, democracy and equality. People can and should ask bold questions and demand honest answers!

It celebrates every query filed, every voice heard, every file opened, every record revealed, every truth uncovered and every injustice corrected as a step forward in the global march towards transparency and accountability!

The Road to Enactment of RTI in India

In 1976, in the Raj Narain vs the State of Uttar Pradesh case (1976), the Supreme Court ruled that transparency is a crucial part of democracy and citizens have the right to know about the working of the government. The apex court held that the right to information will be treated as a fundamental right under the ambit of Article 19 of the Indian Constitution.

Meanwhile, a grassroots movement - led by activists like Aruna Roy and Nikhil Dey through the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan – established the foundations for the idea of the Right to Information.

At a press conference in Delhi in 1996, Sushila, a barely literate woman from rural Rajasthan, articulated her demand for transparency as a right. "When I send my son with ten rupees and he comes back, I ask for accounts. The government spends billions of rupees in my name, shouldn't I ask for my accounts?" Sushila's words in Hindi were a simple phrase: "Hamara paisa, hamara hisab" (our money, our accounts).

Subsequently, the Government of India set up a working group in 1997 on the right to information and promotion of open and transparent government. The Freedom of Information Act was enacted in 2002. However, it failed to acknowledge the right to information of the people and provided for appeals only within the government bodies.

The Right to Information (RTI) Act replaced this legislation on 15th June, 2005 with the aim of promoting transparency and accountability in the working of every public authority. It also overrides the Official Secrets Act, 1923 and various other special laws which traditionally restricted information disclosure in India. This was the beginning of a new age of democratic empowerment and transparency in the public sector!

India's Right to Information Act is often hailed as one of the world's strongest transparency laws and also the most progressive and impactful pieces of legislation.

But, did it finally deliver the much-awaited 'swaraj' to the consumers?

While the law did become an equaliser by putting the power of truth in the hands of the common man, its implementation continues to face hurdles in the form of unnecessary restrictions and delays emanating from the

Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing.



JUSTICE P N BHAGWATI

The Right to Information Act completed two decades on June 15, 2025 - a powerful reminder of how access to information can shape a more informed and just society.

In this new, contemporary India, young people have a big struggle ahead to regain this right. The RTI is critical because it has brought a sense of reassurance to the nation and to the eight million users of that right that we are sovereign. The closest any campaign has come to set the discourse on public ethics is perhaps the RTI.



ARUNA ROY
- renowned social activist and a driving force behind the movement that led to the RTI Act

deeply entrenched culture of secrecy, bureaucratic inertia and power politics.

Conclusion

The Right to Information Act is not merely a legal tool; it's a moral compass that guides governments toward fairness and accountability. We should consider it as our right to truth that will, ultimately, deepen democracy, weaken corruption and empower citizens! ▶

The nation must realise that the curbs on freedom of speech, the right to publish and the right to information are interlinked and must be treated with equal importance.



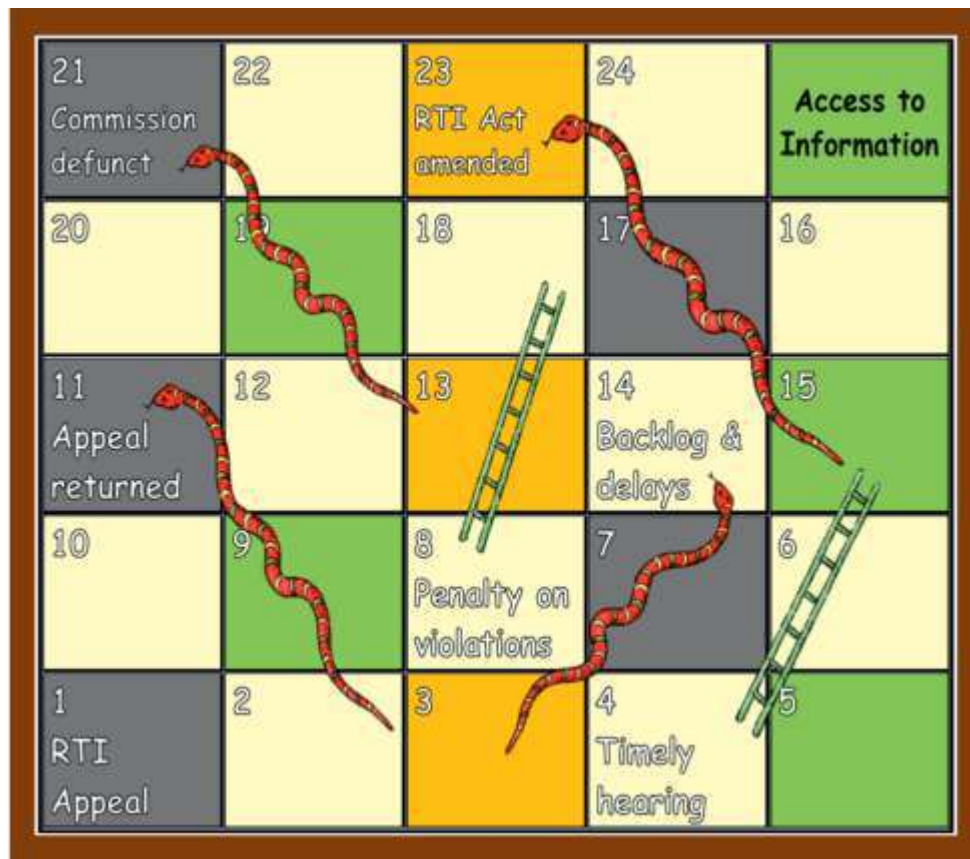
SHAILESH GANDHI
RTI activist and former Central Information Commissioner

People's Assessment of the RTI Regime in India

How well are the information commissions actually performing their mandated role of safeguarding and facilitating the citizens' fundamental right to information? This independent evaluation of the implementation of the RTI Act aims to improve the functioning of the commissions – the final appellate authority under the law - and thus, strengthen the RTI regime in India.

REPORT CARD of INFORMATION COMMISSIONS 2023-24

Satark Nagrik Sangathan

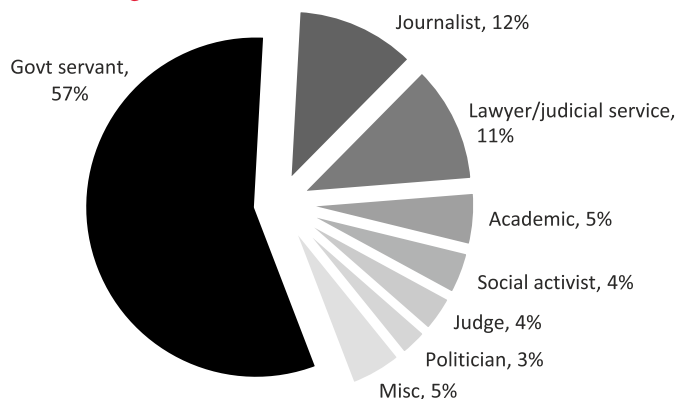


OVER THE YEARS, the Shasakt Nagrik Sangathan (SNS) - a citizens' group working to promote transparency and accountability in government - has been conducting objective assessments of the use and functioning of the RTI law, in collaboration with other civil society groups.

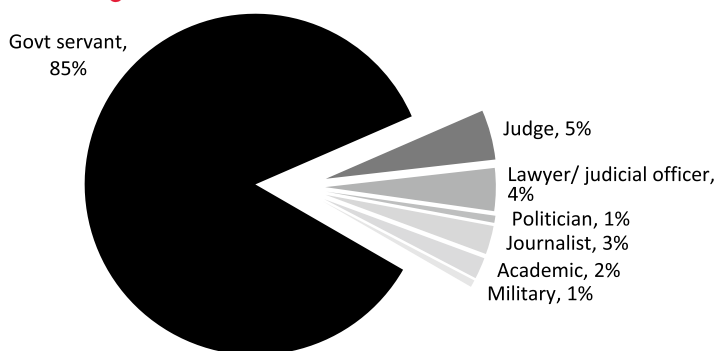
In October 2024, marking 19 years of implementation of the RTI Act in India, it released a 'Report Card of Information Commissions 2023-24' detailing the performance of the 29 information commissions (ICs) across the country based on information accessed under the RTI Act itself (for the period July 2023 to June 2024). The findings reveal that:

- 7 information commissions (Jharkhand, Telangana, Tripura, Goa, Madhya Pradesh, Uttar Pradesh and Chhattisgarh) were non-functional for varying lengths of time during the period under review, with all posts of commissioners being vacant. The first 3 remained completely defunct as on 10 October, 2024 while 5 others were functioning without a chief information commissioner (Chhattisgarh, Maharashtra, Karnataka, Uttarakhand and Odisha). In the absence of functional commissions, information seekers have no reprieve if they are unable to access information as per the RTI provisions.
- Several ICs – including the Central Information Commission (CIC) - have been functioning with an inadequate number of commissioners, leading to a large build-up of pending appeals and complaints.
- Defying the RTI Act's call for diverse backgrounds, a majority (57%) of the 510 information commissioners (for whom background information was available) are retired government officials. (see Figure 1) Moreover, of the 148 Chief Information Commissioners for whom

**Figure 1:
Background of Information Commissioners**



**Figure 2:
Background of Chief Information Commissioners**



data was obtained, an overwhelming 85% were retired government servants. (see Figure 2)

- The gender composition is also extremely skewed; merely 9% of all information commissioners across the country right since 2005 have been women with 9 commissions having never ever had a woman commissioner. What's even worse is that only 5% CICs

In February 2019, the Supreme Court ruled that the proper functioning of ICs with adequate number of commissioners is vital for effective implementation of the RTI Act. For the timely appointment of information commissioners, it held that: “We would also like to impress upon the respondents to fill up vacancies, in future, without any delay. For this purpose, it would be apposite that the process for filling up of a particular vacancy is initiated 1 to 2 months before the date on which the vacancy is likely to occur so that there is not much time lag between the occurrence of vacancy and filling up of the said vacancy.”

“ National assessments have shown that a large number of RTI applications emanate from the urban poor and from rural households seeking information about their basic entitlements. In this context, the practice being followed by the CIC and some SICs, of returning a very large number of appeals and complaints without passing any orders, becomes extremely problematic. ”

**- Report Card of
Information Commissions 2023-24**

From the outset, when the decision was made about the selection committee for CICs being dominated by the government, we raised objections. It's essential to have either the Chief Justice of India or a sitting judge of the Supreme Court as the third member. This inclusion will ensure the selection process isn't solely under government control. How can one expect an individual selected by a government-dominated panel to provide information to the public that may be against the government's interests? //



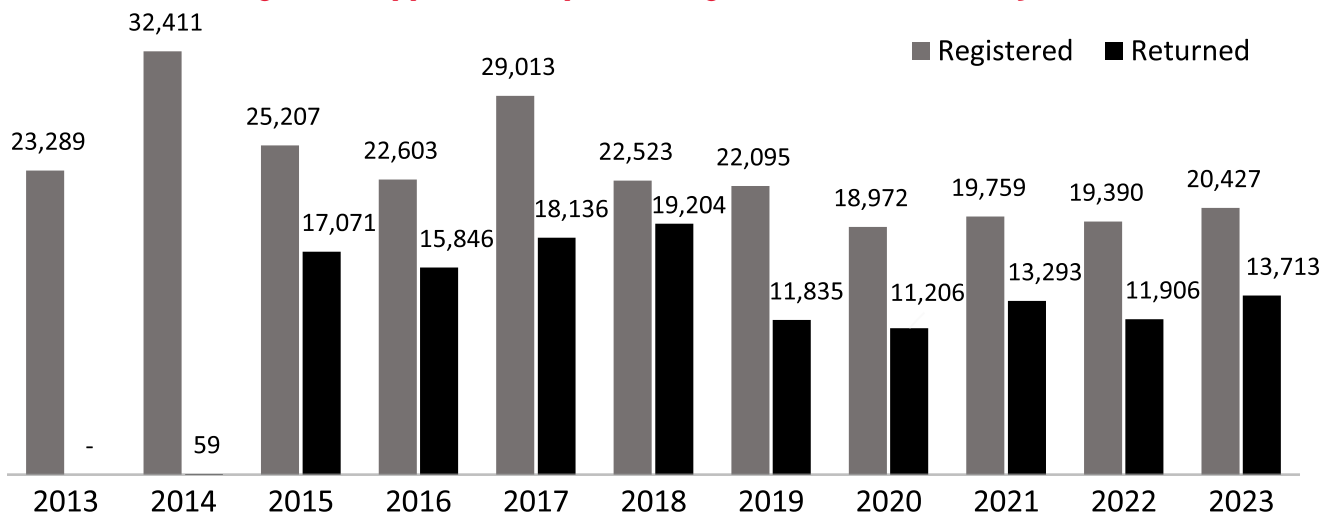
VENKATESH NAYAK
Director,
Commonwealth Human
Rights Initiative,
India Office

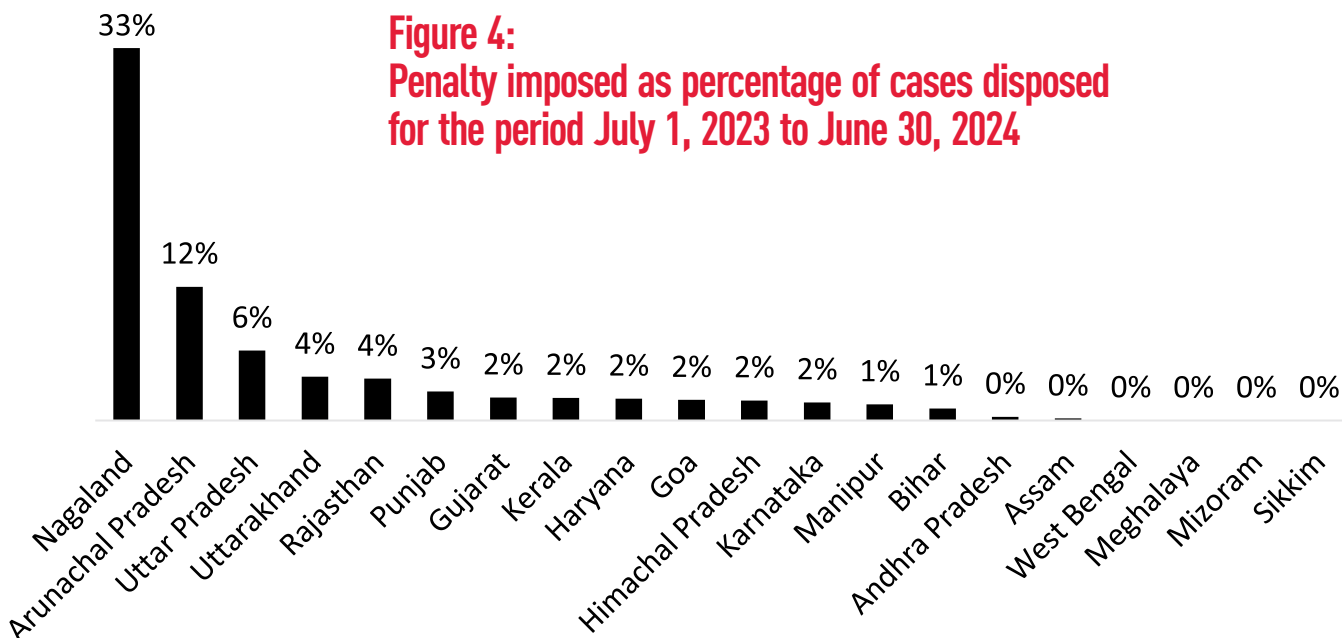
have ever been women. As on 12 October, 2024, none of the information commissions was headed by a woman.

- During the said period, 2,31,417 appeals and complaints were registered by 27 ICs (for which relevant information was available) while 2,25,929 cases were disposed by 28 commissions. Meanwhile, the CIC registered 19,347 appeals/complaints and disposed 16,672 cases. There is a wide variation in the case disposal rates per commission and per commissioner.

- 7 of the 19 ICs which provided relevant information had returned appeals/complaints without passing any orders. The CIC returned nearly 14,000 appeals/ complaints during the period under review. (see Figure 3)
- **4,05,509 appeals/complaints remained pending in the 29 ICs as of 30 June, 2024, a significant increase from a backlog of 3,88,886 cases in June 2023.**
- Based on the backlog of cases in ICs and their monthly rate of disposal, it was computed that 14 commissions would take 1 year or more to dispose an appeal/complaint while the CIC would take around 1 year and 4 months.
- While the ICs are empowered to impose penalties of upto Rs. 25,000 on erring PIOs for violations of the RTI Act, they actually did so in an extremely small fraction of the cases in which penalty was imposable. In fact, the commissions appear to be reluctant to even ask the PIOs to give their justification for not complying with the law. During the period under review, 18 ICs issued a total of 4,480 show cause notices to the PIOs and 23 ICs imposed penalties in 3,953 cases amounting to Rs. 8.88 crore. Analysis of the figures for 20 ICs showed that penalty was imposed in just 3% of the cases disposed by the ICs! (see Figure 4)
- Of the 18 commissions which provided information, only 10 had invoked their powers to recommend disciplinary action.
- Of the 19 commissions that provided information, only 11 awarded any compensation to the aggrieved applicants.
- The RTI Act obligates each commission to prepare a report on the implementation of the RTI provisions every year and table it before the Parliament or the state legislature. However, 18 of the 29 ICs (62%) had not published their annual report for 2022-23. And, 33% of the ICs had not made their latest annual report available on their website.

Figure 3: Appeals/complaints registered & returned by CIC





- Transparency seems to be a lost cause with only 6 ICs allowing members of the public to attend their hearings. Just 3 of them live-stream the proceedings.
- For the study, a total of 174 RTI applications were filed seeking identical information from all the 29 commissions. 17 of them provided all the information sought, though in several cases it was furnished after first appeals were filed.

The report concludes that the functioning of the information commissions is a major bottleneck in the effective implementation of the RTI law. Large backlog of appeals and complaints across the country leads to inordinate delays in disposal of cases, which renders the law ineffective. One of the primary reasons is the failure of the central and state governments to take timely action to appoint information commissions to the ICs. ▶

By failing to disclose information on their functioning, ICs continue to evade real accountability to the people of the country whom they are supposed to serve.



ANJALI BHARDWAJ and AMRITA JOHRI
of Satark Nagrik Sangathan (SNS)

CENTRAL INFORMATION COMMISSION

Composition of Information Commission



Appeals and Complaints



Registered[†]: 19,347
Disposed[†]: 16,672

Pending on June 30, 2024: 22,714
Estimated time for disposal^{**}: 1 yr & 4 months

[†]between July 2023 & June 2024 ^{**}for an appeal/complaint filed on 1/7/24

Penalties Imposed



Total amount of penalty imposed[†]: info denied Percentage of disposed cases in which penalty imposed: info denied

[†]between July 2023 & June 2024

Transparency



Latest annual report published: 2022-23
Are IC orders of 2024 available on website: Yes
Success rate of RTI applications filed to IC: 69%

Hearings of the Information Commission



Are hearings open for members of the public: No
Are hearings livestreamed: No

The full report is available at <https://www.snsindia.org/wp-content/uploads/2025/02/RC2024.pdf>.



Is An RTI Applicant a Consumer under the Consumer Protection Act?

IS A PERSON seeking information under the Right to Information (RTI) Act considered a consumer as defined by the Consumer Protection Act? Can the lack of response or partial/incorrect information given by the public authority or its Public Information Officer (PIO) be considered a 'deficiency in service'? Can such aggrieved RTI applicants approach the consumer commissions for relief?

This issue has been the subject of detailed discussions and conflicting opinions since years with differing judgements by various district and state consumer commissions. The Ernakulam Consumer Disputes Redressal Forum's landmark order in 2013 that if an RTI applicant is denied information, it will be considered as deficiency in service and the applicant will be entitled to compensation under the Consumer Protection Act being a case in point.

Time and again, RTI applicants have invoked the consumer commissions to put pressure on the public authorities to provide the requisite information. As in the 2012 case of lawyer and activist, Advocate Vinod Sampat approaching the Consumer Disputes Redressal Forum, Mumbai Suburban District seeking nominal compensation for denial of information by the Sub-Registrar Office, Mumbai. When the consumer forum sent a summons to the PIO to file an affidavit, the Inspector General of Registration's office promptly sent the applicant a reply stating that "the said document has been searched on priority and has been found."

However, on 8th January, 2015, the National Consumer Disputes Redressal Commission (NCDRC), ruled that "no complaint by a person alleging deficiency in services rendered by the CPIO/PIO is maintainable before a Consumer Forum."

While hearing a bunch of petitions by RTI applicants claiming compensation on grounds like delayed or unsatisfactory information, the apex consumer forum

...because the RTI Act was set up as a special statute, which also articulates a procedure for grievance redressal, allowing RTI applicants to approach the Consumer Forum would beat the 'legislative intent' of the RTI Act. //

– NCDRC Bench presided by



Justice AJIT BHARIHOKE



Justice V.K. JAIN



Dr. B.C. GUPTA

further held that mere payment of consideration (fees and costs of providing the information) is not conclusive of the issue involved as the RTI Act is a complete code in itself, ousting the jurisdiction of civil courts. Hence, treating RTI applicants as consumers who can file complaints with the consumer forums for compensation would "open two parallel machineries, for enforcement of the same rights".

It was clarified that applicants seeking information from public authorities are not consumers and all RTI grievance redressals have to be dealt with as per the RTI Act only. Here, the state/central information commissions are empowered to impose a penalty upon the PIO/CPIO, recommend disciplinary action and also direct them to pay suitable compensation.

Hence, consumer forums don't have any jurisdiction to intervene in any matters pertaining to the provisions under the RTI Act. ▶

In 2024, the Delhi High Court ruled that the interpretation of the Consumer Protection Act Regulations must align with the overarching goal of the Right to Information Act, 2005 to enhance transparency and access to information. It further stated that the gap in the regulatory framework which does not explicitly restrict third-party access to information related to case proceedings should not be misconstrued as an implicit restriction. Here, the RTI Act should serve as the legislative bridge.

The ruling requires third parties to provide detailed reasons when filing RTI requests for NCDRC documents and the PIO should assess such requests by balancing the need for transparency with the privacy rights of the individuals involved.

UPDATE ...



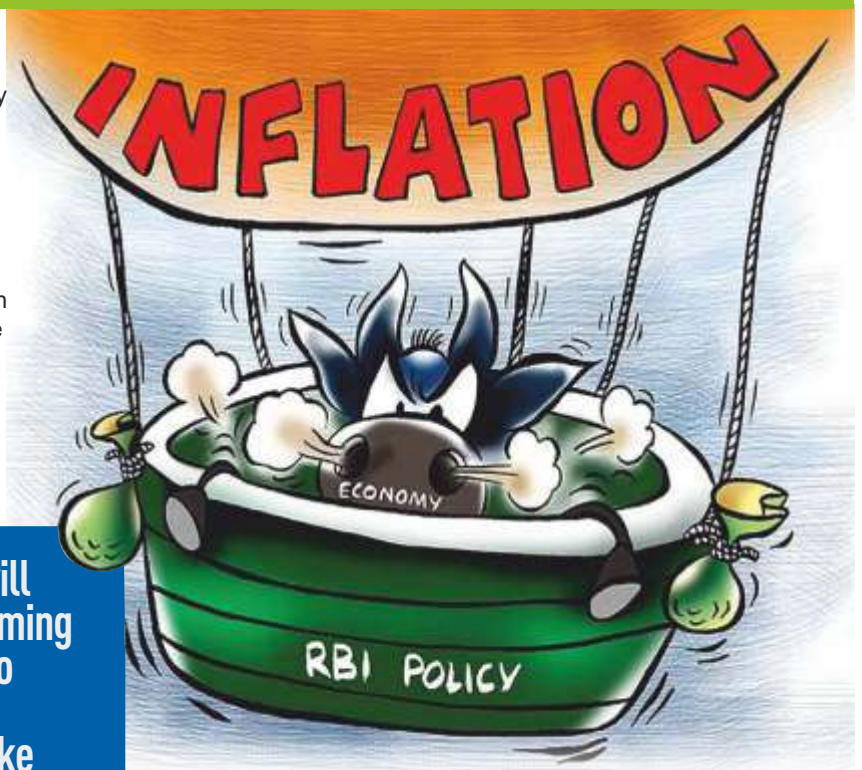
Moving a Step Ahead

Update on the May edition

RBI's Pro-Growth Shift – Fires Policy Bazooka !

INDIA'S RETAIL INFLATION eased to a nearly six-year low of 3.16% in April this year primarily because of subdued prices of vegetables, fruits, pulses and other items. It dipped even further to 2.82% in May to touch a 75 month low!

While food inflation outlook remains soft, core inflation is expected to remain benign with easing of international commodity prices in line with the anticipated global growth slowdown. The improved inflation outlook gave room to the Reserve Bank of India (RBI) for another round of rate cut in the June monetary policy review.



From here onwards, the MPC will be carefully assessing the incoming data and the evolving outlook to chart out the future course of monetary policy in order to strike the right growth-inflation balance. The fast-changing global economic situation, too necessitates continuous monitoring and assessment of the evolving macroeconomic outlook.



SANJAY MALHOTRA
Governor, RBI

The RBI's Monetary Policy Committee (MPC) cut the repo rate by a sharp 50 basis points (bps) from 6% to 5.50% (marking the third consecutive reduction since February 2025) even as the central bank slashed the cash reserve ratio (CRR) by 100 bps to 3%. It unanimously recommended a change in the monetary policy stance from 'accommodative' to 'neutral'. These moves are expected to propel growth to a higher aspirational trajectory of 8%.

The updated inflation target is now 3.7%, indicating the RBI's confidence in price stability and its pivot towards supporting growth.

GROWTH OUTLOOK

- * Q4 FY25 GDP growth at 7.4% (vs 6.4% in Q3)
- * FY25 full-year growth projected at 6.5%

This pro-growth shift has created a favourable environment for borrowers (especially home loans), rate-sensitive sectors and long-duration investors. However, depositors and savers will get lower returns on their bank deposits in the coming months. ▶

YOUR OPINION MATTERS

letters to the

editor

We are truly humbled by the praise and acknowledgment that is flowing in from varied sources. Please feel free to send in your comments, views or feedback on The Aware Consumer magazine at bejonmisra@theawareconsumer.in – we will publish your opinions and implement your feedback while ensuring that your voice is heard on the right platforms.

[May issue:
Rising Inflation – Ripple Effect
on Consumers]



IN THE INTRICATE tapestry of modern consumerism, where economic currents often sway the everyday lives of individuals, the May 2025 edition of 'The Aware Consumer' emerges as a beacon of clarity and insight. The magazine's in-depth exploration of pressing issues, such as the impact of inflation on consumer lives, the mounting burden it imposes and the nuanced dynamics of the wage-price balance, was both timely and enlightening. Through meticulous research and

articulate presentation, the publication illuminated the multifaceted challenges faced by consumers, offering them not just information, but a lens through which to view and understand the complexities of their economic environment.

Beyond the immediate focus on inflation, the magazine's consistent commitment to consumer education is commendable. Each edition serves as a testament to the publication's dedication to fostering an informed consumer base, empowering individuals to make choices that are both informed and conscientious. By addressing a diverse array of topics pertinent to consumer rights and responsibilities, The Aware Consumer plays a pivotal role in promoting the 'Jago Grahak Jago' initiative, ensuring that consumers are not mere participants in the marketplace but are active, informed and protected stakeholders.

I extend my heartfelt appreciation to the editorial team for their unwavering commitment to excellence and their invaluable contribution to consumer awareness. Their efforts not only enlighten but also inspire, paving the way for a more informed and empowered consumer community.

- **Tarali Sarmah**, Guwahati, Assam • tarali.sarmah@jublfood.com

INFLATION HITS HARDEST where it hurts the most: essential needs. While luxury buyers may absorb the shock, the middle class faces shrinking budgets and compromised lifestyles.

The articles in the magazine put into words what many consumers are quietly going through - feeling a hard pinch in the monthly budgets, watching essentials become expensive and struggling to make the same income stretch further.

Consumer awareness is no longer optional - it's a shield against silent erosion of savings and stability.

- **B Vijay Krishna**, Hyderabad • vijay@cnctechinics.com



SOURCES / REFERENCES

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Watch out for the next issue in August dedicated to the theme of
“Airline Passengers Safety is Paramount and Non-Negotiable!”

Where It All Began: The Story of Vahani Scholarship

10
VAHANI
YEARS

“Education should never be a privilege, it’s a right. That belief started Vahani.”

— *Reeva Misra, Founder and Chairperson*



Where does the name come from?

The word ‘Vahani’, derived from Sanskrit, means ‘a vehicle of change’. True to its name, the scholarship programme was designed not just to fund education, but to nurture leadership potential and build a generation of socially conscious leaders.

A story born from hope, built on purpose

It began with a simple yet powerful belief: that every student, regardless of their socio-economic background, deserves a chance to dream, learn, and lead. Vahani Scholarship was founded in 2015 with the mission of making education a tool for social change by empowering exceptional students from underprivileged backgrounds.

Today, what started as a small initiative has grown into a dynamic community of scholars, alumni, mentors, tutors, and changemakers who are redefining the future.

Get Involved!

- Join as a Professional Mentor
- Offer Internship/Jobs
- Connect us to Schools/NGOs



DONATION

We thank you for extending your support by donating into our CORPUS FUND to sustain our activities

Your generous donation will enable us to sustain our activities and motivate our team to perform in the manner you desire from them to uphold your rights and empower consumers.

Our founder, Prof. Bejon Kumar Misra, a well-known International Consumer Policy Expert, has dedicated 40+years to the consumer movement in India and globally. He has diligently moved forward in empowering the voiceless consumers on their rights and responsibilities, worked on various policy issues, including amending existing laws and regulations, proposing new laws and regulations as per global best practices/standards in the interests of the consumers in India and globally, without any discrimination.

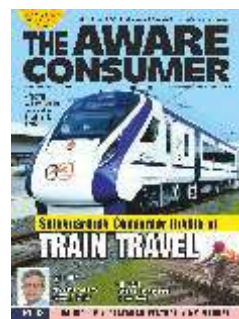
It has been a very satisfying journey for us right from the very first day we started extending our services to the consumers. As of date, we have resolved more than a million consumer complaints through various platforms and our membership is growing every day.

We humbly request you to kindly register with us and donate a token amount every year or subscribe to our magazine 'The Aware Consumer', as a contribution for the activities we undertake around the year. This will enable us to pay back to the society with your support and cooperation.

We thank you for considering us worthy enough to provide you with regular information to make you feel protected and empowered. We assure you of our best services and efforts to build aware consumers like you globally. Our team works with only one motive.....to get the smile back on your face, which you deserve for your hard-earned money!

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An Aware Consumer is a Protected Consumer



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