

RTI Act

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In News

Right to information has been recognized as a **fundamental human right**, which **upholds the dignity** of all human beings. Right to information forms the crucial underpinning of **participatory democracy**, which is essential for accountability and good governance. It focuses on 3 fundamental shifts:

- . from a **culture of secrecy to a culture of transparency.**
- . from personalized despotism towards **accountable government.**
- . from unilateral decision making towards participation in governance.

Provisions of RTI Act

- Every public authority has to provide to the citizen the right to information within a prescribed time limit and **public authorities have been ascertained by the Act itself.** It includes any body/ authority established by
 - . Constitution of India
 - . Parliament or State legislature
 - . All bodies notified by Central or State government
- It is mandatory for a public authority to create a **separate office called as PIO (Public Information Officer)**, with an objective to provide information within a prescribed time limit of 30 days. If the **information is related to life and personal liberty then the information should be provided within 48 hours.**
- If any citizen is not satisfied with the content, context or subject matter of any information or the information is not provided within a prescribed time

limit of 30 days then an **appeal can be filed before 1st level Appellate Authority** (i.e. the Joint Secretary of the respective department) and against the adjudication of 1st level Appellate Authority, an appeal can be filed before the **2nd Appellate Authority (Central and State Information Commission)**.

- This Act also **describes the term information in a comprehensive manner**. Information means any material in any form including records, documents, e-mails, opinions, advice, orders, law books, contracts, samples etc.
- The RTI Act also determines some **exceptions under which the public authorities have no obligation to give any official information** to any citizen. These exceptions are as follows:

. Information relating to integrity, security, sovereignty and strategic, economic & scientific interest of the State.

. Information which has been expressly restricted by any court of law to be published.

. If disclosure will cause a breach of privilege of Parliament or State Legislature.

. Information including IPR (Intellectual Property Rights) & trade secrets.

. Information received in confidence from any foreign government.

. Information the disclosure of which would endanger the life or physical safety of any person.

. Information related to the process of investigation and prosecution.

. Cabinet papers including records of deliberation of Council of Ministers and other high level officials.

. Personal information, disclosure of which has no relationship with any public activity or interest.

- Under RTI Act, it is being provided that **without any purpose, qualification or objective, a citizen can take any information from a public authority.** Apart from this, free of cost information is provided to persons who are below the poverty line.

2019 Amendment Provisions

- The Act **amends Sections 13 and 16 of the Right to Information (RTI) Act, 2005.** Section 13 of the original Act sets the **term of the central Chief Information Commissioner and Information Commissioners at five years** (or until the age of 65, whichever is earlier).
- The amendment proposes that the **appointment will be for such terms as may be prescribed by the Central Government.**
- Further, Section 13 states that **salaries, allowances and other terms of service of the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner,** and those of an Information Commissioner shall be the same as that of an Election Commissioner.
- The amendment proposes that the **salaries, allowances and other terms of service** of the Chief Information Commissioner and the Information Commissioners **shall be such as may be prescribed by the Central Government.**
- **Section 16** of the original Act deals with **state-level Chief Information Commissioners and Information Commissioners.** It sets the term for state-level CICs and ICs at five years (or 65 years of age, whichever is earlier).
- The amendment proposes that these appointments should be for such terms as may be prescribed by the Central Government.
- The original Act prescribes **salaries, allowances and**

other terms of service of the state Chief Information Commissioner as the same as that of an Election Commissioner, and the salaries and other terms of service of the State Information Commissioners as the same as that of the Chief Secretary to the State Government.

- The amendment proposes that these shall be such as may be prescribed by the Central Government.
- The amendments are being viewed as implying that, in effect, the terms of appointment, salaries and tenures of the Chief Information Commissioners and Information Commissioners can be decided on a case-to-case basis by the government.