

Introduction to Public Administration

Unit- III

Chapter 9 – Right to Information: Salient Features of RTI Act and Benefits

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Objectives: The Objectives of this chapter are to make the students aware of:

1. [Historical Background](#);
2. [Salient Features of the RTI Act, 2005 \(as Amended\)](#);
3. [Procedure to File RTI Application](#);
4. [Benefits of the RTI Act](#);
5. [Major Challenges in Implementing the Right to Information Act \(RTI\), 2005](#);
6. [Strengthening RTI Implementation](#);
7. [Important Terms/Terms/Information](#);
8. [Short and Long Questions](#);
9. [MCQs for Competitive Examinations](#): and
10. [Suggested Readings](#).

Introduction

The Right to Information (RTI) Act, 2005, is a landmark legislation in India that primarily transformed the relationship between citizens and the government. It was enacted to promote transparency, accountability, and participatory governance. It empowers citizens to seek information from public authorities, thereby bringing transparency to the functioning of government institutions.

Before the RTI Act 2005 came into effect, citizens often encountered opaque bureaucratic procedures, corruption, and delays in accessing even basic public services. Information was treated as the exclusive sphere of government officials, leading to secrecy and misuse of authority. The RTI Act marked a paradigm shift in Indian democracy by recognising that information held by public bodies is not the property of the state, but a right of the people.

Historical Background

The demand for the Right to Information (RTI) in India emerged as a response to persistent challenges like widespread corruption, bureaucratic red tape, lack of transparency, and limited public accountability in governance. Citizens, activists, and civil society organisations have consistently highlighted the need for a legal framework that empowers people to access government-held information and hold authorities accountable. Some significant milestones in the evolution of RTI in India include:

Year	Development
1990s	Growing public demand for transparency due to corruption, inefficiency, and secrecy in governance.
1997	The Government of India constituted a committee under the Administrative Reforms Commission (ARC) to recommend measures for citizen access to information.

Unit- III: Chapter 9 – Right to Information: Salient Features of RTI Act and Benefits

Year	Development
	The Committee strongly recommended the enactment of a law enabling citizens to access information held by public authorities.
1997–2002	States like Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (2000), and Maharashtra (2002) enacted their own RTI laws. These pioneering efforts served as important models and testing grounds for the eventual central law.
2002	Enactment of the Freedom of Information Act, 2002, by the Government of India. The Act was repealed due to weak provisions and a lack of enforceability. It remained largely ineffective.
2004	The UPA Government committed to enacting a stronger RTI law as part of its Common Minimum Programme (CMP).
2005	Parliament passed the Right to Information Act, 2005, which came into effect on October 12, 2005. This comprehensive law provided citizens with a legally enforceable right to seek information and mandated time-bound responses from public authorities.

Salient Features of the RTI Act, 2005

- 1. Title of the Act (Section 1):** Right to Information Act, 2005
- 2. Important Definitions (Section 2):**
 - Appropriate Government means, in relation to a public authority which is established, constituted, owned, controlled and substantially financed by the Union or State Governments.
 - Information means any material in any form, including records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be assessed by a public authority under any other law for the time being in force.
 - Public Authority means any authority or body or institution of self-government established or constituted by/under the Constitution, Law made by the Parliament, State Legislature or any other body owned or controlled or substantially financed by the government.
 - Third Party means a person who the citizen requesting information, including a public authority.
- 3. Right to Information (Section 3):** Subject to the provisions of this Act, all citizens have a right to information.
- 4. Obligations of Public Authorities (Section 4):** The public authorities are to:
 - Maintain all records duly catalogued and indexed in a manner and form required under the Right to Information Act.
 - Publish the following (for full list, refer to Right to Information Act – 2005 - https://cic.gov.in/sites/default/files/RTI_English.pdf):
 - The particulars of its organisation, functions and duties.
 - The powers and duties of its officers and employees.

Introduction to Public Administration

- iii. The procedure followed in the decision-making process, including channels of supervision and accountability.
- iv. The norms set by it for the discharge of its functions.
- v. The rules, regulations, instructions, manuals and records held by it or under its control or used by its employees for discharging functions.
- vi. A statement of the categories of documents held by the organisations

5. **Delegation of Public Information Officers (Section 5):** Every public authority is to designate Central Public Information Officers or State Public Information Officers to all administrative units or offices as required.

6. **Public Information Officers (PIOs) & Assistant PIOs (Section 5):** Each public authority must designate PIOs and Assistant PIOs to:

- i. Receive and process RTI applications
- ii. Assist in writing the application
- iii. Respond within the stipulated timeframe
- iv. Maintain records of all requests and responses

If a PIO fails to comply, penalties may be imposed (Section 20).

7. **Time Frame for Providing Information (Section 7)**

- a. For most requests: 30 days from the application date
- b. If the information concerns the life or liberty of a person: 48 hours
- c. If the request pertains to a third party, the time may be extended (with notice) to allow for their objections.
- d. Failure to respond in time results in the request being deemed refused.

8. **Exemptions (Section 8 & Section 9):** The Act excludes disclosure of certain kinds of information, subject to conditions. Some of these exemptions include:

- a. Sovereignty, integrity, security, strategic, scientific, or economic interests of the State
- b. Relations with foreign States
- c. Information expressly forbidden by any court (contempt)
- d. Trade secrets or intellectual property
- e. Personal data (if disclosure causes unwarranted invasion of privacy)
- f. Cabinet papers, including deliberations, unless decisions have already been made public
- g. Information whose disclosure would impede investigation
- h. The 2019 Amendment introduced changes in the language around personal information under Section 8(1)(j), which has raised concerns about increased scope for withholding information.

9. **Third-Party Disclosure (Section 11):** When information pertains to a third party, the public authority must:

- a. Serve a notice to that party allowing them to object
- b. Weigh public interest in disclosure against privacy or commercial confidentiality before deciding.

10. **Central Information Commission (Section 12):** The Central Government is to constitute the Central Information Commission, which consists of the Chief Information Commissioner and other members.

Unit- III: Chapter 9 – Right to Information: Salient Features of RTI Act and Benefits

11. State Information Commission (Section 15): Every State Government is to constitute the State Information Commission, which consists of the State Chief Information Commissioner and other members.

12. Appeal Mechanism (Section 19)

- a. First Appeal: To a designated officer senior to the PIO, if information is denied or delayed
- b. Second Appeal: To the Central Information Commission (CIC) / State Information Commission (SIC)

This two-tier appeal system ensures grievances are addressed.

13. Penalties & Sanctions (Section 20):

- a. Wrongfully refuses information
- b. Delays without reasonable cause
- c. Provides incorrect, incomplete or misleading information
- d. Alters, destroys or conceals requested information

The Information Commission may levy a penalty of ₹250 per day (capped to ₹25,000 total) and recommend disciplinary action.

14. Bar on Judicial Interference (Section 23): Civil courts are barred from entertaining suits in matters where information is sought, though the High Courts and Supreme Court retain their powers under constitutional writ jurisdictions.

15. Rule-Making and Addressing Difficulties (Sections 27 & 28 & 30)

- a. The Centre and States are empowered to frame rules to implement the Act (Sec 27 & 28)
- b. If difficulties in implementation arise, the central government may issue orders (Sec 30) to remove them.

16. Limited Exemption for Intelligence and Security Agencies (Section 24 & Schedule II):

Certain intelligence and security bodies listed in Schedule II are exempt from the RTI Act, except when the information sought concerns allegations of corruption or human rights violations.

Procedure to File RTI Application:

<https://rtionline.gov.in/>

<https://chandigarh.gov.in/submit-rti-application>

Steps in Filing an RTI Application

1. Identify the Public Authority: As per your requirement, identify from where you require information.

Example:

- If you want your evaluated answer sheet for the B.A. final exam from a university ex. Panjab University. Then go to <https://forms.puchd.ac.in/forms.php?id=9>
- If you want details of funds sanctioned and spent for repairing the road in your locality in Chandigarh during 2024–25. So can go to <https://chandigarh.gov.in/municipal-corporation>

2. Draft RTI Application

- Include your name, contact details, and specific information sought as per the given form or on a plain sheet of paper. Example – see form

https://forms.puchd.ac.in/forms/20100925180814-rti_form.pdf?233310370125

Introduction to Public Administration

- See instructions given with the RTI Application form -
<https://forms.puchd.ac.in/forms/2010925181443-instructionrti.pdf?233910220125>
- Mention the relevant period or documents as in the form.

3. Pay Application Fee

- Usually ₹10 for the Central Government. Fees at the State level may vary.
<https://forms.puchd.ac.in/forms/2010925181443-instructionrti.pdf?233910220125>
- Payment via Demand Draft, Indian Postal Order, online, or cash. (As written in the form)

4. Submit RTI Application

- Submit to the Public Information Officer (PIO) of the concerned department. List of PIOs is given on the website of the concerned organisation or department. Example: List of PIOs of Panjab University - <https://rti.puchd.ac.in/rti-pu-pio-list.pdf>
- Can be submitted by post, in person, or online (if the department provides an online facility).

5. Acknowledgement of Receipt

- PIO issues an acknowledgement with the application number. Keep the acknowledgement safe.

6. PIO Processes the Request

- Searches for requested information.
- Prepares documents or replies.

7. Receive Information

- Normally, within 30 days of receipt of the application.
- For matters concerning life or liberty, within 48 hours.

8. If Information Not Provided / Denied

- File First Appeal to the Appellate Authority within the department. Example: The list of PIOs also includes the name of First Appellate Authority - <https://rti.puchd.ac.in/rti-pu-pio-list.pdf>. Proforma for filing the First Appeal in case of Panjab University - <https://forms.puchd.ac.in/forms/20210216112241-proformaoffirstappeal.pdf>
- If unsatisfied, file a Second Appeal to the Central/State Information Commission. Example: Punjab State Information Commission - <https://infocommpunjab.com/> Central Information Commission - <https://cic.gov.in/>

Teachers can ask the students to draft RTI Applications and/or fill out an available application form to understand the process.

Benefits of the RTI Act

The Right to Information Act, 2005, is a landmark in India's democracy. It empowers citizens to seek information from public authorities, ensuring transparency, accountability, and participatory governance. By reducing bureaucratic secrecy and promoting ethical administration, the Act builds public trust and strengthens democratic institutions. Key benefits of the RTI Act and its role in transforming governance are as follows:

1. **Transparency in Governance:** The RTI Act ensures that government functioning is transparent by allowing citizens to access details about policies, decisions, and public expenditure. Transparency helps in reducing confidentiality and arbitrary decision-making, and instils greater trust between the government and the people.

Examples:

Unit- III: Chapter 9 – Right to Information: Salient Features of RTI Act and Benefits

- **Commonwealth Games Scam (2010):** RTI applications revealed irregularities and inflated expenses in contracts related to the Commonwealth Games. This exposure led to investigations and accountability of officials.
- RTI applications have brought to light misallocation of funds in rural development schemes, ensuring that public resources are used for their intended purpose.
- <https://www.taxmann.com/post/blog/some-interesting-cases-resolved-through-rti>
- Trust Through Transparency:
https://cic.gov.in/sites/default/files/rti_study_reports/Trust_Through_Transparency.pdf

2. **Accountability of Public Officials:** Public officials are compelled to justify their actions and decisions under the RTI framework. Delays, inefficiency, or corrupt practices can be questioned by ordinary citizens, creating a culture of accountability. This increased scrutiny forces officials to perform their duties more ethically and in line with established rules and procedures, thereby strengthening governance.

Examples:

- <https://www.journalofpoliticalscience.com/uploads/archives/5-2-49-647.pdf>
- https://cag.gov.in/uploads/rti_disclosure/RTI_Circular_681.pdf

3. **Empowerment of Citizens:** The RTI Act empowers individuals by equipping them with the information necessary to participate in decision-making and governance. Citizens can monitor government programs, demand effective implementation, and ensure that benefits reach the intended groups. For instance, farmers have successfully used RTI applications to verify the allocation and distribution of agricultural subsidies, preventing misuse and ensuring fair access.

Examples: <https://egovernance.vikaspedia.in/viewcontent/e-governance/about-rti-act-2005/rti-success-stories?lgn=en>

4. **Combating Corruption:** By exposing scams, irregularities, and nepotism, the RTI Act serves as a powerful weapon against corruption. It provides ordinary citizens with a platform to challenge corrupt practices that were previously hidden behind bureaucratic secrecy.

Example: Financial irregularities in the 2010 Commonwealth Games and several procurement processes were brought out due to RTI.

5. **Efficient Governance:** The requirement of disclosing information encourages government departments to maintain records properly and update them regularly. This results in streamlined processes, improved documentation, and reduced administrative bottlenecks. In the long run, such practices not only enhance efficiency but also promote professionalism in government functioning.

Example: Right to information and its role in promoting good governance - <https://www.lawjournal.info/article/200/5-1-67-139.pdf>

6. **Inclusion of Marginalised Communities:** RTI has proven to be a tool of social justice by empowering rural populations, women, and marginalised groups. By seeking information, they can access public services and claim entitlements that are often denied due to ignorance or exploitation. This democratisation of information reduces inequalities and gives disadvantaged groups a voice in governance.

Example: https://mkssindia.org/pages/RTI_page.html

7. **Legal and Civic Awareness:** The Act contributes to the spread of civic and legal awareness among the population. Citizens become more conscious of their rights, entitlements, and available remedies under the law. This informed citizenry is better equipped to engage with democratic processes and hold institutions accountable, thereby strengthening the fabric of participatory governance.

Example: <https://www.cgg.gov.in/wp-content/uploads/2017/07/18.Report-on-Mass-Awareness.pdf>

8. **Facilitates Policy Improvement:** Citizen feedback obtained through RTI often highlights gaps, inefficiencies, or unintended consequences in government programs. Such insights enable

Introduction to Public Administration

policymakers to revise and redesign policies more effectively, ensuring that schemes achieve their intended outcomes. Thus, RTI not only serves as a monitoring mechanism but also as a tool for constructive policy reform.

Example: https://timesofindia.indiatimes.com/city/gurgaon/rti-act-applies-to-housing-societies-says-punjab-and-haryana-hc-court-orders-disclosure-of-information/articleshow/124077909.cms?utm_source=chatgpt.com

Major Challenges in Implementing the Right to Information Act (RTI), 2005

The Right to Information Act, 2005, is one of the most progressive legislations in India, giving citizens the legal right to demand information from public authorities. It has enhanced transparency, curbed corruption, and empowered citizens to participate in governance. However, the Act's potential has not been fully realised due to the following challenges:

1. Lack of Awareness among Citizens

- Large sections of the population, especially in rural and marginalised areas, may not be aware of their right to information.
- Illiteracy and digital exclusion make it difficult for citizens to draft or file RTI applications.
- **Example:** Villagers may not know they can demand stock registers of ration shops or MGNREGA payment details.

2. Reluctance or Non-Cooperation by Public Authorities

- Some government officials view RTI as a nuisance or as a threat to their authority.
- Information is often denied, delayed, or incomplete.
- In certain cases, applicants face harassment or intimidation for seeking sensitive information.

3. Delays due to Bureaucratic Procedures

- Though the Act specifies a 30-day deadline, applications often get delayed.
- Poor file management, multiple transfers of applications, and a shortage of staff slow down the process.
- Appeals to Information Commissions take months or even years due to pending cases.

4. Misuse of RTI for Frivolous Purposes

- Some individuals file repeated or irrelevant RTIs to harass officials or extract personal gains.
- Instances of blackmail or using RTI as a tool of vendetta weaken the genuine spirit of the law.

5. Poor Record-Keeping and Digitisation

- Many departments still rely on paper-based records.
- Missing files, lack of indexing, and absence of proper databases make it difficult for PIOs (Public Information Officers) to trace information.
- Without digital record-keeping, proactive disclosure remains ineffective.

6. Backlog of Appeals and Complaints

- The Central Information Commission (CIC) and State Information Commissions face lakhs of pending cases.
- Delay in disposal discourages citizens from pursuing second appeals.

7. Weak Protection for RTI Activists

- RTI activists, especially those exposing corruption, often face threats, assaults, and even killings.
- Lack of a comprehensive whistleblower protection mechanism undermines citizen confidence.

- 8. Inadequate Training and Capacity of PIOs**
 - Many PIOs lack proper training in RTI rules and exemptions.
 - Errors in judgment lead to wrongful denials or excessive use of exemption clauses.
- 9. Excessive Use of Exemptions**
 - Authorities often misuse Section 8 of the RTI Act, which allows certain exemptions (national security, commercial secrets, etc.).
 - In practice, even harmless information is sometimes denied under this pretext.
- 10. Political and Institutional Resistance**
 - Political elites and bureaucrats are sometimes unwilling to share information that could expose inefficiency or corruption.
 - Certain state amendments have sought to dilute the power of RTI, such as increasing fees or limiting application formats.
- 11. Digital Divide**
 - The RTI Online Portal is available for central ministries, but many states lack robust digital systems.
 - Citizens in rural areas or without internet access struggle to file RTIs online or track appeals.
- 12. Cost and Accessibility Barriers**
 - Application fee is generally ₹10, but additional costs for photocopying (₹2 per page), CDs, or travel to government offices make it expensive for poor applicants.
 - Some states charge higher fees (e.g., Arunachal Pradesh ₹50, Sikkim ₹100).

Strengthening RTI Implementation

- 1. Digitisation of Records:** Proactive disclosure through e-portals, open data platforms, and well-maintained digital archives.
- 2. Strengthening Proactive Disclosure (Section 4):** Departments should proactively publish as much information as possible, thereby minimising the need for citizens to file RTI requests.
- 3. Awareness Campaigns:** Mass media, NGOs, schools, and Panchayats should spread awareness about the RTI Act.
- 4. Capacity Building of Officials:** Regular training programs for PIOs and record keepers to handle RTI requests efficiently.
- 5. Speedy Disposal of Appeals:** Increase staff strength and technological support in Information Commissions.
- 6. Protection for RTI Activists:** Strong whistleblower protection laws and strict punishment for threats or attacks on activists.
- 7. Preventing Misuse:** Filter out frivolous or repetitive applications without compromising genuine requests.
- 8. Uniform Fee Structure:** Standardised RTI fees across all states to ensure affordability for citizens.

Conclusion

The Right to Information Act, 2005, represents a significant step toward transparent and accountable governance in India. By empowering citizens, reducing corruption, and promoting inclusivity, RTI enhances citizen engagement and strengthens democracy. For its full potential to be realised, citizens must actively exercise this right, while public authorities ensure the prompt, accurate, and responsible dissemination of information. However, its success depends on effective implementation. Challenges such as a lack of awareness, bureaucratic hurdles, misuse, and weak institutional support need urgent attention. By promoting transparency, protecting activists, digitising

Introduction to Public Administration

records, and empowering both citizens and officials, India can ensure that RTI remains a living tool for accountability and good governance.

Important Terms/Terms/Information

1. **RTI Act – 2005:** Parliament passed the Right to Information Act, 2005, which came into effect on October 12, 2005. This comprehensive law provided citizens with a legally enforceable right to seek information and mandated time-bound responses from public authorities.
2. **Public Authority:** Public Authority means any authority or body or institution of self-government established or constituted by/under the Constitution, Law made by the Parliament, State Legislature or any other body owned or controlled or substantially financed by the government.
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This two-tier appeal system ensures grievances are addressed.
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The Information Commission may levy a penalty of ₹250 per day (capped to ₹25,000 total) and recommend disciplinary action.
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Short and Long Questions

Short Answer Type Questions

1. Write a note on Right to Information.
2. Write two objectives of RTI Act - 2005.
3. Give three benefits of RTI Act - 2005.
4. Give any three challenges to strengthen the implementation of the RTI Act of 2005.
5. Write a note on the steps/procedure to submit RTI.

Long Question

1. Highlight its salient features, major benefits, and challenges in implementation. Suggest measures to strengthen the effectiveness of the RTI Act.

MCQs for Competitive Examinations: <https://forms.gle/14yZHoVKrBsjdNCc8>

Suggested Readings/Additional Resources

1. RTI Act – 2005 - https://cic.gov.in/sites/default/files/RTI_English.pdf
2. Reports of the 2nd Administrative Reforms Commission: <https://darpg.gov.in/en/arc-reports>
3. First Report of 2nd Administrative Reforms Commission: Right to Information: The Master Key to Good Governance: https://darpg.gov.in/sites/default/files/rti_masterkey1.pdf
4. Right to Information: <https://rti.dopt.gov.in/>
5. Relevant reading material from egnyankosh - <http://egnyankosh.ac.in/>
6. Relevant reading material from e PG Pathshala - <https://epgp.inflibnet.ac.in/>