



RTI Requests Rejections

 drishtias.com/printpdf/rti-requests-rejections

Why in News

The Centre has **rejected 4.3% of all Right to Information (RTI) requests** in 2019-20, the **lowest ever rate**, according to the **Central Information Commission (CIC)**'s **annual report**.

Rejection rates have fallen since the 13.9% rate in 2005-06, and have been steadily trending downwards since the 8.4% spike in 2014-15.

Key Points

- **Rejection without Reason:** Almost **40% of these rejections did not include any valid reason**, as they did not invoke one of the permissible **exemption clauses** in the **Right to Information (RTI) Act**.
 - These rejections are classified under the '**Others**' category in the CIC data.
 - The Finance Ministry alone rejected **40% of its total RTI** requests without providing a valid reason under the Act.
 - **More than 90% of rejections** by the **Prime Minister's Office, the Delhi High Court, the Comptroller and Auditor General**, among others fell into the "**Others**" category.
- **Maximum Rejections:** The **Home Ministry** had the **highest rate of rejections**, as it rejected 20% of all RTIs received.
 - The Delhi Police and the Army also saw increases in rejection rates.

- **Ground for Rejection of the RTI Requests:**
 - **Section 8(1)** deals with the **exemption** from disclosure of information:
 - If it is related to the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence,
 - Information including commercial confidence, trade secrets or intellectual property,
 - Information, the disclosure of which would endanger the life or physical safety of any person,
 - Information which would impede the process of investigation or prosecution of offenders,
 - Information which relates to personal information the disclosure of which has no relationship to any public activity or interest.
 - Of the permissible grounds for rejection, **Section 8(1)** was used in around **46% of the cases.**
 - **Section 9:**

It empowers the Central Public Information Officer or State Public Information Officer to reject a request for information which involves an infringement of copyright.
 - **Section 24:**
 - It exempts information related to security and intelligence organisations except allegations of corruption and human rights violations.
 - Around one in five (**20%**) **permissible rejections** coming under this category.

Right to Information (Amendment) Act, 2019

- It provided that the Chief Information Commissioner and an Information Commissioner (of Centre as well as States) shall hold office for such terms as **prescribed by the Central Government.**

Before this amendment, their term was **fixed for 5 years.**
- It provided that the salary, allowances and other service conditions of the Chief Information Commissioner and an Information Commissioner (of Centre as well as States) shall be such **as prescribed by the Central Government.**

Before this amendment, the salary, allowances and other service conditions of the Chief Information Commissioner were similar to those of the Chief Election Commissioner and that of an Information Commissioner were similar to those of an Election Commissioner (State Election Commissioners in case of States).
- It removed the provisions regarding deductions in salary of the Chief Information Commissioner, an Information Commissioner, the State Chief Information Commissioner and a State Information Commissioner due to pension or any other retirement benefits received by them for their previous government service.

Central Information Commission

- **Established:**

The Central Information Commission was established by the Central Government in 2005, under the provisions of the Right to Information Act (2005). It is not a constitutional body.

- **Members:**

The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners.

At present (2019), the Commission has six Information Commissioners apart from the Chief Information Commissioner.

- **Appointment:**

They are appointed by the President on the recommendation of a **committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister** nominated by the Prime Minister.

- **Tenure:**

- The Chief Information Commissioner and an Information Commissioner shall hold office for such terms **as prescribed by the Central Government** or until they attain the **age of 65 years**, whichever is earlier.
- They are not eligible for reappointment.

- **Power and Functions of CIC:**

- It is the duty of the Commission to receive and inquire into a complaint from any person regarding information request under RTI, 2005.
- The Commission can order an inquiry into any matter if there are reasonable grounds (**suo-moto power**).
- While inquiring, the Commission has the powers of a **civil court** in respect of summoning, requiring documents etc.

Source:TH