



MISUSE OF RIGHT TO INFORMATION ACT: CAUSES AND CASE ANALYSIS

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Abstract

“Information is the currency of democracy,” remarked by Thomas Jefferson. To get a society evolved into a democracy that has been developed, the citizens should be encouraged with the mindset of curiosity and freedom of information, and this sort of educated citizenship can only be achieved through broad access to knowledge on government processes. To have a good governance in both theory and reality, the citizens of the nation must be empowered, such that they can engage themselves in decision making through meaningful ways. Hence, the summary of quote is that, access to information for people living in democracy is inalienable.

The “Right to Information Act” was stated in Article 19(1)(a) in 2005 with the objective of guaranteeing freedom of information distribution. Many people have profited from the Right to Information Act of 2005, while many others have sought to misuse the legislation's capabilities by waggishly and frequently filing RTIs just to level the score of settlement with the enemies, opponents, and members of family, or it is used in order to harass the authorities that work for the public, and so on.

Basic requirement for RTI Act was that every citizen gets the right to access information.

This right is manifested by the general rule that every citizen has access to any information held by or under the jurisdiction of public authorities. A major, broad definition of “Information” is held under section 2(f) of RTI. As a result, the efficacy and efficiency of the institutional machinery has decreased. As a result, this research will propose various strategies and remedies to address numerous shortcomings in “the Right to Information Act of 2005's” implementation system. This research will also examine the relevance of the “Right to Information Act” of 2005 in a government that is opted by public and how government of any country gets impacted. Along with that Various High Court of India case laws will be analyzed in this research, as well as their observations on misuse by applicants of RTI of RTI act, 2005.

Key words – Right to information, Misuse, Freedom of information, Democracy, Public Authorities

Introduction

Information plays a very crucial role to make a corruption free and transparent form of democracy and developed nation for its inhabitant. By denying citizens access to knowledge, the populous can be directed or managed, but it cannot instill faith in the minds of citizens, which might lead to the demise of democracy.¹ Power Abusing done by bureaucrats, poor and common people's right being violated and corruption are the results which are caused due to lack of access to the information. Information should be available and accessible on a large scale in order to stop the practicing of unethical practices which ultimately would bring

¹ DR. PUNYA SHAILAJA ET. AL., RIGHT TO INFORMATION ACT: TOOL IN

STRENGTHENING DEMOCRACY IN INDIA 114-233 (Nitya Publications 2021)



accountability in the domain of government machinery and institutions. Enactment of legislation should be done which would require the institutes of government to get them the access to information about the policies which are being made and are about to begin the operation. Many nations have responded by enacting legislation relating to accessing of information, commonly called as “Access to Information Act” or “The Freedom of Information Act”, based upon the idea of openness and liability of the population to be accountable.²

India has long prided itself on being the world's largest democracy, but since Right to Information was passed in 2005, the democracy has become even more interactive, participatory and responsible. Passing of this right has made ensure that interests of all citizens have been safeguarded and promoted by the government. Now, the citizens of India are in a strong position to assist the administrative actions and decisions due to the elevation provided by this right. The Right to Information Act of India is a watershed moment in Indian democracy. The citizens of India have never had more authority than they do now as a result of this Act. All the decisions and actions by government can now be questioned, audited, analyzed, studied, and evaluated to verify that they are within the framework of public policy ideals. One can now also ensure that all the governmental actions and decisions are in accordance with the interest of public, principles of justice and good governance. By making the government

more available to public inspection, this legislation encourages administrative openness and accountability.³

In order to access the information present under RTI Act, a citizen must make a request for the same to the Central or State Public Information Officer. Only the Act's specified exclusions can be used to deny such a request. The RTI Act, section 8(1)(a), has one such exemption. The people who were denied the access to the information wrongfully, the act of RTI establishes a two-stage appeals procedure, which ends in a hearing before the Central, or State, Information Commission. In extreme circumstances, appeals may be taken to the HC or the SC via a Writ Petition.⁴

By enacting the “Right to Information Act,” the Indian Parliament opens the door for the billions of populations with the access to information regarding the national concerns and also provides the knowledge about the things or topics that affects every body in regular life. The Act's philosophy is straightforward. People rule themselves in a democracy through elected representatives. As a result, it is very important for the people to get to know what their elected representative are doing in the government in order to fulfil the needs and to serve the people. To put it another way, people need to be informed. The best guarantee for the proper functioning of democracy is a well-informed people.⁵

“With great power comes great responsibility,” thus the associated power with public, needs to be utilized in a proper

² Alasdair S. Roberts, *A Great and Revolutionary Law? The First Four Years of India's Right to Information Act*, 70 PAR 1, 5-11 (2010).

³ Varun Malik, *Right to Information in India: A Hallmark of Democracy*, 2 IJMSSR 42, 43-46 (2013).

⁴ Ibid.

⁵ Caesar Roy, *Right to Information and It's Significance to Ensure Good Governance in India*, SSRN 1, 14-19 (2013).



in order to avoid damaging the spirit of any legislation and rendering it worthless. RTI requests are sometimes used to gain vicarious joys as well as to satisfy one's skepticism. Hence, in this research we will find out about various aspects how can one misuse the power of such a powerful tool like RTI?

Research Methodology

This research paper explains the need of Right to Information Act along with the misuse that one can conduct with the help of such a powerful public tool. The Research was based primarily from the official articles and papers published by candidates of CICs, and SICs. The secondary data of Cases have been taken from various internet websites.

Citation Format

Harvard Bluebook 20th Edition has been referred to for citation throughout this paper.

Research Questions

- What are the Key features associated with Right to Information Act, 2005?
- What are the major reasons that leads to misuse of Right to Information Act?
- How are cases filled under RTI used against public authorities?

Research Objectives

- To acknowledge the key features associated with enactment of Right to Information Act, 2005.
- To analyses whether all the applications filled under RTI are useful in interest of public.
- To conclude the major reasons behind misuse of RTI in India.

Research Hypothesis

- The “Right to Information Act, 2005” was came into order to make the citizens

of a country to access information and bring transparency in the system.

- A major portion of the applications filled under RTI act are not to safeguard public interest but rather are done in order to take revenge.
- General public misuses RTI in order to harass public officials and to make their work happen.

Right to Information Act, 2005

According to the right to information (RTI), Citizens of a country have a fundamental human right of accessing information that has been stored by governmental bodies. The “right to seek and receive information” is a globally recognized human right which has its root from freedom of expression. Under this right, anyone can submit a request to a public entity, and the respective authority is legally compelled to reply and provide the information unless there is a good enough legal basis to deny the request.

The Right to Information act or RTI was passed by National Parliament in 2005, to deconstruct the culture of secrecy, transform the attitude of political leaders and office holders, and create a circumstance for deciding choices which could be enquired. The Right to Information Act establishes a structure for promoting the government and citizen collaboration in the implementation of public-benefit programs. Citizens are not only the true benefactors of development, but they can also be considered as the agents of development, according to the partnership principle. When stakeholders participate, it



results in a better project and more dynamic growth.⁶

The RTI Act of 2005 has the following key features:

The Right to Information Act is well-written. The Act is founded on the idea that democracy necessitates a well-informed public and information openness. Six chapters and two schedules make up the Right to Information Act. The first chapter, labeled "preliminary," defines terminology such as "relevant government," "public authority," "information," "record," and "third party," among others. The duties of public authorities are covered in Chapter 2. The Central Information Commission is discussed in Chapter 3, while State Information Commissions are discussed in Chapter 4. Chapter 5 covers the authority and activities of the Information Commissions, as well as appeals and fines, whereas Chapter 6 covers miscellaneous things. The oath that various levels of Information Commissioners must take is contained in Schedule 1 while; Schedule 2 contains a list of the Central Government's intelligence and security institutions. RTI is the right which can be used by Indian citizens to have the access to information with the exception of exempted information, create a responsibility to cooperate with such a request.⁷

“Right to information or RTI” refers to the right to access information was enthralled by

any public authority and should include the right to:

- (i) Inspect documentation, work, and records;
- (ii) Take notes, extracts, or certified copies of documents or records; and
- (iii) Collect certified samples of material obtaining information on diskettes, floppies, tapes, and other electronic media.

RTI Act’s Historical Background

The present RTI Law is derived from its predecessor, which first appeared in 1766, when the Swedish government started to provide general public with the right to access information along with the special provision to the members of press regarding the access of information in the constitution of country. There are now about 100 nations in the globe which have laws providing freedom and gives the access to information in place.⁸

“The essential objective of freedom of speech and expression is to ensure that all members should be catered to present their ideas freely to others,” the 1981 ruling in **Manubhai D. Shah versus Life Insurance Corporation**⁹ reiterated. In summary, the most essential concept at play here is the right of the people to know. There have been several situations in which the release of government information and openness has been favored. People had to knock on the doors of courts every time they wished to enforce this right due to a lack of clear legislation. Courts have

⁶ Alasdair S. Roberts, *A Great and Revolutionary Law? The First Four Years of India’s Right to Information Act*, 70 PAR 1, 5-11 (2010).

⁷ DR. PUNYA SHAILAJA ET. AL., *RIGHT TO INFORMATION ACT: TOOL IN STRENGTHENING DEMOCRACY IN INDIA* 114-233 (Nitya Publications 2021)

⁸ Caesar Roy, *Right to Information and It’s Significance to Ensure Good Governance in India*, SSRN 1, 14-19 (2013).

⁹ Manubhai D. Shah versus Life Insurance Corporation AIR 1981 Guj 15, (1981) 0 GLR 206



virtually invariably ruled in favor of the plaintiff. However, for their own limited concerns, this course confined enforcement to the aware and literate. The average person lacked the financial resources, as well as the time and willingness, to engage in complicated legal proceedings, and public interest litigation was a tool that only a few could use. A bold and forceful grassroots battle of the rural poor for the right to information to confront pervasive corruption in famine relief efforts gave new momentum to the RTI movement.¹⁰

Analysis

Misuse of RTI Act, 2005 with Case Analysis

RTI requests are sometimes used to gain vicarious joys as well as to satisfy one's skepticism. Many RTI petitions lack the public interest that the act is supposed to protect. Petitioners have sought policy-related information in the past, and many of the applicants have vested interests.

The different benches within SICs have seen situations where a single individual has filed multiple appeals. Along with that, there have been instances of applicants who have taken advantage of the financial flexibility provided to those who are considered to be below the line of poverty. In some cases, misuse of RTI has been reported, and it is the responsibility of social groups and activists to become aware of it and to create paths to prevent it, but there is no such mechanism in place to keep track of it.¹¹

¹⁰ DR. PUNYA SHAILAJA ET. AL., RIGHT TO INFORMATION ACT: TOOL IN STRENGTHENING DEMOCRACY IN INDIA 114-233 (Nitya Publications 2021).

The following are some cases related to RTIs which were commonly used just to abuse the law and harass the officials rather than being in the interest of public.

Requesting a lot of information desperately

Dinesh K Gohil vs. All India Radio

In the case of Dinesh K. Gohil v. All India Radio¹², the Commission stated that whenever the appellant abuses the RTI Act by asking exhaustive and unreasonable information making the application itself worthless, there should be some measure for punitive proceedings against them. While departing in fury, all of the 1800 odd pages of information were left behind by the Appellant, saying the Commission that he was tossing all of the papers here. Nothing could be a more convincing indication that he didn't need the information and just filed the application to annoy the government and put it under excessive strain. As a result, the Appellant's behavior constitutes a deliberate disrespect to the Commission's Presiding Officer who is sitting in a judicial procedure.

As a result, does a crime committed under Section 228 of the Indian Penal Code punishable? These further displays that there was never the requirement of any information by the appellant and that the application filed under RTI Act was solely for the purpose of harassing the Public Authority and incurring unjust damage. In actuality, the information was obtained from the Public Authority's PIO, who was threatened with a penalty if he

¹¹ Caesar Roy, *Right to Information and It's Significance to Ensure Good Governance in India*, SSRN 1, 14-19 (2013).

¹² Dinesh K. Gohil v. All India Radio CIC/OK/A/2007/01088



did not comply. The Appellant's actions are akin to a violation of Section 189 of the Indian Penal Code.

In “J.I. Buck v. State Bank of Saurashtra¹³,” the amount of information and data requested by the appellant was vast and it encompassed not just all of the bank's branches and offices, but also stretched to several years. The CIC agreed with the CPIO that collecting and collating such vast data would divert resources from the Public Authority's usual public duties disproportionately. In this case, to get furnished with the information, the appellant requested to amend his information request and file a new request by the CPIO.

The same was reiterated in “S. Thangavel v. BSNL¹⁴, Chennai,” in which the appellant requested a huge amount of data that encompassed not only all of the bank's branches and offices, but also spanned over several years. “The CIC agreed with the CPIO that collecting and collating such vast data would divert resources from the Public Authority's usual public duties disproportionately. In this case, to have the supply of information, the appellant consented to amend his information request and make a new request with the CPIO.”

In “Manoj Mishra v Union of India,” the Supreme Court gave a warning against those who abuse the Right to Information statute for cheap publicity or to get successful in their selfish goals by playing vigilante. In this case, the appellant had made scandalous statements claiming rampant corruption inside the organization of sensitive atom. The appellant's acts in this case did not match the

high moral and ethical standards that would be expected of a true whistleblower, according to the Court. He was attempting to generate a fear among the localities as well as throughout the people in the state of Gujarat under the pretense of revealing criminal actions of the public organization. The court pointed out that just because an informer works for the same organization and has retrieve to the information that isn't publicized to the broader public doesn't mean he's a genuine whistleblower. A whistleblower's primary motivation should not be a side effect or by-product of sequences performed for revenge rather it should have the motivation of cleansing the organization where he works; The Court dismissed the appeal, ruling that the sentence imposed on the appellant did not do him any harm, and so the Court should not intervene.

RTI filed as vengeful tool to harass

Ashok Kumar Goel vs Public Information Officer VAT¹⁵

In this case, the Appellant submitted over 100 RTI applications to various governmental authorities with the purpose of accessing information about the Third Party to bothering them. The Third Party claimed that the Applicant was unsuccessful to establish violation of public interest by the Third Party, despite receiving all papers from several ministries. India's RTI Foundation.

"When we analyze the present case, we come to the conclusion that the information on filing of sales tax returns of a person is legally protected under the act of RTI and has rightfully not been disclosed," a bench of

¹³ J.I. Buck v. State Bank of Saurashtra CIC/PB/A/2008/00545, 546, 668, 669, 670, 544

¹⁴ S. Thangavel v. BSNL CIC/ AD/ A/X/09/00041/AD

¹⁵ Ashok Kumar Goel vs Public Information Officer CIC/SG/A/2010/002960/10441



“Acting Chief Justice AK Sikri and Justice Rajiv Sahai Endlaw” wrote. The court found that the Sales Tax Act and the RTI clearly state that information concerning sales tax returns is "private" in nature and cannot be disclosed unless there is a broader public interest at stake.

The appellant man's "revengeful" action against his brother, according to the court, was an abuse of the legal system. According to the decision, "The filing of this appeal against the order of this court's single-judge bench, which affirmed the Central Information Commission's (CIC) order, was an abuse of the legal process. We levy a Rs 50,000 fine on the petitioner (Ashok Kumar Goel). The penalties would be paid to the Legal Services Authority of Delhi." The court added this punishment to the Rs. 25,000 fines that the single judge bench had already imposed on Premchand Goel.

North Western Railway v. Shripal Jain¹⁶ The Appellant is just using the RTI to annoy the Department and put it under excessive strain. Before submitting another RTI application, the Commission orders the Appellant to clear any outstanding dues for the information previously created and received, and instructs that the Respondents need not to be responsive to any of the applications until the Appellant has paid for the information already prepared.

RTI Act as a money-making tool

In “Yogesh Rajarao Reddy v. South East Central Railway, Nagpur¹⁷,” the appellant who belonged to Raipur filed an RTI request on 17th Sept, 2007 with the “Public

Information Officer of the South East Central Railway, Nagpur,” seeking information on 11 points in relation to the rules governing his compassionate appointment. After his first appeal, the appellant received information; however, in his second appeal, he claimed that he cannot comprehend English printed on stamp paper and that it should be changed, and he sought Rs 45,250 as reimbursement for the delay in delivering information. The Commission wished to serve this order as a warning to the petitioners not to be duped by unethical individuals who regard the RTI applications as a source of profit.

RTI filed in the name of ‘whistle blower’

In “Nimmagadda v CBI¹⁸,” the Supreme Court states that the RTI Act has made it easier to expose corrupt public employees and whistleblowers plays a prominent role in an organization in cleansing and in order to promote transparency in the structure of the governance. They serve as a vigilance tool for detecting and preventing fraud. However, there have been numerous instances where the Right to Information Act has been abused by discontented employees within some department or in the foundation who pretend to be a "whistleblower" in order to further their own agendas or take vengeance on a rival competitor by smearing his reputation as a crook.

To Pressurize or harass the public authority

The New Delhi Commission received petitions from workers of public authorities in the case of "Deshmukh Suresh Bhagwanrao v. C.B.E.C.¹⁹," Department of

¹⁶ North Western Railway v. Shripal Jain
CIC/AD/A/2010/000045

¹⁷ Yogesh Rajarao Reddy v. South East Central Railway, Nagpur CIC/OK/A/2008/00167

¹⁸ Nimmagadda v CBI 2013 (V) AD (SC) 549, AIR 2013

¹⁹ Deshmukh Suresh Bhagwanrao v. C.B.E.C.
CIC/AT/A/2007/00368



Revenue, on issues such as the enactment of Court and Tribunal decrees by the public authority; “action taken on the petitions in service matters filed by the employee demand for explanation about why an employee was transferred from one post to another; and action taken on the petitions in service matters filed by the employee demand for explanation.” Regardless of the merits of such RTI applications or whether they are acceptable under the RTI Act, “the key point is that public employees are utilizing the RTI Act to pressure, brow-beat, or harass public officials in order to force them to make decisions or rescind decisions in the case of a specific employee.” Whether or not such workers succeed in their endeavors is irrelevant; what matters is how they use the RTI Act.

RTI Applications which are Similar and Repetitive in Nature

Eshwar Prasad Nandlal Jharane versus South East Central Railway.²⁰

In this instance, the appellant wanted to know about applicant selection in the railways, as well as their qualifications. The Hon'ble Commission has found that the appellant has repeatedly requested the same information through multiple RTI petitions, and that the explanations, generalization information, and information sought by him has previously been supplied to him. The appellant is advised not to file further RTI applications, complaints, or appeals on the same issue in different formats, since this would waste the Public Authority's and Commission's time.

“R.K. Chauhan v. North Delhi Municipal Corp,” In this case, an individual has filled

same recurrent petitions under RTI act with multiple identities from same location. The respondent acknowledged that they need to reply to each RTI request made by the appellant, even if he is pursuing the same subject under a divergent name. The respondents claimed that a significant amount of time is spent responding to the appellant, who had filed at least 30 RTI applications in divergent names with indistinguishable queries, all written in the exact similar handwriting, regarding M/s Gyan Const Co.'s pending payment for work performed by the agency, due to a staffing shortage in their department.

Despite the self-serving, religious protests of serial petitioners like this one, the Commission came to a conclusion that vexatious and frivolous petitions like this will not solve the purpose of the Right to Information Act.

Furthermore, the Appellant is advised not to abuse the provisions made under RTI Act's for settlement of their personal scores with the respondent. If the appellant doesn't stop for filling the vexatious and frivolous RTI petitions with the intent of unduly diverting the public authority's resources, the PIO will be free to withhold information under the Act's Section 7 (9) provisions.

Seeking Frivolous or Waggish Information

The RTI Act's purpose is to increase openness and reduce corruption, not to be used for personal vendettas or to promote hidden agendas under the guise of obtaining information. As a result, the RTI provisions

²⁰ Eshwar Prasad Nandlal Jharane versus South East Central Railway *CIC/SECRL/A/2017/169266*



cannot be utilized to resolve grievances or arbitrate disputes.

Jawahar Singh v. Department of Information and Publicity²¹

In this instance, the appellant submitted an RTI application requesting information on a Door Darshan commercial showing Delhi Government CM Mr. Arvind Kejriwal's claim that there were deductions in bill payments for energy and water. The appellant wanted to know if the Chief Minister's contention that such bill deductions result in broad satisfaction in every family is true. Also, the amount of money spent on such ads. "He wanted to know how many homeless people and slum dwellers have been granted homes since Mr. Kejriwal took power in Delhi."

"The Commission advises the appellant not to misuse the precious Right to Information for disclosure of all and sundry information by asking disorganized, vague and voluminous information under the RTI Act. The appellant is therefore recommended to limit and prioritize the requirement of information, so that the same could be provided with ease. The cost effectiveness aspect of disclosure of information also cannot be discarded".

Ramakrishna v. Ministry of Steel²²

In this instance, the CIC cautioned the appellant to desist from abusing the RTI Act's provisions, failing which he would face legal action. The RTI Act's scope is extremely clear: it is to disclose whatever information that exists, as long as it is supplied in

compliance with the RTI Act and its provisions. Any application filed in violation of the spirit of the RTI Act should be met with a penalty.

In the case of Ashish Kumar Khare v. Indian Fishery Survey²³, the information provided by the CPIO to the appellant corresponds to the appellant's request for information, and the CPIO is under no obligation to furnish any additional information to the appellant because the rules, notifications, circulars, and other documents are already in the public domain and thus obtainable by the appellant.

Knowledge of misuse by court and commission

The Right to Information Act of 2005 has been used in a variety of ways. "Even the State Information Commission was aware of the situation, but there is presently no way to keep track of it." The information sought was occasionally exploited for claimed blackmailing, as per the State Information Commissioner in Nagpur Bhaskar Patil, who had significant expertise dealing with matters under the RTI Act. "However, supplying information cannot be prevented because there is no option for questioning RTI applicants for a motivation or justification," says the author. He went on to say that the information requested infringed on people's right to privacy several times, and that there are still numerous flaws in the system that need to be addressed in order to prevent vested interests from misusing or abusing the Act. RTI information on the same issue related to a single ration card store has been requested up to ten times in some cases. It's

²¹ Jawahar Singh v. Department of Information and Publicity *CIC/SA/A/2015/001463*

²² Ramakrishna v. Ministry of Steel *CIC/LS/A/2012/002475*

²³ Ashish Kumar Khare v. Indian Fishery Survey *CIC/POSTS/A/2017/184861*



obvious that something isn't quite right. Even the names of hotel owners were requested. In such cases, there is unquestionably a third-party interest. Providing information, on the other hand, cannot be rejected since campaigners have cleverly turned it into a public cause. In the case of hotel owners, they may claim that they wish to investigate any breaches in the process of acquiring hotel licenses.

In “Chandrakant Vrajlal Fichadiya v. State of Gujarat & Ors²⁴,” the petition was filed under the RTI Act for a duplicate of the map, which was information coming under third party which could only be revealed once the appellant provides the third party with notice and his consent, or revelation may be permitted if the public interest in disclosure outweighs any potential damage or injury.

The RTI Act's provisions, as stated in the Act's Statement of Objects and Reasons, are aimed at ensuring access to information under the control of public authorities in order to promote openness and accountability in their operations. This Court concludes that the petitioner has misappropriated the Act's noble purpose, and that there is no public interest in disclosure. It has been established via the analysis of RTI cases that the statute is being abused by casual or regular information seekers for two clear reasons. The non-applicability of the locus-standi rule in RTI cases, as well as the lack of a necessity to provide grounds for seeking information, provide enough opportunity for non-serious information seekers to abuse the system for their own personal gain.

²⁴ Chandrakant Vrajlal Fichadiya v. State of Gujarat & Ors C/SCA/20547/2016

Taking interest in the matters of other colleagues without any justifiable rationale

In R.C. Jena v. Department of Posts²⁵, the CIC found that, in many cases, a requester is more interested in the business of other colleagues than in his own, for no good cause, as in the instant case. They do it by misusing office infrastructure to gather information rather than investing sufficient time and attention to delivering high-quality obligatory public services. Such workers just promote personal interests at the expense of public resources, which amounts to a severe abuse of the Act. The current appeal is an example of a public worker abusing the Act by requesting details of service-related information on another colleague in order to further his own personal interests.

Provisions by Public Authorities for Wrong Use and Misuse of RTI Act

Information includes information related to any private body that can be obtained by a public authority under any other legislation now in effect, according to Section 2(f) of the Right to Information (RTI) Act. Because they are directly supported by the government, government-aided schools operated by private entities are held directly responsible under the RTI Act. In addition, Delhi and other cities have two kinds of private schools. One type is that which is directly responsible within the ambit of the RTI Act but is funded or controlled indirectly by the governmental administration. Under section 6(3) of the RTI Act, “RTI petitions received by the Directorate of Education in regard of such institutions can be forwarded to all such categories, compelling them to reply directly

²⁵ R.C. Jena v. Department of Posts CIC/MA/A/2007/00350



to RTI petitioners.” However, “information on the rest of the private schools, many of which are notorious for massive irregularities such as failing to follow rules and norms, can be obtained under the provisions of section 2(f) of the RTI Act, which requires the Directorate of Education to first obtain requested information about these schools and then provide it to RTI petitioners.” Private schools in this category are not supposed to reply to RTI requests directly. However, because the Directorate of Education incorrectly assigns RTI requests to such schools under section 6(3) of the RTI Act, they are free to ignore such RTI petitions. Under section 2(f) of the RTI Act, the Directorate of Education should collect information requested in RTI petitions on its own and then communicate it to RTI petitioners. The Directorate of Education should hold RTI seminars to teach its officers how to properly use RTI rules in order to guarantee accountability in private schools.

Various High Court observations on the Misuse of RTI Act

Shail Sahni v Sanjeev Kumar²⁶

In this case, the Hon'ble High Court of Delhi has held that:

The basic responsibility of officers of the Ministry of Defense, in the judgement of this Court, was to defend India's sovereignty and integrity. If the Directorate General, Defense Estates, and the Cantonment Board dedicate their limited labour and resources to answering such useless questions, this Court believed that the whole office of the Directorate General, Defense Estates, and the Cantonment Board would grind to a halt.

²⁶Shail Sahni v Sanjeev Kumar 633179

The Court further believed that misuse of the RTI Act must be dealt with correctly; otherwise, the public's trust and belief in this "sunshine Act" would be eroded. When a good statute is turned into an instrument for mischief and misuse, it must be invigilated according to the law.

Paardarshita Public Welfare Foundation vs. Union of India (UOI) and Ors²⁷.

In this instance, the Delhi High Court fined an NGO Rs 75,000 for abusing two MCD engineers and seeking derogatory private information about them under the Act. Despite the fact that the court's request was for an investigation into the two engineers' misconduct, the court discovered that the NGO Paardarshita Welfare Foundation had raised questions on the engineers' paternity with the help of an RTI application. Judges included Chief Justice Dipak Mishra and Justice Manmohan stated it amounted to an abuse of the law. It is inappropriate and uncalled for to inquire about a person's parentage and medical history. The Right to Information Act was not designed to harass people or get personal information.

Several letters were sent to MCD authorities, according to the NGO, but no action was taken against the engineers. “We can't give the MCD engineers a clean bill of health, but the information requested reveals a spiteful attitude,” the bench stated. The RTI also inquired about sexual problems, if they conducted a “DNA test for their mother, if their mother was a surrogate or step-mother, as well as the name of their biological father and stepmother.” The NGO safeguarded itself, claiming that the engineers were blackmailing it and using "unparliamentary"

²⁷ Paardarshita Public Welfare Foundation vs. Union of India (UOI) and Ors CM No.11963/2015



language, which was the source of the controversy.

Conclusion

“The (Right to Information) Act” was enacted in order to make the government more accountable, to provide transparency, and to help people achieve justice socially, but unfortunately the objective has been partially fulfilled due to the failure of system as there are some impediments, non-compliance orders of CIC, and misuse of RTI by seeking frivolous information or using it as a vindictive tool. It should also not be used to oppress or intimidate honest officials who are trying to do their jobs. Through all the research done, one can conclude that there have been numerous cases of misuse of RTI act, 2005 and it needs to be dealt very appropriately, otherwise this beneficial tool for general public will become a tool for mischief and abuse. As a result, it may be argued that abuse of the RTI Act should be addressed in a variety of ways.

Suggestions

Identity proof needs to be made mandatory

The practice of filing someone else’s name or in the names of non-existent people in the RTI has grown fairly prevalent. Every RTI petition should be required to include a copy of identification verification.

RTI costs including the with charges of copying of first 20 pages should be increased to Rs. 50

With the allowance of only serious applicant of RTI, one can prevent the misuse of RTI Act. The provision of getting the first 20 pages copied for free and rest raising the fee to Rs 50 universally. The petitioner needs to buy material of worth Rs 50 which consist of

Rs 10 for the current RTI and Rs 40 of copying charges, however this will lead to exclusion of people who used to submit RTI application without seriousness.

Fees or costs imposed at the First Appellate Level

Fees or costs for filing a first appeal should be imposed to enable all systems to work more efficiently and to figure out the applicant who never had the interest genuinely in getting the actual information. This will result in the filtration and allowance of only people who are serious in order to file a petition at the level of appellate, as a lot of seekers of RTI information will have access to information firsthand but no check and balance system in place. This would immediately lower the backlog of cases in the RTI system as a whole.

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