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Q12

Case study. You are a Public Information Officer (PIO) in a government department. You are aware that the RTI Act 2005 envisages transparency and accountability in administration. The act has functioned as a check on the supposedly arbitrarily administrative behaviour and actions. However, as a PIO you have observed that there are citizens who filed RTI applications not for themselves but on behalf of such stakeholders who purportedly want to have access to information to further their own interests. At the same time there are these RTI activists who routinely file RTI applications and attempt to extort money from the decision makers. This type of RTI activism has affected the functioning of the administration adversely and also possibly jeopardises the genuineness of the applications which are essentially aimed at getting justice. What measures would you suggest to separate genuine and non-genuine applications? Give merits and demerits of your suggestions.

UPSC Civil Services Mains 2017 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- You are a PIO. RTI 2005 supports transparency, but some applications are filed for private commercial or extortionate ends, harming administration and genuine justice-seeking. Suggest measures to separate genuine and non-genuine applications, with merits and demerits

Revision summary

RTI must serve justice-seekers and public audit; extortion and rival-firm fishing are abuses.

A PIO cannot lawfully sort applicants by purity of heart.

The workable split is suo motu disclosure, on-time replies, honest **Section 8** and 11, and criminal process for proven money threats.

A pre-screening of 'genuine' citizens will be captured and is contrary to the Act.

Fear of inconvenience is not the same as extortion.

Introduction

The **Right to Information Act, 2005** was written for the citizen who cannot buy a file. It was not written as a second business model for a tout. The PIO's job is to protect both the Act and the office, without becoming a censor of inconvenient questions.

Body

Stakeholders

- Genuine applicants seeking their own justice - a wage, a marksheet, a missing person.
- Citizens and journalists using RTI as public audit.
- Intermediaries who file for a hidden commercial rival or who threaten officers for money.
- Decision-makers who may be victims of extortion or who may be hiding a genuine wrong.
- The public authority, the **Information Commission**, and you as PIO.
- Staff whose ordinary work is buried under copy-paste applications.

Ethical issues and values

- Transparency and accountability versus privacy, commercial secrecy that the Act already exempts, and freedom from harassment.
- **Justice:** a genuine application must not drown in a flood of motivated ones.
- **Integrity:** do not use "non-genuine" as a label for an applicant who is only inconvenient.
- **Proportionality:** extra filters can become a new bribe window at the PIO's door.
- The Act already balances through **Section 8** exemptions, not through a PIO's private morality test of the applicant's soul.

Options

- **Option 1:** Ignore the problem and answer everything at the same slow speed.
- **Merit:** no accusation of censorship.
- **Demerit:** genuine files rot; extortion thrives on delay as much as on disclosure.
- **Option 2:** PIO privately decides "motive" and rejects.
- **Merit:** fast for the office.
- **Demerit:** illegal. The Act does not require the applicant to prove a pure heart. This is how RTI dies.
- **Option 3:** Use lawful process tools, suo motu disclosure, and criminal law for proven extortion, without a motive test at the counter.

Measures, with merits and demerits

- **Measure 1:** Heavy suo motu disclosure under **Section 4** - tenders, bills, beneficiary lists, circulars, RTI logs.
- **Merit:** fewer applications; touts lose a monopoly on the photocopy.
- **Demerit:** needs record-keeping that many offices still lack; must still protect **Section 8** data.
- **Measure 2:** Time-bound, quality replies to all valid requests, with a separate fast track for life-and-liberty as the Act already envisages.
- **Merit:** genuine justice-seekers are not punished for others' sins.
- **Demerit:** needs staff; without posts, a fast track becomes another sale.
- **Measure 3:** Do not demand reasons for seeking information, because the Act does not. Train PIOs that "why do you want this" is usually unlawful.
- **Merit:** protects the genuine poor applicant who cannot write an essay of public interest.
- **Demerit:** will not by itself stop a tout - other tools must.
- **Measure 4:** Where a pattern of identical applications is used to threaten an officer for cash, treat it as a crime: record, CCTV of the demand if any, and police / vigilance, not a silent

payment.

- **Merit:** attacks extortion, which is not RTI.
- **Demerit:** a thin-skinned officer may file a false case against a real activist; independent scrutiny of that FIR is needed.
- **Measure 5:** Use **Section 7** and 8 honestly: transfer, exemption, and third-party procedure under **Section 11** when commercial or personal data of others is sought.
- **Merit:** lawful filter without a motive inquisition.
- **Demerit:** over-use of **Section 8** is itself a mala fide. Commissions exist to correct that.
- **Measure 6:** One-time information and online dashboards so that a "routine filer" cannot resell the same photocopy every month.
- **Merit:** kills the business model of resale.
- **Demerit:** digital divide; keep a window for the offline poor.
- **Measure 7:** Public authority should publish a monthly list of applications and replies (names can be masked where privacy requires) so that bulk, identical, or clearly commercial patterns are visible to the Commission, not only to a tired PIO.
- **Merit:** sunlight on both the tout and the hiding department.
- **Demerit:** activists may be targeted; mask where risk is real.
- **Measure 8:** Training and counselling of officers so that fear of RTI does not become hatred of citizens. Extortion is rare relative to ordinary inconvenient truth.
- **Merit:** culture.
- **Demerit:** training without prosecution of real extortion is a sermon.
- **Measure 9:** Do not invent a pre-screening committee of "genuine" applicants. That committee will be captured.
- **Merit of refusing this:** legality.
- There is no demerit in refusing an illegal filter.

What I would not do

- I would not deny an application because the applicant is "not personally affected". Public interest applications are part of the Act's design.
- I would not leak the applicant's name to the person who was asked about, for revenge.

Flow diagram

RTI application application -> Section 4 disclosure
 RTI application -> Timely reply
 RTI application -> Lawful exemptions
 Extortion -> Police and vigilance
 PIO motive test -> Act dies

Conclusion

Separate genuine from predatory use by publishing more, answering on time, applying **Section 8** and 11 as written, and prosecuting extortion as a crime. Do not appoint the PIO as a priest of motives. That would kill the Act in the name of saving the office.

Facts & figures

Right to Information Act, 2005

Gives a right to information without requiring the applicant to state a reason, subject to listed exemptions and procedure.

Section 4, RTI Act

Suo motu disclosure duties that shrink both genuine repeat asking and the tout's photocopy market.

Section 8, RTI Act

Exemptions including sovereignty, commercial confidence and privacy; the lawful filter, if not stretched into a blanket no.

Section 11, RTI Act

Third-party notice when disclosure may affect that party's interests, useful in commercially motivated asks.

Extortion under criminal law

A demand for money under threat is a crime whether or not an RTI application was the theatre; it is not a special RTI offence that the PIO 'rejects'.

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