

A Study of Law Relating to Right to Information in India

¹Dr. Amita Kaushal, ²Mr. Milandeep Singh Mehta

¹Head

¹²Department of Law

¹²Sri Guru Granth Sahib World University, Fatehgarh Sahib, Punjab

Abstract—The Right to Information Act, 2005 (RTI Act) is widely regarded as one of the most consequential pieces of legislation enacted in post-independence India, fundamentally reordering the relationship between the citizen and the State. By converting an inchoate, judicially-inferred "right to know" into a statutorily enforceable right, Parliament created a mechanism through which any citizen could compel public authorities to disclose information, subject only to narrowly drawn exemptions. This paper traces the trajectory of that right from its constitutional origins in Article 19(1)(a) of the Constitution of India, through the landmark judicial pronouncements of the 1970s, 1980s and 1990s that recognised it as an implicit fundamental right, to its eventual codification in 2005. It then examines the architecture of the Act itself — its definitions, the obligations it places on public authorities, the exemptions in Section 8, and the adjudicatory role of the Central and State Information Commissions — before turning to the substantial body of Supreme Court jurisprudence that has shaped its interpretation, including *CBSE v. Aditya Bandopadhyay*, *Namit Sharma v. Union of India*, and the electoral disclosure cases beginning with *Union of India v. Association for Democratic Reforms*. The paper devotes particular attention to the law's two most significant amendments — the Right to Information (Amendment) Act, 2019, which altered the tenure and service conditions of Information Commissioners, and the Digital Personal Data Protection Act, 2023, which rewrote the personal-information exemption under Section 8(1)(j) — situating both within the wider debate on the erosion of institutional independence. Finally, drawing on recent empirical assessments by civil society organisations such as Satark Nagrik Sangathan and the Commonwealth Human Rights Initiative, the paper documents the operational crisis facing Information Commissions: chronic vacancies, mounting case backlogs, and continuing violence against RTI users. The paper concludes that while the RTI Act remains, on paper, one of the most progressive transparency laws in the world, its practical efficacy is being steadily eroded by legislative dilution, institutional under-resourcing, and inadequate protection for those who invoke it, and it proposes a set of reforms aimed at restoring the Act's original promise.

Index Terms—Right to Information Act 2005, Article 19(1)(a), transparency, Central Information Commission, judicial review, accountability, Digital Personal Data Protection Act 2023, India

I. Introduction

Transparency is frequently described as the oxygen of democratic governance — without it, citizens cannot meaningfully evaluate the conduct of those who govern them, and accountability becomes a hollow promise rather than a lived practice. In India, this principle found its most decisive legislative expression in the Right to Information Act, 2005, an enactment whose preamble explicitly recognises that an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority was indispensable to the health of Indian democracy. The Act did not invent the right to

information out of nothing; rather, it crystallised a right that the Supreme Court of India had been gesturing towards for three decades, locating it within the textual guarantee of free speech and expression under Article 19(1)(a) of the Constitution.¹ [Central Information Commission](#) The significance of the RTI Act lies not merely in its symbolic value but in its practical reach. Within the first decade of its operation, citizens filed more than 17.5 million applications under the Act, averaging over 4,800 applications every single day.² This was not a law that sat unused on the statute book; it became, almost immediately, one of the most actively invoked pieces of legislation in the country, deployed by slum-dwellers seeking their rightful share of subsidised grain, by students contesting unfair examination results, by journalists investigating corruption, and by ordinary citizens demanding an account of how public money was being spent in their name. This paper undertakes a comprehensive doctrinal and policy analysis of the law relating to the right to information in India. It is structured to move from constitutional theory to statutory text, from statutory text to judicial elaboration, and from judicial elaboration to the contemporary crisis of implementation. Section II traces the historical evolution of the right to information as a constitutional concept prior to 2005. Section III examines the constitutional basis of the right in greater depth, with reference to the doctrine of an "informed citizenry." Section IV sets out the statutory architecture of the RTI Act, 2005. Section V analyses the institutional design and functioning of the Information Commissions. Section VI undertakes a detailed examination of landmark judicial decisions interpreting the Act. Section VII addresses the two major legislative amendments that have reshaped the RTI framework since 2019. Section VIII catalogues the principal implementation challenges, drawing on recent empirical data. Section IX offers a comparative and critical perspective, and Section X concludes with recommendations for reform.

II. Historical Development of the Right to Information in India

2.1 Colonial Legacy and the Culture of Secrecy

The starting point for any history of the right to information in India must be an acknowledgment of what came before it: a deeply entrenched culture of administrative secrecy inherited from colonial rule. The principal legal instrument of that secrecy was the Official Secrets Act, 1923, a statute enacted by the colonial government to criminalise the unauthorised disclosure of information that the State considered sensitive.³ The Official Secrets Act, along with various departmental rules of business and conduct, created a default presumption in Indian administrative practice that government information was confidential unless expressly released — precisely the inverse of the presumption that the RTI Act would later establish. Information disclosure in India had traditionally been restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act overrides. Wikipedia

2.2 Early Judicial Intimations: The 1970s

The first significant judicial breach in this wall of secrecy came in 1975, in the celebrated case of *State of Uttar Pradesh v. Raj Narain*.⁴ The case arose out of an election petition filed by the socialist leader Raj Narain, who had contested the 1971 Lok Sabha election from Rae Bareilly against the sitting Prime Minister, Indira Gandhi.⁵ As part of his case alleging corrupt electoral practices, Raj Narain sought the production of a government document known as the "Blue Book," containing security guidelines for the Prime Minister's travel.⁶ The State of Uttar Pradesh resisted disclosure, invoking the privilege against disclosure of unpublished official records under Section 123 of the Indian Evidence Act, 1872.⁷

The Allahabad High Court, and subsequently the Supreme Court, rejected the claim of privilege, holding that the government had failed to properly substantiate its claim through an affidavit and that the courts retained the power to inspect the disputed document and determine for themselves whether it genuinely related to affairs of state.⁸ While the immediate holding of the case was procedural — concerning the correct mode of claiming evidentiary privilege — its lasting significance lies in the concurring opinion of Justice K.K. Mathew, whose words have since become almost scriptural in Indian RTI jurisprudence. In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can but few secrets. The people of this country have a right to know every public act,

everything, that is done in a public way, by their public functionaries. To cover with veil secrecy the common routine business, is not in the interest of the public.⁹ Justice Mathew went further, locating this right to know squarely within the right to freedom of speech, observing that the responsibility of officials to explain their conduct was the chief safeguard against oppression and corruption.¹⁰ National Whistleblower Center

2.3 Consolidation in the 1980s: S.P. Gupta and the Judges' Transfer Case

The right to know received further judicial elaboration in *S.P. Gupta v. Union of India* (1982), popularly known as the "Judges' Transfer Case."¹¹ The case arose from a challenge to a circular letter issued by the Union Law Minister regarding the transfer and appointment of High Court judges, and the petitioners sought disclosure of correspondence between the Law Minister and the Chief Justices of India and Delhi.¹² In ordering disclosure, the Supreme Court articulated what would become the foundational doctrinal statement of Indian transparency law: The concept of an open government is the direct emanation from the right to know, which is implicit in the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution. Therefore, the disclosure of information in regard to government functioning must be the rule and secrecy the exception, justified only where the strictest requirement of public interest demands it.¹³ Global Freedom of Expression

This formulation — disclosure as the rule, secrecy as the narrowly circumscribed exception — would later be reproduced almost verbatim in the architecture of the 2005 Act, whose Section 8 exemptions are deliberately exhaustive and to be construed narrowly. The Court in *S.P. Gupta* also held that the mere apprehension of "ill-informed or captious" public criticism could never by itself justify withholding information, a principle that continues to be cited against public authorities who resist disclosure on the grounds that the information might prove embarrassing.¹⁴

2.4 The Pre-Legislative Movement: Grassroots Activism and State Laws

While the Supreme Court was constructing the constitutional scaffolding for a right to information, a parallel grassroots movement was building pressure for legislative codification from below. The most influential of these movements was led by the Mazdoor Kisan Shakti Sangathan (MKSS) in rural Rajasthan from the early 1990s, which used public hearings — *jan sunwais* — to expose the gap between official expenditure records and the wages actually paid

to labourers on public works.¹⁵ This movement demonstrated, in concrete and replicable terms, that access to information was not an abstract constitutional nicety but a practical tool against corruption affecting the poorest citizens.

The grassroots pressure translated into legislative experimentation at the state level well before the central law was enacted. Tamil Nadu, Goa, Rajasthan, Karnataka, Delhi, Maharashtra, Assam, Madhya Pradesh, and Jammu & Kashmir each enacted their own right to information legislation between 1997 and 2004, creating a patchwork of state-level regimes of varying strength and enforceability. This patchwork ultimately persuaded the central government that a uniform national statute was necessary. The first such national attempt, the Freedom of Information Act, 2002, was passed by Parliament but never brought into force, owing to widespread criticism that its exemptions were too broad and its enforcement machinery too weak.¹⁶ The National Advisory Council, constituted after the 2004 general election, examined these criticisms and

recommended substantial strengthening of the framework, leading the government to decide that the Government examined the suggestions made by the National Advisory Council and others and decided to make a number of changes in the law, including the establishment of an appellate machinery with investigative powers, penal provisions for non-compliance, and a presumption favouring maximum disclosure and minimum exemption.¹⁷ The Freedom of Information Act, 2002 was consequently repealed, and the Right to Information Bill, 2005 was introduced and passed by Parliament on 15 June 2005, coming into force on 12 October 2005.¹⁸ Indian Kanon

III. Constitutional Basis of the Right to Information

3.1 Article 19(1)(a) as the Textual Anchor

Although the right to information does not appear by name in the text of the Constitution of India, the courts have consistently held that it is implicit within the guarantee of "freedom of speech and expression" under Article 19(1)(a).¹⁹ The underlying logic is straightforward: the freedom to express an opinion is of diminished value if the speaker has no access to the facts on which an informed opinion could be based. As the Wikipedia entry on the Act summarises the doctrinal position, Although Right to Information is not included as a Fundamental Right in the Constitution of India, it protects the fundamental rights to Freedom of Expression and Speech under Article 19(1)(a), and is for that reason properly described as an implied fundamental right rather than a freestanding one.²⁰ Wikipedia

3.2 The Doctrine of the Informed Citizenry

A second and closely related strand of constitutional reasoning is the doctrine of the "informed citizenry," most fully developed in the electoral disclosure cases of the early 2000s, discussed at greater length in Section VI below. The doctrine holds that a representative democracy cannot function as intended unless voters possess the basic information necessary to exercise an intelligent electoral choice. The Supreme Court in the Association for Democratic Reforms litigation observed that informed voters form the bedrock of democracy, and that the public has a right to know about candidates' antecedents because such information directly influences voting choices.²¹ An electorate kept in ignorance, the Court warned, would reduce democracy to a "farce."²² Association for Democratic Reforms

3.3 Balancing Transparency Against Other Constitutional Values

The constitutional right to information has never been treated as absolute. The courts have consistently required it to be balanced against competing constitutional and public interests, including the right to privacy (itself now recognised as part of Article 21 following Justice K.S. Puttaswamy v. Union of India), national security, and the efficient functioning of public institutions. This balancing exercise is given statutory form in Section 8 of the RTI Act, which enumerates specific categories of exempted information, and in the public-interest override contained in Section 8(2), which permits disclosure of even exempted information where the public interest in disclosure outweighs the harm to the protected interest.²³ The tension between these two values — transparency and privacy — has become considerably sharper since 2023, as discussed in Section VII below, but the underlying constitutional architecture has always contemplated some such balance rather than an unqualified right of access.

IV. The Right to Information Act, 2005: Statutory Architecture

4.1 Object and Scope

The Act's preamble frames its purpose in explicitly democratic terms: democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed.²⁴ Section 3 of the Act provides the operative core of the entire statute in a single, deceptively simple sentence: Right to information.—Subject to the provisions of this Act, all

citizens shall have the right to information.²⁵ Central Information CommissionCentral Information Commission The Act extends to the whole of India, a territorial scope that was widened in 2019 following

the reorganisation of Jammu and Kashmir, when the words "except the State of Jammu and Kashmir" were omitted from Section 1(2), bringing the erstwhile state — which had previously operated under its own separate RTI legislation — under the umbrella of the central Act.²⁶ The Act applies to "public authorities," a term defined expansively under Section 2(h) to include not only the three constitutional organs of the State — the executive, the legislature, and the judiciary — but also any body established by a Parliamentary or State legislative enactment, any body constituted by government notification, and, crucially, any body "owned, controlled or substantially financed" by government funds, as well as non-governmental organisations that are substantially financed, directly or indirectly, by government funds.²⁷ This expansive definition has meant that privatised public utilities and even certain NGOs receiving the bulk of their funding from the State have been brought within the disclosure regime — a result confirmed by the Central Information Commission in *Sarbjit Roy v. Delhi Electricity Regulatory Commission*, which held that privatised electricity distribution companies fell within the Act's purview because of their public function and historical public ownership.²⁸ Purely private bodies receiving no such government support remain outside the Act's reach.²⁹

4.2 Obligations of Public Authorities

Section 4 of the Act imposes two distinct categories of obligation on public authorities. The first is a record-keeping obligation: every public authority must maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and, where feasible, computerise those records and connect them through a network for ease of access.³⁰ The second, and more far-reaching, obligation is one of proactive or suo motu disclosure. Section 4(1)(b) requires every public authority to publish, within 120 days of the Act's commencement, a detailed set of particulars covering its organisational structure, the powers and duties of its officers, the procedure followed in decision-making, the norms set for the discharge of its functions, and its budgetary allocations, among numerous other categories.³¹ The underlying legislative intention, as the statute itself states, is to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.³² In practice, compliance with Section 4 proactive disclosure

obligations has remained one of the weakest links in the implementation chain, a point returned to in Section VIII below. Central Information Commission Delhi

4.3 The Machinery for Seeking Information

Sections 5 and 6 of the Act establish the basic procedural machinery. Every public authority must designate a Central Public Information Officer (CPIO) or State Public Information Officer (SPIO), as the case may be, and a network of Assistant Public Information Officers at the sub-divisional level to receive applications.³³ Section 6(1) allows any citizen to seek information by making a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, addressed to the relevant Public Information Officer.³⁴ Critically, Section 6(2) provides that an applicant shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting them, thereby eliminating the bureaucratic discretion that might otherwise have been exercised to screen out "undesirable" requesters.³⁵ Central Information Commission Delhi

4.4 Timelines for Response

Section 7 of the Act sets out tightly defined response timelines that distinguish the RTI Act from comparable freedom-of-information regimes in many other jurisdictions. As a general rule, a public authority must respond within thirty days of the receipt of a request; where the information concerns the life or liberty of a person, the timeline contracts dramatically to forty-eight hours.³⁶ Where a request is misdirected to an

Assistant Public Information Officer rather than directly to the CPIO or SPIO, five additional days are added to the response period to allow for internal transmission.³⁷

4.5 Exemptions Under Section 8

Section 8(1) of the Act sets out an exhaustive list of categories of information exempted from disclosure, including information that would prejudicially affect the sovereignty and integrity of India; information whose disclosure would harm strategic, scientific or economic interests of the State or relations with foreign states; information that would impede the investigation or prosecution of offenders; cabinet papers; information held in a fiduciary relationship; trade secrets and commercial confidence (unless larger public interest warrants disclosure);

information that would endanger the life or safety of a person or identify the source of information given in confidence for law enforcement; and personal information, the disclosure of which would cause an unwarranted invasion of privacy, as set out in Section 8(1)(j).³⁸ Section 8(3) introduces an important temporal limitation on several of these exemptions: information relating to events that occurred more than twenty years before the date of the request must ordinarily be disclosed regardless of the exemption, except where it would still affect sovereignty, integrity, security, or relations with foreign states, or would cause a breach of parliamentary or legislative privilege.³⁹

A noteworthy structural feature of the original (pre-2023) Section 8(1)(j) was its embedded balancing test: personal information could be withheld only if it had no relationship to public activity or interest, or if its disclosure would cause an unwarranted invasion of privacy — and even then, disclosure could still be ordered if the Public Information Officer was satisfied that the larger public interest justified it.⁴⁰ As discussed in Section VII below, this balancing structure was substantially altered by the Digital Personal Data Protection Act, 2023.

4.6 Section 22: The Overriding Effect

Section 22 of the RTI Act provides that its provisions shall have effect notwithstanding anything inconsistent therewith contained in any other enactment, including the Official Secrets Act, 1923, and any rules, regulations or bye-laws framed by individual public authorities.⁴¹ This overriding clause has proved doctrinally decisive in several of the cases discussed in Section VI, most notably *CBSE v. Aditya Bandyopadhyay*, where the Supreme Court relied squarely on Section 22 to hold that the RTI Act's disclosure obligations could not be defeated by internal examination bye-laws purporting to prohibit the inspection of answer-scripts.⁴² *Bombay Chartered Accountants' Society*

V. The Central Information Commission and State Information Commissions

5.1 Institutional Design

Chapter III of the Act establishes the Central Information Commission (CIC), and Chapter IV establishes a State Information Commission (SIC) for each State, comprising a Chief Information Commissioner and up to ten Information Commissioners.⁴³ These bodies are the quasi-judicial apex of the RTI enforcement architecture: an applicant dissatisfied with the

response of a Public Information Officer may first appeal to a First Appellate Authority within the same public authority, and, failing satisfaction there, may file a second appeal to the relevant Information Commission, which also has jurisdiction to entertain complaints directly under Section 18 in specified circumstances.⁴⁴

5.2 Appointment and Composition

Under the originally enacted Section 12, the Chief Information Commissioner and Information Commissioners at the Centre are appointed by the President on the recommendation of a committee comprising the Prime Minister (as Chairperson), the Leader of the Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the Prime Minister.⁴⁵ An analogous structure, headed by the Chief Minister, governs appointments to State Information Commissions, with the Governor making formal appointments on

the recommendation of a committee including the Leader of the Opposition in the State Assembly and a State Cabinet Minister.⁴⁶

5.3 Powers of the Commissions

Section 18 vests the Information Commissions with powers analogous to those of a civil court for the purpose of inquiring into complaints, including the power to summon and enforce the attendance of persons and compel them to give evidence, to require the discovery and production of documents, and to receive evidence on affidavit.⁴⁷ Section 19(8) empowers the Commission, in deciding an appeal, to require a public authority to take any steps necessary to bring it into compliance with the Act, including the disclosure of information in a particular form, and to award compensation for any loss or detriment suffered by a complainant. Section 20 empowers the Commission to impose a penalty on a Public Information Officer of up to two hundred and fifty rupees per day, subject to a maximum of twenty-five thousand rupees, for unjustified refusal to receive an application, malafide denial of information, or knowingly furnishing incorrect or incomplete information.⁴⁸

5.4 The Quasi-Judicial Question: Namit Sharma and Its Reversal

The precise constitutional character of the Information Commissions — whether they are purely administrative bodies or judicial tribunals in substance — became the central question in *Namit Sharma v. Union of India* (2013).⁴⁹ The petitioner, a practising advocate, challenged

Sections 12(5) and 15(5) of the Act, which prescribe the eligibility criteria for appointment as Information Commissioners, arguing that the absence of any requirement of judicial training or experience compromised the independence and competence of bodies performing what was, in substance, an adjudicatory function.⁵⁰ A two-judge bench of the Supreme Court accepted this argument, holding that the Information Commission "is a judicial tribunal having the essential trappings of a Court", and directed, among other things, that Information Commissions should henceforth function in benches of two members, one of whom should be a person with a judicial background, and that they should ordinarily be headed by a retired Chief Justice or judge of the Supreme Court or a High Court.⁵¹ *Global Freedom of Expression* This ruling proved controversial and operationally disruptive, and the Union government sought review. In *Union of India v. Namit Sharma* (2013) — the review judgment — a differently constituted bench substantially reversed the earlier directions.⁵² The Court clarified that, in deciding whether a citizen should or should not receive a particular piece of information, the Information Commission does not perform the judicial function of adjudicating a dispute between two parties concerning their legal rights; rather, it performs a specialised administrative function under a special statute, for which legal training, while valuable, is not a constitutional precondition.⁵³ The Court accordingly deleted the directions mandating judicial-background commissioners and benches of two, restoring the original statutory scheme while leaving Sections 12(5) and 15(5) themselves intact.⁵⁴ The episode illustrates a recurring tension in Indian transparency law: a strong judicial instinct that bodies wielding significant adjudicatory power ought to be insulated by judicial-style safeguards, set against an equally strong legislative and executive preference for administrative flexibility — a tension that resurfaced in starker form in the 2019 amendment discussed in Section VII.

VI. Landmark Judicial Decisions Interpreting the Right to Information

6.1 *CBSE v. Aditya Bandopadhyay* (2011): Information and Fiduciary Exemptions

*Central Board of Secondary Education v. Aditya Bandopadhyay*⁵⁵ remains, in many respects, the single most cited Supreme Court decision on the substantive scope of the RTI Act. A CBSE student, dissatisfied with his examination result, sought inspection and re-evaluation of his evaluated answer-scripts; CBSE refused, citing both an examination bye-law prohibiting re-evaluation and a claimed fiduciary

relationship with its examiners under Section 8(1)(e).⁵⁶ The Supreme Court held that an evaluated answer-script, being a "document, manuscript, record"

reflecting the examiner's opinion, squarely fell within the definition of "information" under Section 2(f) of the Act.⁵⁷ On the fiduciary question, the Court drew a careful distinction: while examiners, moderators and head-examiners may hold certain information (such as model answers or the identity of evaluators) in a fiduciary capacity, the examining body itself does not hold the student's own evaluated answer-script in any fiduciary relationship with the student, since the relationship lacks the characteristic features of trust, dependency, and superior influence that define a fiduciary relationship in law.⁵⁸ Accordingly, the Court held that students were entitled to inspect (though not automatically obtain re-evaluation of) their answer-scripts, and that, pursuant to Section 22, this entitlement could not be defeated by internal bye-laws.⁵⁹

The judgment is equally significant, however, for its cautionary observations in paragraph 37, frequently invoked by public authorities resisting disclosure. The Court warned that indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information... would be counter-productive as it will adversely affect the efficiency of the administration, and that the Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, nor converted into an instrument of oppression against honest officials.⁶⁰ Commentators have noted, with some justification, that these remarks were obiter rather than ratio, and that they have frequently been invoked by reluctant public authorities to justify restrictive interpretations of the Act that go well beyond anything the Court actually directed.⁶¹ CBSE itself continued to resist full compliance with the judgment for years afterward, prompting a further Supreme Court order directing it to "scrupulously observe" the 2011 directions after it was found to be charging examinees fees far in excess of those prescribed under the RTI Rules.⁶² DsscicAdvocates Chamber

6.2 Namit Sharma and the Institutional Status of Information Commissions

The Namit Sharma litigation, discussed in Section 5.4 above, deserves mention here as well for its broader doctrinal contribution: it established, even after the 2013 review, that Information Commissions discharge an important quasi-judicial function and must therefore act fairly, follow due process, and provide reasoned orders, even though they need not be staffed exclusively by persons of judicial background.⁶³

6.3 The Electoral Disclosure Trilogy: ADR, PUCL, and the Right to Know the Candidate

A distinct but closely related line of jurisprudence concerns the voter's right to information about electoral candidates, beginning with *Union of India v. Association for Democratic Reforms* (2002).⁶⁴ The case originated in a public interest litigation filed by the Association for Democratic Reforms before the Delhi High Court, seeking implementation of recommendations made by the Law Commission of India and the Vohra Committee regarding mandatory disclosure of candidates' criminal records, assets, liabilities and educational qualifications.⁶⁵ The Delhi High Court directed the Election Commission to collect and publish this information; the Union of India appealed to the Supreme Court, arguing that such a mandate required legislative rather than judicial intervention.⁶⁶

The Supreme Court substantially upheld the High Court's direction, holding that the voters' right to know the antecedents of candidates contesting elections constitutes a facet of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India, reasoning that in a democracy founded on government by the people, such a right is indispensable to ensuring an informed citizenry.⁶⁷ The Court directed the Election Commission to require every candidate to disclose, as a necessary part of their nomination, information regarding pending criminal charges and prior convictions, all movable and immovable assets (including those of the candidate's spouse), all liabilities, and educational qualifications.⁶⁸ Record Of Law Parliament's response to this judgment was instructive of the recurring legislative resistance to judicially-mandated transparency. In December 2002, Parliament amended the Representation of the People Act, 1951, inserting Section 33A — which required disclosure only of pending criminal cases carrying a sentence of two years or more — and Section 33B, which purported to provide that notwithstanding anything

contained in the judgment of any court or directions issued by the Election Commission, no candidate could be compelled to disclose any information beyond that statutorily mandated, thereby attempting to override both the Court's judgment and the assets/liabilities/education disclosure requirements it had established.⁶⁹ Global Freedom of Expression This legislative override was itself challenged and struck down in *People's Union for Civil Liberties (PUCL) v. Union of India* (2003).⁷⁰ The Supreme Court held that Section 33B was arbitrary and directly abridges the voters' fundamental right to know the antecedents of candidates, and that Parliament could not, through ordinary legislation, nullify a judicially-recognised facet of a fundamental right.⁷¹ The Court reasoned that since "the will of the people" expressed through periodic elections lies at the heart of a functioning democracy, the availability of basic information about candidates was integral to ensuring that this expression of will was genuinely informed rather than blind.⁷²

Section 33B was accordingly declared "illegal, null and void," reviving the fuller disclosure regime mandated in 2002.⁷³ This trilogy of cases — *ADR*, the 2002 legislative response, and *PUCL* — together illustrate a pattern that recurs throughout the history of Indian transparency law: judicial expansion of disclosure obligations, followed by legislative attempts at contraction, followed by judicial reassertion of the original constitutional principle. *CaseMine*

6.4 Subhash Chandra Agrwal and the Judiciary's Own Accountability

A particularly delicate line of litigation has concerned the application of the RTI Act to the judiciary itself, and specifically to information concerning judicial appointments. In *CPIO, Supreme Court of India v. Subhash Chandra Agrwal*, the respondent had sought from the Supreme Court's own Public Information Officer the complete file relating to the appointment of certain judges, including correspondence in which seniority considerations had allegedly been overridden.⁷⁴ The matter wound its way through the Central Information Commission and the Delhi High Court — both of which ruled against the Supreme Court's own registry — before the Supreme Court controversially stayed the lower rulings and referred the matter to a Constitution Bench, a process that one academic commentator pointedly criticised as the Supreme Court effectively sitting in judgment "in its own cause," in apparent tension with a foundational principle of natural justice.⁷⁵ The matter was finally resolved by a Constitution Bench in 2019, which held that the office of the Chief Justice of India is itself a "public authority" under the RTI Act and is therefore subject to its disclosure obligations, subject to the application of a fiduciary and public-interest balancing test on a case-by-case basis — a holding of considerable importance in confirming that no organ of the State, including the judiciary, stands wholly outside the reach of the transparency law it has done so much to construct.⁷⁶

6.5 Other Significant Decisions

Several further decisions have refined the scope and limits of disclosure obligations. In *Institute of Chartered Accountants of India v. Shaunak H. Satya*, the Supreme Court held that examiners' model answers and instructions to examiners were exempted from disclosure on grounds of fiduciary relationship, a holding that has been criticised by commentators as difficult to reconcile with the Court's own reasoning in *CBSE v. Aditya Bandopadhyay* on the scope of fiduciary exemptions.⁷⁷ In *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi*, the Court underscored the importance of maintaining "an effective balance between right to

privacy and right to information" when applying the Section 8(1)(j) exemption, a balancing exercise of considerable contemporary relevance given the 2023 statutory amendment discussed below.⁷⁸

VII. The Two Great Amendments: 2019 and 2023

7.1 The Right to Information (Amendment) Act, 2019

The first major legislative alteration to the original 2005 framework came with the Right to Information (Amendment) Act, 2019, which amended Sections 13, 16 and 27 of the parent Act.⁷⁹ Under the original Act, the Chief Information Commissioner and Information Commissioners, both at the Centre and in the States, held a fixed five-year tenure (or until the age of 65, whichever was earlier), and their salaries and service conditions were expressly pegged to those of the Chief Election Commissioner and Election

Commissioners at the Centre, and to those of the State Election Commissioner and Chief Secretary, respectively, at the State level.⁸⁰ The 2019 Amendment replaced these fixed statutory entitlements with a formula granting the Central Government the power to prescribe, by rules, the term of office, salary, allowances and other service conditions of Information Commissioners at both the Central and State levels.⁸¹ The rules subsequently notified under this amended framework — the Right to Information (Term of Office, Salaries, Allowances and Other Terms and Conditions of Service...) Rules, 2019 — reduced the fixed tenure from five years to three years, and fixed the salary of the Chief Information Commissioner at ₹2,50,000 per month and that of Information Commissioners at ₹2,25,000 per month, a reduction of ₹25,000 from the salary previously payable, which had been pegged to the Chief Election Commissioner's salary.⁸² A proviso ensured that commissioners already in office at the time of the amendment would continue under the older terms, creating, for a period, a dual-track salary and tenure structure within the same Commission.⁸³ The amendment attracted sustained and pointed criticism from transparency advocates, civil society organisations, opposition parliamentarians, and, notably, from a number of serving and former Information Commissioners themselves. RTI activist Anjali Bhardwaj characterised the move as removing the very protection of status of information commissioners that had been deliberately built into the original Act to enable Commissioners to direct compliance from even the highest offices of government "without fear or favour."⁸⁴ Critics observed that by giving the Central Government the discretion to fix and, in principle, to alter the tenure and remuneration of Information Commissioners, the

amendment created the structural possibility that Commissioners might become cautious about issuing orders unfavourable to the government, out of concern for their own continued tenure or compensation — RTI activists memorably described the risk that Commissioners would be reduced to "caged parrots."⁸⁵ It is also notable, and was highlighted by activist Anjali Bhardwaj through a subsequent RTI application of her own, that the Central Information Commission confirmed in writing that no comments were sought and provided by CIC before the amendment and its associated rules were promulgated — meaning that the institution most directly affected by the change was never formally consulted on it, a procedural lapse that was said to violate the government's own 2014 Pre-Legislative Consultation Policy.⁸⁶ The WireThe Wire

A particularly pointed criticism observed that, prior to the amendment, several Information Commission orders had caused considerable discomfort to the central government — including a 2017 direction to Delhi University to permit inspection of academic records relating to a specific examination year, and an order directing the Reserve Bank of India to disclose details concerning non-performing assets of public-sector banks — and that the timing of the amendment, coming soon after such orders, fuelled suspicions about its underlying motivation, even as the government's official justification rested on the formal distinction between the Election Commission as a constitutional body under Article 324 and the Information Commissions as merely statutory bodies under the RTI Act.⁸⁷

7.2 The Digital Personal Data Protection Act, 2023 and the Rewriting of Section 8(1)(j)

The second, and in the view of many commentators more consequential, legislative alteration arrived through Section 44(3) of the Digital Personal Data Protection Act, 2023 (DPDP Act), which amended Section 8(1)(j) of the RTI Act.⁸⁸ The amendment did not arrive through a standalone RTI amendment bill, but was inserted as a consequential provision within a much larger data-protection statute — a legislative strategy that several critics argued circumvented the focused parliamentary scrutiny that a change of this magnitude to a transparency law would ordinarily warrant.⁸⁹

The substantive change is, in textual terms, deceptively simple. Where the original Section 8(1)(j) exempted personal information only where its disclosure (a) had no relationship to any public activity or interest, or (b) would cause an unwarranted invasion of privacy, and even then preserved an explicit override permitting disclosure where the Public Information Officer

was satisfied that a larger public interest justified it, the amended provision simply exempts "information which relates to personal information" in undifferentiated, categorical terms.⁹⁰ The carefully constructed

three-part balancing test of the original provision — relevance to public activity, invasion of privacy, and the public-interest override — has been collapsed into a single, much broader category from which the explicit public-interest safeguard has been entirely removed.⁹¹ Supreme Court Observer The practical consequences of this change, according to critics, are considerable. Because the definition of "personal data" under the DPDP Act is itself extremely broad — covering, in principle, any data by which an individual can be identified — public authorities now possess a textual basis to characterise an extensive range of previously disclosable records as "personal information" exempt from disclosure, including asset declarations, official conduct data, scheme beneficiary lists or expenditure records that citizens have traditionally used RTI applications to access in the cause of exposing corruption and verifying entitlements.⁹² Former Central Information Commissioner Shailesh Gandhi compiled a list of real cases in which the amended provision would, in his assessment, now block disclosure that was previously granted — including information about the misallocation of legislators' constituency development funds, beneficiary lists for welfare schemes, and the verification of educational qualifications and caste certificates claimed by public officials and electoral candidates.⁹³ Dpdpconsultants

Justice (Retired) A.P. Shah, former Chief Justice of the Delhi High Court and former Chairman of the Law Commission of India — who had himself chaired an earlier expert committee examining the privacy-transparency interface — wrote to the Attorney General of India urging the repeal of the amended provision, describing the changes as representing a seismic shift in India's transparency framework for the worse, threatening to dismantle RTI Act's core purpose of democratic accountability and citizen empowerment.⁹⁴ Justice Shah additionally flagged, as a separate and equally significant change, the removal of a proviso to Section 8(1) which had previously ensured that information not deniable to Parliament or a State Legislature could not be denied to any citizen — a provision he warned was being quietly removed in a manner he found alarming for democracy.⁹⁵ IDRIDR It bears noting, in fairness to the government's stated position, that the Ministry of Electronics and Information Technology has defended the amendment as a necessary alignment of statutory text with the constitutional right to privacy recognised in Justice K.S. Puttaswamy v. Union of India (2017), and has pointed to the survival of Section 8(2) — the general public-interest override that applies across all Section 8(1) exemptions — as preserving an avenue for disclosure even of personal information where the

public interest demands it.⁹⁶ Critics respond, however, that the explicit, tailored balancing language that previously existed within Section 8(1)(j) itself provided a far clearer and more consistently applied standard than the generic Section 8(2) override, and that Public Information Officers — who are not legally trained and operate under considerable time pressure — are likely simply to deny requests on grounds of "personal information" without engaging in the more demanding public-interest analysis that Section 8(2) technically requires.⁹⁷ The constitutional validity of these changes — along with several other provisions of the DPDP Act — is, as of the time of writing, sub judice before the Supreme Court of India, in proceedings initiated by RTI activist Venkatesh Nayak, the National Campaign for People's Right to Information, and other petitioners, who argue that the amendment creates a "blanket ban on the obligation to disclose personal information" and thereby violates Articles 14, 19(1)(a) and 21 of the Constitution.⁹⁸ The Supreme Court has, to date, declined to grant an interim stay of the provision pending final adjudication, and has referred the matter to a larger bench for substantive hearing.⁹⁹ The eventual resolution of this litigation will be of considerable importance in determining whether the careful jurisprudential balance struck across four decades of judicial elaboration — from Raj Narain through S.P. Gupta to Bihar Public Service Commission v. Rizvi — survives the statutory reformulation, or whether Parliament has, in substance, succeeded through a data-protection statute in achieving what direct legislative amendment to the RTI Act might have attracted far greater scrutiny in resisting. Supreme Court Observer

VIII. Implementation Challenges: An Empirical Assessment

8.1 Vacancies and the Defunctness of Information Commissions

Perhaps the single most persistent and damaging implementation failure in the RTI ecosystem is the chronic under-staffing of Information Commissions through delayed appointments. According to the Report Card of Information Commissions in India, 2023–24, published by the civil society organisation Satark Nagrik

Sangathan, seven out of 29 ICs were found to be non-functional for varying lengths of time during the period under review, with all posts of commissioners being vacant — Jharkhand, Tripura, Goa, Uttar Pradesh, Telangana, Madhya Pradesh and Chhattisgarh.¹⁰⁰ The Central Information Commission itself was not immune: the same report found that the CIC had been working with only 3 commissioners (Chief + 2 commissioners) for nearly one year, even as 8 posts lay vacant, with these three commissioners

having been appointed only on the very eve of the Commission being rendered entirely defunct, as all previously incumbent commissioners were simultaneously due to demit office.¹⁰¹ Down To EarthDown To Earth

This pattern is not new, nor is it confined to a single political administration. The preceding year's report had recorded that the CIC was found to be working with only 4 commissioners as 7 posts, including that of the Chief, were vacant, and that even those four remaining commissioners were themselves due to demit office within weeks.¹⁰² The report noted pointedly that the Supreme Court had, as early as December 2019, directed the central government to expedite appointments in the face of such vacancies — directions that appear to have produced, at best, temporary and partial compliance.¹⁰³ An earlier Supreme Court judgment of February 2019 had likewise observed, in connection with the chronically understaffed Maharashtra State Information Commission, that it would be appropriate for the Commission to function at full strength — an observation the Maharashtra Commission has continued to fall well short of in subsequent years, functioning at a reduced strength even as its backlog of pending appeals and complaints climbed toward 110,000 cases by mid-2024.¹⁰⁴ Snsindia

8.2 The Mounting Backlog of Appeals and Complaints

The direct and entirely predictable consequence of chronic under-staffing has been a dramatic and sustained increase in the national backlog of pending appeals and complaints across all Information Commissions. The Satark Nagrik Sangathan's tracking data show a trajectory of relentless growth: the 2019 assessment had found that as of March 31, 2019, a total of 2,18,347 appeals and complaints were pending in the 26 information commissions from which data was obtained, which climbed to 2,86,325 as of June 30, 2021 and then crossed 3 lakh as of June 30, 2022.¹⁰⁵ By June 2023, the backlog across the country had reached 3,21,537 cases, and by June 2024, it had crossed the symbolically significant threshold of four lakh (400,000) pending matters nationwide.¹⁰⁶ The Wire

These aggregate figures conceal considerable variation between individual commissions, but the worst-affected examples are instructive. The West Bengal State Information Commission's backlog was assessed as so severe that the [SNS] assessment shows that West Bengal SIC [state information commission] would take an estimated 24 years & 1 month to dispose [of] a matter filed on a given date, calculated on the basis of prevailing disposal rates.¹⁰⁷ The Maharashtra

SIC, despite handling the highest absolute caseload in the country, was found in 2023–24 to be functioning with a reduced complement of commissioners, contributing to a backlog that the SNS report described as an alarming level of 1,21,741 by June 2023 — more than 200% increase in the backlog in five years.¹⁰⁸ At such rates of accumulation, the Commission was projected to require approximately three years and seven months simply to dispose of a fresh appeal or complaint, even before accounting for any further increase in incoming filings.¹⁰⁹ The WireSnsindia.

8.3 Disparities in Disposal and the Failure to Impose Penalties

The Satark Nagrik Sangathan's data also reveal striking and largely unexplained disparities in productivity among commissioners sitting on the same Information Commission. In the Madhya Pradesh State Information Commission, for instance, one of the commissioners disposed 2,104 cases, while another disposed only 229 during the period under review — a near tenfold difference between colleagues operating under the same institutional constraints, with no published explanation for the disparity.¹¹⁰ In the Andhra Pradesh SIC, a single commissioner was found to have disposed of only 36 cases across an entire eight-month period under review.¹¹¹ The absence of any uniform, nationally adopted norm for the number of cases a

commissioner is expected to dispose of annually — the CIC alone has set an internal benchmark of 3,200 cases per commissioner annually, but no equivalent norm has been adopted by most State Commissions — compounds this accountability gap.¹¹² Snsindia

Equally troubling is the consistent failure of Information Commissions to exercise their statutory penalty power under Section 20 against errant Public Information Officers. The 2022–23 assessment found that penalties were therefore imposed only in 9% of the cases where penalties were potentially imposable. The ICs did not impose penalties in 91% of the cases where penalties [could have been imposed], and the most recent assessment for 2024–25 found this figure had deteriorated still further, with penalties... not imposed in 98% of cases where public information officers were potentially liable for delays or refusal of information.¹¹³ The report's authors observe that this consistent non-imposition of statutorily available penalties effectively signals to public authorities that non-compliance with the Act carries no meaningful consequence, undermining the entire deterrent architecture the legislature built into the statute.¹¹⁴ SnsindiaShankar IAS Parliament

8.4 Violence and Intimidation Against RTI Users

Perhaps the most disturbing dimension of the implementation gap is the sustained pattern of violence, intimidation, and harassment directed at ordinary citizens who exercise their statutory rights under the Act, frequently in the course of exposing corruption in local public works, land records, or welfare-scheme implementation. The Commonwealth Human Rights Initiative (CHRI), which maintains the most comprehensive documentation of such incidents, recorded that, as of recent counts, Commonwealth Human Rights Initiative ... has documented 99 killings since 2006, and a further 180 incidents of physical assault and 187 incidents of other forms of threats and harassment against RTI activists.¹¹⁵ An earlier compilation by the same organisation, examining the period through 2021, similarly noted that over 100 RTI activists have been killed, 182 have been assaulted, 188 harassed or threatened and seven have died by suicide in the years following the Act's commencement.¹¹⁶ Front Line DefendersFactchecker

The geographical distribution of these attacks is itself revealing. Maharashtra accounts for the largest share of documented incidents nationally — since 2005, there have been 36 instances of assaults, 41 cases of harassment or threats and 16 alleged murders in that state alone — a pattern CHRI's researchers attribute precisely to the fact that Maharashtra has historically had among the highest rates of RTI application filing in the country, suggesting that the very success of the Act in mobilising citizen activism in certain regions has also concentrated the risk of retaliatory violence there.¹¹⁷ Individual case studies documented by CHRI illustrate the often-mundane subject matter that has provoked lethal retaliation: activists were targeted for exposing illegal sand mining, land encroachment, irregularities in the public distribution system, and corruption in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act — none of them matters touching on national security or high politics, but all of them matters in which local vested interests had strong incentives to suppress disclosure.¹¹⁸ Scroll.in A consistent finding across multiple independent assessments is that the institutional response to this violence has been markedly inadequate. CHRI's programme coordinator Venkatesh Nayak has observed that the Union government does not even maintain a national database related to attacks on RTI workers, leaving civil society organisations to perform, on a voluntary basis, a documentation function that ought properly to fall to the State.¹¹⁹ More fundamentally, the RTI Act itself contains no provision whatsoever addressing the physical safety of those who invoke it: Information Commissions have no statutory mandate to investigate threats to applicants, no power to direct protective measures, and no obligation to expedite the proactive disclosure of information specifically because an applicant seeking it has been threatened — a structural gap that has been repeatedly flagged by both Indian and

international human rights observers, including Human Rights Watch, as a serious and continuing failure of the legal framework.¹²⁰ Factchecker

8.5 Deficiencies in Proactive Disclosure and Annual Reporting

Finally, the empirical record reveals widespread non-compliance even with the comparatively modest transparency obligations that public authorities and Information Commissions owe to citizens about their own functioning. The 2023–24 Report Card found that 18 out of 29 ICs (62 per cent) had not published their annual report for 2022–23 as required by Section 25 of the Act, and that fully a third of all Information Commissions had failed even to make their most recently completed annual report available on their own websites.¹²¹ The most recent 2024–25 assessment found a similarly dismal picture, with 20 out of 29 commissions [having] failed to publish an annual report for the 2023–24 fiscal year.¹²² This systemic non-compliance with even basic self-reporting obligations is symptomatic of a broader institutional culture in which the bodies established specifically to enforce transparency upon others have themselves struggled to model the standard of transparency the Act demands. Down To EarthShankar IAS Parliament

IX. Critical Analysis and Comparative Reflections

The trajectory traced in this paper reveals a recurring structural pattern in the life of the RTI Act: periods of judicial and civil-society-driven expansion of the right's practical reach, followed by legislative or executive responses that, whatever their stated justification, have had the consistent effect of narrowing either the substantive scope of disclosure (as with the 2023 amendment to Section 8(1)(j)) or the institutional independence of the bodies charged with enforcing it (as with the 2019 amendment to Sections 13, 16 and 27). This is not a uniquely Indian phenomenon — freedom-of-information regimes in many democracies have exhibited similar cycles of expansion and retrenchment — but the scale of citizen reliance on the RTI Act, running into the tens of millions of applications, makes the stakes of this contest unusually high in the Indian context.

A further distinctive feature of the Indian experience, without close parallel in most comparable jurisdictions, is the degree to which the exercise of a statutory information right has provoked lethal violence against ordinary citizens rather than merely bureaucratic obstruction. This phenomenon reflects, perhaps, the particular utility of the RTI Act as a tool against highly

localised and often informally enforced corruption — in land records, welfare distribution, and public works — where the "public authority" resisting disclosure is frequently entangled with private criminal or commercial interests operating with a degree of impunity that a purely administrative transparency law was never designed to confront. The persistence of such violence, eighteen years after the Act's commencement, suggests that legal entitlement to information, however robust on paper, cannot by itself guarantee the safety of those who seek to exercise it; complementary protective mechanisms — of the kind contemplated, but never effectively operationalised, under the Whistle Blowers Protection Act, 2014 — remain essential.¹²³

At the same time, it would be a misreading of the evidence to characterise the RTI Act as a failed experiment. The sheer volume of applications filed annually, the steady stream of significant judicial decisions it has generated across the full range of public administration — from examination boards to judicial appointments to electoral disclosure — and the consistent civil-society capacity to generate detailed, RTI-sourced empirical data about the Act's own implementation (the very Satark Nagrik Sangathan reports relied upon extensively in Section VIII were themselves compiled substantially through RTI applications) together demonstrate that the law continues to function as a genuinely active instrument of democratic accountability, even as that instrument shows clear signs of institutional fatigue.

X. Conclusion and Suggestions

The Right to Information Act, 2005 stands as one of the most significant achievements of post-independence Indian legislative history, converting a right that judges had spent three decades carefully excavating from the text of Article 19(1)(a) into a directly enforceable entitlement available to every citizen, with statutory timelines, designated officers, and an adjudicatory machinery in the form of the Information

Commissions. The Act's transformative potential has been amply demonstrated by its volume of use, by the landmark jurisprudence it has generated, and by its proven capacity to expose corruption ranging from examination malpractice to electoral concealment to the misallocation of welfare entitlements.

That transformative potential, however, is being steadily eroded along three distinct fronts simultaneously: a legislative front, through amendments — most significantly the 2019 amendment to Commissioner tenure and salary, and the 2023 amendment to the Section 8(1)(j) personal-information exemption — that have narrowed either the substantive right or the independence of those charged with enforcing it; an institutional front, through chronic vacancies and resulting case backlogs that, in several states, have rendered the right to a second appeal almost meaningless given multi-year waiting periods; and a human-security front, through continuing, inadequately investigated violence against the citizens who most actively invoke the law.

On the basis of the foregoing analysis, the following reforms merit serious legislative and administrative consideration:

- (1) ***Restoration of fixed tenure and protected remuneration*** for Information Commissioners at both Central and State level, ideally restored to the pre-2019 statutory formula or an equivalent fixed framework not subject to unilateral executive variation, in order to preserve the institutional independence the original Act was designed to secure.
- (2) ***Reintroduction of an explicit, codified public-interest balancing test*** within Section 8(1)(j) itself, harmonising the personal-data protections introduced by the DPDP Act, 2023 with the RTI Act's core transparency objective, along the lines recommended by the Srikrishna Committee in 2018 and reiterated by Justice A.P. Shah and transparency advocates following the 2023 amendment.
- (3) ***Time-bound, court-monitored filling of Information Commission vacancies***, potentially through a standing mechanism analogous to the Supreme Court's repeated but only intermittently effective directions on this point, with automatic consequences (such as a freeze on new appointments to other government bodies by the same appointing authority) where statutory deadlines for appointment are not met.
- (4) ***Uniform national disposal norms and mandatory penalty review***, requiring every Information Commission to adopt and publicly report against a minimum annual disposal benchmark per commissioner, and requiring written reasons whenever a Commission declines to impose an available Section 20 penalty in a case of established non-compliance.
- (5) ***A dedicated statutory protection mechanism for RTI applicants and activists facing***

threats, including a national database of attacks (addressing the gap candidly acknowledged by civil society monitors), a fast-track proactive disclosure obligation triggered by credible threats against an applicant, and meaningful operationalisation of the long-dormant Whistle Blowers Protection Act, 2014.

- (6) ***Strengthened enforcement of Section 4 proactive disclosure obligations***, including periodic, independently audited compliance assessments of public authorities, so that the burden of seeking routine information progressively shifts away from individual RTI applications and toward default public availability, consistent with the Act's own original design philosophy.

The right to information in India was built, brick by judicial brick, over three decades before it found legislative form in 2005. Its continued vitality as an instrument of democratic accountability will depend on a comparable degree of sustained institutional commitment — from Parliament, from the courts, and from public authorities themselves — to ensuring that the practical experience of seeking information in India comes to match the considerable promise of the law that guarantees it.

References

Case Laws

- [1] State of Uttar Pradesh v. Raj Narain*, (1975) 4 SCC 428.
- [2] S.P. Gupta v. Union of India*, AIR 1982 SC 149; (1982) 2 SCR 365.
- [3] Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294.
- [4] People's Union for Civil Liberties (PUCL) v. Union of India*, (2003) 4 SCC 399.
- [5] Central Board of Secondary Education v. Aditya Bandopadhyay*, (2011) 8 SCC 497.
- [6] Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi*, (2012) 13 SCC 61.
- [7] Namit Sharma v. Union of India*, (2013) 1 SCC 745; *Union of India v. Namit Sharma*, (2014) 2 SCC 411 (review judgment).
- [8] Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.
- [9] CPIO, Supreme Court of India v. Subhash Chandra Agarwal*, (2020) 5 SCC 481 (Constitution Bench).

Statutes and Official Documents

- [10] Constitution of India, Article 19(1)(a).
- [11] Right to Information Act, 2005 (India).
- [12] Official Secrets Act, 1923 (India).
- [13] Indian Evidence Act, 1872.
- [14] Representation of the People Act, 1951.
- [15] Digital Personal Data Protection Act, 2023 (India).
- [16] Whistle Blowers Protection Act, 2014 (India).
- [17] Freedom of Information Act, 2002 (India) (repealed).

Reports and Other References

- [18] Satark Nagrik Sangathan, *Report Card of Information Commissions in India, 2022–23* (2024).
- [19] Satark Nagrik Sangathan, *Report Card of Information Commissions in India, 2023–24*.
- [20] Commonwealth Human Rights Initiative, *Central Government's 2019 RTI Rules: Making a mess of things to gain a stranglehold on Information Commissions* (2019).
- [21] Right to Information (Term of Office, Salaries, Allowances and Other Terms and Conditions of Service) Rules, 2019.