

RTI AND PUBLIC INTEREST LITIGATION (PIL)

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ABSTRACT:

The Right to Information (RTI) Act, 2005, and Public Interest Litigation (PIL) have become powerful instruments within India's legal and democratic landscape for promoting transparency, accountability, and judicial activism. The following research paper examines the relationship between RTI applications and PILs, and RTI disclosures serve as first-order evidence in public litigations. The paper also analyses landmark case laws, where PILs, supported by RTI, have resulted in meaningful changes in constitutional law and public policy.

RTI has endeavoured to put power into the hands of citizens to demonstrate corruption, environmental degradation, and electoral wrongdoing, but ineffective legal and bureaucratic mechanisms impede practical use of RTI. The RTI Act's provisions under Section 8 and continual denial of information, slow responses, and intimidation of RTI advocates all inhibit the use of First Evidence through RTI in litigation. The paper reviews the judiciary's response to the challenges outlined above and cites the case of CBI v. CIC (2019) and precedent, principles of transparency, and limits of privacy, among others.

Finally, to bolster the RTI-PIL intersection, the authors suggest reforming the RTI Act with whistleblower protection, digitizing the RTI request processes, and creating accelerated processing of PILs. In conclusion, while RTI-PILs enhance accountability in a democracy, ongoing legal reforms are needed in the institutions that serve to further RTI as First Order Evidence, since it cannot be assumed that the right to information will lead to judicial loss or gain.

KEYWORDS:

1. Right to Information (RTI),
2. Public Interest Litigation (PIL),
3. Transparency,
4. Judicial Activism,
5. Information Access,
6. Government Accountability.

INTRODUCTION:

The Right to Information (RTI) Act, enacted in 2005, is arguably the most important legislative reform in India. Its aim is to enhance transparency, accountability, and participatory governance in India. The Act gives Indian citizens a legal entitlement to request

information from public authorities, and the government must then provide information to citizens related to records of reports and official correspondence that is relevant. We are confident that the RTI Act has contributed to improving the incidence of corruption in India, to good governance, and to enabling citizens to hold public officials accountable and inform their choices about public policy.

Citizens can scrutinize government policies and spending, and other public policies and governance, through a simplicity of application offered by the RTI Act. Public authorities are required to respond in writing within thirty days

of receipt of an application, or within forty-eight hours if the matter demands issues related to life and liberty. It is an efficient process that enables citizens to obtain information within a reasonable time frame. Furthermore, **Section 4** of the RTI Act states that public authorities must proactively disclose information of public interest, thereby also reducing the habit of bureaucratic secrecy.

The RTI has generated many historic revelations in India, from the **Adarsh Housing Society scandal**, to the **2G spectrum scandal**, to unaccounted for expenditures associated with the Commonwealth Games. All of these instances demonstrate the value of the RTI Act as a mechanism for democratic empowerment, based on holding the government accountable to the people that they are serving.

While RTI is an avenue for citizens to find out important information, Public Interest Litigation (PIL) is the next step that grants individuals and organizations the power to request the court to intervene in situations of public interest. PIL is a distinct dimension of India's legal system, unlike in other systems, PIL allows any person, not just an aggrieved person to approach the court for any matter of public interest.

PILs play an important role in some of the most pressing issues of social justice such as environmental protections, human rights violations, corruption and government failures. The Supreme Court and High Courts have used PILs to broaden the experience of the utilization of the language of fundamental rights of the Indian Constitution, thus expanding legal protections for citizens.

The evolution of PIL in India was initiated by Justice P.N. Bhagwati and Justice V. R. Krishna Iyer during the 1980's with the intent of remedying access to legal remedies to the not privileged and marginalized in Indian society. **Article 32** and **Article 226** of the Indian Constitution provide the access for PIL to the Hon'ble Supreme Court and the High Courts respectively.

The Right to Information (RTI) Act, 2005, and Public Interest Litigation (PIL) serve as two vital legal tools that empower citizens to ensure accountability, transparency, and justice in governance. RTI facilitates the collection of crucial public information, while PIL enables judicial intervention based on the disclosed facts. Together, they form a powerful mechanism for social change, as information obtained through RTI often serves as the foundation for filing PILs in courts.

How RTI Applications Lead to PIL's:

While PILs and RTIs are separate legal mechanisms, they tend to work in tandem with each other. They are reinforcing mechanisms that create transparency and accountability. RTI can act as a precursor to PILs by providing the facts and documentary evidence necessary for a litigation. Through RTI, petitioners can access official records, policies, and/or administrative decisions by governments, which can be used to support the claims made in court. In this way, RTI creates a space for citizens between the courts and the authorities by providing access to information held by governments, allowing individuals to monitor governance and then to use PIL as a mechanism to invoke judicial relief.

RTI can also mobilize activists, journalists, and NGOs, since many incidents supporting PIL have been initiated due to information gained from RTI applications. In those cases, usually linked to corruption, environmental monitoring, and public welfare, the information gained from RTI revealed systematic failures, leading to judicial inquiries. RTI-related PILs are incredibly powerful mechanisms to hold public authorities accountable by compelling them to disclose information that was previously hidden, justify their conduct, and implement reform where necessary. Not only do RTI-backed PILs promote informed, legal challenges, the RTI-PIL combination acts as an important check on democratic governance, while also expanding public engagement in policy implementation.

LITERATURE REVIEW:

The Right to Information (RTI) Act, 2005, and Public Interest Litigation (PIL) have been transformative and the founding authorities for transparency, accountability, and legal empowerment in India. Numerous legal scholars, judicial opinions, and policy assessments have documented the extent to which RTI affects governance and strengthens PILs as an outlet for judicial activism. Drawing from those and additional literature, the present literature review explores theoretical bases, statutory contexts, and case law precedents to demonstrate the essential connection between RTI and PILs.

Theoretical Foundations of RTI and PIL: RTI has been mainly framed as a derivative of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution. Rajeev Dhavan (2007) and Prashant Bhushan (2018) note that access to information is a fundamental ingredient of democratic governance, which allows a citizen to hold the state accountable. PIL, on the other hand, as a legal concept arose as a means of social justice and legal remedy, a notion advanced by activist judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer in the 1980s. As Upendra Baxi (1985) studied, the social justice aspect of PIL evolved from providing legal representation to marginalized or victimized groups to ultimately demanding state accountability.

The Relationship Between RTI and PILs in Legal Practice: Legal studies indicate that RTI frequently provides the basis for PILs by supplying petitioners with documentary evidence to substantiate their claims against the State before the court. Studies by Transparency International and the Commonwealth Human Rights Initiative (CHRI) show that RTI applications expose wrongdoings or money laundering and even negligence in policy-making by the State, which become the foundation for a PIL. A landmark judicial decision is *Union of India v. Association for Democratic*

Reforms (2002), where the Supreme Court received an RTI-based disclosure of candidate's prior criminal conduct and property disclosures leading to electoral reform through judicial action. The Court upheld the right to know as a fundamental right in this case, and ordered the Election Commission of India to compel the making of disclosures of candidates. Likewise, in *Subhash Chandra Agrawal v. Supreme Court of India* (2019), the petitioner sought RTI-based disclosure of the appointment of judges, and an extensive debate ensued related to the transparency of the judiciary. The Supreme Court eventually ruled: The Chief Justice of India's office was encompassed by the RTI Act, which showed evidence of its applicability in the judiciary.

METHODOLOGY:

The research paper uses a doctrinal research approach, which comprises an exhaustive study of legal provisions, judicial precedents, and policy details that define the association between the Right to Information Act, 2005 ('RTI Act') and Public Interest Litigation ('PIL'). The research employs qualitative research methods, particularly:

Legal and Doctrinal Analysis

The paper provides a thorough account of statutory provisions under the RTI Act, 2005, especially its purpose, scope, and exemptions, to demonstrate how the Act allows an individual citizen to obtain a broader range of information the government holds. The paper also explores Article 19(1)(a) of the Indian Constitution, which underpins a litigant's bases for a right to information. Finally, relevant provisions of PIL jurisprudence in India, established under the rulings of the Supreme Court and High Court, are also examined.

Case Law Review

This study has included a thorough case law review of significant decisions where RTI disclosures facilitated PIL applications and other substantial reforms. For example:

- Union of India v. Association for Democratic Reforms (2002) – Improving election transparency by mandating candidate disclosures.
- Subhash Chandra Agrawal v. Supreme Court of India (2019) – RTI applicability to the judiciary.

These cases can provide some empirical evidence regarding how applications for the RTI Act have facilitated substantive requests for public interest litigation and the subsequent responses from the courts on RTI based litigations.

Secondary Data Collection

The study uses secondary materials, including:

1. Legal commentary and books about the RTI and PIL.
2. Journal articles, along with other policy documents, by entities such as Transparency International, PRS Legislative Research, and Commonwealth Human Rights Initiative (CHRI).
3. Reports of the government and decisions of the Central Information Commission (CIC), on disputes regarding RTI cases.

Comparative and Critical Analysis

The paper critically assesses the challenges of using RTI requests for PILs, such as unnecessary delay in the response time to an RTI request, bureaucratic push-back, and statutory loopholes, and compares the Indian RTI-PIL situation to global transparency regimes. The paper will also analyze the judicial approach toward PILs informed by RTI process to better establish their role in governance/policymaking.

Role of RTI in Strengthening PILs:

The Right to Information (RTI) Act, 2005, has played a transformative role in governance by exposing corruption, policy failures, and government mismanagement. When RTI disclosures reveal significant violations of public interest, petitioners can use them to file Public Interest Litigations (PILs), compelling the courts

to intervene. The following are key ways in which RTI has contributed to PILs,

Uncovering Government Corruption: The Right to Information (RTI) has emerged as a strong weapon against the corrupt practices in public offices, public/private contracts and welfare Schemes. When an RTI applicant brings to light financial irregularities, they often initiate a public interest litigation (PIL) seeking investigation and legal action. In the case of **Adarsh Housing Society scam (2010)** RTI applications filed by activists revealed that a housing project in Mumbai, to be allotted to war veterans, was illegally issued to powerful bureaucrats, politicians and Army personnel. A PIL was filed in Bombay High Court which instigated a judicial inquiry, cancelled land allotments, and a series of demolitions of unauthorized constructions.

The case showcased how PILs made possible by RTI litigation can uncover deep rooted corruption and ensure accountability. In the **Commonwealth Games scam (2010)** case RTI activists were able to obtain government spending documents which revealed, the organization of the 2010 Commonwealth Games, to be an abject exercise of financial misappropriation and irregularity. A series of PILs were filed which initiated multiple investigations and ultimately led to the conviction of Suresh Kalmadi (then Chairman of the CWG organizing Committee) and many other bureaucrats. In total the RTI led to the CBI initiating multiple corruption cases relating to the games.

Ensuring Policy Implementation: One of the essential roles of Right to Information (RTI) in Public Interest Litigations (PILs) is to expose the disconnect between policy making and policy implementation. In cases where the state fails to implement social welfare programs, RTI provides information and transparency which can lead to PILs to ensure compliance and remediate policy outstanding features. For example, In 2013, RTI applications by activists uncovered instances where food meant for

school children under the Mid Day Meal Scheme were being pilfered by contractors and officials.

PILs were filed in various High Courts, which resulted in enhanced standards of food quality monitoring and accountability. This resulted in clear states being instructed to better monitor food quality and transparency in the distribution chain. Another example includes a PIL filed in 2018 by activists of students who had studied and accessed RTI filings of MNREGA, showing that thousands of students had not received wages for their work on the MNREGA despite payments being announced. The Supreme Court directed the government to provide timely payments to all eligible workers and appropriate action to be taken against the bureaucratic delays in payments.

Judicial Review of Government Actions: RTI often exposes illegal or arbitrary decisions made by government officials, leading to Public Interest Litigations for cases filed in court. This serves to keep public authorities accountable to requirements of the Constitution or law. In the case of **2G Spectrum Scam (2008-2012)** RTI requests revealed a large scourge of issues in the telecom sector involving allocation of the radio spectrum, where the Telecom Minister issued licenses without competitive bidding, resulting in the government losing enormous sums in revenue.

A Public Interest Litigation was duly filed in the Supreme Court, resulting in the court's order to cancel 122 telecom licenses and the convictions of several people, including former Telecom Minister A. Raja. The case among other things changed government auctioning and contracting requirements and ushered in stronger standards of transparency. Also in the **Delhi Water Tanker Scam (2015)** RTI questioning exposed that the Delhi Jal Board (DJB) paid far more for water tankers than it should have, given readily available and easily obtainable options to pay less money.

The Public Interest Litigation led to an anti-corruption investigation of the DJB and totally

subverted the DJB's procurement of trucked water in the city.

Promoting Electoral and Judicial Transparency: The RTI Act has bolstered both electoral and judicial transparency by allowing citizens to obtain information that had previously been denied access to the public realm. RTI-based PILs have led to significant Supreme Court decisions concerning electoral transparency, governance improvement, and citizen oversight over democratic processes.

In the case of **Association for Democratic Reforms (ADR) v. Union of India (2002)**, RTI applications were filed requesting details on the financial and criminal records of candidates standing for election. A PIL was filed in the Supreme Court of India, and the Court ruled that candidates for elections must disclose their criminal backgrounds and financial holdings. That considerably improved transparency in elections and informed candidates of their voting choice. In RTI and judicial appointments (**Subhash Chandra Agrawal cases, 2019**) RTI applications were filed requesting records of judicial appointments and collegium organization. This resulted in a PIL and a landmark ruling by the Supreme Court of India, holding that the office of the Chief Justice of India was subject to RTI requests, thus enhancing judicial appointment oversight and transparency.

KEY LEGAL PROVISIONS LINKING RTI AND PILS:

The Right to Information (RTI) Act, 2005, and Public Interest Litigation (PIL) share a strong legal connection, rooted in constitutional principles, statutory provisions, and judicial interpretations. Several legal provisions establish RTI as a tool for strengthening PILs, ensuring transparency, accountability, and access to justice.

Article 19(1)(a) – Right to Information as a Fundamental Right: The warranty of the fundamental right of freedom of speech and expression under Article 19(1)(a) of the Indian Constitution has been interpreted by the

judiciary to also include the right to information. Citizens cannot exercise their freedom of expression without having access to information. Under Article 19(1)(a) **State of U.P. v. Raj Narain (1975)**, The Supreme Court of India held that citizens have the right to know about matters of public concern and how they are run by the Government. In this ruling, the Court placed emphasis on the importance of transparency to a healthy democracy.

This statement was the basis for upholding RTI as a fundamental right under Article 19(1)(a). In the case of **Association for Democratic Reforms v. Union of India (2002)** The Supreme Court stated that voters have the right to know the criminal, financial, and educational background of electoral candidates. As a result of this decision, it is mandatory for political candidates to disclose background information, thus enhancing electoral transparency.

This ruling also was significant in the passing of the Right to Information Act 2005. Since RTI is an extension of Article 19(1)(a), any information received under RTI can be justification for a public interest litigation (PIL) when fundamental rights are involved. The courts have repeatedly sustained PILs based on information received through RTI applications.

Articles 32 & 226 – Right to Constitutional Remedies Through PILs: Article 32 empowers individuals to seek the enforcement of fundamental rights before the Supreme Court. Article 226 confers similar powers to High Courts for enforcing fundamental and legal rights. In instances where RTIs expose constitutional violations, an author may be able to file a PIL under Article 32 or Article 226 to ensure resolution. Judges have readily accepted RTI-based evidence in PILs to issue directions against government actors. The judiciary has similarly stated on multiple occasions that lack of transparency is viewable as nothing less than a violation of democratic ideals as enablers for judicial review. In the case of **People's Union for Civil Liberties (PUCL) v. Union of India (2003)**

PUCL filed a PIL to obtain information about the food security situation in the country because the Government claimed there was enough food for everyone.

The Supreme Court examined the data acquired through the RTI, and stated the right to food security is a fundamental right emanating from **Article 21** (Right to Life). From the PIL, the Right to Food Campaign program was launched eventually resulting in the National Food Security Act, 2013. RTI based PILs have succeeded in filing under **Articles 32** and **226** because they have been successful at ensuring social and policy reforms. There is a clear benefit of utilizing RTIs in advocacy of upholding fundamental rights.

RTI Act, 2005 – Sections 4 & 6 Strengthening PILs: The RTI Act, 2005, provides legal support for the constitutional right to information. Some provisions of the Act are particularly relevant to PILs:

Section 4 – Proactive Information Disclosure requires authorities to proactively publish key information to limit RTI requests. PILs can be filed to compel authorities to disclose information, if authorities have not provided the information required by Section 4. **RTI & Political Funding (PIL on Electoral Bonds, 2017-2024)** Activists used RTI to obtain information on secret donations made under the Electoral Bond Scheme. A PIL was filed in the SC to challenge the lack of transparency in the Electoral Bond Scheme.

The SC struck down the Electoral Bond Scheme in March of 2024 for violating citizens' right to information under Article 19(1)(a) of the Constitution.

Section 6 – Right to Seek Information from Public Authorities It permits citizens to request specific government records that could be relied upon by the petitioners as proof in PILs. If authorities do not provide information without justification, the petitioners can litigate against such rejections. In **RTI and Aadhaar Privacy Case – Justice K.K. Puttaswamy v. Union of**

India (2017) Petitioners requested information using the RTI Act on the government disclosures of the collection and storage of data from Aadhaar.

The petitioners commenced a PIL based on that RTI, claiming that the government's collection of data from Aadhaar violated individuals' rights to privacy.

In their ruling, the Supreme Court found that the right to privacy is a fundamental right under Article 21, and imposed strict limits on the government's ability to collect data through Aadhaar. Sections 4 and 6 of the RTI Act directly contribute to PILs by ensuring that the petitioner has access to any official documents, records and reporting and data, which can constitute the factual basis for judicial intervention.

Judicial Precedents:

The Supreme Court and High Courts have consistently recognized that PILs that arise as a result of RTI findings fulfill an integral purpose in the service of democratic governance. The Courts have ruled that information obtained via RTI is significant to unearth corruption, promote human rights and government accountability.

In the case of **Reliance Industries Ltd. v. SEBI**, RTI was used to seek financial disclosures about corporations from SEBI. Reliance Industries claimed that the disclosures were against confidentiality obligations. However, the Supreme Court ruled that corporate accountability information is public information. The PIL led to enhancements in corporate governance and not just stricter compliance.

Also in **Subhash Chandra Agrawal v. Supreme Court of India (2019)** The Supreme Court ruled that the Chief Justice of India's office is subject to RTI. This finding led to greater transparency about judges' appointments and decision-making.

Further in **M.C. Mehta cases (1986-present)** The activist, M.C. Mehta has initiated multiple PILs based on RTI findings about the levels of pollution. Citing the PILs backed by the RTI of increased pollution levels, The Supreme Court

ordered strict environmental regulations based on RTI-backed PILs. The RTI Act and PILs are interlinked through constitutional provisions, statutory backing, and judicial precedents. RTI findings provide essential evidence for PILs, enabling courts to hold public authorities accountable.

THE EVOLUTION OF RTI AND PIL JURISPRUDENCE IN INDIA:

The evolution of RTI and PIL legal frameworks in India has been influenced by judicial activism and the Supreme Court's landmark decisions, the most important of which are discussed in this section, and legislative changes. The Supreme Court has been integral in recognizing RTI as a fundamental right and expanding the scope of PILs in relation to corruption, governance, and environmental concerns. In this section, significant legal developments, important case law, and some of the challenges that have arisen since advancement will be summarized.

Early Recognition by Judiciary the Right to Information as a Fundamental Right. Courts recognized the right to information as part of the right to free speech and expression long before the RTI Act, 2005, was enacted.

- Case Example: *State of U.P. v. Raj Narain (1975)*²⁰⁸ – The Supreme Court stated that the public has a right to know how the government is working, as the foundation for the development of RTI.
- Case Example: *S.P. Gupta v. Union of India (1981)*²⁰⁹ – The Court noted that public trust requires that transparency in judicial appointments be emphasized, and that secrecy in government mechanisms should be avoided.

The Birth of the RTI Act, 2005

- The Mazdoor Kisan Shakti Sangathan (MKSS)²¹⁰ movement in Rajasthan

²⁰⁸ 1975 AIR 865, 1975 SCR (3) 333, AIR 1975 SUPREME COURT 865, 1975 4 SCC 428, 1975 (1) SERVLR 541, 1975 3 SCR 333

²⁰⁹ AIR 149 = 1982(2)SCR 365 = 1981 Suppl. SCC 87 = 1981(4) SCALE 1975

²¹⁰ Singh, S.R., The Growing role of Civil Society Organisations in Contemporary India: A Case Study of the Mazdoor Kisan Shakti Sangathan.

unmasked corruption in public welfare programs through public audits that spurred on the demand for an RTI act.

- In 2005, Parliament passed the RTI Act that permitted individual citizens to obtain information from government offices, subject to some limitations (Section 8).

Judicial Expansion of PILs Based on RTI:

PILs based on findings from RTIs have resulted in landmark judgments in various corruption, transparency in elections, protection and preservation of the environment, and social justice.

RTI & Corruption Cases

- Vineet Narain vs. Union of India (1997) – The Supreme Court had clearly stated violations and corruption in high political offices as revealed by RTI (Hawala Scam). The Supreme Court then issued directions to enhance independence from the CBI.
- Subhash Chandra Agrawal vs. Supreme Court of India (2019) – The Supreme Court ruled that the office of the Chief Justice is covered as per RTI which would also lead to judicial transparency.

RTI & Environmental Protection

- MC Mehta vs. Union of India (Taj Trapezium Case, 1997) – The Supreme Court in a RTI based PIL ordered the government to address industrial pollution that was damaging the Taj Mahal leading to strict enforcement of environmental issues.
- Sterlite Copper Case (2018) – Correspondence under RTI exposed violations regarding pollution control and violations of Vedanta's Sterlite plant in Tamil Nadu leading to its closure.

RTI and Electoral Reforms

- In **Union of India v. Association for Democratic Reforms (2002)**, the Supreme Court held that politicians must disclose details of their criminal

and financial history in light of the fact that the RTI had made that history available.

- In **Lok Prahari v. Union of India (2018)**, the Court ruled that disclosure of assets was necessary for MPs and MLAs to ensure electoral transparency.

CASE STUDIES WHERE RTI-SUPPORTED PILS BROUGHT LEGAL CHANGE

Association for Democratic Reforms v. Union of India (2002) 5 SCC 294

The Association for Democratic Reforms (ADR) v. Union of India case is one of the early instances of an RTI application leading directly to a PIL that resulted in legal reform. ADR, a civil society organization, sought information through RTI as it pertained to the background of candidates at election time, specifically their criminal history, assets, and educational background. At that time, the Election Commission did not require the candidates to provide that kind of information.

When the information was not forthcoming, ADR filed a PIL against the Election Commission in the Delhi High Court. The basis for the PIL was that voters had a right to know, under Article 19(1)(a) of the Constitution, of candidates' background when participating in elections. The PIL ultimately reached the Supreme Court, and a landmark judgement was made. The Court ruled that each candidate must disclose their criminal, financial, and educational background before running for election. This judgement was a huge win in the direction of electoral transparency.

How RTI helped: The RTI application was the crucial data that provided basis for the PIL. The information requested revealed the significant gap in electoral transparency leading to a court/initiating judicial intervention.²¹¹

Outcome: The case resulted in a ruling that made it necessary for each candidate to disclose prior to running for election, thus

²¹¹ Singh, V., 2025. Reconciling Competing Fundamental Rights: An Analysis of the Double Proportionality Test in Association for Democratic Reforms v. Union of India. *CALJ*, 9, p.vii.

allowing voters to make informed decisions. The case greatly increased transparency and accountability in elections.

Subhash Chandra Agrawal v. Supreme Court of India (2019) 11 SCC 1

RTI activist Subhash Chandra Agrawal requested information regarding judicial appointments and the operations of the Chief Justice of India (CJI). Initially, the Supreme Court denied disclosure of the information requested, citing arguments of independence and confidentiality. Agrawal filed a PIL in the Delhi High Court, arguing that the Supreme Court should be subject to the RTI Act in a similar manner as other public authorities. The matter came to the Supreme Court, which determined that the office of the CJI would be covered under the RTI Act. The Court noted that transparency in both judicial appointments and decision making builds public trust in the judiciary.

How RTI Helped: The request under the RTI forced the judiciary to confront its own accountability, and when the information was not disclosed, the PIL assured a landmark decision by the judiciary.

Impact: The case affirmed judicial transparency, establishing that the CJI's office was held accountable under the RTI.

Centre for Public Interest Litigation (CPIL) v. Union of India (2012) 3 SCC 1 – The 2G Spectrum Scam Case

The 2G spectrum scam was one of the largest corruption scandals in India which took place through the unfair allocation of telecom licenses. RTI applications from activists and journalists exposed that the government had sold many valuable spectrum licenses for a fraction of their real value, costing taxpayers a loss of ₹1.76 lakh crore.

CPIL ultimately filed a PIL in the Supreme Court demanding an investigation when the government did nothing. The Court acted decisively, and cancelled 122 telecom licenses

and directed the government to do a fair and transparent allocation of the spectrum.

How RTI helped: The RTI disclosures revealed government mismanagement and corruption and allowed for the filing of a PIL with proper evidence.

Impact: The case changed the manner in which public resources are allocated, in order to create a more transparent procurement process in government contracts.

Common Cause v. Union of India (2018) 4 SCC 1 – The Coal Block Allocation Scam

Background: The case was initiated after RTI applications were filed that revealed irregularities in coal block allocations. Evidence from the RTI applications showed that coal blocks were allocated without the regulated process of open bidding and allocated in a way that was not in the public interest and favored private companies.

PIL: A public interest litigation was filed by the NGO, Common Cause, in the Supreme Court, which ruled that the allocation of the coal blocks was illegal and arbitrary. As a result of its decision, the Court cancelled 214 coal block allocations, resulting in significant reforms and an overhaul of India's coal allocation.

How RTI Helped: The information revealed as a result of the RTI requests and the following proceedings led to the exposure of misconduct by the government, which established a foundation for a strong PIL.

Outcome: The public interest litigation resulted in the establishment of a transparent allocation process which serves the public benefit as well as the environment.

Rajeev Chandrasekhar v. Union of India (2011)

RTI & Corruption in the Aviation Sector

Issue: RTI inquiries showed that the Government of India was providing bailouts to Air India without any substantiation. The data also indicated dysfunctions with funding sources and the procurement contract.

Legal Outcome: A public interest litigation proceeded in the Delhi HC which prompted the court to supervise the independent investigation into the misuse of public funds. Finally, this litigation achieved a new policy framework for government funding in the aeronautical space and improved financial oversight on Air India.

K.K. Ramesh v. Union of India (2017)

RTI and Pollution in the Ganga

Issue: RTI applications highlighted that, even after the Government stated to have taken steps to rejuvenate the Ganga, pollution levels continued to remain at catastrophic levels. Fund allocated for the Namami Gange (Clean Ganga project) did not seem effective.

Legal Outcome: A Public Interest Litigation was filed with the Supreme Court to challenge the Government inaction. Court ordered to monitor pollution levels regularly, increased scrutiny of industrial effluent disposal, and better use of funds allocated.

Vikash Chandra v. Union of India (2020)

RTI & Health Infrastructure during COVID-19

Issue: RTI applications revealed shocking mismanagement of the funds provided for COVID-19 relief and no ventilators in various government hospitals. Various reports indicated that state governments had not been able to properly spend the aid granted by the Centre.

Legal Outcome: A PIL was subsequently filed in the High Court of Patna, resulting in: Forcing public disclosures on hospital bed capacity. Improved health infrastructure and accountability in pandemic management. The case set new precedents for public health policies and transparency.

Akhil Bharatiya Manav Adhikar Suraksha Samiti v. Election Commission of India (2019)

Issue: RTI responses evidenced that political parties obscured sources of electoral funding, a violation of transparency standards.

Legal Outcome: A PIL was instituted in the Supreme Court, providing for: Strict disclosure of funding sources for political parties. Reporting standards related to election expenditure.

National Campaign for Dalit Human Rights v. Union of India (2016)

RTI & Manual Scavenging

Issue: RTI applications revealed that even though the Prohibition of Employment as Manual Scavengers Act, 2013 remains in effect, manual scavenging was still occurring in several states.

Legal Outcomes: A PIL was subsequently filed in the Supreme Court. The following actions were undertaken as a result: Compensation to victims of manual scavenging, authorized by the government. Increased oversight of the state's compliance with the 2013 Act.

LEGAL HURDLES IN USING RTI INFORMATION FOR LITIGATION

Exemptions under the RTI Act (Section 8): Section 8 of the RTI Act grants certain exemptions to the disclosure of information dealing with national security, matters related to cabinet proceedings, and governmental communication which are confidential in nature. This can serve to detract from important information which may be required for Public Interest Litigations.

Delay Tactics by Public Authorities: Public authorities also regularly take too long to respond to RTI requests and this can cause delays in getting information in a timely enough manner for the purpose of securing evidence for Public Interest Litigations. In fact, there are numerous cases in which some information requested has taken years to be disclosed by a public authority.²¹²

Judicial Hesitance regarding RTI: It was noted that the Subhash Chandra Agrawal case had persuasive effect on the way judicial institutions observe RTI disclosures; however, some judges

²¹² Chaudhary, A., 2016. Issues and challenges facing RTI act. *Indian Journal of Public Administration*, 62(2), pp.270-281.

still continue to resist the disclosure of information under the RTI Act for the public good, claiming that the disclosure would harm the independence in the judiciary.²¹³

Weak Enforcement Mechanism: Although the Central Information Commission (CIC) has the power to impose fines on public officials for not abiding by the RTI Act, the enforcement mechanism is weak, as many of the decisions are delayed and therefore it will not incentivize public officials to so comply. Even many delays cause the inability of the interested party to compile information expeditiously.

STRENGTHENING RTI FOR MORE EFFECTIVE PILS:

Enhancing Whistleblower Protection Laws:

Our survey notes that many RTI activists face death threats or violence for exposing corruption – over 90 RTI activists have been attacked or assassinated in India. By making the whistleblower protection laws more robust, more people will feel safe in using RTI.²¹⁴

Streamlining Timelines:

A hard and fast timeline of 30 days for responding to RTI requests (with no exceptions) will ensure that Public Interest Litigations (PIL) are readily supported with timely evidence.

Encouraging pre-emptive disclosure of information by government:

Government agencies should disclose information sua sponte to lessen our dependence on RTI requests. This can be achieved by keeping their public websites updated with documented financial records, contracts, and decision-making processes.

Empowering the CIC and SIC:

The Central and State Information Commissions (CIC/SIC) should be endowed with greater authority to compel compliance.²¹⁵ This would

include stricter fines and criminal charges against officials who intentionally fail to disclose information.

THE ROLE OF MEDIA IN STRENGTHENING RTI AND PILS

Investigative Journalism and the RTI Act:

The media is critical in raising RTI disclosures and advocating with the courts through PILs. Investigative journalists regularly pursue records via RTI requests to reveal corruption and failures in public policy. For example, journalist Puneet Nicholas Yadav used the RTI Act to demonstrate that many Members of Parliament had failed to disclose their financial assets, which ultimately led to a PIL seeking more stringent measures around election laws.

RTI and Social Justice Movements:

RTI has been instrumental to a range of social justice movements, often in cases relating to the environment, land rights and human rights violations. PILs that are fueled by media reports often result in landmark court rulings.

Public Awareness Campaigns:

Many individuals are unaware of how they can make use of the RTI Act. Media campaigns can help educate citizens on the steps required to file and pursue RTI applications and use PILs as a method for seeking legal change.

COMPARATIVE ANALYSIS: RTI AND PIL IN INDIA VS. OTHER DEMOCRACIES

In India, the RTI and PIL have had a revolutionary impact on transparency and accountability. However, there are similar processes in other democratic countries like the United States (Freedom of Information Act, 1966), United Kingdom (Freedom of Information Act, 2000), and Canada (Access to Information Act, 1983). This section looks at how other countries utilize RTI-style laws and whether the use of litigation results in accountability, and compares it to the same type of process in India.

²¹³ Zirkel, P.A., 2011. RTI confusion in the case law and the legal commentary. *Learning Disability Quarterly*, 34(4), pp.242-247.

²¹⁴ Harlacher, J.E., Walker, N.J.N. and Sanford, A.K., 2010. The “P” in RTI: Research-based factors for intensifying instruction. *Teaching Exceptional Children*, 42(6), pp.30-38.

²¹⁵ MANN, D.J.S., EMPOWERING FREEDOM OF INFORMATION ENDEAVOUR TO ENSURE TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE OF PUBLIC AUTHORITY.

RTI and PIL in India

In India, the RTI Act of 2005 allows citizens to access records made or maintained by government agencies, while public interest litigations (PILs) provide means for an individual or organization to file petitions for relief in the public interest. The courts in India, particularly the Supreme Court and High Courts, have recognized the right to information as a fundamental right under Article 19(1)(a) (freedom of speech and expression) of the Constitution. RTI may show findings that could popularly lead to PILs, typically against corrupt official governmental officers violating human rights, and petitioners may bring personal grievances before the courts in cases of violations of statutes and administrative wrongdoing that was then granted nexus to the greater public interest.²¹⁶

In *Association for Democratic Reforms v. Union of India* (2002), the Supreme Court ruled that voters had the right to know the criminal background and financial status of candidates for electoral office. The court's indication was a broadened application of RTI findings, thus enforcing transparency through a PIL.

RTI and Freedom of Information Laws in Other Democracies

United States

In the United States, the Freedom of Information Act (FOIA) of 1966 provides the legal basis for any citizen to make requests for governmental information. Although FOIA has assisting provisions, the act provides means for the government to deny requests based on broader security grounds than the Indian RTI.²¹⁷

Case from U.S. Courts: In *New York Times Co. v. United States* in 1971 (Pentagon Papers Case), the U.S. Supreme Court held that national security was not a basis to suppress government documentation unless that

information represented an actual operational threat. The U.S. legal precedent follows India and exercised to enhance the transparency of government operations.

United Kingdom

The Freedom of Information Act, 2000 grants the public the right to access information from public authorities, but it does not contain the statutory enforcement of that right – as per the public interest litigations for PILs – as is the case in India.²¹⁸

• *Evans v. Attorney General* (2015) – The UK Supreme Court held that the government could not prevent the publication of letters from Prince Charles to ministers, demonstrating another example of legitimizing the right to information.

Canada

Canada's Access to Information Act, 1983, grants wide access to government records, but has faced criticism over lengthy processing timelines and too many documents where personally identifiable information has been exuded.²¹⁹

• *Information Commissioner of Canada v. Canada* (2017) – The court sided against the government's effort to restrict disclosing environmental impact information beyond that of a protected ongoing investigation. This indicates an continuing trend towards a greater degree of transparency.

²¹⁶ Gauri, V., 2009. Public interest litigation in India: overreaching or underachieving? *World Bank Policy Research Working Paper*, (5109).

²¹⁷ Björn, P.M., Aro, M.T., Koponen, T.K., Fuchs, L.S. and Fuchs, D.H., 2016. The many faces of special education within RTI frameworks in the United States and Finland. *Learning disability quarterly*, 39(1), pp.58-66.

²¹⁸ Worthy, B., 2016. Access to information in the UK and India. In *Comparative Law and Regulation* (pp. 190-214). Edward Elgar Publishing.

²¹⁹ Tate, E.D., 1998. Access to information: the Canadian experience. *Journal of information science*, 24(2), pp.75-82.

Comparative Effectiveness and Challenges

Country	RTI Equivalent	Enforcement Mechanism	Challenges
India	RTI Act, 2005	PIL and Judicial Review	Bureaucratic delays, activist harassment
USA	FOIA, 1966	Federal Court Appeals	Security exemptions, slow response
UK	FOI Act, 2000	Information Commissioner	Government veto powers
Canada	Access to Information Act, 1983	Information Commissioner	Redactions, slow processing

While the RTI-PIL method in India is distinctive in its judicial enforceability, other democracies have similarly equitable information access legislation. In particular, India faces recurrent issues such as delays in RTI responses and political threats against RTI activists. By ameliorating the PIL procedure and the RTI process timeframes, it may further public accountability.

CONCLUSION:

RTI has proven to be a substantive tool in promoting transparency and accountability in governance. Several PILs, grounded in RTI disclosures, have permitted the judiciary's intervention resulting in landmark cases that have either prevented the misuse of public resources, or have protected the public interest. Nevertheless, the issue of bureaucratic resistance, a reluctance of the judiciary to act on the behalf of petitioners, and weak enforcement mechanisms complicate RTI. Greater protections for whistleblowers under existing laws, a shorter RTI processing timeframe, and media attention may empower citizens to use RTI legislation as a legal and social change mechanism for immediate results on issues affecting their communities. If bureaucratic resistance, judicial reluctance, and enforcement mechanisms can be effectively addressed, India can continue to honour the experience of democracy and RTI can be a galvanizing force for justice.