

EVOLUTION OF RIGHT TO INFORMATION ACT, 2005

AUTHOR – DIVYANSHU ARORA, STUDENT AT UNITEDWORLD SCHOOL OF LAW, KARNAVATI UNIVERSITY. EMAIL: DIVYANSHUWWE@GMAIL.COM.

BEST CITATION – DIVYANSHU ARORA, EVOLUTION OF RIGHT TO INFORMATION ACT, 2005, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 1183-1194, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

India's democratic framework gained a transformative breakthrough through RTI Act which established official procedures for government information disclosure to citizens. The paper examines how the RTI Act evolved through legislation and covers its structural design and judicial case law analysis and impacts on social issues and politics. The analysis explores the reasons behind implementation difficulties and finds that RTI objectives become less effective when serving marginalized communities while also investigating how legal exceptions and administrative disengagement together with low awareness block the achievement of objectives. The research presents a global outlook via its examination of information access laws from the United Kingdom and Canada and South Africa which leads to strategic lessons for domestic policy reforms. The research ends in a practical recommendation section that works to enhance institutional capabilities together with better legal extent and inclusive information sharing practices to help the RTI Act reach its goal of participatory and transparent governance.

Keywords: Right to Information Act, 2005, Marginalized Communities, Public Authorities, Exemptions, Comparative Legal Analysis.

INTRODUCTION

The RTI Act represents a fundamental achievement in India's democratic and legal structure. A long period of activism and grassroots advocacy led to the passing of this legislation which redefined citizens' ties with state authorities. The first part of the research explains why this law plays a crucial role in achieving transparency while promoting accountability along with participatory governance practices. The Right to Information Act enactment encounters multiple operational obstacles due to slow government bureaucracy alongside administrative backlog but most significantly because rural communities and marginalized groups show little understanding of the Act. Under Section 8 and Section 9 the chapter discusses problematic utilization of exemptions

whereas Chapter 3 explores public authority ambiguities and Section 8 and Section 9 exemption complications alongside inadequacies in reaching citizens in disadvantaged areas. The research focuses on several aspects of the Freedom of Information Act including legal structure evaluation and judicial interpretation process together with institutional change patterns and reform requirements. The research hypothesis demonstrates that the powerful democratic capabilities of the RTI Act remain restricted because of legal, social and administrative barriers. This section includes a review of scholarly works about the Act followed by research gap identification regarding institutional failures and comparative perspectives and methodological plans for doctrinal and empirical research.

LITERATURE REVIEW

Sr No.	Nature of literature	Name of literature	Covered review	Research gap	Intended research
1.	Journal Article	Shriram Patel, <i>Critical Study of Right to Information Act, 2005</i> , 5 Int'l J.L. Mgmt. & Human. 2157 (2022).	The RTI imparts an obligation to inform only to public authority that the organizations and institutions of private nature are not under the preview of RTI. The right to information isn't in the Indian system but is a matter abroad, the Government of Canada in 1994 made a provision for the common man's right to know about the decisions of the Government. Likewise, the United Kingdom is also guaranteed by the citizen charter adopted in Britain. Following the voice of all removing corruption, the Government of India passed the Right to	The paragraph mentions practices from Canada and the UK to exemplify global initiatives in RTI, but there is no detailed note for comparing the implementation with that of India. Besides, RTI assumes to have a potential role in corruption elimination without empirical proof and fails to discuss hindrances like lack of citizen awareness or barriers to making requests for information. RTI remains unexplored.	Research should focus on how to expand the RTI into private entities and then analyse the different international transparency frameworks and what impact it has on corruption, working on citizen awareness, accessibility within systems, and so on with further integration of tools like citizen charters for better governance.

			Information Act 2005. Thus, the RTI Act states that it would apply only to public authorities. Hence such private organizations, institutions, talking of public policy do not come under the ambit of RTI, creating a void in accountability.		
2.	Journal Article	Rajarshi Dwivedi, <i>Analysis of the Exemptions Provided under Right to Information Act, 2005 with Reference to Judgements</i> , 5 Indian J.L. & Legal Res. 1 (2023).	official secrets act was created by the British Government with a view to halting some information from reaching the general public. Yet it created the power of the British government and struck a blow at the rights of common people. Right to information bill gives statutory sense of Right between Above Act Passed In 2005, even before that date also, Supreme Court stated under various cases such as Raj Narain	The paragraph identifies the exemptions under Section 8 of the RTI Act without identifying the problems arising from the absence of a clear definition of "public interest." This creates inconsistency in the decision-making of public authorities. In addition, the tension of secrecy and transparency remains	Going forward, research shall be directed towards developing benchmark standards for interpreting the term 'public interest', considering how either piece of legislation might be said to be inconsistent or in harmony, an inquiry into how public authorities may apply exemptions under the headings identified, and assessment of

			<p>V. State of UP that such right was already entrenched in constitution (under Art-19). Therefore, it can be rightly said that what was embedded in the constitution has been accepted through the act of 2005. However, certain exemptions have been provided by the act itself to balance the right to information with the interest of the public at large. The exemptions provided under RTI Act, 2005 shall be dealt with under the following 3 heads: exemptions under sec-8, exemptions under sec-9 and inapplicability of the act over certain authorities.</p>	<p>unexplored with respect to the role of the Official Secrets Act, 1923, which might come into conflict with the provisions of the RTI Act.</p>	<p>how they balance openness against national security requirements.</p>
3.	Journal Article	Kaushik Chowdhury, <i>Right to Informa</i>	<p>This examination will identify the relationship between the RTI disclosure and</p>	<p>This passage underscores the prevailing strain between the</p>	<p>The research should include Certain points that should be explored i.e., the</p>

		<p>tion vis-à-vis <i>Right to Privacy in the Context of Right to Information Act, 2005</i>, 2 NUJS J. Regul. Stud. 1 (2018).</p>	<p>privacy protection as it develops harmonizing legal approaches for their main points of contention. Models under consideration establish systems which permit the simultaneous existence of privacy rights together with information rights in a way which preserves mutual respect at all times. It is vital to understand the constitutional limitations under which these rights function when conducting their assessment. The Indian Constitution practices these two rights without explicitly mentioning them in its text. The Law Commission along with Supreme Court must develop solid careful reasoning which establishes privacy rights as a specific legal right regardless of its</p>	<p>right to information and the right to privacy, given the absence of an express constitutional provision for the latter. However, there is no exposition on the practical conflicts raised or the states of existing frameworks. It does not also give a model or comparative legal insight from other jurisdictions to illustrate the recommendation of concurrence between RTI and privacy laws.</p>	<p>frameworks on harmonization between the rights of RTI and privacy and also review the international practices to recommend a separate Right to Privacy statute, just putting in place checks and balances through terminological alignment and purposive integration with the RTI Act.</p>
--	--	--	--	--	---

			connection to life-related protection. Modern privacy problems demand a standalone legislation to recognize privacy rights as an independent entitlement which will coexist with the RTI Act in an integrated manner..		
--	--	--	--	--	--

RESEARCH METHODOLOGY

The study combines doctrinal research with empirical methods to achieve its exploration. The doctrinal examination of the RTI Act lists its mandatory provisions alongside core court definitions from constitutional decisions of Raj Narain and Aditya Bandopadhyay. The empirical section reviews secondary evidence obtained from Information Commission reports combined with NGO publications and case studies which demonstrate marginalized communities using the RTI system. This research performs a comparison of international freedom of information frameworks operating in UK, Canada and South Africa to find optimal practices and possible reforms. These evaluation techniques work together to determine the Act's performance and its difficulties during implementation.

I. HISTORICAL BACKGROUND AND EVOLUTION

For several decades civil society organizations together with public intellectuals and concerned citizens advocated for the enactment of the RTI Act, 2005. During the 1990s

the Mazdoor Kisan Shakti Sangathan (MKSS) based in Rajasthan along with other grassroots organizations played a crucial role in developing public support for information access as essential for achieving justice along with equitable treatment. The MKS started public hearings in which community members reviewed government records on employment and wages and development works. The initiatives demonstrated that exposing corruption and inefficiencies allowed information access to achieve revolutionary results.

The National Campaign for People's Right to Information (NCPRI) together with the media and human rights activists strengthened the movement through active advocacy. An initial attempt to respond legislatively occurred through the Freedom of Information Act, 2002 but it failed due to weak enforcement features combined with non-existent proactive requirements. The government amended the 2002 Act with the Right to Information Act, 2005 because it recognized its failing points. The Act introduced learnings from worldwide benchmark regimes while promoting both enforcement abilities and governmental accountability along with public empowerment

rights.¹⁸⁹⁰ This section investigates the pre-existing RTI regulations of Tamil Nadu and Delhi and Maharashtra as they functioned as experimentation grounds for developing a national law. The RTI Act exists within an international framework where it is compared to similar laws in the United Kingdom, Canada and South Africa along with other nations. The United Nations Convention Against Corruption and International Covenant on Civil and Political Rights provided guidance to develop the Indian approach.

II. STRUCTURE AND FEATURES OF THE RTI ACT

The RTI Act establishes itself as a broad law which governs every public body throughout India including constitutional organizations and departments making significant financial income from public revenue. Information according to Section 2(f) encompasses various public documentation types including records, memos, emails and opinions, advice, press releases, circulars, orders and contracts. The public can retrieve this information by sending their requests to the designated Public Information Officer of their relevant public authority. Public entities must respond to requests in 30 days yet need to respond in 48 hours for information pertaining to freedom or life.¹⁸⁹¹

The Act defines proactive disclosure requirements in Section 4. All public authorities must disclose written materials that expose their organizational structure together with budgetary information and governance policies and decision-making methods. Open governance is promoted through these measures while applications become less necessary. A two-level appeal process exists in the information law through First Appellate Authorities and Information Commissions serving both at the state and central levels. The

PIO response can be appealed by applicants within thirty days following their dissatisfaction.

The Act exempts Section 8 from three categories of information including national security data and trade secrets and personal privacy information. According to Section 8(2) the public interest override clause grants permission for disclosure when the greater societal benefit surpasses the negative consequences of disclosure¹⁸⁹². The Act mandates through Section 20 specific penalties which apply to PIOs who do not share information promptly or if they deliver misleading information or delay the response. These institutional rules establish protocols for consistent oversight except when organizations fail to implement them properly.

The section examines both Assistant Public Information Officers (APIOs), Appellate Authorities and Information Commissions. The Act establishes a solid administrative system through its provisions but fails to deliver due to insufficient staff numbers and insufficient budget along with prolonged adjudication procedures. Potential applications of the Right to Information Act continue to be examined over subsequent chapters of this analysis¹⁸⁹³.

III. JUDICIAL INTERPRETATION AND CASE LAW

Judicial interpretation acts as the key mechanism that has standardized how the RTI regime operates in India. The Indian judiciary has consistently maintained that Article 19(1)(a) of the Constitution establishes information rights as one of the fundamental liberties. The landmark case *State of UP v. Through Raj Narain* (1975) the foundation to make public affairs transparent took shape in the Indian Constitution. Later, in *Union of India v. The Supreme Court* through its *Union of India v. Association for Democratic Reforms* (2002)

¹⁸⁹⁰ Shriram Patel, Critical Study of Right to Information Act, 2005, 5 Int'l J.L. Mgmt. & Human. 2157 (2022).

¹⁸⁹¹ Rajarshi Dwivedi, Analysis of the Exemptions Provided under Right to Information Act, 2005 with Reference to Judgements, 5 Indian J.L. & Legal Res. 1 (2023).

¹⁸⁹² Right to Information Act, 2005, No. 22 of 2005, India Code (2005).

¹⁸⁹³ Rajarshi Dwivedi, Analysis of the Exemptions Provided under Right to Information Act, 2005 with Reference to Judgements, 5 Indian J.L. & Legal Res. 1 (2023).

judgment ordered electoral candidates to reveal their criminal and financial information which supported public right to obtain knowledge about their candidates. The important judicial opinion of CBSE v. The Supreme Court declared in Aditya Bandopadhyay (2011) that students have an entitlement to view their graded answer sheets. The courts extended RTI to include educational transparency in their judgment. In Thalappalam Service Cooperative Bank Ltd v. Judicial guidance in State of Kerala v. Thalappalam Service Cooperative Bank Ltd (2013) explained what “substantially financed” means to expand the categories of institutions made subject to the

Act¹⁸⁹⁴.

The courts have handled situations where Right to Information intersects with the Official Secrets Act and data privacy laws as well as the right to privacy. For a period following the Puttaswamy judgment (2017) which declared privacy as a fundamental right the courts made decisions that balanced transparency requirements with personal privacy safeguards. Despite some variations in understanding between judicial actors the activism displayed by the judiciary has primarily supported the RTI Act's openness objectives for public administration.

IV. IMPACT ON GOVERNANCE AND ACCOUNTABILITY

The RTI Act plays a fundamental role in creating transparency along with establishing public official accountability in administrative matters. Public authorities have experienced a shift in governance from unknown operations to public transparency because citizens can now request information through the RTI Act. The Act stands as a powerful instrument which successfully reduces corruption by nature¹⁸⁹⁵. Public authorities have faced multiple instances of disclosure through RTI applications which revealed corruption in schemes such as the

Public Distribution System (PDS), MGNREGA together with various pension schemes. Through the Act citizens have located false beneficiary programs while revealing financial scandals which pushes government departments to take correctional steps.

The Act brought forward a transformative impact on the administrative structure inside government departments. Officials now handle documents along with records with extra care because they understand all recorded materials may become accessible through public disclosure. Better documentation together with prompt responses created improved administrative efficiency. RTI enables civil society organizations together with the media to practice critical journalism and support advocacy through factual evidence instead of relying on assumptions.

RTI applications have made rural citizens obtain ration cards alongside old-age pensions as well as health benefits through simple application procedures. Urban regions have benefited from RTI because it reveals misconduct during infrastructure development as well as issues with schools and medical facilities. The level of benefits received by applicants depends on their persistent applications together with their knowledge and availability of legal assistance since both variables do not distribute equally throughout the population.

V. RTI AND MARGINALIZED COMMUNITIES

RTI plays a vital empowering role for marginalized communities but these groups encounter barriers which prevent them from using the law according to the dissertation. Scheduled Castes (SC) along with Scheduled Tribes (ST) and women and economically disadvantaged citizens encounter obstacles in using the Act mainly because they do not possess required literacy abilities and legal understanding and institutional backing. RTI delivers on its information democratization but middle-class urban citizens and educated professionals have received most of its benefits.

¹⁸⁹⁴ Shriram Patel, Critical Study of Right to Information Act, 2005, 5 Int'l J.L. Mgmt. & Human. 2157 (2022).

¹⁸⁹⁵ Amnesty Int'l, RTI and Human Rights in India (2022), <https://www.amnesty.org> (accessed Mar. 7, 2025).

The successful implementation of awareness campaigns remains limited because they do not focus enough on rural and tribal areas. The vast majority of people who should benefit from RTI lack both general knowledge about their rights and the ability to deal with systematic hurdles when filing and tracking the status of their applications. The participation of citizens in filing RTI applications decreases because of language barriers and the expense of appeals as well as concerns about possible retaliation from local authority officials.

The discussion details how civil society organizations together with NGOs and academic institutions fill the knowledge gap between ordinary citizens and the Right to Information framework. The learning process about the RTI process now gets support at various universities through training programs together with seminars and also includes legal aid clinics which serve students and community members. Certain NGOs run RTI clinics which provide both application preparation help as well as support during appeal hearings to the public. Current efforts are insufficient to serve the information needs of the majority of Indian citizens.¹⁸⁹⁶

The proper guidance and support of marginalized communities in RTI procedures helps these groups use the system successfully to assert their rights according to case study evidence. Tribal women request ration explanations and low-income families view school records to expose teacher absenteeism through their implementation of RTI. The presented stories underline how RTI generates powerful changes when activists combine their actions with organizational backing.¹⁸⁹⁷

VI. COMPARATIVE INTERNATIONAL PERSPECTIVE

A comparative study examines India's RTI framework against international standards

specifically with Britain's RTI system and those from Canada and South Africa. A worldwide analysis demonstrates both positive and negative points of India's Right to Information system. Through the FIA, 2000 of the UK public bodies show commitment to proactive information sharing whereas the Information Commissioner's Office (ICO) establishes rigorous enforcement powers to oversee implementation. Under the UK system public authorities must actively divulge information thus reducing the requirement for individuals to submit applications.

¹⁸⁹⁸The Access to Information Act, 1985 of Canada maintains a restricted application range yet establishes strong integration between information access protocols and privacy protection standards with administrative security measures. The PAIA in South Africa successfully includes private entities conducting public work by law while Indian RTI lacks this specific protection. The laws in South Africa enforce periodic examinations of information retrieval processes and agency performance assessments.

¹⁸⁹⁹Users appreciate the Indian RTI Act because it enables convenient and affordable access with exact deadlines. The Act trails behind other countries when it comes to actual execution together with digital transformation and independence of public information management bodies. The study demonstrates that India should expand the RTI Act's coverage to reach private entities working under public-private deals in addition to increasing Information Commission self-governance and funding availability.¹⁹⁰⁰

The study includes successful methods implemented elsewhere such as localized public awareness efforts as well as mobile information systems for distant locations and unobstructed government database access. The usability and impact of RTI Act in India

¹⁸⁹⁶ Dalit Rights Network, RTI and Social Justice in India (2021), <https://www.dalitrights.org> (accessed Mar. 7, 2025).

¹⁸⁹⁷ Kaushik Chowdhury, Right to Information vis-à-vis Right to Privacy in the Context of Right to Information Act, 2005, 2 NUJS J. Regul. Stud. 1 (2018).

¹⁸⁹⁸ Freedom of Information Act 2000, c. 36 (UK).

¹⁸⁹⁹ Gov't of Can., Access to Information Act: A Review (2022), <https://www.canada.ca> (accessed Mar. 7, 2025).

¹⁹⁰⁰ Access to Information Act, R.S.C. 1985, c. A-1 (Can.).

would grow substantially through the introduction of these specific features.

VII. CHALLENGES IN IMPLEMENTATION

Multiple implementation issues affect the effectiveness of the RTI Act although it presents a forward-thinking framework. Information Commissions currently face a critical problem because of lengthy case backlogs. The Central and State Information Commissions encounter multiple issues because they operate with insufficient human resources while struggling with inadequate funding and tortured procedural processes. The excessive duration of cases exceeds the time requirements for speedy information access making them ineffective for their intended purpose.

Public authorities misuse exemptions under Sections 8 and 9 of the RTI Act through wrong interpretation and inconsistent application. Many public authorities make their information access denials by providing ambiguous explanations like "national interest" or "confidentiality" as justification. These exemptions which lack proper oversight and clear guidance enable officials to misuse them by protecting their inefficient work or to hide their corruption. Public authorities miss several proactive disclosure requirements from Section 4 that makes citizens file one request each to get information.

Research identifies the weak situation faced by RTI users because activists and whistleblowers are particularly susceptible. RTI users face regular intimidation while receiving threats and experiencing fatal attacks due to their exposure of corruption through RTI. The intimidation cases stop people who want to seek transparency from applying for public information. The RTI system lacks a secure mechanism to protect whistleblowers who file requests through the regime.

The institutional capacity serves as a key ongoing problem. The shortage of trained PIOs becomes an issue because there exists no standardized monitoring tool for keeping track

of compliance routines. Performance evaluation becomes challenging due to the absence of standardized data regarding the number of RTI requests filed and disposed and appealed across different states. Rural areas face a severe problem with digital infrastructure because it lacks the capability to submit RTI requests or address grievances through online channels.

VIII. RECOMMENDATIONS FOR REFORM

The RTI Act requires substantial improvements through series of legal adjustments and institutional and procedural changes according to this dissertation. The author advocates changing Section 2(h) of the legislation to include privately-run institutions performing public duties when they receive significant state funding. The proposed guidelines should detail the process of understanding "public interest" to stop selective use of exemptions as a denial method.

The application process needs streamlining and multilingual forms should be provided while responses need to be accessible to all. RTI help centres established at municipal and village levels will assist in overcoming practical obstacles to access. Public authorities must undergo annual external evaluations regarding their RTI performance which should become available to the public. The Information Commissions need institutional support through vacancy filling and greater budget allocations as well as technological assistance. The information commissions need to receive independent power to investigate repeatedly defaulting entities without requests from other bodies. Both Commissioner appointments must use transparent procedures founded on merit while their independence must be protected from political influence. The public needs proper education about these matters to prevent ignorance. This dissertation proposes to make training based on the Right to Information (RTI) part of educational teaching at schools and colleges. A national and state-wide effort for spreading awareness should form through partnerships among NGOs

together with media organizations. Special outreach programs should be designed to reach women and minorities together with rural residents across the country. A digital system must be created to monitor RTI requests from application numbers through response duration and appeal counts all the way to imposed penalties. Such measures would promote transparency within all aspects of the RTI system. A complete Whistleblower Protection Law must be established to give RTI users legal protection and make ethical public revelations possible.

CONCLUSION

The RTI Act, 2005 stands as a landmark legislative achievement in India's democratic evolution. Through its power the RTI Act allows citizens to request information from public authorities which makes government institutions more accountable and responsive to the populace. RTI has made visible progress on governance by showing development program corrupt practices and enhancing the delivery of healthcare services and educational standards. The Act has established itself as an essential element in shaping public dialogue and electoral openness and protecting civil rights throughout the country.

The Act shows mixed achievements along with significant limitations in its operational effectiveness. The complete implementation of RTI faces barriers from various institutional structures that perform poorly while maintaining unclear procedures and demonstrating resistance toward the law. The law has standardized the scope through interpretive decisions although several uncertainties persist. The most important beneficiaries of RTI constantly encounter major impediments when trying to access this tool.

The dissertation demonstrates that RTI must achieve three fundamental objectives to secure its long-term future which include stronger enforcement tools and improved accessibility for citizens and transparency as integral part of governance. Legal and administrative reforms

alone will not achieve this objective and it needs a complete change in public institutions' perception of citizens' rights to transparency. RTI will accomplish its purpose to establish an entirely transparent and participatory democratic system in India by receiving support from the state, judiciary and civil society organizations together with academic institutions.

BIBLIOGRAPHY

- Shriram Patel, *Critical Study of Right to Information Act, 2005*, 5 Int'l J.L. Mgmt. & Human. 2157 (2022).
- Rajarshi Dwivedi, *Analysis of the Exemptions Provided under Right to Information Act, 2005 with Reference to Judgements*, 5 Indian J.L. & Legal Res. 1 (2023).
- Kaushik Chowdhury, *Right to Information vis-à-vis Right to Privacy in the Context of Right to Information Act, 2005*, 2 NUJS J. Regul. Stud. 1 (2018).
- United Nations Convention Against Corruption, U.N. Office on Drugs and Crime, <https://www.unodc.org/unodc/en/corruption/uncac.html>.
- Amnesty Int'l, *RTI and Human Rights in India* (2022), <https://www.amnesty.org> (accessed Mar. 7, 2025).
- Commonwealth Human Rights Initiative, *Comparative Study of RTI Laws* (2019), <https://www.humanrightsinitiative.org> (accessed Mar. 7, 2025).
- Dalit Rights Network, *RTI and Social Justice in India* (2021), <https://www.dalitrights.org> (accessed Mar. 7, 2025).
- Gov't of Can., *Access to Information Act: A Review* (2022), <https://www.canada.ca> (accessed Mar. 7, 2025).
- OECD, *Transparency and Good Governance: International Case Studies* (2022), <https://www.oecd.org> (accessed Mar. 7, 2025).
- Right to Information Act, 2005, No. 22 of 2005, India Code (2005).

- Freedom of Information Act of 1967, 5 U.S.C. § 552 (2018) (USA).
- Freedom of Information Act 2000, c. 36 (UK).
- Access to Information Act, R.S.C. 1985, c. A-1 (Can.).

