INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 5 AND ISSUE 4 OF 2025 INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS - 3920 - 0001 | ISSN - 2583-2344

(Open Access Journal)

Journal's Home Page – <u>https://ijlr.iledu.in/</u>

Journal's Editorial Page - <u>https://ijlr.iledu.in/editorial-board/</u>

Volume 5 and Issue 4 of 2025 (Access Full Issue on - <u>https://ijlr.iledu.in/volume-5-</u> and-issue-4-of-2025/)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone: +91 94896 71437 - info@iledu.in / Chairman@iledu.in



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VOLUME 5 AND ISSUE 4 OF 2025

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APIS – 3920 – 0001 *(and)* ISSN – 2583–2344

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

Act represents a fundamental The RTI 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.



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LITERATURE REVIEW

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

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			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	Rajarshi	official secrets act	The	Going forward,
	Article	Dwivedi,	was created by	paragraph	research shall
		Analysis	the British	identifies the	be directed
	L L	of the	Government with	exemptions	towards
		Exempti	a view to halting	under Section	developing
		ons	some information	8 of the RTI Act	benchmark
		Provide	from reaching the	without	standards for
		d under	general public. Yet	identifying the	interpreting the
		Right to	it created the	problems	term 'public
		Informa	power of the	arising from	interest',
		tion Act,	British	the absence	considering
		2005	government and	of a clear	how either
		with	struck a blow at		piece of
		Referen	the rights of	"public	legislation
		ce to	common people.		might be said
		Judgem	Right to	creates	to be
		ents, 5	information bill		inconsistent or
		Indian	gives statutory	in the	
7		J.L. &	sense of Right		inquiry into how
		Legal	between Above	making of	
1		Res. 1	Act Passed In	public	authorities may
		(2023).	2005, even before	authorities. In	
		()	that date also,	addition, the	exemptions
			Supreme Court	tension of	·
			stated under	secrecy and	headings
			various cases	transparency	identified, and
				• •	
			such as Raj Narain	remains	assessment of



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			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	with respect to the role of the Official Secrets Act,	how they balance openness against national security requirements.
			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.TheexemptionsprovidedunderRTI Act, 2005shallbedealtwithunderthefollowing 3beads:exemptionsundersec-8, exemptionsunderundersec-9underand		
\sum		GRAS	inapplicability of the act over certain authorities.	- EVOLV	
3.	Journal Article	Kaushik Chowdh ury, Right to Informa	This examination will identify the relationship between the RTI disclosure and	This passage underscores the prevailing strain between the	The research should include Certain points that should be explored i.e., the



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tion	vis- privacy protec	tion right to	frameworks on
à-vi	s as it deve	lops information	harmonization
Righ	t to harmonizing l	egal and the right	between the
Privo	acy approaches	for to privacy,	rights of RTI and
in	the their main po	pints given the	privacy and
Con	text of conten	tion. absence of an	also review the
of R	<i>light</i> Models u	nder express	international
to	consideration	constitutional	practices to
Infoi	rma establish syst	ems provision for	recommend a
tion	Act, which permit	the the latter.	separate Right
200	5, 2 simultaneous	However,	to Privacy
NUJ	S J. existence	of there is no	statute, just
Reg		-	putting in place
	l. 1 together		checks and
(201		•	balances
	in a way w	hich raised or the	through
	preserves mu	itual states of	terminological
	respect at	all existing	alignment and
	times. It is vito	al to frameworks. It	purposive
	understand	the does not also	integration with
	constitutional	give a model	the RTI Act.
	limitations	nder or	
	which these ri	ghts comparative	
	function w	hen legal insight	
	conducting	their from other	
	assessment.	The jurisdictions to	
	Indian	illustrate the	
	Constitution	recommendat	
	practices th	nese ion of	
	two rights with	hout concurrence	
	explicitly	between RTI	
	mentioning t	hem and privacy	
	in its text. The	Law laws.	
G	Commission	AIE - EVOLV	
	along	with	
	Supreme C	court	
	must dev	elop	
	solid ca	reful	
	Ŭ	hich	
	establishes		
	privacy rights	as a	
	specific legal I	right	
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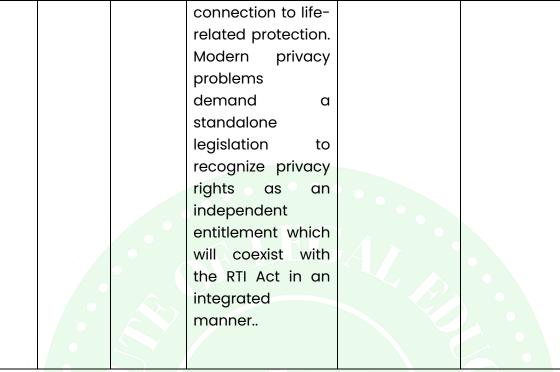
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RESEARCH METHODOLOGY

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 played a crucial organizations 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 demonstrated initiatives 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 non-existent with 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 abilities enforcement governmental and accountability along with public empowerment



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rights. ¹⁸⁹⁰This section investigates the preexisting 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 requests to the designated Public their 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 decision-making methods. Open and 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

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

Act exempts Section 8 from three The 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

Judicial interpretation acts as the kev 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).



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electoral candidates judgment ordered to reveal their criminal and financial information public right obtain which supported to knowledge about their candidates. The important judicial opinion of CBSE v. The Court declared Supreme 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 Act¹⁸⁹⁴. the 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 balanced decisions that 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 openness objectives Act's 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

https://www.amnesty.org (accessed Mar. 7, 2025).

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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),



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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 guidance proper and support of marginalized communities in RTI procedures helps these groups use the system successfully to assert their rights according to case study Tribal evidence. 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

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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 applications. submit 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 information independence public of management bodies. The study demonstrates that India should expand the RTI Act's coverage to reach private entities working under publicprivate deals in addition to increasing Information Commission self-governance and availability.1900 funding 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), <u>https://www.dalitrights.org</u> (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).



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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 denials providing ambiguous access by explanations like "national interest" or "confidentiality" justification. as 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 statewide effort for spreading awareness should form through partnerships among NGOs



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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.

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