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# **THE RIGHT TO INFORMATION ACT, 2005 AND DEMOCRATIC GOVERNANCE IN INDIA: A CRITICAL STUDY.**

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## **Abstract**

The Right to Information Act, 2005 represents a significant step toward promoting openness and accountability in India's system of governance. It recognizes the citizen's right to access information as an essential component of democratic governance. It grants individuals the authority to obtain official records, documents, reports, data related to government policies and public expenditure; the Act reduces administrative secrecy and strengthens public participation in governance.

Over the years, the Act has granted citizens a legal entitlement to obtain information from public authorities. Therefore, the Act functions not only as a procedural law but also as a vital democratic instrument that encourages transparency, responsibility, and greater participation of citizens in the governance of India.

This paper examines the objectives, scope, and key provisions of the RTI Act and analyses its role in promoting transparency in public administration. Further, the study highlights important judicial interpretations that have expanded the scope of citizens' right to know. While the RTI framework has significantly empowered citizens and exposed instances of corruption, its implementation continues to face challenges such as administrative resistance, delays in responses, and lack of public awareness. Despite these obstacles, the RTI Act remains a vital democratic instrument.<sup>1</sup>

**Keywords:** Right to Information Act, Accountability, Transparency, Democratic Governance, Public Administration, Citizen Participation.

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<sup>1</sup> 1. Right to Information ACT 2005, NO. 22 Enforced by the Parliament.

2. Department of Personnel and Training of Government of India, Guide to RTI Act, 2005.

## Introduction

Transparency and accountability form the foundation of any healthy democratic system. When citizens have access to information, they are better equipped to question decisions, monitor public expenditure, and actively participate in governance. In India, Supreme Court has clarified that the concept of the “right to know” flows from and is embedded within the fundamental right to freedom of speech and expression under Article 19(1)(a). This recognition reflects the idea that meaningful freedom of expression is possible only when citizens are informed.

In a vast and diverse democracy like India, access to information bridges the gap between the government and the governed. It transforms citizens from passive recipients of policies into active participants in public affairs.

Information empowers people to hold authorities accountable, challenge arbitrary actions, and ensure that public power is exercised in the larger public interest.

With this objective of strengthening transparency, the Parliament enacted the Right to Information Act, 2005 in 2005. The Act marked a significant milestone in India’s democratic evolution. It legally empowers citizens to request information from public authorities and places a corresponding obligation on the government to provide such information within a prescribed time frame. By institutionalizing the principles of openness and accountability, the RTI Act seeks to reduce corruption, improve governance, and promote participatory democracy.<sup>2</sup>

Thus, the Right to Information Act is not merely a procedural law—it represents a shift in administrative culture from secrecy to openness, reaffirming that in a democracy, the government is ultimately accountable to its citizens.<sup>2</sup>

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<sup>2</sup> 3. Central Information Commission, Annual Reports (Latest Available).

4. State of Uttar Pradesh v. Raj Narain, (1975) 4 SCC 428.

5. Provision relating to Freedom relating to speech and expression under Article {19}{a} of the constitution of India.

6. Statutory Law concerning the Right to Information adopted in 2005 in India. No 22 Enforced by The Parliament of India.

## Research Methodology

The present study is based on the Doctrinal method of research. The research is primarily relies on secondary sources such as books, articles, government reports, and official publications related to the Right to Information Act, 2005. Relevant provisions of the Act, along with significant judicial decisions, have also been studied to understand the legal development and practical functioning of the law. The collected information has been analysed in a descriptive and analytical manner to evaluate the role of the RTI Act in promoting transparency, accountability, and participatory governance in India.

## Aim and Significance of RTI ACT

The Right to Information Act, 2005 was introduced with the principal objective of ensuring transparency and accountability in the functioning of government authorities. In a democratic system, governance must remain open to public scrutiny because ultimate authority lies with the people. The Act provides citizens with the legal right to question public authorities and hold them responsible for their decisions and administrative actions.

One of the major purposes of the legislation is to strengthen democracy by encouraging active participation of citizens. By granting access to official records and government information, the Act enables individuals to interact more effectively with public institutions and understand how governmental policies and decisions influence their daily lives.

The Act also aims to ensure that government officials remain responsible for their conduct. When administrative decisions are open to public examination, the possibility of arbitrary use of power and misuse of authority is significantly reduced. Public oversight therefore becomes an important safeguard against corruption and promotes ethical governance.

Another important goal of the Act is to empower citizens. The right to seek information encourages people to become actively involved in Governance. It enables them to safeguard their rights, demand better public services, and raise questions regarding public expenditure and policy implementation.

Furthermore, the Act contributes to improved decision-making within the administrative system. When information flows openly, transparency strengthens efficiency and promotes institutional accountability. However, the law also recognizes certain limitations. Information

concerning national security, sovereignty, and other sensitive matters is exempt from disclosure in order to maintain a balance between transparency and legitimate confidentiality.

Thus, the RTI Act is not limited to providing access to official documents; it functions as an important mechanism that strengthens democratic values, discourages corruption, improves governance, and promotes responsible administration. By reducing secrecy and encouraging openness in governmental functioning, it enables citizens to question irregularities and demand explanations from public authorities.

An informed society becomes more vigilant and capable of monitoring administrative processes. Through the legal framework established by the RTI Act, individuals are able to examine the functioning of public institutions more closely. Such continuous public oversight compels authorities to act responsibly and remain accountable to the people.

Ultimately, the legislation represents a significant step toward strengthening democratic governance. It ensures that government activities are not confined to closed institutions but remain open to public scrutiny. By improving access to official information, the Act promotes greater public awareness and participation in decision-making processes. Therefore, the RTI Act plays a crucial role in creating an informed citizenry, reducing corruption, strengthening accountability, and ensuring that democracy operates in the interest of the people.<sup>3</sup>

## **Key Provision of the RTI Act**

### **1. Application Procedure**

Any individual seeking information is required to submit a request either in written form or through electronic mode to the relevant Public Information Officer (PIO). The request can be made in English, Hindi, or in the official language used in the respective region, and it should clearly describe the specific information being sought.

### **2. Time Limits for Providing Information**

The Act lays down specific deadlines within which public authorities must respond to RTI

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<sup>3</sup> 7. Right to Information Act, 2005, {Act no. 22 of 2005}, Parliament of India 2005

8. Indian Constitution, Article 19 {1}{a}

9. State of Uttar Pradesh v. Raj Narain, {1975} 4 SCC 428

10. Guide to the Right to Information Act, 2005 issued by the Department of Personnel and Training under the ministry of Personnel, Public Grievances and Pensions, Government of India.

requests.

Generally, the requested information should be supplied within thirty days from the date on which the application is received.

However, if the request relates to matters concerning the life or personal liberty of an individual, the information must be provided within forty-eight hours.

Where the request involves the interests of a third party, the maximum time limit may extend to forty days, including the period allowed for the third party to make a representation.

Failure to provide the information within the prescribed period is treated as a deemed refusal.

### **3. Fee Provisions**

The Act requires that the application fee should be reasonable. If any extra charges are necessary for supplying the requested information, the Public Information Officer is obligated to notify the applicant in writing and clearly indicate the manner in which the payable amount has been calculated.

An applicant also has the right to seek a review of the charges by approaching the appropriate Appellate Authority.

Individuals belonging to the Below Poverty Line category are exempt from paying application fees. Furthermore, if the Public Information Officer fails to supply the information within the stipulated time period, the information must be provided free of cost.

### **Grounds for Rejection**

An application for information may be rejected under certain circumstances.

If the requested information falls under the exemptions specified in the Act, the authority may deny disclosure.

Similarly, disclosure may also be refused if providing the information would result in infringement of the copyright of a person other than the State.<sup>4</sup>

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<sup>4</sup> 11. Right to Information Act, 2005, No. 22 of 2005, Parliament of India.

Section 6 of the Right to Information Act, 2005 relating to the submission of requests for information.

Section 7 of the Right to Information Act, 2005 dealing with the disposal or processing of information requests.

12. Section 8 – Exemption from disclosure of information

13. Section 9 – Grounds for rejection (copyright)

14. Section 19 – Appeal provisions

15. Section 20 – Penalties

16. Right to Information Rules, 2012, Government of India — Provisions relating to application fees and additional changes.

## Role of Information Commission

**Vision** To play a dynamic role through the effective exercise of powers conferred upon the Central Information Commission and by performing the functions assigned under the Right to Information Act, 2005, ensuring efficient and effective participation of all stakeholders in an accountable, transparent, and responsive manner. **MISSION** Through a citizen-centric approach, ensuring greater and smoother access to information for Indian citizens as envisaged under the RTI Act, 2005. **KEY OBJECTIVES** To exercise the powers conferred on the CIC under the RTI Act, 2005. To receive and inquire into complaints from any citizen as provided under Section 18 of the RTI Act, 2005. To perform the duty of "Monitoring and Reporting" as provided under Section 25 of the RTI Act, 2005. To receive and decide upon second appeals from any citizen as provided under Section 19 of the RTI Act, 2005 and RTI Rules, 2012.<sup>5</sup>

## Importance of the RTI Act

Corruption is a serious issue that weakens administrative institutions and leads to social, political, and economic decline. It often occurs under conditions of secrecy within governance systems. The RTI Act has emerged as a powerful instrument to combat such practices by promoting transparency and accountability in public administration.

The Act attempts to balance the public's right to information with the need to maintain confidentiality in certain sensitive matters. Issues related to national security and public safety are therefore exempted from disclosure to ensure an appropriate balance between openness and protection of national interests.

The legislation recognizes that every citizen has the right to access information. The term "information" under the Act covers material in various forms, including records, documents, memos, e-mails, circulars, press releases, contracts, reports, samples, models, and electronic data. The right also includes inspection of official records, obtaining certified copies of documents, and receiving information in electronic form.<sup>6</sup>

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17. <sup>5</sup> Department of Personnel and Training (DoPT), Guidelines on Implementation of the RTI Act, 2005, Government of India.

18. Right to Information Rules, 2012, Government of India.

19. Central Information Commission, Vision, Mission and Objectives, Official Website of the Central Information Commission, Government of India.

20. Government of India, Department of Personnel and Training (DoPT), Guidelines on Implementation of the RTI Act, 2005.

<sup>6</sup> 21. Right to Information Act, 2005, No. 22 of 2005, Parliament of India.

## Challenge and Criticism

### Challenges and Criticisms of the Right to Information Act, 2005

Nearly two decades after its implementation, the Right to Information Act, 2005 continues to be regarded as one of India's most significant democratic reforms. It has empowered citizens to demand transparency and accountability from public authorities. However, despite its transformative intent, the Act faces several practical challenges that prevent it from fully realizing its potential.

These limitations reveal the gap between the law's progressive objectives and its implementation within India's vast administrative framework.

One of the most serious concerns is the widespread lack of public awareness regarding the provisions and procedures of the Act. Although efforts have been made by the government to promote awareness, a large section of the population—particularly in rural areas and among marginalized communities—remains unaware of their right to seek information. Ironically, these are the very groups that could benefit the most from transparency mechanisms.

Another major issue is the complexity of the RTI application process. Many citizens find the procedural requirements confusing and intimidating, especially due to technical terminology and bureaucratic formalities. Identifying the appropriate Public Information Officer (PIO), framing queries in proper format, and understanding departmental structures can be challenging for ordinary citizens. For example, a farmer seeking information about government subsidies

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22. Section 2(f)– Definition of “Information”
  23. Section 6 of the Right to Information Act, 2005 concerning the procedure for submitting a request for information.
  24. Section 6 of the Right to Information Act, 2005 concerning the procedure for submitting a request for information.
  25. Section 8 of the Right to Information Act, 2005 provides certain exemptions from the disclosure of information.
  26. Section 18 of the Right to Information Act, 2005 relating to the filing of complaints before the Information Commission.
  27. Section 19 of the Right to Information Act, 2005 which lays down the mechanism for appeals.
  28. Section 20 of the Right to Information Act, 2005 prescribing penalties for non-compliance by concerned officials.
  29. Section 23 of the RTI Act, 2005 restricting the jurisdiction of courts in matters under the act.
  30. Section 25 – Monitoring and Reporting.
  31. Chapter III – Constitution of Central and State Information Commissions
  32. Central Information Commission, Annual Reports and Official Guidelines on Implementation of the RTI Act, Government of India.
  33. Government of India, personnel and training department(DoPT), Guidelines on the Implementation of the RTI Act, 2005.

may struggle to draft a precise application or determine the correct authority to approach. Such procedural hurdles often discourage individuals from exercising their right, thereby weakening the democratic spirit of the Act.

Additionally, bureaucratic resistance and inadequate administrative infrastructure further obstruct effective implementation. Delays, incomplete responses, and lack of proper record management systems contribute to inefficiency in providing information. These operational shortcomings highlight the broader structural difficulties involved in enforcing transparency within a complex governance system.

Understanding these criticisms is essential for students of public administration, as they illustrate the practical difficulties of translating transparency laws into effective governance mechanisms.<sup>7</sup>

### **Judicial interpretation and Landmark Cases**

Judicial interpretation has played a significant role in shaping and strengthening the Right to Information framework in India. Prior to the enactment of the Right to Information Act, 2005, the Supreme Court of India had interpreted the “right to know” as a vital element of the fundamental freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution.

In the landmark case of **State of Uttar Pradesh v. Raj Narain**, the Supreme Court held that citizens have the right to know about the actions performed by public officials. The Court emphasized that in a democratic system transparency should be the rule while secrecy should remain the exception. This judgment laid an important constitutional foundation for the later enactment of the RTI Act.

Similarly, in **S. P. Gupta v. Union of India**, the Court broadened the scope of the right to

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34. <sup>7</sup> Right to Information Act, 2005, No. 22 of 2005, Parliament of India.

35. Central Information Commission, Annual Report (latest available edition), Government of India — especially sections on pendency of appeals and complaints.

36. Department of Personnel and Training (DoPT), Guidelines on Implementation of the RTI Act, 2005, Government of India.

37. Studies and advocacy materials published by the National Campaign for People’s Right to Information (NCPRI) concerning the implementation of the RTI framework.

38. National Campaign for People’s Right to Information (NCPRI), research studies and publications addressing the challenges faced in the implementation of the Right to Information (RTI) framework.

information by stating that open governance is a natural extension of the fundamental right to freedom of speech and expression. The decision reinforced the principle that disclosure of information should generally be the norm in a democratic society.

After the enactment of the RTI Act, courts have continued to interpret its provisions and clarify its scope. The judiciary has consistently held that exemptions under the Act must be interpreted narrowly and that transparency should be given priority whenever possible. At the same time, courts have balanced the right to information with concerns related to national security, privacy, and confidentiality.

These judicial interpretations demonstrate the significant role of the judiciary in upholding the objectives of the RTI Act, particularly in advancing transparency and accountability in governance while ensuring that constitutional safeguards remain protected.<sup>8</sup>

### **Conclusion**

Nearly two decades after its enactment, the Right to Information Act, 2005 continues to stand as a powerful symbol of democratic empowerment in India. More than just a legal provision, it has given ordinary citizens the confidence to question authority, demand answers, and actively participate in governance. By promoting transparency and accountability, the Act has helped expose corruption, improve administrative functioning, and strengthen the relationship between the government and the people.

RTI is a Centralized platform, Provided by the Government of India for filing RTI application online, By the Portal facility. The portal facilitates citizen access to information held by the public authorities under the RTI Act.

Individual can file an application online, Pay fees Electronically, An can tract the information of application online through the portal.

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<sup>8</sup> 39. The Supreme Court in *The State of Uttar Pradesh v. Raj Narain*, {1975} 4 SCC 428 observed that in a democratic society the people have a legitimate right to obtain information regarding Government activities.

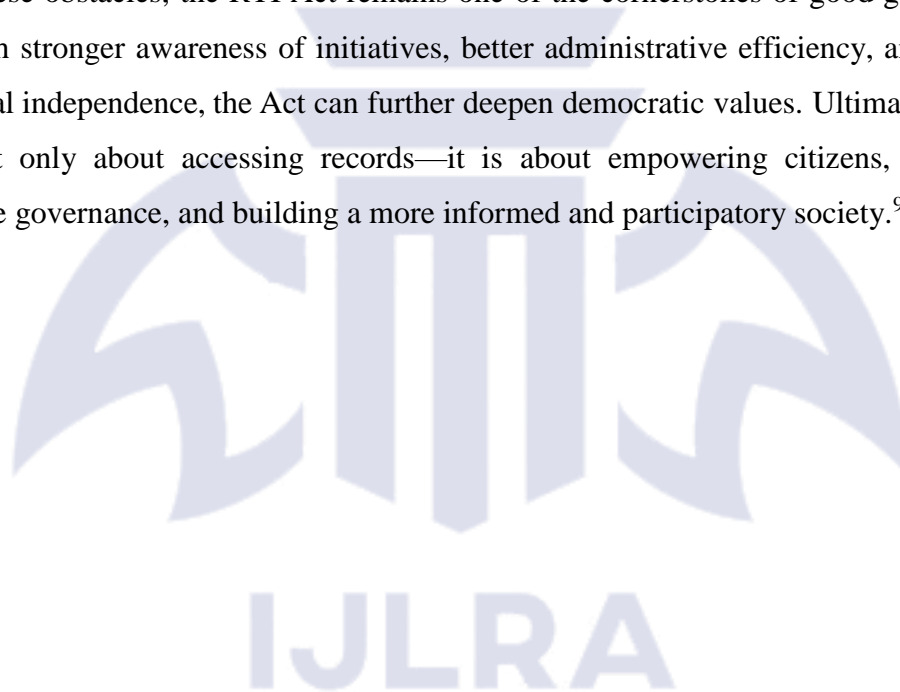
40. The Supreme Court in *SP Gupta v. Union of India*, 1981 Supp SCC 87 observed that an open system of government is a key feature of democracy, and that the availability of information to the public strengthens transparency and administrative accountability.

41. Constitution of India, Article 19(1)(a).

The Government of India and various civil societies conduct awareness programmes on the RTI Act. Such as Seminars, workshops, RTI Awareness week initiatives, and training programmes to aware citizens about their Right to access the information under the RTI act, 2005.

However, the true strength of the RTI framework lies not only in its provisions but in its effective implementation. Challenges such as delays in disposing appeals, lack of public awareness, administrative resistance, and infrastructural shortcomings still affect its impact. The role of institutions like the Central Information Commission remains crucial in ensuring that the spirit of transparency is preserved and that citizens' rights are protected.

Despite these obstacles, the RTI Act remains one of the cornerstones of good governance in India. With stronger awareness of initiatives, better administrative efficiency, and continued institutional independence, the Act can further deepen democratic values. Ultimately, the RTI Act is not only about accessing records—it is about empowering citizens, encouraging responsible governance, and building a more informed and participatory society.<sup>9</sup>



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<sup>9</sup> 42. Right to Information Act, 2005, No. 22 of 2005, Parliament of India.

43. Central Information Commission, Annual Reports on the Implementation of the RTI Act, Government of India.

44. Department of Personnel and Training (DoPT), Guidelines on the Implementation of the RTI Act, 2005, Government of India.

45. Commonwealth Human Rights Initiative (CHRI), Status of Information Commissions in India Reports.

46. National campaign for people's Right to information, Publication and advocacy material relating to RTI framework in India.

47. Government of India, RTI online portal Guidelines for Submission of RTI Application, issued by the department of Personnel and Training, Ministry of Personnel, Public Grievance and Pensions.

48. Central information Commission, Annual information on the Implementation on the Right to Information act, 2005, Government of India.