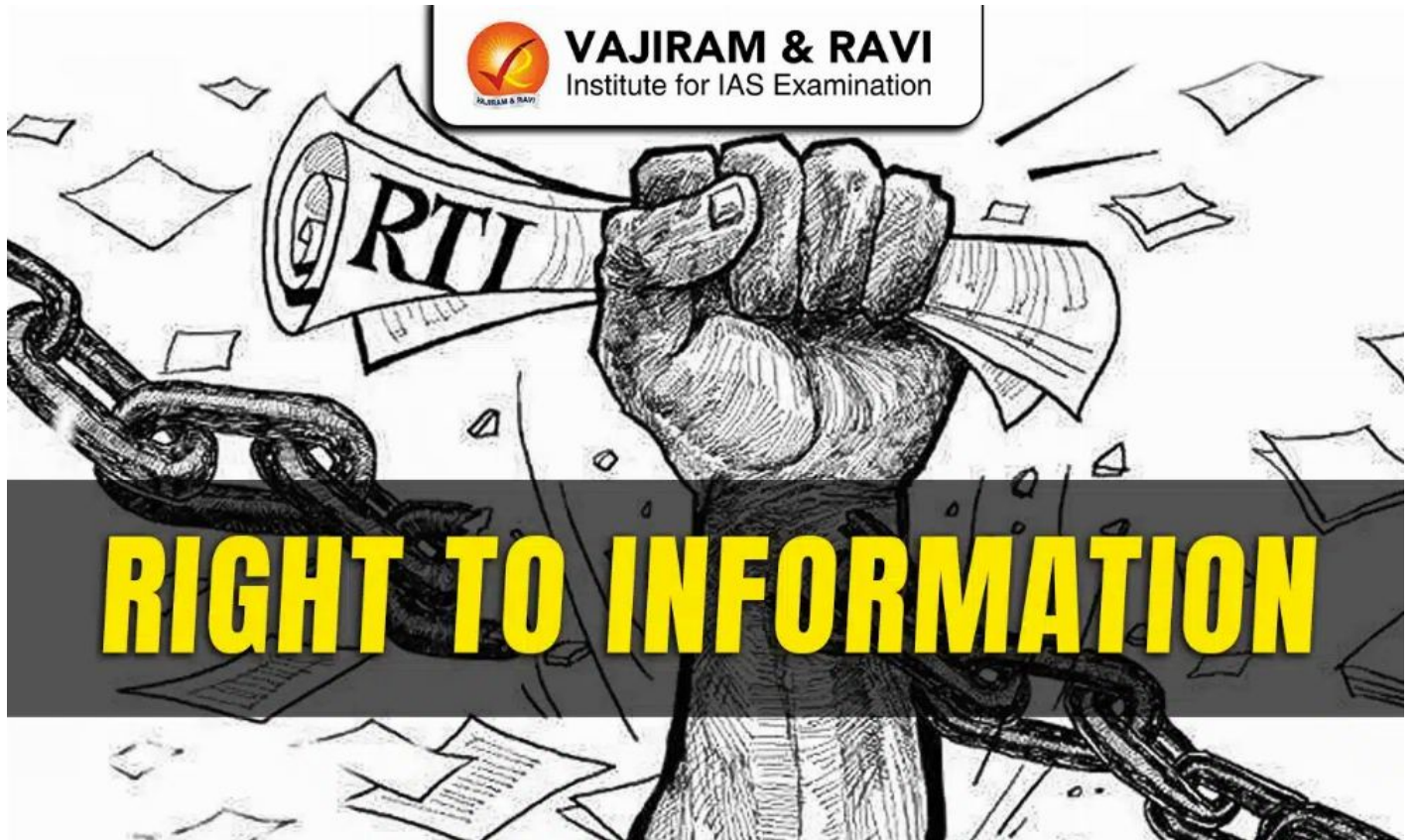


Right to Information (RTI) Act 2005, Objectives, Provisions, Challenges

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The RTI Act of 2005 was created to provide citizens with access to information from their government through authorised agencies. The Act is intended to provide citizens with greater transparency, accountability, and the ability to engage in democratic activities.

This article provides evolutions, objectives, important provisions, challenges, recent amendments and Supreme Court judgements, along with its criticism and way forward.

Right to Information Act 2005

The Government of India enacted the Right to Information (RTI) Act, 2005, which allows Indian citizens to obtain any information that the Government or its institutions have available to them, thereby increasing accountability between the State and the people and enhancing the processes of democracy.

The RTI Act provides a mechanism by which citizens may request access to records and information located within the Government. The timeframe for a response is 48 hours for life and liberty situations and 30 days for all other

requests. The Act also establishes a formal procedure for Citizens to appeal against a denial of their request for information.

Right to Information Act 2005 Evolution

The evolution of the Right to Information Act 2005 has been highlighted below:

- **1976: Supreme Court recognition:** The Supreme Court, in the case of *Raj Narain v. State of Uttar Pradesh*, declared the right to information a **fundamental right** under **Article 19(1)(a) of the Constitution**.
- **1977-1980:** The demand for “open government” gained momentum after the Emergency period.
- **1990s:** Grassroots movements like the ***Mazdoor Kisan Shakti Sangathan (MKSS)*** led campaigns in Rajasthan and demanded transparency in public expenditure and government records.
- **1997:** Tamil Nadu became the first state to enact a state-level RTI law, followed by 8 other states.
- **2002:** The **Freedom of Information Act** was passed, but it was weak, and hence it was never implemented fully.
- **2005:** The RTI Act has replaced the earlier law, offering stronger provisions, broader coverage, and broader appeal mechanisms.

Right to Information Act 2005 Objectives

The Right To Information Act, 2005, aims to promote transparency and accountability in the operation of the Government, and thus enable citizens to hold their Governments accountable through the use of this legislation. The main purpose of the legislation is to improve and strengthen the functioning of democracy by allowing citizens to more effectively engage with government agencies and organisations.

- **Promote transparency** in the functioning of public authorities.
- **Ensure accountability** by making government officials answerable for their actions.
- **Empower citizens** to seek information affecting their lives and rights.
- **Reduce corruption** through public scrutiny of decisions and processes.
- **Strengthen participatory democracy** by encouraging citizen involvement in governance.
- **Make government records accessible** except those linked to national security or sensitive concerns.
- **Improve decision-making** by ensuring information flows openly within the system.

Right to Information Act 2005 Important Provisions

The Right To Information Act of 2005 is designed with numerous provisions to make it easier for individuals to access public records and obtain information from government agencies and organisations.

Under this law, every citizen in India can ask for access to information held by public authorities without having to give reasons for his/her requests.

In addition, the Act places a duty on public authorities to respond to requests for information within a specific period of time: information requested must be provided within **30 days** from the date of request, or within **48 hours for cases of life and liberty**.

- **Proactive Disclosure (Section 4):** Public authorities must regularly publish organisational details, functions, budgets, decisions, and other key documents.
- **Penalties:** PIOs face **finest up to ₹25,000** for delays or wrongful denial of information.
- **Appeals Mechanism:** Applicants can approach the First Appellate Authority and later the CIC or SIC if information is denied or unsatisfactory.
- **Digital records:** The Act encourages electronic storage and dissemination of information for better accessibility.

Exemptions from Disclosure under the RTI Act

RTI Act not only promotes openness, but also balances national interest, privacy, and sensitive information through specific exemptions listed under Section 8. These exemptions prevent disclosure of information that could harm national security, privacy, investigations, or diplomatic relations.

Information exempted under Section 8

- Information affecting India's **sovereignty, security, or strategic interests**.
- Information prohibited by a court or constituting **contempt of court**.
- Data that breaches **parliamentary privilege**.
- **Commercial confidence**, trade secrets, and intellectual property.
- Information received confidentially from a **foreign government**.
- Data that endangers the **life or safety** of any individual.
- Information affecting ongoing **investigations and prosecution**.
- **Cabinet papers** and deliberations.
- Personal information unrelated to public activity.

Section 24 exempts a total of **27** intelligence and security organisations. These include various agencies such as the Computer Emergency Response Team (CERT-In), Intelligence Bureau (IB), Research and Analysis Wing (RAW), Directorate of Enforcement (ED), and the National Technical Research Organisation (NTRO).

Central Information Commission

The Central Information Commission (CIC) is the highest appellate body under the RTI Act 2025, and is responsible for ensuring transparency and resolving disputes related to information access. It acts as an independent authority that reviews appeals when citizens are denied information by public authorities.

Central Information Commission Composition

- One Chief Information Commissioner (CIC)
- **Up to ten Information Commissioners (ICs)**
- Members are appointed by the **President of India**
- Appointment is based on the recommendation of a committee which comprises the **Prime Minister (Chairperson)**, the **Leader of Opposition in Lok Sabha**, and a **Union Cabinet Minister nominated**

by the Prime Minister.

Challenges in the Implementation of the RTI Act

- **Non-Functional Commissions:** Many CICs and SICs operate **understaffed or without heads**, causing inefficiencies.
- **Weak Enforcement:** Penalties for PIOs are applied in only about **2% of eligible cases**, reducing accountability.
- **Transparency Deficits:** Proactive disclosure under Section 4 is inconsistently implemented; many commissions fail to publish **annual reports**.
- **Low Public Awareness:** Awareness is particularly low among **women, rural populations**, and marginalised groups; only **48% of citizens** dissatisfied with PIO responses know about filing appeals (Section 18).
- **Application Submission Issues:** Mandatory **user guides (Section 26)** are often missing, standard forms may not exist, submission channels are limited, and payment options are inconvenient.
- **Poor Information Quality:** Inadequately trained PIOs provide incomplete or unclear information; inspection facilities are rarely used due to lack of training.
- **Ineffective Record Management:** Weak systems for managing and retrieving records delay RTI processing.
- **Executive Apathy:** The **RTI Amendment 2019** reduced the autonomy of commissions, reflecting limited government commitment.

Recent Amendments and Supreme Court Judgments on the RTI Act

The RTI Act has undergone key amendments and judicial interpretations that shape its current implementation. **The RTI (Amendment) Act, 2019** allows the central government to decide the tenure, salaries, and service conditions of Information Commissioners, which has raised concerns about reducing their independence.

Digital Personal Data Protection (DPDP) Act, 2023: This act amended **Section 8(1)(j) of the RTI Act 2005**, strengthening the exemption for “**personal information**”. The previous version allowed for disclosure of personal information if a “larger public interest” justified it. The new provision removes this override, potentially shielding more information about public servants, such as asset declarations or qualifications.

- **Association for Democratic Reforms (ADR) v. Union of India, 2013:** It mandated disclosure of criminal records of electoral candidates.
- **CBSE vs Aditya Bandopadhyay, 2011:** Students can access their evaluated answer sheets.
- **RBI vs Jayantilal Mistry, 2015:** Bank inspection reports can be disclosed for transparency in financial institutions.
- **Office of the Chief Justice of India Case, 2019:** Brought the office of the CJI under RTI, enhancing accountability in the judiciary.

Right to Information Act 2005 Criticism

- **Delays and Backlogs:** Thousands of RTI applications and appeals remain pending, causing delays of months or years in receiving information.
- **Weak Enforcement:** Penalties for non-compliance by Public Information Officers (PIOs) are rarely imposed, reducing accountability.
- **Reduced Autonomy of Commissions:** The **RTI Amendment Act 2019** allows the government to decide tenure, salaries, and service conditions of Information Commissioners, raising concerns over executive influence.
- **Threats to RTI Activists:** Citizens using RTI to expose corruption or mismanagement often face intimidation, harassment, or violence.
- **Overuse of Exemptions:** Broad or vague exemptions under Section 8 and Section 24 limit access to critical information, undermining transparency.
- **Poor Record-Keeping:** Inadequate document management and lack of digitization delay responses and reduce the quality of information provided.
- **Administrative Gaps:** Lack of trained personnel, insufficient infrastructure at local levels, and low motivation among PIOs hinder proper implementation.
- **Limited Public Awareness:** Many citizens, especially in rural areas and marginalised groups, are unaware of their RTI rights or appeal mechanisms.

Way Forward

- **Fill Vacancies in Commissions:** Prompt appointment of Chief Information Commissioners and Information Commissioners to reduce backlogs.
- **Strengthen Enforcement:** Strictly impose penalties on PIOs who delay or deny information.
- **Digitise Records:** Promote electronic record-keeping and online RTI filing to speed up access.
- **Public Awareness Campaigns:** Educate citizens, especially rural populations and marginalised groups, about RTI rights and appeal procedures.
- **Protect RTI Activists:** To ensure legal and physical protection for citizens exposing corruption or maladministration.
- **Improve Infrastructure:** To allocate adequate resources, especially at the Block and Panchayat levels, for smooth RTI implementation.
- **Increase PIO Motivation:** To provide training, incentives, and support systems to encourage proactive information disclosure.
- **Enhance Transparency in Governance:** Encourage proactive disclosure of government functions, decisions, and budgets under Section 4.

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