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RIGHT TO INFORMATION ACT, 2005: A BRIDGE BETWEEN CITIZENS AND ADMINISTRATIVE DECISION-MAKING IN INDIA

~Nisha Dalal

ABSTRACT

The Right to Information Act, 2005 has emerged as an essential legal framework for promoting transparency, accountability, and participatory democracy in India. This article examines the historical evolution and constitutional foundation of the Act and highlights how the demand for transparency developed from grassroots movements into a statutory right guaranteed to citizens. The article primarily focuses on the role of the RTI Act as a bridge connecting citizens with administrative authorities by enabling public participation in governance, ensuring access to governmental information, and strengthening accountability in administrative decision-making. It further discusses the significance of RTI in reducing corruption, improving administrative efficiency, empowering informed citizenship, and promoting good governance in a democratic society. In addition, the article analyses the major challenges affecting the implementation of the Act, including privacy concerns, bureaucratic reluctance, judicial inconsistencies, institutional delays, and threats faced by RTI activists. The study concludes that despite several practical challenges, the RTI Act continues to function as an important instrument for strengthening democratic governance and fostering a transparent relationship between citizens and the State.

Keywords: Right to Information Act, 2005; Transparency; Accountability; Good Governance; Participatory Democracy; Administrative Decision-Making; Citizen Participation; Constitutional Rights; Public Authorities; Democratic Governance.

INTRODUCTION

“Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing”- Justice PN Bhagwati

In the early 1990s, villagers in Rajasthan working as labourers around Devdungri and Beawar in Rajasthan were employed in government drought relief and road construction projects. Despite working for long hours many workers were either underpaid or denied wages altogether. After approaching local officials for information, they were told that according to official records full payment had already been made. The labourers many of whom were illiterate, demanded to access master rolls and expenditure records and a public hearing was organised by *Mazdoor Kisan Shakti Sangadhan*¹, where these records were finally read aloud which exposed Fake entries, ghost workers, and misuse of public funds. This grassroots struggle for Transparency eventually became the foundation of the Right to Information Act, 2005, which transformed citizens from passive observers into active participants in administrative decision making body.

Right to Information Act, 2005 ²a landmark legislation enacted by India parliament for promoting Transparency, Accountability, and openness in the functioning of public authorities and for the welfare of society. This legislation empowers the citizens to request data from public authorities, which includes bodies established by the constitution or parliament, as well as certain private entities funded by the state. Notable legal precedents have clarified the act's reach, such as the ruling that the chief Justice of India's office falls under its jurisdiction.

This Act came into force on 12 October, 2005 and establishes the mechanism through which citizens are request information from Public authorities. It mandates public information officers (PIOs)³ to provide the requested information within a prescribed time limit, generally within thirty Days. The act also establishes central and state information commissions to hear appeals and complaints related to denial of information.

Right to information is the fundamental right guaranteed by *Article 19(1)(a)*⁴, This right ensures communication and the receipt of the information as without adequate information a

¹ Aruna Roy & Nikhil Dey, *“The Right to Information Movement in India: The People's Power for Transparency and Accountability”*

² Right to Information Act, 2005, No. 22 of 2005, Government of India.

³ Section 5 Designation of Public information officers, RTI Act, 2005

⁴ Constitution of India- article 19(1)(a)

person cannot take informed decision in country. The Act delivers citizens of India the legal Right to access information held by government bodies and public institutions, thereby enabling citizens to participate more effectively in democratic governance.

HISTORICAL BACKGROUND OF RTI IN INDIA

The evolution of the *Right to Information Act, 2005*⁵ symbolises as a significant shift in Indian democratic governance from a culture of secrecy toward a framework based upon transparency, accountability, and participatory administration. The Act developed through constitutional interpretations, judicial pronouncements, grassroots movements, and international democratic influences.

Historically, the Indian administrative system inherited a colonial culture of confidentiality from the British regime. During colonial rule, governance largely functioned under secrecy, particularly through the enactment of the *Official Secrets Act, 1923*⁶, restricting public access to governmental records and official information. Even after independence, this bureaucratic tendency towards secrecy continued, this limited the citizen participation in administrative decision-making.

The constitutional foundation of the Right to Information drawn from Article 19(1)(a) of the Constitution of India, which guarantees the freedom of speech and expression. Although the Constitution does not explicitly mention the “Right to Information,” the judiciary gradually expanded the scope of Article 19(1)(a) to include the “right to know.” *In State of Uttar Pradesh v. Raj Narain (1975)*⁷, the Supreme Court held that citizens possess a fundamental right to know about the acts of their government, since transparency is indispensable in a democratic polity.

Subsequently, international developments also influenced India’s movement toward transparency. **The Universal Declaration of Human Rights, 1948** and the **International Covenant on Civil and Political Rights (ICCPR), 1966** recognized access to information as an essential component of freedom of expression and democratic governance. These global democratic norms led to demands for openness and accountable administration within India.

⁵ Right to Information Act, 2005, No. 22 of 2005, Government of India.

⁶ Official Secrets Act, 1923, No. 19 of 1923, Government of India.

⁷ Indian Kanoon- State of Uttar Pradesh v. Raj Narain, (1975)

The most decisive impetus for the RTI movement emerged from grassroots activism during the 1990s. **The Mazdoor Kisan Shakti Sangathan (MKSS)**, led by social activists such as Aruna Roy in Rajasthan, played a transformative role in mobilizing public demand for transparency. Rural workers and villagers demanded access to records relating to wages, development expenditures, and public works in order to expose corruption and misappropriation of funds. Through public hearings, commonly known as *Jan Sunwais*, the movement demonstrated how secrecy in administration adversely affected ordinary citizens. Consequently, the demand for transparency evolved into a nationwide campaign advocating the citizen's "right to know."

Before the enactment of a central legislation, several states introduced their own right to information laws. States such as Tamil Nadu, Goa, Rajasthan, and Maharashtra enacted state-level transparency laws during the late 1990s and early 2000s. These legislative experiments indicated both the feasibility and necessity of a comprehensive national law on access to information.

Thereafter, the Central Government enacted the Freedom of Information Act, 2002. However, the legislation was criticized for lacking effective implementation mechanisms and enforcement provisions. Owing to its limited practical utility, demands for a stronger and more citizen-centric law continued.

In response to sustained public pressure, judicial encouragement, and civil society advocacy, Parliament enacted the Right to Information Act, 2005, which came fully into force on 12 October 2005. The Act established a statutory framework empowering citizens to seek information from public authorities and imposing an obligation upon government institutions to maintain transparency and accountability in governance.

Thus, the Right to Information Act, 2005 emerged as the culmination of constitutional values, judicial activism, democratic movements, and societal demands for transparent governance. It fundamentally transformed the relationship between citizens and the State by recognizing access to information as an essential prerequisite for participatory democracy and good governance.

RTI AS A BRIDGE BETWEEN CITIZENS AND ADMINISTRATIVE DECISION MAKING

The Right to Information (RTI) Act serves as a functional bridge between citizens and administrative decision-making by fostering transparency, accountability, and empowerment in the following ways:

Empowering Informed Citizenship: The act was designed to ensure India becomes a model democratic country by providing citizens with the information they require from the government. It shifts the "privilege" of accessing government information from high-ranking officials and Members of Parliament to the common citizen, thereby narrowing the gap between the administration and the public. For instance during the Adarsh Housing Society Scam⁸, RTI activists used information obtained under the RTI Act to expose irregularities in the allotment of flats meant for Kargil war heroes and widows.

Improving Administrative Performance: The RTI Act acts as a bridge by creating an environment where the government knows its actions are transparent, because officials are aware that the public will eventually get to know about their actions, Therefore they improves their efficiency, for instance In 2026, the Central Information Commission imposed a penalty on an official of ESIC Dental College, Delhi, for failing to provide CCTV footage related to a ragging incident. The decision reinforced that public institutions must remain accountable and transparent in their functioning.

Accessing the Decision-Making Process: Citizens have the right to request records, circulars, vacancy or employment status in government department and even the opinions of bureaucrats or ministries before a final decision is reached. This allows the public to understand the rationale and various perspectives that shaped a specific administrative outcome.

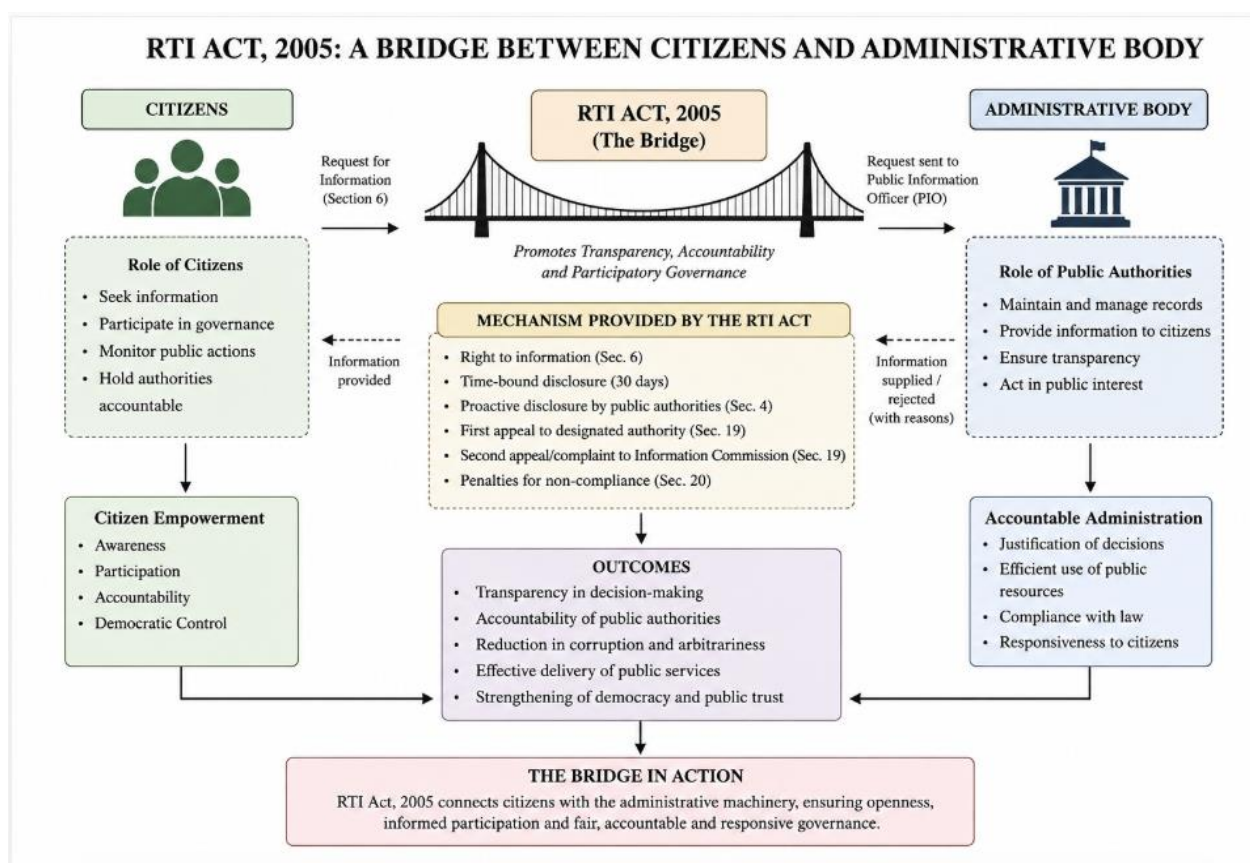
Ensuring Contractual and Financial Transparency: details of the contract can be made access to the public for scrutiny and proper utilization of resources. Under *section 4 of RTI act 2005*⁹ Proactive disclosure of information regarding public funds, subsidies and concessions, ensuring Transparency and Accountability.

⁸ Times of India

⁹ Right to Information Act, 2005, § 4, No. 22 of 2005, Government of India.

RTI Process in action and legally binding: RTI process works in five simple steps first identify the department from where information needs to be taken, followed by drafting a request with clear application with no reason specified, after that paying a nominal fees of 10 rupees, then submitting to Public Information Officer through online or post and after which response by respective department within 30 days. This empowers citizens to get information easily and effectively.

Oversight of Impactful Organizations: The Bridge extends even to non-traditional bodies; for instance, the Supreme Court ruled that the BCCI must fall under the RTI because its decisions impact huge populations and people should have the right to ask questions about those decisions.



Source: Internet¹⁰

¹⁰ Google Official Website.

CHALLENGES IN IMPLEMENTATION OF RTI ACT

Unclear Interpretation of “Personal Information” According to the provisions of the Right to Information Act, 2005 information available to Parliament should also be accessible to citizens. The absence of a precise definition of “personal information” has enabled public authorities to deny several legitimate RTI requests. Such ambiguity often reduces administrative transparency. For instance Asset declarations of public servants are frequently withheld despite being compulsory under service regulations, thereby restricting public accountability.

Excessive Reliance on Privacy Exemptions Authorities frequently invoke Section 8(1)(j) of the RTI Act to deny disclosure by citing privacy concerns, even in matters involving larger public interest. This practice weakens the role of RTI as an instrument for ensuring transparency and combating corruption. Privacy arguments have been used to resist disclosure of information relating to electoral funding, despite concerns regarding transparency in political finance.

Divergent Judicial Approaches Judicial decisions concerning the relationship between the right to privacy and the right to information have not always been uniform. Varied of rulings by court on privacy vs. Public interest, which led to uncertainty in RTI implementation., The differing interpretations adopted by courts have created uncertainty in the practical implementation of the RTI Act. In *Reserve Bank of India v. Jayantilal N. Mistry*, the Supreme Court supported disclosure of information related to bank defaulters in public interest, whereas later decisions reflected a comparatively restrictive stance toward such disclosures.

Inadequate Legal Framework on Data Protection There is absence of a well-defined and comprehensive privacy framework has contributed to inconsistent decisions regarding disclosure of information. Although the Digital Personal Data Protection Act, 2023 introduced data protection measures, concerns remain regarding its implications for transparency under the RTI regime. Amendments associated with the Act have limited access to personal information of public officials without clearly specifying the extent to which public interest considerations should prevail.

Administrative Hesitation in Disclosure or bureaucratic reluctance Public officials often adopts a cautious approach while handling RTI applications due to fear of legal, political, or

departmental consequences. As a result, exemptions related to privacy or confidentiality are sometimes applied excessively, even in cases involving significant public concern.

Massive Backlogs and disposal of cases as Information Commissions in India continue to face a severe backlog of appeals and complaints due to the inadequate appointment of Information Commissioners. This institutional shortage delays the disposal of cases, thereby weakening the effectiveness of the Right to Information Act, 2005 and restricting timely access to information. The statutory requirement of providing information in 30 days repeatedly violated as there is excessive workload on PIOs and lack of administrative capacity with insufficient infrastructural support.

Threats to whistle-blowers and social activists, RTI activists and whistle-blowers who work to expose corruption or lapses in administration are more susceptible as they often face Harassment, Physical violence, and creating a chilling effect on the use of the act.

SUGGESTIONS

To effectively address the challenges arising from the conflict between transparency and privacy and to strengthen relation between citizens and administrative authority in decision making, there is a need to reinforce the legal and institutional framework governing the Right to Information Act, 2005. The term “personal information” should be clearly defined to prevent arbitrary denial of information by public authorities. Privacy exemptions under Section 8(1)(j) must be applied cautiously, predominantly in the matters involving corruption, misuse of public office, or larger public interest. Further, uniform judicial guidelines should be developed to ensure consistency in balancing the right to privacy with the right to information. The provisions of the Digital Personal Data Protection Act, 2023 should also be harmonized with the RTI framework so that data protection does not undermine governmental transparency. In addition, regular training of Public Information Officers (PIOs), strengthening of Information Commissions, timely disposal of appeals, and promotion of proactive disclosure through digital governance can significantly improve transparency, accountability, and citizen participation in democratic governance.

CONCLUSION

RTI is vital legal framework emerged as a powerful instrument for ensuring transparency, accountability and good governance through participation of citizens in governance. By

enabling citizens to access governmental information and monitoring administrative functioning, the act bridges the gap between citizens and administrative authorities.

Although certain challenges continue to affect its implementation, the RTI act remains an essential pillar of democratic governance in India. Effective implementation of Act can further strengthen public trust, reduce corruption, and promote responsible administration in the country.

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