
A CRITICAL AND EMPIRICAL STUDY OF THE RIGHT TO INFORMATION ACT, 2005, ITS 2019 AND 2023 AMENDMENTS, AND ITS INSTITUTIONAL PERFORMANCE IN INDIA

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ABSTRACT

Citizens in a democracy can only hold their government accountable if they know what it is doing. The Right to Information Act, 2005 gives Indian citizens a legal route to information held by public authorities, and this paper examines how that right took shape, how it has been used, and where it now stands after two significant legislative amendments.

The paper traces the RTI movement's history in India, the court decisions that built its constitutional foundation, the Act's key provisions, and the practical process for filing a request. It critically examines the Right to Information (Amendment) Act, 2019 and the 2023 amendment to Section 8(1)(j) introduced through the Digital Personal Data Protection Act, and asks whether these changes have weakened the institutional independence and disclosure mandate the original Act was built on. Drawing on recent Central Information Commission and Satark Nagrik Sangathan data (2019–2025), it also assesses the Act's practical performance application volumes, pendency, and enforcement against its statutory design.

The RTI Act has undeniably opened up Indian governance in ways that were not possible before 2005. But its record is uneven. Pendency across Indian Information Commissions has risen sharply over the same period in which the 2019 amendment took effect, and the 2023 amendment to the personal-information exemption has narrowed what can be disclosed at the same time. This paper argues that the timing and direction of these amendments are consistent with though not, on the present data, conclusive proof of a compounding of pre-existing implementation problems, rather than a resolution of them. Closing the resulting gap will require both administrative reform and a legislative course correction, not further dilution of the disclosure mandate.

Keywords: Right to Information; RTI Act, 2005; Transparency; Accountability; Information Commission; RTI (Amendment) Act, 2019; Digital Personal Data Protection Act, 2023; Governance; Corruption; India; Article 19(1)(a).

Research Questions

RQ1. How did Indian courts construct a constitutional foundation for the right to information under Article 19(1)(a) before a dedicated statute existed?

RQ2. To what extent has the RTI Act, 2005 achieved its stated objectives of transparency, accountability, and reduced corruption in practice?

RQ3. What changes did the RTI (Amendment) Act, 2019 and Section 44(3) of the Digital Personal Data Protection Act, 2023 make to the RTI framework, and what do critics and the government each argue about their effect?

RQ4. What does recent institutional performance data (2019–2025) reveal about the gap between the RTI Act’s statutory design and its practical implementation?

Research Methodology

This paper uses doctrinal legal research, supported by secondary quantitative data, rather than primary fieldwork. The doctrinal component analyses the constitutional text, the RTI Act, 2005,¹ the RTI (Amendment) Act, 2019,² the Digital Personal Data Protection Act, 2023,³ and the leading judicial decisions interpreting them, using a Bluebook citation format (19th/20th ed.) adapted for Indian case reporters. This adaptation is not an officially recognised Bluebook variant; it follows common Indian legal-academic convention, as noted again with the footnote citations below.

The empirical component draws on secondary statistical sources: annual and special reports of the Central Information Commission, the Department of Personnel and Training, and independent civil-society assessments principally the Satark Nagrik Sangathan / RTI Assessment and Advocacy Group “Report Card of Information Commissions” series (individual editions cited by year against each figure used, see Table 1) and Commonwealth Human Rights Initiative data compilations, which are the most consistently cited independent sources for pendency and disposal figures in the absence of a single unified government dataset.

¹ Right to Information Act, No. 22 of 2005, INDIA CODE (2005).

² Right to Information (Amendment) Act, No. 24 of 2019, INDIA CODE (2019).

³ Digital Personal Data Protection Act, No. 22 of 2023, § 44(3), INDIA CODE (2023).

The study is qualitative and interpretive in its treatment of statistics; it does not generate new primary data and does not claim statistical precision beyond what the cited sources themselves claim. Its scope is limited to the central RTI framework and does not undertake a state-by-state comparative analysis, which the paper flags as a direction for further research. Because the paper relies on trend data rather than a counterfactual or discontinuity design, it treats its own causal claims about the 2019 and 2023 amendments as provisional—a limitation discussed explicitly in the Critical Analysis section below, and reflected in the deliberately qualified language of the Abstract and Conclusion.

Introduction

Democracy runs on information. If citizens do not know what their government is doing with public money and public power, they cannot really participate in it—they can only guess. That is the basic logic behind the Right to Information: give people a legal way to find out what public authorities are doing, and government stops being something that happens to people and starts being something they can watch.

In practical terms, the right lets citizens ask public authorities about decisions, policies, spending, and administration, and get answers. It puts pressure on institutions to keep clean records and explain themselves, because someone might ask.

India's Right to Information Act, 2005 turned this idea into law. It came into force on 12 October 2005, replacing the earlier Freedom of Information Act, 2002, which had mostly failed to do what it promised.⁴ The RTI Act covers nearly every public authority in the country and sets out a clear process for requesting information.

Since then, RTI has been used to expose corruption, flag administrative failures, and force accountability in departments that had operated largely unchecked. People have used it to check on welfare schemes, recruitment drives, development projects, schools, and how public money moves.

The picture has since become more complicated. Two legislative interventions—the RTI (Amendment) Act, 2019 and Section 44(3) of the Digital Personal Data Protection Act, 2023

⁴ Freedom of Information Act, No. 5 of 2003, INDIA CODE (2003). Formally titled the Freedom of Information Act and commonly dated to 2002, the statute received Presidential assent and was enacted as Act No. 5 of 2003; this paper follows common usage in referring to it as the “2002 Act.”

have altered the institutional and disclosure architecture the original Act relied on, and this paper treats both as central to any current assessment of the Act rather than as footnotes to it.

That said, the Act has not run smoothly even setting the amendments aside. Responses get delayed, staff are stretched thin, records are often a mess, and the law itself gets misused sometimes. Even so, RTI remains one of the more effective tools Indian citizens have for making government answer to them which is precisely why its recent dilution matters.

Literature Review

Scholarship on India's right to information falls into a few identifiable strands, and reading them together exposes a gap this paper tries to address: much of the existing work is either doctrinal-legal or activist-empirical, with comparatively little that connects judicial doctrine directly to institutional performance data.

Theoretical and Political-Economy Literature

The foundational academic account remains Jenkins and Goetz's 1999 study of the Mazdoor Kisan Shakti Sangathan campaign, which framed the demand for information as a form of social accountability distinct from formal, vertical accountability through elections or courts.⁵ Their argument that access to official records allows ordinary people to conduct their own audits, rather than waiting for the state to audit itself has shaped almost all subsequent Indian scholarship on the subject, including later work by the same authors on hybrid accountability institutions.

This literature treats RTI less as a piece of administrative law and more as a redistribution of informational power, which is a useful corrective to purely doctrinal readings of the Act: it explains why implementation, not drafting, has consistently been the harder problem.

Comparative and Cross-National Literature

A separate, more quantitative literature situates India within a global wave of freedom-of-information laws. Relly and Sabharwal's cross-national study of transparency perceptions found that formal legal guarantees of access correlate only weakly with actual government

⁵ Rob Jenkins & Anne Marie Goetz, *Accounts and Accountability: Theoretical Implications of the Right-to-Information Movement in India*, 20 *THIRD WORLD Q.* 603 (1999).

openness unless matched by administrative capacity and a free press,⁶ a finding that anticipates much of what Indian civil-society assessments have since documented empirically a strong law with weak enforcement machinery underneath it.

Institutional Assessment Literature

Because no single government body publishes a unified, continuous dataset on RTI performance, the empirical picture in India has been built largely by independent assessments. The Right to Information Assessment and Advocacy Group, working with the Satark Nagrik Sangathan and the Centre for Equity Studies, has run a periodic national assessment since shortly after the Act's passage, tracking application volumes, response rates, and appellate pendency across the Central Information Commission and the State Information Commissions.⁷ The Commonwealth Human Rights Initiative has independently compiled and cross-checked much of the same data, particularly on RTI activist safety and information-commission vacancies.⁸

Post-2019 Legal Commentary

A more recent strand of legal writing responds directly to the 2019 amendment, generally arguing that shifting control over Information Commissioners' tenure and salary to the Central Government compromises the quasi-judicial independence the original Act was designed to protect.⁹ This literature tends to be doctrinal and constitutional in method testing the amendment against Article 14 and federalism principles rather than empirical, which is where this paper's engagement with recent Central Information Commission and Satark Nagrik Sangathan data adds something the doctrinal literature alone does not provide.

Gap in the Literature

Taken together, the theoretical literature explains why RTI matters, the comparative literature warns that legal guarantees alone are not enough, the institutional-assessment literature documents the resulting shortfall in numbers, and the post-2019 legal commentary explains the

⁶ Jeannine E. Relly & Meghna Sabharwal, Perceptions of Transparency of Government Policymaking: A Cross-National Study, 26 GOV'T INFO. Q. 148 (2009).

⁷ Satark Nagrik Sangathan, Report Card of Information Commissions in India, individual annual editions: 2019, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25.

⁸ Commonwealth Human Rights Initiative, RTI and the Protection of Information Seekers (annual reports).

⁹ Ankit Anand, Right to Information (Amendment) Act, 2019 – A Mockery on the Autonomy of Administration, 6 INT'L J.L. & SOC. SCI. 1 (2020).

doctrinal objections to the amendments. What is comparatively rare is work that reads these threads together asking whether the 2019 and 2023 amendments are best understood as a cause of the institutional numbers getting worse, or simply as confirmation of a pre-existing enforcement weakness the amendments have made harder to fix. This paper treats that question as its central contribution, while as noted in the Methodology above treating its own answer to that question as provisional rather than conclusively established.

Objectives of the RTI Act

The Act was built around a few connected goals:¹⁰

- Give citizens legal access to information held by public authorities
- Push government functioning toward transparency rather than secrecy
- Hold public officials and institutions accountable for what they do
- Open government spending and decisions to public scrutiny, as a check against corruption
- Build a citizenry informed enough to participate meaningfully in democratic processes
- Rebuild trust between citizens and the state through openness
- Set up Information Commissions to oversee and enforce the law
- Make sure information actually gets delivered, and within a set time
- Push public authorities toward better record-keeping and administrative efficiency
- Strengthen democratic governance more broadly

History of the Right to Information Before the RTI Act, 2005

The right to information did not arrive fully formed with the 2005 Act. It built up gradually,

¹⁰ See Second Administrative Reforms Commission, First Report: Right to Information – Master Key to Good Governance, Government of India.

through constitutional interpretation, court rulings, grassroots campaigns, and a couple of false starts in Parliament, over roughly three decades.

1. Constitutional Foundation

The Constitution does not name a “right to information” anywhere. What it has is Article 19(1)(a)¹¹ freedom of speech and expression and Indian courts spent decades reading a right to information into that clause.

The reasoning was fairly simple: free speech does not mean much if you have nothing to say, because no one told you anything. To speak meaningfully about public affairs, people first need to know what those affairs actually are. Courts picked up on this and gradually treated the right to receive information as bound up with the right to express it.

That interpretive move is really where India’s RTI framework starts.

Justice Mathew in *State of U.P. v. Raj Narain* (1975)

The clearest early statement of this came from Justice Mathew in *State of U.P. v. Raj Narain*.¹² He argued that in a democracy, people are entitled to know how their government actually functions.

His reasoning: government officials work for the public, not the other way around, so the public has a legitimate stake in seeing how power is used. The case is usually treated as the starting point of RTI jurisprudence in India.

Judicial Interpretations and Important Case Laws

***State of U.P. v. Raj Narain* (1975).**¹³ This is usually cited as where India’s RTI movement effectively begins. The Court recognized that the public has a right to know about government activity, and tied that recognition directly to democratic accountability. Its real contribution was rejecting secrecy as a default setting for administration. Citizens, the Court said, had a legitimate claim to see inside government it was not supposed to be a black box.

¹¹ INDIA CONST. art. 19, cl. 1(a).

¹² *State of U.P. v. Raj Narain*, (1975) 4 SCC 428 (India).

¹³ *Supra* note 12.

S.P. Gupta v. Union of India (1981).¹⁴ Known as the Judges' Transfer Case, this decision pushed the same idea further. The Court framed disclosure as the rule and secrecy as the exception not the other way around. Open government, the Court reasoned, was what made accountability and public confidence possible in the first place.

Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal (1995).¹⁵ Here the Court tied the right to receive information explicitly to Article 19(1)(a), holding that free expression includes the right to receive information, not just transmit it. This widened the constitutional reading of Article 19(1)(a) considerably, and reinforced the idea that democratic participation depends on access to information.

People's Movements and Public Demand for RTI

Mazdoor Kisan Shakti Sangathan (MKSS). Court judgments built the constitutional case, but the political push for an actual law came from the ground up most notably from the Mazdoor Kisan Shakti Sangathan, founded by Aruna Roy, Nikhil Dey, and Shankar Singh in Devdungri, Rajasthan, on 1 May 1990.¹⁶

MKSS worked with rural laborers and villagers who suspected that official wage records and development spending did not match what was actually happening in their villages. So they organized Jan Sunwais public hearings where official paperwork was read aloud and checked against what people had actually experienced.

The hearings turned up fake entries, inflated wage rolls, and outright theft of development funds. It was a simple but effective demonstration: give people the records, and they can catch the lies themselves. MKSS's work became one of the strongest arguments for a national RTI law, and remains the primary case study in the academic literature on social accountability discussed above.

National Campaign for People's Right to Information (NCPRI). Formed in 1996, the NCPRI brought together lawyers, journalists, academics, and activists around a single goal: a

¹⁴ S.P. Gupta v. Union of India, 1981 Supp SCC 87 (India).

¹⁵ Sec'y, Ministry of Info. & Broad. v. Cricket Ass'n of Bengal, (1995) 2 SCC 161 (India).

¹⁶ Aruna Roy, "The Right to Information Movement in India: A People's Movement for Transparency and Accountability," Economic and Political Weekly; see also Commonwealth Human Rights Initiative, RTI and the Protection of Information Seekers (annual reports).

national law guaranteeing access to information.

The campaign spent years lobbying, raising public awareness, and keeping transparency on the political agenda work that fed directly into the eventual passage of the RTI Act in 2005. As discussed further below, the NCPRI has also been one of the leading petitioners challenging both the 2019 and 2023 amendments.

State RTI Laws Before 2005

Several states had already passed their own right-to-information laws before Parliament acted, including:

- Tamil Nadu (1997)
- Goa (1997)
- Rajasthan
- Delhi
- Maharashtra

These state laws varied a lot in how well they actually worked, but they mattered anyway they proved the demand was real, and they gave lawmakers something to learn from when drafting a national law.

Freedom of Information Act, 2002

Parliament's first attempt at a national law was the Freedom of Information Act, 2002.¹⁷ On paper, it gave citizens access to information held by public authorities.

In practice, it did not work. The provisions were vague, enforcement was weak or missing, and the Act was never really brought into force in any meaningful way.

The government's response was to scrap it and start over, which produced the RTI Act, 2005 a considerably stronger law with real enforcement teeth. It replaced the 2002 Act outright and

¹⁷ Supra note 13.

went on to become one of India's most consequential transparency laws.

After the RTI Act, 2005

When the RTI Act took effect on 12 October 2005, it changed the basic terms of the relationship between citizens and government. Before that, getting information out of a government department was often a long, frustrating process departments defaulted to secrecy, and there was little citizens could do about it.

The Act gave people something they had not really had before: a legal right to ask, and a legal mechanism to make sure they got an answer. It also pushed public authorities to actually maintain their records properly and respond within a fixed timeframe.

In the years since, RTI has become one of the main tools journalists, researchers, and ordinary citizens use to dig up information on corruption, mismanagement, and delays in public services and to hold officials to account for what they find.

Recent Judgments Under the RTI Act

1. Central Board of Secondary Education v. Aditya Bandopadhyay.¹⁸ At issue here was whether students could see their own evaluated answer sheets. The Supreme Court said yes RTI covers this. The ruling gave students real leverage in dealing with educational institutions, and reinforced a broader principle: information held by public bodies should be available by default, not withheld unless the law specifically says otherwise.

2. Girish Ramchandra Deshpande v. Central Information Commission.¹⁹ This case asked whether personal information about a public servant had to be disclosed. The Court held that it could be withheld unless there was a genuine public interest at stake. It is a useful counterweight to the cases above a reminder that RTI's push for transparency has to be balanced against ordinary privacy, not treated as an automatic override. As discussed in the section on the 2023 amendment below, this balancing test is precisely what Section 44(3) of the Digital Personal Data Protection Act has since displaced.

¹⁸ Cent. Bd. of Secondary Educ. v. Aditya Bandopadhyay, (2011) 8 SCC 497 (India).

¹⁹ Girish Ramchandra Deshpande v. Cent. Info. Comm'n, (2013) 1 SCC 212 (India).

3. Reserve Bank of India v. Jayantilal N. Mistry.²⁰ The Supreme Court ordered the RBI to disclose specific information about banks and financial institutions, rejecting the argument that regulatory secrecy was justified here. The Court's reasoning was that public confidence in regulators depends on some degree of openness institutions cannot simply default to withholding information without a real justification.

4. Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal.²¹ This one asked whether the office of the Chief Justice of India itself counts as a "public authority" under the RTI Act, and separately laid down the proportionality test for balancing personal privacy against public interest under Section 8(1)(j). The Court held that the CJI's office is a public authority, and that personal information could still be disclosed where a larger public interest outweighed the privacy harm. That is a significant result on both counts it means no institution, including the judiciary, sits entirely outside RTI's reach, and it is also the proportionality standard that the 2023 amendment discussed below is alleged to have quietly overridden.

The RTI (Amendment) Act, 2019: A Critical Analysis

In July 2019, Parliament passed the Right to Information (Amendment) Act, 2019,²² which amended Sections 13, 16, and 27 of the parent Act. The amendment did not touch the citizen-facing provisions of the Act the right to request information, the response timelines, or the exemptions in Section 8 but it fundamentally changed how Information Commissioners are appointed, paid, and removed.

Under the original 2005 Act, the Chief Information Commissioner and Information Commissioners at both the Central and State level held office for a fixed five-year term (or until age sixty-five, whichever came first), and their salary, allowances, and service conditions were pegged to those of the Chief Election Commissioner and Election Commissioners constitutional functionaries with salary parity to Supreme Court judges. The 2019 amendment removed both of these fixed anchors and replaced them with terms "as may be prescribed" by the Central Government.

²⁰ Reserve Bank of India v. Jayantilal N. Mistry, (2016) 3 SCC 525 (India).

²¹ Cent. Pub. Info. Officer, Supreme Court of India v. Subhash Chandra Agarwal, (2020) 5 SCC 481 (India).

²² Supra note 2.

The government's stated justification was that the Election Commission is a constitutional body and the Information Commissions are statutory ones, so equating their status was, in its view, a category error that needed correcting. Critics, including the parliamentarian Shashi Tharoor, who called it an "RTI elimination Bill," argued that the real effect was to make Information Commissioners financially and professionally dependent on the executive branch whose conduct they are meant to scrutinise undermining the quasi-judicial independence the fixed term and salary parity were designed to protect.

The subsequent RTI Rules, 2019 gave that concern concrete form: new appointees would draw a salary roughly ₹25,000 below what existing commissioners were already earning (₹2.25 lakh a month for Information Commissioners against the earlier ₹2.50 lakh Election Commissioner parity), and the rules also dropped the earlier requirement that pension be deducted from the salary of commissioners who had previously served in government a change critics argue makes the post more attractive to recently retired bureaucrats already aligned with the government of the day, rather than less.

A separate federalism objection concerns State Information Commissions. Although states appoint their own State Information Commissioners and pay them from the state's Consolidated Fund, the 2019 amendment gave the Central Government the power to prescribe those commissioners' tenure and salary as well a structure critics have called constitutionally anomalous, since it makes a state-level body answerable, for its terms of service, to a government it was never institutionally accountable to. It was also passed without the pre-legislative public consultation that government policy otherwise calls for, which further fuelled the criticism that it was designed to avoid scrutiny rather than invite it.

On balance, the 2019 amendment is best read as a structural rather than a textual attack on the Act: it left citizens' right to ask unchanged on paper, while altering the incentives of the people responsible for enforcing that right against a reluctant bureaucracy. Whether that mattered in practice is a question the statistics in the following sections speak to directly.

The 2023 Amendment: Section 44(3) of the Digital Personal Data Protection Act

A second, more recent amendment came through the back door of an unrelated statute. Section 44(3) of the Digital Personal Data Protection Act, 2023²³ replaced Section 8(1)(j) of the RTI

²³ Supra note 3.

Act the exemption covering personal information. The relevant sub-sections of Section 44 were brought into force through a commencement notification dated 13 November 2025; the Digital Personal Data Protection Rules, 2025, which operationalise the Act more broadly, were separately notified the following day, 14 November 2025.²⁴ The two notifications are distinct instruments issued a day apart, though they are frequently and loosely referred to together as a single “13/14 November” package in secondary commentary.

Before the amendment, Section 8(1)(j) exempted personal information from disclosure only where it had no relationship to any public activity or public interest, or where disclosure would cause an unwarranted invasion of privacy but even then, a proviso allowed disclosure where the larger public interest justified it. That proviso is exactly what the Central Public Information Officer v. Subhash Chandra Agarwal proportionality test, discussed above, was built to apply.²⁵ The amended clause removes the proviso and exempts “information which relates to personal information” as a category, without the earlier balancing language.

Three linked writ petitions now before the Supreme Court filed by RTI activist Venkatesh Nayak (W.P.(C) No. 177/2026), by The Reporters’ Collective Trust and journalist Nitin Sethi (W.P.(C) No. 211/2026), and by the NCPRI (W.P.(C) No. 212/2026)²⁶ argue that the amendment converts a narrow, case-by-case privacy exemption into something closer to a blanket exclusion, since almost any government record can be characterised as containing “personal information” in some form, including asset declarations, disciplinary proceedings, and beneficiary lists for welfare schemes. Appearing for the petitioners, advocates including Vrinda Grover, Abhishek Manu Singhvi, and Prashant Bhushan argued the amendment was disproportionate to the privacy concern it addressed and stripped out the public-interest balancing test the RTI Act had always applied to personal information.

On 16 February 2026, a three-judge bench comprising Chief Justice Surya Kant and Justices Joymalya Bagchi and Vipul M. Pancholi declined to stay the provision, holding that it would not use an interim order to block a parliamentary enactment before a full hearing, but issued notice to the Union Government and referred the constitutional question including how to

²⁴ Digital Personal Data Protection Rules, 2025, Gazette of India (14 Nov. 2025); commencement notification bringing §§ 44(1), 44(3) of the Digital Personal Data Protection Act, 2023 into force, Gazette of India (13 Nov. 2025).

²⁵ Supra note 18.

²⁶ Venkatesh Nayak v. Union of India, W.P.(C) No. 177/2026; The Reporters’ Collective Trust v. Union of India, W.P.(C) No. 211/2026; NCPRI v. Union of India, W.P.(C) No. 212/2026 (Supreme Court of India, notice issued 16 Feb. 2026).

distinguish “public” from “personal” data under the RTI Act to a larger bench.²⁷ So the matter remains legally unsettled at the time of writing. What is not in dispute is the practical incentive the amendment creates in the meantime: Public Information Officers who disclose personal information risk exposure to the Digital Personal Data Protection Act’s own penalty regime, while withholding information under the amended Section 8(1)(j) carries comparatively little downside. That asymmetry, independent of how the constitutional challenge is eventually resolved, tilts the default toward refusal rather than disclosure.

Recent RTI Statistics: Institutional Performance, 2019–2025

Two independent data threads Central Information Commission annual returns for the Central Government, and the Satark Nagrik Sangathan / RTI Assessment and Advocacy Group series covering both Central and State Information Commissions give a reasonably consistent picture of the Act’s practical performance over the last several years. Read critically rather than descriptively, the trend lines below do not show a law that is simply “working with some delays”; they show pendency compounding at a rate that decision-making capacity has not kept pace with, across the same period in which the 2019 amendment took effect. As flagged in the Methodology and again in the Critical Analysis below, this is a trend observation, not on its own a causal finding.

Table 1. Aggregate pendency of appeals and complaints across Indian Information Commissions, 2019–2025

Reference Date	Aggregate Pendency	Commissions Reporting	Source (SNS Report Card edition)
31 March 2019	2,18,347	26 of 29	Report Card of Information Commissions, 2019 ed.
30 June 2021	2,86,325	—	Report Card of Information Commissions, 2020-21 ed. (Oct. 2021)
30 June 2022	~3,00,000	—	Report Card of Information Commissions, 2021-22 ed. (Oct. 2022)

²⁷ Supra note 20.

Reference Date	Aggregate Pendency	Commissions Reporting	Source (SNS Report Card edition)
30 June 2023	3,21,537	27 of 29	Report Card on the Performance of Information Commissions in India, 2022-23 ed. (Oct. 2023)
30 June 2024	4,05,509	29 (7 defunct for part of the year; 4 still defunct)	Report Card of Information Commissions, 2023-24 ed. (Oct. 2024)
30 June 2025	4,13,972	29 (6 defunct for part of the year)	Report Card of Information Commissions, 2024-25 ed. (Oct. 2025)

*Source: Satark Nagrik Sangathan / RTI Assessment and Advocacy Group, Report Card of Information Commissions in India, individual annual editions as cited in the right-hand column above (2019–2025).*²⁸

The pendency figures alone understate the problem, because they assume the commissions are actually functioning. They frequently are not: for the year to June 2024, seven of the 29 Information Commissions were defunct for at least part of the period (Jharkhand, Telangana, Goa, Tripura, Madhya Pradesh, Uttar Pradesh, and Chhattisgarh), with four Jharkhand, Telangana, Goa, and Tripura still without a single commissioner at year's end. For the year to June 2025, six were defunct for part of the period: Jharkhand, Himachal Pradesh, Telangana, Goa, Tripura, and Madhya Pradesh. A commission with no sitting commissioner cannot hear a single appeal, regardless of how quickly it might otherwise work through its backlog.²⁹

Enforcement has fared no better. Section 20 of the Act empowers commissions to fine a Public Information Officer up to ₹25,000 for unjustified delay or refusal, but the most recent assessment (covering July 2024 to June 2025) found that penalties were not imposed in roughly 98% of the cases where a penalty was potentially due.³⁰ A deterrent that is used in two cases out of a hundred is not functioning as a deterrent.

²⁸ Supra note 8.

²⁹ Report Card of Information Commissions, 2023-24 and 2024-25 editions, respectively; supra note 8.

³⁰ Report Card of Information Commissions, 2024-25 ed.; supra note 8.

Table 2. RTI Act, 2005 compared with the RTI (Amendment) Act, 2019: Sections 13 and 16

Provision	Position under the RTI Act, 2005	Position after the 2019 Amendment
Tenure of CIC / ICs (Centre)	Fixed five-year term, or until age 65, whichever earlier	Term “as may be prescribed” by the Central Government
Salary of CIC / ICs (Centre)	Equal to the Chief Election Commissioner / Election Commissioners	Salary “as may be prescribed” by the Central Government
Tenure / salary of SCIC / SICs (States)	Fixed by the parent Act; equal to an Election Commissioner	Prescribed by the Central Government, though paid from the State’s Consolidated Fund
Pension deduction for ex-government appointees	Pension deducted from salary	Provision removed

Source: Right to Information Act, 2005, §§ 13, 16, as amended by the Right to Information (Amendment) Act, 2019.³¹

Table 3. RTI applications filed with Central Government public authorities, per Central Information Commission Annual Reports

Year	Applications Filed (Central Public Authorities)	Change
2019–20	13.74 lakh	(baseline used by CIC for later comparisons)
2020–21	13.33 lakh	-2.95% (first full COVID-19 year)
2021–22	14.21 lakh	+6.55% over 2019-20

Separately, on the appellate side, 2,41,751 new appeals and complaints were registered with the 27 Information Commissions that supplied data between July 2024 and June 2025³² a different metric from first-instance applications, but one that, read against Table 1, confirms that inflow into the appellate system has kept climbing even as disposal has not kept pace. India

³¹ Supra notes 2, 4.

³² Report Card of Information Commissions, 2024-25 ed.; supra note 8.

has no single, real-time national RTI database covering both the Centre and all states, so the figures above are limited to what the CIC and SNS series themselves report rather than any single comprehensive count.

Procedure for Obtaining Information Under RTI

1. Application Process

Filing a request is meant to be simple: a written or electronic application to the Public Information Officer of the relevant authority, in English, Hindi, or a regional language.³³

Applicants do not have to explain why they want the information a deliberate design choice meant to protect people from having to justify themselves or risk pressure for asking.

2. Time Limit for Providing Information

The Act sets fairly tight deadlines:

- Standard requests: 30 days
- Requests involving life or personal liberty: 48 hours

If the request gets transferred to another authority, add 5 days. If a third party's interests are involved, the response window can stretch to 40 days.

These limits are what keep the Act from becoming a formality a right to information that arrives whenever the office gets around to it is not much of a right. But as Table 1 shows, the limits apply to first-instance requests, not to appeals, which is precisely where the system is failing.

3. Fees

There is normally an application fee, but people below the poverty line do not pay it, and if the authority misses its deadline, the information has to be provided free. The idea is to keep the

³³ Department of Personnel and Training (DoPT), Government of India, Guidelines on the Right to Information Act, 2005.

process affordable enough that cost does not become a barrier on its own.

Disadvantages of the RTI Act

The law is not without problems.

Potential Misuse of Information. Sometimes information obtained through RTI gets misused sensitive personal details can end up exposed in ways that hurt someone's privacy or safety. There is also a pattern of people using RTI requests to settle personal disputes rather than pursue genuine public interest, which creates real headaches for the authorities on the receiving end. It is worth noting, however, that the 2023 amendment addresses this concern by removing a proportionality test entirely rather than tightening it a considerably blunter instrument than the problem calls for.

Impact on Administrative Decision-Making. Some scholars worry that officials, knowing their internal notes and recommendations could eventually become public, start hedging writing vaguer opinions or avoiding candid recommendations altogether. Transparency is the point, but if it makes officials afraid to think on paper, that is a real cost worth weighing.

Administrative Burden. RTI generates a huge volume of applications every year, and Public Information Officers are often understaffed and under-resourced to handle it. Poor record-keeping compounds the problem when files are missing or disorganized, requests take longer no matter how many staff are assigned.

Criticism of the RTI Act

RTI's practical record is genuinely mixed.

Record management is probably the biggest recurring complaint many departments still keep files in a state that makes them hard to locate quickly, and missing or incomplete records are a common source of delay.

Information Commissions, meanwhile, are chronically understaffed relative to their caseload, and appeals routinely sit pending for long stretches, as documented in Table 1 above.

There is also a safety dimension that does not get enough attention: RTI activists exposing corruption have faced real threats and harassment in a number of cases. That has a chilling

effect people are less willing to use the law on sensitive issues when there is a personal risk attached.

Another persistent gap is proactive disclosure. The Act requires public authorities to publish information on their own, without waiting for a request. When that actually happens, it cuts down on the RTI backlog considerably but it happens inconsistently.

And RTI does get misused sometimes, with repetitive or frivolous applications that eat up staff time meant for genuine requests.

Most people who study this closely land on the same conclusion: the fix is not to weaken the law, it is to actually implement it properly better records, adequate staffing, more technology, and real protection for the people using it. As the next section argues, recent legislative choices have moved in the opposite direction.

Critical Analysis: Statutory Design versus Institutional Practice

Reading the doctrine, the amendments, and the statistics together, rather than as separate topics, produces a sharper picture than any one of them offers alone.

The judicial doctrine built between 1975 and 2020 from Raj Narain through Subhash Chandra Agarwal consistently pushed in one direction: disclosure as the default, secrecy as a narrow, justified exception, tested case by case. That doctrine assumed two things would remain stable underneath it an Information Commission with genuine institutional independence to enforce disclosure against a reluctant bureaucracy, and a privacy exemption narrow enough that the proportionality test actually did work. The 2019 and 2023 amendments each removed one of those two supports.

The institutional statistics suggest this is not merely a theoretical concern. Pendency grew roughly 47% between March 2019 (2,18,347) and June 2023 (3,21,537), and by June 2025 had grown further still, to 4,13,972 an increase of roughly 90% over the six-year period covered by Table 1. Commissions have gone vacant for months at a time, and penalties the Act's only real enforcement lever against a non-complying official are imposed in a vanishingly small share of eligible cases. None of this required the 2019 amendment to happen; understaffing and weak enforcement predate it. But an amendment that made commissioners more dependent on the executive's goodwill for their salary and tenure is not obviously going to make those

commissioners more willing to rule against that same executive, which is the harder question the raw pendency numbers cannot answer on their own.

Applying Jenkins and Goetz's social-accountability framework discussed in the literature review,³⁴ the RTI Act's original design substituted for weak vertical accountability (elections, which are infrequent and blunt) with a continuous, citizen-triggered mechanism of horizontal scrutiny. Both amendments discussed above narrow that mechanism from opposite ends: the 2019 amendment weakens the referee who is supposed to enforce disclosure, and the 2023 amendment shrinks the category of information that can be disclosed in the first place. Neither change touches the citizen's formal right to file a request which is why both can be, and have been, defended as leaving the "core" of the Act untouched. But a right to ask a question that a commission cannot enforce and that a PIO can decline on broader grounds is arguably a materially weaker right than the one Parliament enacted in 2005, whatever the formal text still says.

This is, in the end, an empirical claim rather than a purely doctrinal one, and the paper treats it accordingly: it is a plausible, well-supported reading of the available trend data, not a demonstrated causal finding. It is, however, testable if the amendments are driving the deterioration rather than merely coinciding with it, growth in pendency and refusal rates should accelerate visibly after October 2019 and again after November 2025, relative to the pre-amendment trend. The data available through 2025 in Table 1 is consistent with that claim but does not, on its own, rule out the alternative explanation that the RTI ecosystem was already deteriorating for unrelated reasons rising application volumes outstripping fixed institutional capacity and the amendments simply removed a safeguard against that deterioration rather than causing it directly. Distinguishing between these two explanations with more rigor, ideally through a time-series design that tests for a structural break at the amendment dates, is the natural next step for empirical research on the Act, and is flagged here as the central limitation of the present doctrinal-and-secondary-data study.

Conclusion

The RTI Act, 2005 remains one of the more consequential reforms in Indian governance. It gave citizens a real, enforceable way to see what their government is doing, and that alone has

³⁴ Supra note 15.

shifted the balance of power at least somewhat toward the public. The judicial doctrine built over four decades, from Raj Narain to Subhash Chandra Agarwal, gave that shift a firm constitutional foundation under Article 19(1)(a), and grassroots movements like the MKSS gave it political momentum long before Parliament acted.

Its record on corruption and public accountability speaks for itself, even if the implementation has been uneven. Delays, thin staffing, messy records, occasional misuse, and privacy tensions are all genuine problems, and none of them are new. What is new is that Parliament's two most significant interventions since 2005—the 2019 amendment to Sections 13 and 16, and the 2023 amendment to Section 8(1)(j)—have each addressed a real underlying concern (institutional status parity, and data-privacy protection, respectively) with a structural change that critics, civil society, and now the Supreme Court itself, in the pending constitutional challenge to Section 44(3), regard as disproportionate to the problem it claims to solve. On the trend data reviewed in this paper, that structural change is at minimum consistent with—and has not resolved—the institutional deterioration already under way; establishing it as a direct cause, rather than a contributing or coinciding factor, is left as an open question for further empirical work.

None of the Act's implementation problems point toward weakening the disclosure mandate further. They point toward fixing how the Act is run: filling Information Commission vacancies promptly and transparently, restoring a genuine, case-by-case balancing test for personal-information requests, using the existing penalty provisions rather than leaving them unused in roughly 98% of eligible cases, and reversing the drift toward centralised control over bodies that are supposed to check the centre, not report to it.

At bottom, RTI is not just a mechanism for getting documents out of government offices. It is a working piece of democratic infrastructure built on the assumption that citizens who know what their government is doing can actually hold it to account. Two decades on, that assumption has been tested by rising volume, thin institutional capacity, and now by legislative amendment. Whether it keeps paying off depends less on how the Act reads on paper than on whether India is willing to invest in, and protect the independence of, the institutions that are supposed to make it work in practice.

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