FROM INFORMATION TO ACCOUNTABILITY: DOES THE RTI ACT, 2005 ACTUALLY EMPOWER CITIZENS TO CHALLENGE ADMINISTRATIVE INACTION?

by

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ABSTRACT

The Right to Information Act, 2005 gives an Indian citizen a legal route to documents that can explain why an office has delayed, refused or ignored a public duty. Whether this amounts to power over administrative inaction is a different question. The Act grants access to existing records and creates appeals, compensation and personal penalties for obstruction. It does not ordinarily permit an information commission to order an authority to issue a licence, complete a welfare payment or decide a pending representation. This article examines that separation by reading the statutory text alongside Supreme Court decisions and published evidence on the working of information commissions. It argues that the Act supplies an evidential and procedural form of accountability: it can make inaction visible, identify officials, expose departure from recorded rules and support proceedings under other laws. Its effectiveness is weakened where records are poorly maintained, proactive disclosure is neglected or appeals remain unheard. Recent changes to the personal-information exemption add a further question about the reach of scrutiny. The resulting account is conditional rather than celebratory: information can help citizens challenge administrative silence, but the legal duty to act must usually come from elsewhere.

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1. The problem of administrative silence

A. A right to a record and a right to a decision

An application for a ration card may remain unanswered; a municipal office may fail to record reasons for a delayed building approval; a public authority may keep a grievance pending without saying who is responsible. In each example the immediate difficulty is practical. The applicant does not know whether the file has moved, whether a rule has been applied or whether anybody has considered the matter. Silence is also legally awkward. Courts may examine a failure to exercise statutory power, but a citizen often needs the file history before making a credible allegation. The Right to Information Act, 2005 (RTI Act) addresses that informational deficit. Its preamble connects informed citizenship with transparency and accountability in public authorities. It does not, however, create a general cause of action for every unperformed administrative duty.[1]

The distinction matters for both research and advice. A request asking for a copy of the note sheet on which an application was considered seeks material that may be held by an office. A request that officials decide the application within seven days asks for different relief. The RTI process can yield copies of orders, dates of movement, names of responsible posts and applicable instructions. A public information officer is not normally the authority authorised to decide the underlying service application. Treating these two routes as interchangeable produces misplaced appeals and unrealistic expectations. This article therefore asks a narrower question: in what circumstances does access to official information give a citizen a meaningful way to challenge inaction, even when it cannot itself end that inaction?

B. Method and limits

The analysis is doctrinal and institution-focused. It reads sections 2, 4, 6–8, 18–20 and 25 of the RTI Act, examines decisions on constitutional openness, disclosure remedies and institutional functioning, and uses the 2024–25 report card of Satark Nagrik Sangathan to test whether appellate remedies work at the speed that a delayed administrative decision requires. The report records administrative data obtained and analysed by a civil-society organisation; its figures describe reported commission performance, not a nationally representative measurement of every applicant's experience. The discussion also takes account of the amendment to the personal-information exemption brought into force on 13 November 2025.

[1] Right to Information Act, No. 22 of 2005, pmbl., INDIA CODE (2005), https://www.indiacode.nic.in/ (India).

It makes no claim to have measured causal changes in corruption, service delivery or citizen welfare.

2. Constitutional foundations and legislative design

A. From the right to know to statutory access

The constitutional argument for disclosure preceded the RTI Act. In State of Uttar Pradesh v. Raj Narain, the Supreme Court considered secrecy and public-interest privilege in litigation arising from an election dispute. The judgment linked public knowledge of official acts with freedom of speech and responsible government, while recognising that legitimate public interests can require confidentiality. Its setting should be kept in view: the Court was not designing the later RTI appeal machinery or announcing an unrestricted right to every official document. It supplied a constitutional premise that secrecy should require a reason. The distinction between a presumption favouring openness and the legal mechanism for enforcing it is central to the present question.[2]

The plurality of opinions in S.P. Gupta v. Union of India also treated governmental openness as a consequence of the freedom of speech and expression. The often-cited preference for disclosure over secrecy was expressed in a dispute about judicial appointments and access to correspondence. These decisions help explain why Parliament chose to legislate an ordinary, usable procedure instead of leaving applicants to seek constitutional writs for every record. They do not erase statutory exemptions or convert a request for information into a general power to supervise administration. Their continuing relevance is interpretive: where the Act allows competing readings, its purpose of enabling scrutiny should inform the answer.[3]

B. What Parliament made accessible

Section 3 gives citizens the right to information, but the definitions set its boundaries. ‘Information’ in section 2(f) covers material in a range of recorded forms, including documents, records, emails, opinions, advice and reports, and certain information relating to private bodies accessible under another law. Section 2(j) includes inspection, certified copies and electronic access. These provisions matter when delay is visible in a physical file, a digital workflow or an inspection register. The applicant can seek a copy of the entry showing when a file was received or transferred. The Act does not generally require an officer to generate an

[2] State of U.P. v. Raj Narain, (1975) 4 S.C.C. 428 (India), https://indiankanoon.org/doc/438670/.
[3] S.P. Gupta v. Union of India, 1981 Supp. S.C.C. 87 (India), https://indiankanoon.org/doc/1294854/.

explanation which is absent from the record, infer motives, answer a hypothetical question or conduct fresh fact-finding. That limitation belongs to the definition of access; it is not an invitation to conceal records that already exist.[4]

The design is strongest when records have been created in the ordinary performance of public functions. An office that maintains dated registers, decision notes and service standards leaves a trail that citizens can inspect. An office that conducts decisions informally or fails to enter the receipt of a complaint frustrates the evidential purpose of disclosure. This is why section 4(1)(a), requiring records to be catalogued and indexed, is as consequential as the individual application process. The Act envisages proactive publication of functions, decision-making procedures, norms, documents and some details of public programmes. Section 4(2) goes further by asking authorities to give as much information to the public suo motu as practicable, reducing the need for individual requests. Inaction becomes harder to hide where the expected steps and officials are already public.[5]

C. The statutory clock

Sections 6 and 7 turn a constitutional aspiration into a manageable transaction. A citizen may request information in writing or electronically; section 6(2) says the applicant need not give reasons. Where another authority holds the record, section 6(3) provides for transfer within the prescribed period. Ordinarily, the public information officer must respond within thirty days; the Act gives special treatment to matters concerning life or liberty. Failure to decide within the statutory period is treated as a refusal for the purpose of further relief, and information supplied after the prescribed time is ordinarily free of charge under section 7(6). These rules are especially important where an office's only response to a person is silence. They replace one kind of indefinite waiting with a legally identifiable date of default.[6]

A response deadline for an information request is not, however, the deadline for the underlying administrative decision. If a grant application has been pending for six months, the information officer's thirty-day duty concerns the requested records. A successful RTI appeal may produce the movement register and reasons noted in the file, but it does not itself shorten the statutory or reasonable time within which the grant authority must decide. The distinction gives the Act its peculiar usefulness. It supplies facts for testing conduct against an external duty without displacing the law under which that duty arose.

[4] Right to Information Act §§ 2(f), 2(j), 3, 6(1), No. 22 of 2005 (India).
[5] Id. §§ 4(1)(a)–(d), 4(2), 4(3), 4(4).
[6] Id. §§ 6(2), 6(3), 7(1), 7(2), 7(6).

3. Making inaction legible

A. The documentary anatomy of delay

Administrative delay may be caused by a missing document, a policy dispute, an authorised request for consultation, understaffing or neglect. These explanations cannot responsibly be treated as equivalent. A carefully framed RTI request can separate them by asking for the date of receipt; the current location of the file; copies of noting sheets and correspondence; the applicable decision-making norm; the name or designation of the officer assigned to the matter; and any recorded reason for postponement. The answer may show a lawful pause or a lengthy period without movement. Either result improves the precision of a later representation. For researchers, such records permit a distinction between a failed process and a controversial substantive decision.

Information has value even where the applicant already suspects negligence. A service standard may say that an authority should ordinarily make a decision within a particular number of days, while the file may show no recorded action for a much longer period. Without access to the standard, the applicant must assert delay in general terms. With the record, the complaint can identify a specific departure and ask the competent authority to explain it. The RTI response may also disprove the applicant's initial account: the file could show that a lawful notice was sent or that the decision lay with a different office. An accountability mechanism is useful partly because it permits a claim to be checked, not simply because it supplies accusations.

B. The missing-record problem

A citizen cannot inspect a note that has never been made. If an office claims that no record of a representation exists, an information commission may determine whether the response complies with the RTI Act and may use its statutory powers concerning record practices. Yet the commission is not a general fact-finding tribunal for deciding whether a public official should have issued a particular administrative order. The absence of a record may furnish evidence in a later writ or departmental complaint, especially when an external rule required the record to be made. It is not automatic proof of wrongdoing. The applicant must still establish the underlying duty, the material facts and the appropriate remedy.[7]

The difference between 'no information is held' and 'the authority has not acted' is therefore more than verbal. The first is a proposition about records; the second is a proposition about

[7] Right to Information Act §§ 2(f), 2(j), 4(1)(a), 6(1), No. 22 of 2005 (India).

legal performance. A public body may have acted orally without meeting a record-keeping duty, or may hold detailed papers while failing to make a final decision. Each situation calls for a different response. Section 4 is important because it establishes a legislative expectation that public administration should generate an intelligible institutional record. The Act works poorly where compliance with that expectation is weak.

C. Boundaries imposed by exemptions

Access is not absolute. Section 8 contains exemptions for specified public and private interests, and the Act includes severability, third-party consultation and special rules concerning certain intelligence and security organisations. A citizen seeking evidence about an appointment, disciplinary process or welfare claim may encounter competing confidentiality interests. The correct question is not whether a requested document would be useful in exposing inaction; it is whether the statute permits its disclosure in whole or in a redacted form. Section 8(2) retains an overriding public-interest mechanism, while section 10 contemplates severing exempt material from disclosable material. Those devices require reasoned application to the information requested. A blanket answer that a file is 'confidential' does not, by itself, identify the relevant statutory basis.[8]

The Supreme Court in Central Board of Secondary Education v. Aditya Bandopadhyay recognised the citizen's entitlement to information within the Act while warning against treating the law as a requirement to create information or divert administration into answering unrestricted inquiries. The ruling helps keep two purposes in proportion. Disclosure supports public scrutiny, but a public authority is still required to perform its substantive work. The administrative burden argument should not become an excuse to disregard a clear request for an existing record. Conversely, the right should not be described as a general invitation to interrogate an individual officer about unrecorded thought processes.[9]

4. The boundaries of the public authority

A. Public functions and institutional coverage

For some applicants the first dispute concerns the body from which information is sought. Section 2(h) defines 'public authority' by reference to the Constitution, laws, government notifications and certain owned, controlled or substantially financed bodies. Coverage is not

[8] Id. §§ 8(1), 8(2), 9, 10, 11, 24.

[9] Cent. Bd. of Secondary Educ. v. Aditya Bandopadhyay, (2011) 8 S.C.C. 497 (India), https://indiankanoon.org/doc/1519371/.

identical to the set of institutions that perform work of public importance. In Thalappalam Service Cooperative Bank Ltd v. State of Kerala, the Supreme Court considered whether cooperative societies fell within the statutory definition. It emphasised that statutory regulation alone does not settle the issue and examined the terms 'control' and 'substantially financed'. The judgment requires attention to the precise legal relationship with government. A refusal based on status may be justified in one case and wrong in another.[10]

This boundary affects a person whose complaint concerns outsourced or mixed public–private delivery. The agency handling a service might be private, while a department holds inspection reports, contract documents, performance records or correspondence about complaints. The most workable request may therefore be directed to the public authority that has custody or legal access to the relevant material. It is important not to claim that every private contractor is directly subject to the Act. Section 2(f) can nonetheless reach information about a private body that a public authority may obtain under another law. That route depends on the actual powers and records involved, not on a general expectation of public accountability.

B. Disclosure of reasons

Section 4(1)(d) requires public authorities to provide reasons for their administrative or quasi-judicial decisions to affected persons. This provision is unusually close to the problem of inaction, because a reasoned decision makes it possible to argue about the choice made. Its wording still concerns decisions. Where no decision exists, the applicant cannot simply demand that the information officer manufacture reasons for inaction. The applicant can ask whether a reason has been recorded, who was tasked with deciding, and which legal norm governs the timetable. The resulting file may allow the competent authority or a court to ask why no decision followed. The RTI Act supports that inquiry through access; its own institutional jurisdiction remains limited.[11]

5. Appeals, complaints and the remedial divide

A. What follows a refusal

The Act provides different routes when disclosure fails. A person denied information, or receiving no decision within the required time, may file a first appeal under section 19(1) to an officer senior to the public information officer. A second appeal under section 19(3) lies to

[10] Thalappalam Serv. Coop. Bank Ltd. v. State of Kerala, (2013) 16 S.C.C. 82 (India), https://indiankanoon.org/doc/37517217/.
[11] Right to Information Act § 4(1)(d), No. 22 of 2005 (India).

the relevant information commission. Section 18 permits complaints in specified situations, including non-response and refusal to receive an application. These paths overlap in their concern with deficient information administration, but they are not interchangeable in the relief available. The difference has practical consequences for a person who needs documents promptly to challenge an administrative delay.[12]

In Chief Information Commissioner v. State of Manipur, the Supreme Court held that a commission investigating a complaint under section 18 could not direct access to information through that procedure. For an applicant seeking disclosure after a deemed refusal, the remedy lay in an appeal under section 19. This holding may seem technical to a person whose office has already failed to reply. Yet it determines whether the chosen process can produce the document sought. Legal advice that merely says 'complain to the commission' without identifying the correct route may waste further time. The judgment also separates the commission's investigative power from its power, on appeal, to order access.[13]

B. Orders, penalties and compensation

A second appeal can yield substantial relief within the information regime. Under section 19(8), a commission may require measures to secure compliance, including access in a requested form, appointment of information officers, changes to record management, publication and training; it may require compensation for loss or detriment. Section 20 allows personal monetary penalties for specified conduct, after the officer receives a reasonable opportunity to be heard, and permits recommendations for disciplinary action in defined cases. These powers give the Act consequences beyond a polite request. They target wrongful denial and obstruction of information, rather than the lawfulness of the underlying administrative outcome.[14]

Section 19(5) allocates the burden of justifying denial in appeal proceedings to the public information officer. That rule is useful because the applicant often cannot know why disclosure was refused. It does not, however, shift to the officer the burden of proving that an unrelated benefit, licence or complaint was lawfully withheld. The RTI Act's penalty structure must likewise be understood narrowly. A fine under section 20 is linked to conduct under the information law, with its own statutory conditions and maximum. It is not a general fine for a

[12] Right to Information Act §§ 18(1), 19(1)–(3), No. 22 of 2005 (India).
[13] Chief Info. Comm'r v. State of Manipur, (2011) 15 S.C.C. 1, ¶¶ 29–32 (India), https://indiankanoon.org/doc/2120073/.
[14] Right to Information Act §§ 19(8)(a)–(c), 20(1)–(2), No. 22 of 2005 (India).

department's failure to deliver a public service. Confusing the two obscures what the penalty can achieve.[15]

C. Why a successful information appeal may still leave the citizen waiting

Suppose a citizen obtains an order directing disclosure of a pending application's file. The department complies and provides the file, which reveals no final order. The disclosure appeal has succeeded even though the application remains undecided. At that stage the citizen may use the record in an administrative representation, a statutory appeal under the governing service law, a grievance process or proceedings under articles 32 or 226 where their legal requirements are met. The RTI order can support that next step by showing dates, omissions and rules. The information commission ordinarily cannot substitute itself for the public authority empowered to decide the application. This is the central limit on treating RTI as a direct remedy for administrative inaction.[16]

The gap should not be mistaken for uselessness. Public law often requires a claimant to identify a duty, a responsible institution and a failure to comply. Without records, each element may be contested at the threshold. A disclosure order can make a pleading more exact and can change the practical balance between a citizen and an office. But an evidential benefit remains different from an executable direction to decide the original matter. The latter requires a separate source of legal power, and even a writ court must consider discretion, jurisdiction, alternative remedies and the facts of the case. The RTI Act is best understood as an enabling instrument within a wider system of administrative law.

6. Proactive disclosure as a response to delay

A. The records that should already be public

Section 4 provides a way to reduce the need for citizens to litigate information requests one by one. Publication of decision-making procedures, service norms, officers' functions, categories of documents and relevant instructions enables a person to determine whether a pending case is exceptional or simply off schedule. When departments publish updated status dashboards, dated circulars and service standards in accessible formats, an applicant may be able to identify the next lawful step without filing an RTI application. This avoids turning access into

[15] Id. §§ 19(5), 19(6), 19(8)(b), 20(1).
[16] Id. §§ 7(1)–(2), 19(1), 19(3), 19(8)(a), 20(1).

a second administrative queue. It also reduces the scope for selective disclosure, because the same rule and the same information are available to all applicants.[17]

Proactive disclosure can be evaluated more concretely than by counting PDF documents uploaded to a website. An agency may technically publish a manual but leave it outdated; it may put a service standard online while omitting the office responsible for appeals; or it may post a scanned document that cannot be searched. These practices leave the citizen with information that is formally available but difficult to use. For administrative accountability, the test should be functional: can the applicant identify the applicable rule, the responsible decision-maker, the status of the case and the means of challenging departure from the rule? That test is consistent with the statutory emphasis on records being accessible and usable.

B. Judicial treatment of section 4

The Supreme Court's August 2023 decision in Kishan Chand Jain v. Union of India addressed the need to implement section 4. The Court directed central and state information commissions to monitor the statutory obligation, drawing attention to the Department of Personnel and Training's guidelines and to section 25(5), under which commissions may recommend steps for compliance. This was not an order compelling every administrative department to decide every delayed file. It was an institutional direction aimed at how information should be maintained and disclosed. Its value for inaction lies in the possibility that citizens will be less dependent on individual applications to discover routine administrative rules and processes.[18]

A separate October 2023 order in Kishan Chand Jain required information commissions to provide hybrid hearing options and streamlined electronic filing, among other directions. These measures concerned access to the RTI adjudicatory process. They are relevant because procedural rights are weak if a person living far from a commission must spend time and money travelling to pursue records. Online arrangements are no answer by themselves for applicants without reliable connectivity or accessible assistance. A fair model must preserve physical channels, meaningful language access and support for people who cannot navigate an electronic portal.[19]

[17] Id. §§ 4(1)(b)(iii)–(vi), 4(1)(d), 25(3)–(5).

[18] Kishan Chand Jain v. Union of India, 2023 INSC 741, ¶¶ 21–27 (India), https://indiankanoon.org/doc/177006770/.

[19] Kishan Chand Jain v. Union of India, 2023 INSC 915, ¶¶ 21–26 (India), https://indiankanoon.org/doc/166977912/.

7. The accountability bottleneck in information commissions

A. Vacancies and the cost of delayed remedies

The design assumes that an appellate body will be available when an authority obstructs access. In Anjali Bhardwaj v. Union of India, the Supreme Court addressed vacancies, appointment procedures and transparency in the selection of information commissioners. An unfilled commission post is more than an internal staffing matter: it changes how long a citizen must wait before a denial is examined. If the requested records concern a time-sensitive service or an official whose term has ended, disclosure after a prolonged appeal may lose much of its practical value. The Court's intervention recognises the connection between institutional capacity and the right's enforceability, while leaving the actual administrative decisions with the relevant departments.[20]

Recent empirical material gives this concern scale. Satark Nagrik Sangathan's report covering the 2024–25 period describes large backlogs in information commissions, uneven disposal and substantial differences in estimated waiting times. Its October 2025 release said more than four lakh appeals and complaints were pending as at 30 June 2025, and that eighteen of the twenty-nine commissions had estimated waiting times exceeding one year. These are estimates based on pending work and disposal rates; they are not forecasts of exactly when an individual appeal will be decided. Even with that qualification, they show that the statutory promise of review is constrained by delays at the point of enforcement.[21][22]

The same material reported that six information commissions were non-functional for varying periods between July 2024 and early October 2025, with two still non-functional on the October 2025 reporting date. Such figures should be used carefully because the composition and functioning of commissions can change. They nevertheless identify a structural weakness. A right which depends on an independent forum cannot work reliably if the forum is absent for months. The civil-society report's methodology and scope permit an institutional diagnosis, not an inference that every commission or officer is equally ineffective. Differences between states are part of the evidence, not statistical noise.

[20] Anjali Bhardwaj v. Union of India, (2019) 18 S.C.C. 246 (India), https://indiankanoon.org/doc/47245795/.
[21] Satark Nagrik Sangathan, REPORT CARD OF INFORMATION COMMISSIONS IN INDIA 2024–25, at 1–4, 28–34 (Mar. 2026), https://www.snsindia.org/wp-content/uploads/2026/04/RC2025.pdf [hereinafter SNS REPORT 2024–25].
[22] Satark Nagrik Sangathan, Key Findings of the Report Card on the Performance of Information Commissions in India, 2024–25 (Oct. 9, 2025), https://www.snsindia.org/wp-content/uploads/2025/10/Press-Release-2025.pdf.

B. Penalties and remedial follow-through

A penalty provision is meaningful only if infringements are examined and appropriate orders are made. The 2024–25 report card considers the imposition of penalties and the award of compensation, along with the way commissions make decisions available. These are separate matters. A low recorded penalty rate could result from the mix of cases, the quality of legal compliance or inadequate use of the statutory power; a single figure cannot establish which explanation is correct. What can be said is that a commission should give reasons when deciding whether the conditions under section 20 have been met and should use compensation under section 19(8)(b) where its conditions are satisfied. Consistent reasoning helps applicants and public officers understand the practical consequences of non-compliance.[23]

Publishing orders matters as well. A citizen cannot assess how a commission has approached repeated claims of missing records or unjustified refusal if decisions are unavailable, unsearchable or published without enough context. Section 25 reporting creates a statutory channel for reviewing how the Act is administered. Information about disposal, penalties and recurring failures should feed back into training and record management. These are measurable institutional tasks. They are more useful than asking commissions to pronounce generally on whether transparency has improved governance.[24]

C. Judicial supervision and its limits

Judicial supervision continues to matter when appointments are delayed. In an order dated 27 October 2025 in the continuing Anjali Bhardwaj proceedings, the Supreme Court addressed selection processes and vacancies in central and state commissions. Such orders show that the legal system has retained a route to press governments to staff the oversight bodies. But repeated litigation over appointments also shows the weakness of relying on courts to maintain an ordinary administrative institution. Staffing, publication of selection criteria and advance planning should be routine governmental obligations. They should not depend on each new round of writ proceedings.[25]

The appointment regime itself has changed since 2005. The Right to Information (Amendment) Act, 2019 altered provisions concerning the tenure and service conditions of commissioners, with details subsequently prescribed through rules. Debate about independence must therefore distinguish the formal power to issue binding directions from

[23] SNS REPORT 2024–25, supra note 18, at 37–47.
[24] Id. at 49–54.
[25] Anjali Bhardwaj v. Union of India, W.P. (C) No. 436 of 2018, Order (Sup. Ct. India Oct. 27, 2025), https://api.sci.gov.in/supremecourt/2019/32947/32947_2019_2_28_65100_Order_27-Oct-2025.pdf.

practical conditions such as secure tenure, adequate staff, budget, transparent appointments and timely replacement of vacancies. A commission may have legal authority to order disclosure yet be unable to exercise it promptly. Conversely, an efficiently staffed body still needs a clear legal basis for its decisions. Independence and capacity are related, but they are not interchangeable.[26]

8. Personal information after the 2025 amendment

A. The amended exemption

The relationship between transparency and personal privacy became more difficult after section 44(3) of the Digital Personal Data Protection Act, 2023 replaced section 8(1)(j) of the RTI Act with a shorter exemption for 'information which relates to personal information'. The Government's commencement notification brought that particular amendment into force on 13 November 2025. Any analysis of present RTI law must therefore avoid treating the former wording of section 8(1)(j) as if it were still the operative text. The change is material to requests involving personnel records, benefit recipients or complaints which mention identifiable individuals. The fact that the text changed, however, does not by itself determine how every mixed public–private document must be decided.[27][28]

Before the amendment, the Supreme Court's decision in Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal examined the relationship between privacy, disclosure and public interest under the then-applicable statutory text. That judgment remains important background to the constitutional and interpretive debate, but its treatment of the former clause must be read with the later legislative substitution in mind. The distinction is essential in any account of current law. A paper which quotes only the earlier exemption and presents it as present law risks giving incorrect practical advice.[29]

B. Consequences for accountability requests

The amended wording creates a serious interpretive question where information about a public task is bound up with personal details. An applicant challenging a delayed public

[26] Right to Information Act §§ 13, 16, No. 22 of 2005 (India); Right to Information (Amendment) Act, No. 24 of 2019 (India).
[27] Digital Personal Data Protection Act, No. 22 of 2023, § 44(3) (India), https://www.indiacode.nic.in/.
[28] Ministry of Electronics & Information Technology, Notification G.S.R. 843(E), GAZETTE OF INDIA (Nov. 13, 2025), https://indiacode.ecourtsindia.com/rules/enforcement-timeline-for-the-dpdp-act-e1be0965/.
[29] Cent. Pub. Info. Officer, Sup. Ct. of India v. Subhash Chandra Agarwal, (2020) 5 S.C.C. 481 (India), https://indiankanoon.org/doc/101637927/.

appointment or disbursement may seek an official decision trail that includes names and signatures. Information about a private beneficiary might require different treatment from information about the responsibilities of a public officer. Sections 8(2) and 10 remain part of the statute, and the precise interaction between the new exemption, public-interest disclosure and severability will have to be addressed in reasoned decisions. The paper does not assume that every personnel record is disclosable, or that all records containing a name must be withheld. The amended text requires careful statutory analysis in each case.[30]

Practical request design can reduce avoidable conflict. An applicant may seek dates, file numbers, applicable norms, anonymised aggregate data and the designation of the officer responsible before requesting intimate personal particulars. This is not a legal concession that privacy always defeats accountability; it is a way of matching the requested material to the administrative issue. Where the identity of a decision-maker or a specific transaction is genuinely necessary, the statutory claim can be stated directly and tested under the exemptions. The result should turn on law and evidence, rather than an indiscriminate preference for either disclosure or concealment.

9. A usable strategy for citizens

A. Frame the first request around records

A well-directed request is usually specific about the public authority, the original application or transaction, the period covered and the existing documents sought. It asks for inspection or copies of the receipt register, file notings, movement sheets, relevant circulars, correspondence and final orders, if any. These items create a chronology. A question such as ‘why have you failed me?’ is less likely to fall within the officer’s duty if it demands a new explanation. The applicant can instead ask for a copy of any recorded reasons for the delay and for the prescribed time limit under the relevant rule. Accuracy about the distinction between a document and an explanation protects the citizen from an avoidable refusal.[31]

The first request should also be proportionate. Demanding every record produced by a department over many years can lead to disputes about scope and burden without helping the applicant establish the immediate problem. If the case concerns a specific application, the relevant dates and file identifier give a practical boundary. The Act allows inspection, which may be preferable where the applicant cannot know in advance which page contains the

[30] Right to Information Act §§ 8(1)(j), 8(2), 10, No. 22 of 2005 (India), as amended by Digital Personal Data Protection Act § 44(3).

[31] Right to Information Act §§ 4(1)(b)(iii), 4(1)(d), 19(8)(a)(vi), 25(3), No. 22 of 2005 (India).

decisive entry. The possibility of transfer between authorities matters too: an applicant should identify the body likely to hold the file while using the statutory transfer mechanism where appropriate.[32]

B. Separate information litigation from service litigation

After obtaining records, the citizen should identify which authority has the substantive legal duty. If the records reveal a failure to decide within a mandatory period, a service-law appeal, departmental review or writ of mandamus may be the appropriate next route. If they reveal an adverse reasoned decision, the issue may be whether that decision is lawful, not whether the office remained inactive. If they show that a statutory notice was never served, that procedural failure can be stated precisely. RTI supplies material for these steps; it does not replace their jurisdictional requirements. The choice of remedy depends on the service law, the duty alleged, the facts and the court or tribunal involved.[33]

A person who receives no response to an RTI application must also choose the information-law route correctly. The first and second appeals under section 19 provide the path for obtaining records after refusal or deemed refusal; section 18 addresses specified complaints but, following State of Manipur, cannot be treated as an alternative disclosure order route. It may be useful to keep the two chronologies separate: one records the history of the original administrative application and the other records the statutory information request and appeals. This separation helps explain to an adjudicator exactly what has been withheld and which legal power is being invoked.[34][35]

C. Keep claims modest and verifiable

A file showing that an application remained at one desk for ninety days may establish delay, but it does not necessarily establish corruption, malice or unlawful discrimination. Those conclusions require additional facts. A public officer may have requested documents lawfully, or a rule may have suspended decisions during a specified period. A credible challenge distinguishes the date of a default from the reason for it and the reason from the legal consequence. This discipline protects the integrity of RTI-based advocacy. The strength of the mechanism lies in enabling citizens to replace unsupported suspicion with particular documents, while accepting that some records may weaken the original complaint.

[32] Id. §§ 6(1)–(3), 7(1), 7(6), 19(1)–(3).
[33] Constitution of India arts. 14, 19(1)(a), 21, 32, 226 (India).
[34] Id. §§ 18, 19, 20.
[35] Chief Info. Comm'r v. State of Manipur, (2011) 15 S.C.C. 1 (India).

10. Reform priorities based on the Act's own architecture

A. Restore timely appellate decisions

The most immediate institutional priority is to keep information commissions staffed and able to hear cases. Advance vacancy notices, published selection criteria, regular calendars and accessible orders would address problems identified in the litigation and report cards. Capacity planning should use actual incoming appeals, disposal data and pending work. It should avoid treating a large raw disposal figure as adequate if older cases remain untouched. Where a case concerns life or liberty, the statutory accelerated disclosure rule requires particular care. Information is often time-sensitive even when it does not meet that narrow test: a disclosure order delivered after the substantive dispute has ended may provide accountability after the event but little immediate protection.[36]

Digital filing and hybrid hearings can lower the cost of pursuing an appeal, as the Court recognised in Kishan Chand Jain. Implementation should include simple electronic submission, tracking numbers, predictable opportunities to present a case and an alternative for applicants who require paper filing or in-person support. A portal that accepts applications but provides no reliable notice of hearings can simply recreate administrative silence online. The relevant standard is whether the applicant can understand the status and respond to procedural requirements without disproportionate expense.[37]

B. Use remedies with reasoned consistency

Commissions should apply their disclosure, compensation and penalty powers according to the distinct conditions of sections 19 and 20. Where a refusal is justified, a short legal explanation should identify the exemption and the records considered. Where it is unjustified, the order should specify what must be disclosed and when, and should address compensation or penalty if properly raised and supported. A reasoned order helps the affected applicant and gives the public authority a rule it can follow later. Section 25 reports should make recurring categories of non-compliance visible, and recommendations under section 25(5) should be specific enough for departments to act upon.[38]

The information commissions' own disclosure practices require similar care. Searchable orders, published case status and clear statistical definitions make independent assessment

[36] SNS REPORT 2024–25, supra note 18, at 17–34.
[37] Kishan Chand Jain, 2023 INSC 915, supra note 16, ¶¶ 22–26.
[38] Right to Information Act §§ 19(8)(b), 20, 25(5), No. 22 of 2005 (India).

possible. A commission asking other authorities to publish their procedures should itself publish comprehensible information about its procedures. The 2024–25 report card treats transparency of commissions as a subject of investigation, which is appropriate: an oversight institution should not be insulated from the transparency standards it administers. That proposition concerns institutional consistency, not a claim that every unreported figure proves misconduct.[39]

C. Make section 4 the ordinary route

The deeper improvement would be to make the basic chronology of public decisions available before a dispute arises. Authorities can publish service norms, the roles of decision-makers, current procedural instructions and anonymised performance figures. For individual matters, a secure status mechanism may allow the affected person to see receipt dates, deficiencies communicated and the stage at which the file is pending, without making private details public. Such measures should be designed around statutory obligations and privacy safeguards, not as substitutes for the right to request records. Where an applicant still requires the underlying file, the RTI process must remain available.[40]

It is also possible to assess improvement without assuming that more requests always mean better accountability. A department that complies with section 4 may generate fewer routine RTI applications because citizens already have the information they need. The useful measures are instead the completeness and currency of published records, the time taken to answer difficult requests, the rate at which appellate orders are obeyed and the extent to which substantive authorities respond when documentary evidence of delay is presented. These indicators are more closely connected to the legal question than a simple count of requests filed.

11. Conclusion

The RTI Act gives citizens a legal means of finding out what a public authority has recorded, how a file has moved and which rules officials say they have applied. Those are substantial gains over an arrangement in which an applicant must accept official silence without access to the underlying papers. The Act can be used to challenge administrative inaction because it produces evidence and because a separate information appeal can test unjustified secrecy. It can sometimes bring attention to record-keeping failures and deter obstruction through

[39] SNS REPORT 2024–25, supra note 18, at 45–54.
[40] Right to Information Act §§ 4(1)(a)–(d), 4(2), No. 22 of 2005 (India).

compensation and penalties. But the relief remains tied to information. A commission does not ordinarily have jurisdiction to make the withheld administrative decision itself.[41]

The effectiveness of this indirect model depends on the speed and quality of disclosure. Long appeals, vacancies, missing records and weak proactive publication reduce the value of the statutory right at the moment it is most needed. The 2025 amendment to the personal-information exemption adds interpretive uncertainty in cases where accountability records also identify individuals. These constraints do not refute the Act's constitutional justification; they specify the work that remains to be done under its actual legal framework. A citizen is most empowered when access yields timely, reliable documents and those documents can be placed before an authority or court with power to address the underlying failure. Information makes a claim possible. Accountability requires the next institution to answer it.

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[41] Constitution of India arts. 14, 19(1)(a), 226 (India); Right to Information Act §§ 2(f), 19(8), No. 22 of 2005 (India).

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