



## Analysis of the positive and negative aspects of the right to information Act

Inder Pal<sup>1</sup>, Dr. Meenu D Sharma<sup>2</sup>

<sup>1</sup> Research Scholar, Faculty of Law, Madhav University, Pindwara, (Sirohi), Rajasthan, India

<sup>2</sup> Research Supervisor, Faculty of Law, Madhav University, Pindwara, (Sirohi), Rajasthan, India

### Abstract

The Right to Information Act, 2005, is an important legal instrument for strengthening administrative transparency and accountability in India. This Act has given citizens the right to monitor the functioning of the government, thereby changing the traditional culture of administrative secrecy. This is a historic legislative step that strengthens transparency, accountability and citizen empowerment in Indian democracy. The Act challenged the privacy-centric tradition of governance by providing citizens with a legal right to access government information. The present research paper discusses the constitutional background, salient features, its positive (advantages) and negative (limitations/challenging) aspects have been critically analyzed and suggestions for future improvements have been presented.

**Keywords:** Right to information, transparency, accountability, good governance, parliamentary democracy, transparency, public authority, information

### Introduction

Transparency and accountability are essential elements of good governance in a democratic system. For a long time, administrative proceedings in India were based on the principle of secrecy, which encouraged corruption and administrative arbitrariness. Pressure from citizens and social movements, as well as judicial interpretations, led to the Right to Information Act, 2005. This Act gives citizens the right to monitor the functioning of the state.

Because even after independence in India, no new law was made against the Official Secrets Act 1923, nor was any attempt made to amend it. By taking unnecessary advantage of sections 5 and 6 of this Act, the government kept hiding all the necessary information from the public. This led to the growing dominance of bureaucracy, and transparency and accountability to the public were not ensured. Authorities acted arbitrarily, and the public was blind to their actions.<sup>[1]</sup> Due to all the above mentioned anarchy, the demand for Right to Information Act was becoming stronger day by day in India. As a result, the Government of India introduced the Right to Information Act for its citizens, which was approved by the President of India on 15 June 2005 and this Act came into force in the entire India from 12 October 2005.<sup>[2]</sup> Although the Right to Information is recognised as a fundamental right in Article 19(1) of the Constitution of India, "Freedom of information is a fundamental human right and the touchstone of all freedoms."<sup>[3]</sup>

**Meaning of "information":** Information under the Act includes records, documents, e-mails, memoranda, opinions, advices, press releases, circulars, orders, logbooks, tender samples, specimens, papers, models, data held in any electronic form. Any information relating to a private body that a public official is required by law to possess shall be included in the information. The information record shall also include a file, microfilm, and photocopy.<sup>[4]</sup>

**Meaning of right to information:** Under the Right to Information Act, information means any information under the control of a public authority which is required to be

made available to the person seeking it. Such information includes certified copies of any documents, inspection of records, notes relating to records and records.<sup>[5]</sup>

**Positive aspects of the right to information act:** The Right to Information (RTI) Act has brought many benefits that have significantly contributed to increasing transparency, accountability, and citizen empowerment in the country. Here are the major positive of the RTI Act:

**Strengthening Democracy:** The RTI Act promotes greater public participation in governance by providing citizens with the information they need to engage with government processes. Thereby it ensures and strengthens democratic accountability.<sup>[6]</sup>

**Increased Transparency and Accountability:** The RTI Act has made government officials more accountable, as they are required to provide information upon request. This transparency helps reduce corruption and increase public trust in government institutions.

This method has also contributed to increasing public awareness by making citizens more aware of government functioning, policies and expenditure, which promotes an informed and participatory democracy.

**Monitoring and Evaluation:** RTI has become a tool for monitoring the implementation of government schemes and programmes, ensuring that public funds are effectively utilised.

**Promoting Reforms:** Information obtained through RTI has been used to advocate for policy changes and administrative reforms. This has proven to be helpful in promoting improvements in public services. Public authorities, aware of the scrutiny they face, have been required to improve their record-keeping and service delivery. This has led to increased efficiency in their work.

**Empowerment of Citizens:** The Act empowers ordinary citizens to question and seek information from authorities,

thereby promoting a culture of transparency and empowering citizens. It has provided citizens with a tool to resolve grievances related to public services and demand their rights.

**Preventing misuse of public funds:** Citizens can use RTI to obtain information about the use of public funds. This helps to ensure that resources are used effectively and for their intended purposes. By exposing mismanagement and wastage, the RTI Act helps prevent misuse of public resources.<sup>[7]</sup>

**Access to Entitlements:** Marginalized and disadvantaged groups can use RTI to help them access their rights and entitlements, such as claiming pensions, subsidies, and welfare benefits. RTI helps in exposing and addressing inequalities and discrimination in the delivery of public services.

**Promoting good governance:** Feedback obtained through RTI requests can lead to improvements in government policies and programmes. Whereby public authorities, knowing they are under scrutiny, improve their record-keeping and administrative practices, making administration more efficient.<sup>[8]</sup>

**Supporting Legal and Administrative Reforms:** Information obtained through RTI can be used to support claims and arguments in legal cases, thereby aiding the pursuit of justice. Data collected through RTI can inform policy making and administrative reforms, leading to more effective governance.<sup>[9]</sup>

**Investigative journalism and activism:** The activism of journalists and activists in exposing corruption has used RTI to expose corruption and maladministration, this has also ensured greater accountability of officials and legal action has been taken against corrupt officials.<sup>[10]</sup>

**Negative aspects of the right to information act:** While the Right to Information (RTI) Act has been a powerful tool for promoting transparency and accountability in India, it has also been subject to misuse. The RTI Act has been misused in the following ways:

**Burden on public authorities:** Some applicants often file multiple RTI requests simultaneously with different departments, which can paralyze the functioning of public authorities. It has also been observed that a single person filed hundreds of RTI requests in a short period of time, making it difficult for the authorities to respond in a timely manner.<sup>[11]</sup>

**Harassment of officials:** In some cases, RTI is used as a tool to harass officials, creating a negative perception about the Act among the bureaucracy.<sup>[12]</sup>

**Lack of protection:** There are inadequate protections for information seekers, making it risky for individuals to use RTI to expose the interests of powerful people.<sup>[13]</sup>

**Commercial Interests:** Businesses or individuals may use RTI to obtain information that gives them a competitive edge or to gather data that can be used for commercial gain. This includes the use of RTI to request proprietary or

sensitive information about competitors or to access detailed government project plans for commercial gain.<sup>[14]</sup>

**Exemptions and Modifications:** Certain categories of information, such as those related to national security or personal privacy, are exempt from disclosure. This can sometimes be misused to deny legitimate information requests.

**Amendments weakening the Act:** Amendments to the RTI Act, like the 2019 changes affecting the tenure and conditions of information commissioners, have raised concerns about undermining the independence and effectiveness of information commissions.

**Intimidation and Violence:** RTI activists often face threats, harassment, and even violence. There have been instances of activists being attacked or murdered for exposing corruption or misconduct.

**Misuse of RTI:** Some individuals misuse RTI by making frivolous or excessive requests, which can burden public officials and divert resources from genuine requests. Some individuals file frivolous or vexatious RTI applications that do not serve any genuine public interest. These requests can overwhelm public authorities and waste valuable administrative resources. Such as requests for trivial information, repeated requests on the same subject, or filing RTIs with the intention of harassing or burdening public officials have been seen.<sup>[15]</sup>

**Implementation Challenges:** Inadequate Infrastructure Many public authorities lack the necessary infrastructure and trained personnel to efficiently handle RTI requests. On the other hand, bureaucratic red tape and lack of awareness among officials often lead to delays in providing information.

**Diversion of Attention:** Handling frivolous and vexatious RTI applications diverts time and resources from addressing legitimate requests and performing core administrative functions. Public Information Officers (PIOs) are spending a lot of time on requests that do not contribute to the public interest.<sup>[16]</sup>

**Individual Complaints:** Sometimes individuals use RTI to settle personal scores or seek information for purposes unrelated to public interest. Such as targeting specific officials or taking advantage of personal disputes. They use RTI to obtain personal information about coworkers or neighbors, or to gather data to be used in personal legal battles.<sup>[17]</sup>

## Conclusion

It can be said that the Right to Information Act, 2005 is a powerful and transformative law in Indian democracy. Its positive aspects like transparency, accountability and citizen empowerment outweigh its negative aspects. Although some practical challenges and limitations exist, the Act can be made more effective through appropriate reforms. This Act remains an important instrument for strengthening good governance and democratic values in the Indian system of governance.

On access to information, the RTI Act gives citizens' rights equal to that of a Member of Parliament. The information

which cannot be denied to any Member of Parliament or State Legislature cannot be denied to any person seeking RTI.

There have been many controversies and disputes surrounding the "Right to Information," but the RTI Act has been a lifeblood for the rights of the general public. It has helped maintain order as nothing else can.

The Right to Information Act has profoundly changed the relationship between the government and citizens in India. By promoting transparency, accountability and citizen empowerment, the RTI Act has contributed to strengthening democracy, improving governance and social justice.

However, its misuse poses significant challenges for governments to understand, requiring attention to a combination of screening mechanisms, fee structures, penalties, awareness programs, and legal reforms. It may be possible to protect the fundamental right to information while minimizing its misuse.

Despite the above challenges and instances of misuse, the overall impact of the RTI Act has been overwhelmingly positive, making it a cornerstone of democratic governance in India. This Act has proved to be an important tool for ensuring transparency and accountability in governance.

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