



## Right to information and democratic deepening in India: Law, practice, and emerging challenges

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### Abstract

The Right to Information (RTI) Act, 2005 represents a watershed moment in India's democratic development. Emerging from a combination of grassroots mobilization, civil society advocacy, and judicial recognition of the "right to know," the Act institutionalized transparency and accountability as legal and moral imperatives<sup>[1]</sup>. This paper examines RTI not merely as a statutory right but as a tool for participatory governance, exploring its constitutional foundations, legal framework, implementation challenges, and broader social impact. It also analyses the role of judiciary, civil society, and digital initiatives in enhancing the effectiveness of RTI. The paper concludes that while RTI has transformed citizen-state interactions, sustained political will, institutional independence, and civic awareness remain crucial for its continued success.

**Keywords:** Transparency, accountability, participatory governance, democratic development, civil society advocacy

### Introduction

Democracy presumes informed citizens. Voting alone cannot ensure meaningful participation if citizens lack knowledge of policies, budgets, and administrative decisions<sup>[2]</sup>. Historically, governance in India operated under a culture of secrecy inherited from colonial administration<sup>[3]</sup>. While secrecy was often justified as a measure of efficiency or national security, it facilitated misuse of power and eroded public trust.

The RTI Act of 2005 emerged as a response to these structural challenges. Beyond providing legal access to records, it created a mechanism for citizens to engage actively with governance. Grassroots movements, such as the Mazdoor Kisan Shakti Sangathan in Rajasthan, were instrumental in demonstrating the need for transparency, particularly in rural wage payments and public works programs<sup>[4]</sup>.

This paper situates RTI within the broader democratic framework, examining its legal, institutional, and social dimensions.

### Constitutional and Legal Foundations

The RTI Act rests on the constitutional recognition of the right to information as part of the freedom of speech and expression under Article 19(1)(a)<sup>[5]</sup>. In *State of U.P. v. Raj Narain* (1975), the Supreme Court observed that citizens must have access to information to participate meaningfully in democracy<sup>[6]</sup>.

Further judicial interpretation, notably in *Central Board of Secondary Education v. Aditya Bandopadhyay*, clarified that the presumption in favour of disclosure is central to RTI and exemptions must be narrowly interpreted<sup>[7]</sup>. This principle reinforces the Act's intent to prevent arbitrary secrecy in governance.

The RTI Act specifies clear procedures, timelines, and appeals processes, with independent Information Commissions at the central and state levels<sup>[8]</sup>. These legal structures are essential for operationalizing the constitutional right.

### Historical Evolution and Grassroots Mobilization

Prior to RTI, citizens had limited avenues to question administrative decisions. In the 1990s, grassroots

movements highlighted systemic corruption in public works. The Mazdoor Kisan Shakti Sangathan organized public hearings (Jan sunwais) to expose discrepancies in wage payments and project execution<sup>[9]</sup>.

These initiatives revealed how opacity affected the most marginalized communities, demonstrating that access to information is not only an administrative matter but also a question of social justice. Civil society advocacy, combined with judicial recognition of the right to information, created the momentum for the RTI Act<sup>[10]</sup>.

### Transparency and Democratic Governance

Transparency is more than disclosure; it represents a shift in administrative culture. Proactive disclosure of budgets, contracts, and policy decisions allows citizens to monitor government performance<sup>[11]</sup>.

Studies indicate that transparency reduces opportunities for corruption in welfare programs<sup>[12]</sup>. However, transparency is not uniform. Delays, incomplete responses, and administrative reluctance often limit the law's practical impact. This underscores that RTI is both a legal tool and a participatory process, relying on citizen engagement for effectiveness.

### Accountability: Judiciary and Civil Society

RTI enhances accountability by creating formal mechanisms for citizens to question authorities. Civil society organizations and media outlets frequently invoke RTI to expose irregularities. Judicial interpretation reinforces this accountability framework.

In *CBI v. C.R. Bhaskar*, the Supreme Court emphasized that public interest outweighs bureaucratic convenience in RTI matters<sup>[13]</sup>. Courts thus act as guardians of transparency, balancing administrative discretion with democratic accountability.

### Citizen Empowerment and Social Justice

RTI empowers citizens, especially marginalized groups, by providing access to records related to land, employment, and welfare schemes<sup>[14]</sup>. For example, rural communities in Rajasthan have successfully used RTI to prevent illegal land encroachments and ensure that funds reach intended beneficiaries.

Empirical evidence suggests that informed citizens are more likely to participate in local governance, contributing to stronger, more equitable democratic practices<sup>[15]</sup>.

### **Empirical Trends and Institutional Challenges**

Since 2005, RTI applications have steadily increased<sup>[16]</sup>. However, backlogs and vacancies in Information Commissions reduce the law's efficacy. Harassment of RTI applicants and misinterpretation of exemption clauses further constrain access<sup>[17]</sup>.

The 2019 Amendment Act, which altered tenure and salary provisions for Commissioners, sparked debate on institutional independence. Critics argued that executive influence might compromise transparency, while supporters highlighted administrative flexibility<sup>[18]</sup>.

### **Comparative Perspective**

India's RTI framework is considered robust compared to FOI laws in other democracies. Low application fees, broad scope, and independent appellate bodies distinguish it<sup>[19]</sup>. Nonetheless, implementation challenges persist, particularly in rural areas with limited awareness and digital access

### **Digital Governance and the Future**

Digital platforms have enhanced RTI's accessibility. Online portals allow citizens to file requests, track applications, and access proactive disclosures<sup>[20]</sup>. Yet digitalization introduces new challenges, including data security and privacy concerns. Balancing transparency and confidentiality will remain central to RTI's evolution.

### **Conclusion**

The Right to Information Act has fundamentally reshaped governance in India, fostering transparency, accountability, and citizen empowerment<sup>[21]</sup>, while institutional and administrative challenges persist, RTI remains a living mechanism that transforms citizens from passive observers to active participants in democracy.

Its future success depends on sustained political will, institutional independence, technological integration, and public vigilance. As a democratic instrument, RTI exemplifies the ongoing negotiation between the State and its citizens—a negotiation critical for the deepening of participatory governance in India.

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