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Right To Information and Good Governance in India: An Analysis of the RTI Act, 2005 In the Post -2019 Amendment Era

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Abstract

The Right to information Act, 2005 is considered the most powerful legislation for ensuring transparency, accountability and good governance in India. Enacted to operationalize the fundamental right to freedom of speech and expression under Article 19 (1) (a) of the constitution, the act has empowered citizens to seek information from public authorities. However, after nearly two decades of implementation, its effectiveness has come under question, particularly after the enactment of the Right to Information (Amendment) Act, 2019. This paper critically assesses the RTI Act in the post-2019 amendment period. This study based entirely on secondary data and also adopts a descriptive analytical method. The secondary data are collected from Central Information Commission (CIC) Annual Reports from 2020 to 2024, legislative texts, government reports etc. The study finds that while RTI has exposed major scams and institutionalized transparency, its institutional framework has weakened.

Key Words: Right to Information, Good Governance, Transparency, Accountability, RTI Act, RTI Act, 2019 Amendment, Information Commissioner.

1. Introduction:

Good governance is characterized by transparency, accountability, participation and rule of law (World Bank, 1992). In a democratic polity, access to information is a pre-requisite for citizens to participate meaningfully in governance. It involves transparency, accountability, participation, responsiveness, the rule of law and the responsible use of public resources. In a democratic system, citizens must have access to information about governmental decisions, administrative procedures, public expenditure and the implementation of welfare programmes. Without access to such information, meaningful public participation and effective accountability become difficult to achieve (United Nations Development Programme, 1997). In India, the Right to Information Act, 2005, was enacted to establish a practical legal framework through which citizens could obtain information held by public authorities. The act marked an important shift from an administrative culture historically characterized by secrecy towards a system that recognizes openness as a central principle of democratic governance. It provides citizens with an opportunity to question administrative decisions, examines public expenditure, monitor public services and demand explanations from public institutions (Government of India, 2005).

The Right to information also has constitutional significance. The Supreme Court has interpreted the freedom of speech and expression guaranteed under Article 19 (1) (a) as encompassing the right to know in appropriate circumstances. In State of Uttar Pradesh v. Raj Narain (1975), the court recognized the importance of public access to information concerning governmental affairs, subject to legitimate restrictions. This constitutional foundation reinforces the relationship between information access and democratic accountability.

Nevertheless, the existence of a legal right does not automatically guarantee its effective implementation. Citizens may encounter delays, incomplete responses, excessive procedural requirements or difficulties in pursuing appeals. The post -2019 period is especially important for assessing these issues. The Right to Information (Amendment) Act, 2019, changed the statutory framework governing the tenure and service conditions of Information Commissioners. Under the original Act, the tenure and service conditions of the Central and State Information Commissioners were specified in the legislation. The amendment authorized the Central Government to prescribe the term of office, salaries, allowances and other conditions of service of the relevant commissioners (Government of India, 2019a). The rules subsequently notified in 2019 prescribed a three-year term for the Chief Information Commissioners and Information Commissioners at the Central Level (Government of India, 2019 b).

2. Statement of the Problem:

The Right to Information (RTI), Act, 2005, is an important instrument for promoting transparency, accountability and good governance in India. However, its effective implementation continues to face challenges, including delays in providing information, pending appeals, limited public awareness and weaknesses in the functioning of information Commissions. The Right to Information (Amendment) Act, 2019 also raised concerns regarding the tenure and service conditions of Information Commissioners. Therefore, this study critically examines the implementation of the RTI Act in the post-2019 period and assesses its contribution to transparency, accountability and good governance in India. It also considers institutional challenges that may affect exercise of citizens right to information.

Objectives of the Study:

(1) To examine the role of the Right to Information Act, 2005, in promoting transparency and accountability in India.

(2) To critically analyze the implications of the Right to Information (Amendment) Act, 2019 for the institutional autonomy and functioning of information commissions.

(3) To assess the major challenges affecting the implementation of the RTI Act during the post-2019 period and suggest measures to strengthen good governance.

Research Questions:

(1) How does the RTI Act,2005, contribute to transparency and accountability in India?

(2) What are the institutional implications of the 2019 amendment for Information Commissions?

(3) What measures could improve the contribution of the RTI Act to good governance?

3. Conceptual Understanding of Right to Information and Good Governance:

Right to Information refers to the legal right of citizens to access information held by public authorities. It enables citizens to obtain records, documents, orders, reports and other information concerning government activities, subject to the exemptions provided under the law. The RTI Act, 2005, aims to establish a practical system through which citizens can access public information and hold government institutions accountable.

The RTI Act 2005 aims to establish a practical system through which citizens can access public information and hold government institutions accountable. It also promotes informed participation in democratic processes.

On the other hand Good Governance refers to the effective, transparent, accountable, participatory and responsive functioning of public institutions. It ensures that administrative decisions are made according to the principles of fairness, rule of law and public interest. The major principles transparency, accountability, participation, responsiveness, rule of law, effectiveness etc.

The RTI Act supports these principles by enabling citizens to access information and question administrative practices.

Legal and Institutional Framework of the RTI Act, 2005:

The RTI Act, 2005 was enacted to promote transparency and accountability in public authorities. Some important provisions are:

Section 3: Recognizes the right of citizens to information.

Section 4: Requires public authorities to maintain records and make specified information available proactively.

Section 5: Provides for the appointment of public information officers.

Section 6: Explains the procedure for making an application for information.

Section 7: Provides the time limit for responding to information request.

Section 8: Specifies categories of information exempted from disclosure.

Section 19: Provides for penalties against Public Information Officers in specified circumstances.

4. Methodology of the Study:

The study adopts a qualitative research design based on secondary data. It uses documentary analysis and critical legal analysis to examine the relationship between information access and good governance. The principal sources include the RTI Act, 2005, Right to Information Rules,2019, relevant Supreme Court decisions etc. Particular attention is given to Satark Nagarik Sangatha's Report Card on the Performance of Information Commissions in India, 2024-25.

5. Review of Related Literature:

Roberts, Alasdair (2010) in his study "A Great and Revolutionary Law: The first Four Years of India's Right to Information Act" examines the early Implementation of the RTI Act in India. The study highlights its role in promoting transparency and citizen participation. However, it also identifies challenges such as bureaucratic resistance, inadequate public awareness and delays in providing information (Roberts, 2010).

Shalini Singh and Bhaskar Karn (2012) Right to Information Act-A tool for Good Governance Through ICT. The authors examine the role of Information and Communication Technology in strengthening the RTI Act. They explain that digital access to government information can improve transparency, accountability and public awareness (Singh& Karan, 2012).

Aradhana Sharma (2013) in her study "State Transparency after the Neoliberal Turn: The Politics, Limits and Paradoxes of India's Right to Information Law" discusses the political and administrative dimensions of the RTI Act. The study explains how the RTI movements challenged government secrecy and promoted transparency. It also highlights the limitations of implementing transparency reforms in India.

B.S Ghuman and Sohali Mohammad (2017) in their study "Right to Information Act, 2005 in India: A Decadal Experience" evaluate the first decade of the RTI Act. The authors identify problems such as low public awareness, poor record management, delays in information delivery and weakness in Information Commissions. They emphasized the need for effective administrative reforms.

Rajvir Dhaka (2018) in his work The Information Commissions in India: A Jurisprudential Explication of their Powers and Functions examines the legal powers and functions of Central and State Information Commissions. The study highlights their importance in protecting citizens right to information and ensuring accountability in public administration.

Himanshu Jha (2019) in his study " Untangling Global -Local Linkages: The Case of the Right to Information Act in India" analysis the development of the RTI movement in India. The study explains how grassroots movements contributed to the introduction of the RTI act and challenged the traditional culture of secrecy in Public administration.

Khushi Mandowara and Vineeth Thomas (2023) in their study " Proactive Transparency in Governance: A comparative Study of Digitalization of the Right to Information Act in Central and State Governments in India" examine the digitalization of the RTI system in central and state governments. The study highlights how online platforms and proactive disclosure can improve public access to information and strengthen transparency.

Jayashree Pantawane and Abhay Butle (2024) in their study " Right to Information and Good Governance: A Study of the impact of RTI on Transparency and Accountability in Indian Administration" examines the relationship between the RTI Act and Good Governance in India. It highlights the contribution of the Act towards improving transparency , accountability and administrative responsiveness.

6. The RTI Amendment Act, 2019: A critical Assessment:

Major Changes introduced by the amendment:

(1)The Right to Information (Amendment) Act, 2019, changed the statutory framework governing the tenure and service conditions of the Chief Information Commissioner, Information Commissioners and their state-level counterparts. Under the original act the legislation specified a five year term or the age of 65 years, whichever came earlier, for the relevant officeholders. Following the amendment, the term of office, salaries, allowances and other service conditions were to be prescribed by the Central Government (Government of India,2019a). The rules notified in 2019 prescribed a three- year term for the Chief Information Commissioner and Information Commissioner at the central level.

(2) Institutional autonomy and executive influence: The principle critical issue concerns the relationship between executive authority and independent adjudication. Information commissions review disputes involving public authorities and are expected to make decisions impartially. Critics argue that greater executive control over tenure and service conditions may affect the perceived independence of commissions.

(3) Tenure and institutional continuity: The term of office can affect continuity, experience, and administrative planning. A clearly defined term may help organize recruitment and succession, but its practical effects depend on whether appointments occur promptly and vacancies are avoided.

Positive achievements of the RTI ACT:

(1) It has made government information more accessible to ordinary citizens.

(2) It has challenged the traditional culture of bureaucratic confidentiality.

(3) It has enabled individuals to question government decisions and demand accountability.

(4) It has reinforced the relationship between citizens and government through transparency and public scrutiny.

(5) It has facilitated the identification of irregularities in public expenditure and welfare programmes.

7. Major Challenges in the Implementation of the RTI Act in the Post-2019 Period:

Despite its importance, the implementation of the RTI Act continues to face several challenges:

(1) Delays in providing information: One of the major challenges is the delay in responding to RTI applications and appeals. Although the act provides specific time limits, delays in providing information weaken the practical value of the right.

(2) Pending Appeals and Complaints: The increasing number of pending cases before Information Commissions affects the timely delivery of justice to information seekers.

(3) Vacancies in Information Commissions: Vacancies and inadequate staffing affect the functioning of Information Commissions. The Supreme Court in Anjali Bhardwaj v. Union of India (2019) emphasized the importance of timely appointments and the proper functioning of these institutions.

(4) Institutional Independence: The 2019 amendment has raised debates regarding the autonomy of Information Commissions. Since these commissions play a significant role in deciding disputes between citizens and public authorities.

(5) Lack of Public awareness: Many citizens, particularly those in rural and disadvantaged communities, may not have adequate knowledge about the RTI Act, application procedures, appeal mechanisms and available remedies.

8. Major Findings of the Study:

Based on the analysis of secondary sources, the following findings emerge:

(1)The study finds that the RTI Act has helped promote transparency and accountability by allowing citizens to access government information and question administrative decisions. However, delays in providing information remain a challenge.

(2) The study also finds that the 2019 Amendment raised concerns about the autonomy and independence of Information Commissions, particularly regarding the tenure and service conditions of Information Commissioners.

(3) The study identify major challenges such as pending appeals, lack of public awareness, delays in providing information and vacancies in information commissions.

Overall, the study finds that the RTI Act, 2005, is an important instrument for ensuring transparency, accountability and good governance in India. However, effective implementation requires stronger information commissions, timely disposal of appeals and greater public awareness.

9. Suggestions and Recommendations:

(1)Vacancies in Central and State Information Commissions Should be filled without unnecessary delay.

(2) Information Commissions should be able to function independently and impartially.

(3) Awareness programmes should be organized, particularly in rural and disadvantaged communities to educate citizens about the RTI Act.

(4) The performance of public authorities and Information Commissions should be reviewed regularly to identify implementation gaps.

10. Conclusion:

The Right to Information Act, 2005, has played an important role in strengthening democratic governance in India by providing citizens with a legal mechanism to access information held by public authorities. It has contributed to transparency, accountability, public participation and greater scrutiny of government activities. The success of the RTI act cannot be measured merely by the existence of legal provisions. Its effectiveness depends on the willingness of public authorities to disclose information, the independent functioning of Information Commissions and the ability of citizens to exercise their right without unnecessary barriers.

REFERENCES

Government of India. (2005). The Right to Information Act, 2005. (Act No.22of 2005). Ministry of Law and Justice.

Dhaka, R.S. (2018). The Information Commissions in India: A Jurisprudential explication of their powers and Functions. Indian Journal of Public Administration, 64(4).

https://doi.org/10.1177/00195556118788481.

Ghuman, B.S., &Sohail, M. (2017). Right to Information Act, 2005 in India: A decadal experience. Indian Journal of Public Administration, 63(2), 228-251.

https://doi.org/10.1177/0019556117699737.

Government of India. (2019a). The Right to Information (Amendment) Act, 2019 (Act No.24 of 2019). Ministry of Law and justice.

Press Information Bureau. (2019, December 11). New rules under RTI. Ministry of Personnel, Public Grievances and pensions, Government of India.

Kaur, H. (2022). Transparency in governance: A Comparative study of right to information legislation in India, Indonesia and Nigeria. Asian Journal of Comparative Politics, 7 (4),1282-1296.

https://doi.org/10.1177/2057891122109852

Mandowara, K., & Thomas, V. (2023).Proactive transparency in governance: A comparative study of digitalization of the Right to Information Act in Central and State governments in India. Asian Journal of Comparative Politics, 8(2).

https://doi.org/10.1177/2057891123157437.

Pantawane, j., & Butle, A. (2024). Right to Information and good governance. A study of the impact of RTI on transparency and accountability in Indian administration. Shodhkosh: Journal of Visual and Performing Arts, 5(1), 1176-1185.

https://doi.org/10.29121/shodhkosh.v5.i1.2024.4035.

Satark Nagrik Sangathan. (2025). Report card on the performance of Information Commissions in India, 2024-25: Key findings.

https://www.snsindia.org/wp-content/uploads/2025/10/Report-Card-Key-findings-2025.pdf.