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LEGISLATION TRACKER

Right to Information Act, 2005

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SUBJECTS COVERED

POLITY

CURATED & WRITTEN BY

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ACT NUMBER	YEAR ENACTED	REPLACES
Act No. 22 of 2005	2005	Freedom of Information Act, 2002

KEY PROVISIONS

- 1 Every citizen has the right to request information from any public authority
- 2 Public authorities must respond within 30 days (48 hours in life/liberty matters)
- 3 Establishes Central Information Commission (CIC) and State Information Commissions (SICs)
- 4 Mandatory proactive disclosure of key information under Section 4
- 5 10 exemptions under Section 8 (sovereignty, security, trade secrets, privacy, etc.)
- 6 Overrides Official Secrets Act, 1923 in public interest matters (Section 22)
- 7 Penalties of Rs 250/day (max Rs 25,000) on Public Information Officers for delays

BACKGROUND

The Right to Information Act, 2005 (RTI Act) was enacted on June 15, 2005 and came into force on October 12, 2005. It replaced the Freedom of Information Act, 2002 which had never been notified. The RTI Act is rooted in Article 19(1)(a) of the Constitution, which guarantees the right to freedom of speech and expression – the Supreme Court held in *State of U.P. v. Raj Narain* (1975) that the right to know is an integral part of this freedom.

India's RTI movement gained momentum through grassroots campaigns led by the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan during the 1990s, demanding transparency in local government spending. The National Advisory Council (NAC) under Sonia Gandhi played a key role in drafting the final legislation. The Act applies to all constitutional bodies, including the executive, legislature, and judiciary (for administrative matters).

The RTI Act is considered one of the strongest transparency laws in the world. It covers approximately 6 million public authorities across India. However, the RTI (Amendment) Act, 2019 diluted the independence of Information Commissions by giving the Central Government power to determine the tenure, salary, and service conditions of the Chief Information Commissioner and Information Commissioners.

KEY CONCEPTS

- **Public Authority:** Any authority or body established by or under the Constitution, or by any law made by Parliament/State Legislature, or by government notification/order; includes bodies owned, controlled, or substantially financed by the government (Section 2(h))
- **Public Information Officer (PIO):** Officer designated by every public authority to provide information to requesters under the Act (Section 5)
- **Appellate Authority:** Senior officer within the public authority who hears first appeals against PIO decisions (Section 19(1))
- **Central Information Commission (CIC):** Statutory body constituted under Section 12, headed by the Chief Information Commissioner and up to 10 Information Commissioners, appointed by the President on recommendation of a committee comprising PM, Leader of Opposition, and a Union Cabinet Minister
- **Third Party Information:** Information relating to or supplied by a third party treated as confidential – the third party must be given a hearing before disclosure (Section 11)
- **Proactive Disclosure:** Obligation on every public authority to publish 17 categories of information suo motu under Section 4, including organizational structure, powers, decisions, budgets, and subsidies

IMPORTANT PROVISIONS

Section 3 – Right to Information: All citizens have the right to information. This is the operative section that creates the substantive right.

Section 4 – Proactive Disclosure: Every public authority must maintain records, publish information within 120 days, and disseminate information widely. Sub-section 4(1)(b) lists 17 specific categories including organization structure, powers and duties of officers, rules, budget allocations, and directory of employees.

Section 6 – Request for Information: Any citizen can request information from the PIO by paying a prescribed fee of Rs 10 (BPL applicants are exempt). No reason needs to be given for requesting information.

Section 7 – Disposal of Request: PIO must provide information within 30 days (35 days if transferred to another authority). If information concerns life or liberty, the time limit is 48 hours. If the PIO fails to respond within the time limit, the information is deemed refused.

Section 8 — Exemptions: Lists 10 categories of exempt information: (a) sovereignty and integrity of India, (b) information expressly forbidden by court/tribunal, (c) breach of privilege of Parliament/Legislature, (d) commercial confidence/trade secrets, (e) fiduciary relationship, (f) information received from foreign government, (g) endangering life/safety, (h) impeding investigation, (i) Cabinet papers (disclosed after decision is taken), (j) personal information with no public interest.

Section 19 — Appeals: First appeal to the Appellate Authority within 30 days; second appeal to CIC/SIC within 90 days. The CIC/SIC has powers of a civil court for summoning, requiring documents, and receiving evidence.

Section 20 — Penalties: CIC/SIC can impose penalty of Rs 250 per day (maximum Rs 25,000) on PIO for failure to provide information without reasonable cause, or for providing incorrect/misleading information. Can also recommend disciplinary action.

LANDMARK JUDGMENTS

State of U.P. v. Raj Narain (1975): The Supreme Court held that the right to know is implicit in the right to freedom of speech and expression under Article 19(1)(a). This case laid the constitutional foundation for the RTI Act.

S.P. Gupta v. Union of India (1982): Justice P.N. Bhagwati held that disclosure of information regarding the functioning of government must be the rule and secrecy the exception. Open government is the direct emanation from the right to know.

CBSE v. Aditya Bandopadhyay (2011): The Supreme Court held that RTI is a “sunshine law” that opens up government processes to public scrutiny but warned against its misuse. Evaluated copies of answer sheets can be disclosed under RTI. The Court clarified that the RTI Act does not create any new right to information but merely provides a statutory framework for enforcement of the pre-existing right flowing from Article 19(1)(a).

RECENT AMENDMENTS / DEVELOPMENTS

RTI (Amendment) Act, 2019: Amended Sections 13, 16, and 27. Key changes: (1) tenure of CIC and ICs changed from fixed 5 years to “as prescribed by the Central Government”; (2) salary equated with “as prescribed” rather than fixed equivalence with Election Commissioner (CIC) and Secretary to GoI (ICs); (3) Central Government empowered to determine terms of service. Critics argue this dilutes independence of Information Commissions by making them dependent on the executive for their service conditions.

DPDP Act Amendment to Section 8(1)(j) (2023/2025): The Digital Personal Data Protection Act, 2023 (Section 44(3)) substituted the clause in Section 8(1)(j) of the RTI Act. The earlier provision exempted personal information from disclosure unless a “larger public interest” justified it. The amended provision removes this public interest override entirely, creating a blanket exemption for all personal data. Critics argue this shifts from a “case-by-case” evaluation to an “absolute bar” on access to personal information — details about public

servants' conduct, performance, assets, and educational credentials can now potentially be shielded. The IT Ministry's defence is that Section 8(2) of the RTI Act already provides a separate public-interest override, making the deleted clause redundant. This amendment became operative with the notification of DPDP Rules on November 14, 2025.

Digitization of RTI: The RTI Online Portal (rtionline.gov.in) was launched in 2013 for filing RTI applications to Central Government ministries/departments online. As of 2024, over 30 lakh applications have been filed online.

CIC Vacancy Crisis (2025-2026): The Central Information Commission has been reduced to functioning with just two commissioners, while nine posts — including the Chief Information Commissioner — remain vacant. Eight posts of Information Commissioners have been vacant since November 2023, and the backlog of pending appeals/complaints has grown to nearly 30,000. The Supreme Court (Justices Surya Kant and Ujjal Bhuyan, November 2024) directed the Union and states to furnish data on vacancies and proposed timelines. In January 2025, the Centre told the Court that the selection process would conclude within three months (by April 2025). An advertisement was floated on May 21, 2025, with a June 30 deadline — but as of early 2026, no appointments have been made. The Supreme Court has warned that the RTI Act will become a “dead letter” if vacancies remain unfilled.

UPSC RELEVANCE

CIC composition, Section 4 proactive disclosure, Section 8 exemptions, time limits (30 days/48 hours), penalty amounts, RTI Amendment 2019 changes **Mains GS-2:** *Transparency and accountability in governance, role of RTI in deepening democracy, challenges of implementation (vacancies, pendency, threats to activists), RTI Amendment 2019 and independence of Information Commissions* **Interview:** *“Is the RTI Act being diluted? How can citizen participation in governance be strengthened?”*

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