



Role of Public Authorities under the Right to Information Act in India

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Abstract:

The RTI (Right to Information) Act introduced in 2005, is one of the most significant legislations ever made by Indian Parliament with intent to empower citizens and ensure transparency and accountability in governance through participation. It allows for citizens to request information held by public authorities such as the Central Government, State Governments, and entities established under the Constitution or any law made within a state. Through its RTI initiative, it has not only reduced corruption and increased administrative efficiency but also enforced greater public participation in decision-making and delivery of services. It explores the obligations of public authorities under RTI Act, 2005 and evaluates its impact on governance in India. The paper discusses the implementation challenges: delays in information supply, low awareness, misuse of exemption and lack of administrative buy-in. This research paper aims to examine the Right to Information an Obligation of Public Authorities in India and it uses secondary data for analysis.

Keywords: Right to Information, RTI Act 2005, Public Authorities, Transparency

Introduction

The Right to Information is esteemed as a fundamental aspect of democratic rule. A major feature of democracy is the right of citizens to know how public institutions operate, how decisions are made, and where public resources are spent. The administration needs to be more transparent as this helps ensure accountability and curbs corruption. The demand for access to information in India emerged strongly during the 1990s with civil society movements, notably the Mazdoor Kisan Shakti Sangathan (MKSS) movement in Rajasthan. In India, the legislation Right to Information Act was enacted in 2005 by Law of the Land allowing legal access to information from public authorities. The Act came into effect on 12 October 2005 and covers all public authorities, i.e. any government ministry or department, a local authority or even anybody owned by the Government such as PSUs (wherein a PSU is defined as an agency created under the constitution or established by the Parliament law) comprising bodies which are "substantially financed" by the appropriate Government (also known as 'Public Authorities'). RTI Act asserts the fundamental right of information, with the rationale being that citizen own information and government is only an administrator/ trustee of public information. The Act imposes a number of obligations on public authorities—systematic records, proactive publication of information, appointment of Public Information Officers (PIOs), and time-bound responses to citizens.

Role of Public Authorities

Public authorities have a significant responsibility in creating an effective transparency and accountability regime under the Right to Information Act, 2005. They are required to maintain the records in proper manner and offering information to citizens within the stipulated time. Provided there are PIOs — Public Information Officers at public authorities to deal with RTI applications. They also have to be proactive about the disclosure of significant information for the awareness of the public. It is because of these roles, that public authorities help fortify democracy while minimizing corruption in India.

Public authorities and right to information

A public authority as per Section 2(h) of the RTI Act means an authority, or body or institution of self-government established by or under the Constitution; by any other law made by Parliament; by notification issued or order made by the Government. It also incorporates bodies owned by the government or substantially financed by governments.

There are a number of obligations placed on public authorities by the RTI Act to make information accessible in an easily digestible manner.

Maintenance of Records

Public authorities are obliged to keep all records properly catalogued and indexed so that any information can be retrieved in a timely manner. Good record management increases the efficiency and transparency of a firm,

Proactive Disclosure of Information

The Right to Information Act, 2005 contains a public interest provision that emphasizes the need for proactive disclosure of information. The Act mandates public authorities to proactively disclose certain types of information from time to time, instead of waiting for RTI applications. Organizational structure, functions, budgets, rules and public welfare schemes are among the details you will be trained in. You are trained on data until Oct 2023. It makes it easier for citizens to get government information, and encourages accountability in governance.

Appointment of Public Information Officers (PIOs)

Section 5 of the Right to Information Act, 2005 mandates that every public authority should designate PIOs. PIOs are mainly entrusted with the responsibility to receive and dispose of RTI applications from citizens. They make sure that information which has been requested is provided in the time specified. The recruitment of Assistant Public Information Officers (APIO) to help applicants at various administrative levels is another initiative. It assists in enhancing transparency, accountability and effective communication between citizens & public authorities through the appointment of PIOs.

Importance of RTI in Indian Governance

The RTI Act has changed the face of governance, giving citizens an active role and making processes more transparent.

- **Decrease in Corruption**– RTI has brought to light many corruptions dealing with Public Distribution Systems, recruitment anomalies, irregularities regarding schemes and misuse of public funds. Public scrutiny from the fear of that has led to better accountability by the administrations.
- **Citizen Empowerment**- Citizens will be able to ask authorities and seek clarification for the delay, abuse of power& denial of services. RTI has strengthened participatory democracy.

- **Increased Responsiveness in Public Service Delivery-** However, the bar for government departments has been raised through increased public oversight. It has strengthened delivery systems, through increased citizen engagement.
- **Democratization-** Transparency increases confidence in democratic institutions. It helps citizens to participate mindfully in the governance processes.

Challenges in Implementation

While the RTI act has proved to be effective, it also encounters some hindrances in execution.

- **Delay in Providing Information-** Even the public authority does not provide information within the time limit prescribed by RTI Act. The Act is less effective when there are delays.
- **Limited Awareness-** An overwhelming majority of the population, most in rural areas, have little or no knowledge regarding their RTI rights and tax procedures.
- **Administrative Resistance-** Some officials are reluctant to share information as they may face prosecution or exposure of corruption.
- **Abuse of Exceptions-** Public authorities occasionally misuse exemption provisions in Section 8 of the Act and deny information when there is no basis for doing so.
- **Threats to RTI Activists-** Rough winds blow for the whistleblowers of corrupt practices so is the fate of several RTI activists who have been harassed, threatened and assaulted or have even lost their lives while revealing sound irregularities.

Result and Analysis

The analysis of the RTI Act, 2005 shows that the act has played a significant role in promoting transparency and accountability in governance and mobilizing citizens participation. You can quote me on that If anything we are promising to hold public authorities more accountable through enhanced scrutiny and statutory disclosures. We summarize below: Table 1

Table 1: Number of RTI Applications Filed in India

Year	RTI Applications Filed (Approx.)
2018–19	12 lakh
2019–20	13 lakh
2020–21	11 lakh
2021–22	14 lakh
2022–23	16 lakh

2023–24**17 lakh**

Source: Compiled and estimated from the Annual Reports of the Central Information Commission (CIC), Government of India

RTI applications have grown over the years, indicating an increasing awareness among the public with respect to seeking information from the government. There was a temporary decrease in 2020–21 due to the COVID-19 pandemic and administrative disruptions. But the number soared after that as people became more involved in politics.

The rise in RTI applications shows that citizens are becoming more dependent on RTI to get information connected with welfare schemes, recruitment processes, public spending, land records and most importantly administrative decisions.

Table 2 -- Domains of RTI Applications

Sector	Percentage of RTI Applications
Rural Development & Welfare Schemes	25%
Recruitment & Employment	20%
Municipal Administration	18%
Police & Law Enforcement	12%
Education	10%
Public Distribution System	8%
Others	7%

Source-Source: Compiled and estimated from the Annual Reports of the Central Information Commission (CIC), Government of India

As per table no 2 where the RTI applications details come under rural development schemes, employment and municipal services. This shows that RTI is primarily used by citizens to ensure transparency in local governance and welfare issues. RTIs related to recruitment suggest a lack of fairness and corruption in government hiring processes. RTI queries on sanitation, water supply, roads, taxation and urban infrastructure also ensure that municipal administration receives a bulk of RTI applications.

Table 3 → Disposal of RTI applications by Public Authorities

Year	Applications Disposed (%)	Delayed/Rejected (%)
2018–19	78%	22%
2019–20	80%	20%
2020–21	72%	28%
2021–22	81%	19%
2022–23	84%	16%

Note: Source-Source, as compiled and estimated from Annual Reports of Central Information Commission (CIC), Government of India.

Over the years, the disposal rate of RTI applications has generally improved. Help A Tabular representation of how Public authorities have become more responsive in providing information within the time limits laid down. But these are still big improvements over delays and rejections. The high level of applications that were delayed/ rejected in 2020–21, was significant affected by the impact of pandemic disruptions. Despite such improvement, still a very high number of public authorities misuse the exemption provisions provided under Section 8 of RTI Act to refuse information.

Conclusion

The landmark legislation in India that has strengthened democratic governance is the Right to Information (RTI) Act of 2005. It explicitly recognizes the rights of citizens to know and imposes heavy duties on public authorities as well. It has empowered the citizenry; it has unearthed corruption and administrative malaise. But delays, administrative resistance to the new system, lack of awareness and even misuse of exemptions make it tough to roll out in most regions. In order for RTI to succeed, public authorities must also pivot towards transparency, create digital records and provide information on time. Awareness programmes should also be initiated by governmental institutions and grievance redressed mechanisms should be made effective.

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