

Diminishing Transparency: A Critical Analysis of India's Right to Information Act and Lessons from Nepal

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Abstract: *Although it is a notable legislative intervention of India's transparency architecture, the Right to Information Act of 2005 demonstrates a clear disconnect between effectiveness in operation and statutory sophistication. This paper synthesizes and assesses academic scholarship that includes doctoral jurisprudence, empirical studies, comparative institutional analysis, and critical policy values in order to examine the constitutional history, implementation strategies, and systematic barriers of RTI over its two decades of existence. The research reveals a crucial impasse: India's RTI loss rank sixth globally for statutory quality, yet their effectiveness and implementation rank sixty-sixth, indicating several enforcement flaws that seriously undermine the law's capacity to achieve transformative social changes. The evolution of informational rights under legal framework demonstrated how judicial activism translated implicit rights under Article 19(1)(a)¹ into explicit statutory architecture, redefining transparency as a normative standard of democracy rather than a legislative peculiarity.*

The effectiveness of RTI is perpetually undermined by seven significant operational pathologies; the 2019 amendment's² erosion of Information Commission's independence through executive control over tenure and compensation; the strategic deployment of exemption provisions as obfuscation mechanisms; the continued exemption of publicly-funded political parties from disclosure requirements despite explicit judicial directives; the ineffectiveness of penalty provisions as deterrents; widespread bureaucratic resistance manifested through personal vacancies, procedural delays and antiquated record management processes, complete non-compliance with proactive disclosure mandates under Section 4³; and the absence of adequate whistleblower protections framework highlighted by documented activist deaths. Comparative analysis with Nepal's RTI framework reveals instructive lessons regarding institutional device design, enforcement mechanisms and civil society mobilization. Important gaps remain in present research including comparative institutional studies and evaluating progressive transparency models; intersectional analyses investigating disparate access patterns among marginal communities; technological integration evaluations assessing digital governance applications; and longitudinal econometric analyses linking RTI utilization with corruption indices. Realizing the RTI's democratic potential necessitates prioritizing sectoral efficiency evaluations, technology-enabled transparency innovations, rigorous impact assessments, and comprehensive enforcement architecture reconstitution beyond merely symbolic legislative compliance.

Keywords: Right to Information Act, Transparency and Accountability, Information Commission Independence, Bureaucratic Assistance

