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Empowering Citizens: RTI, Right To Obtain Information, And Consumer Rights As Tools Of Accountability

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ABSTRACT

The Right to Information (RTI) and the Right to Obtain Information are essential pillars of a democratic system that values transparency and citizen participation. These rights grant individuals the ability to access records and data maintained by public authorities, thereby strengthening openness, accountability, and public involvement in governance. In the Indian context, although the Constitution does not explicitly refer to a “right to information,” the Supreme Court has recognized it as implicit in the Fundamental Right to Freedom of Speech and Expression (Article 19(1)(a)) and the Right to Life and Personal Liberty (Article 21). Through key judicial pronouncements, these articles have been interpreted to mean that access to relevant information is crucial for the effective exercise of democratic rights. The enactment of the RTI Act in 2005 gave this constitutional principle legal backing by making it enforceable. The Act obligates public institutions to furnish requested information promptly and outlines mechanisms for appeals and penalties in cases of non-compliance. It applies to all levels of government national, state, and local and includes organizations that are substantially financed by the state. The scope of information covered includes policy decisions, administrative actions, financial allocations, project updates, internal communications, and official documentation. The Right to Obtain Information, a key aspect of the broader RTI framework, grants citizens formal legal access to government-held information. It emphasizes the belief that such data belongs to the public and should not be treated as a government monopoly. This right allows individuals to examine documents, request certified copies, and monitor governmental operations to ensure efficiency and integrity. The effect of these rights has been transformative. They have strengthened civil society, supported investigative journalism, empowered citizens to expose corruption, and enhanced the delivery of essential government services such as ration supplies, pension schemes, and welfare initiatives.

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INTRODUCTION

The Right to Information (RTI) stands as a fundamental pillar of democratic systems and serves as a powerful mechanism for enabling citizens to take an active role in governance. It is grounded in the belief that openness and accountability are key to a thriving democracy. When people are well-informed, they are better positioned to challenge government actions, shape policies, and advocate for justice and equality. More than just a legal measure, RTI is a bridge that connects the government with its people, fostering trust and transparency.²

Across the world, many nations acknowledge the Right to Information as a basic human right. It is widely regarded as a natural extension of the right to freedom of speech and expression, and is protected in several national constitutions as well as international frameworks like Article 19 of the Universal Declaration of Human Rights.³ By granting the public access to governmental records, decisions, and activities, RTI strengthens democratic values, combats corruption, enhances the delivery of public services, and promotes efficient use of public funds. In India, the enactment of the Right to Information Act, 2005 marked a major advancement toward transparent governance. This legislation gives citizens the authority to seek information from public bodies, with a requirement that responses be provided within a fixed timeframe. It applies to numerous entities, including central and state government departments, public sector organizations, and non-governmental organizations receiving significant government support. The Act outlines a clear process for filing information requests, offers mechanisms for appeal, and includes penalties for non-compliance by officials.⁴ RTI has significantly changed the dynamic between citizens and the state. Information is no longer seen as a privilege restricted to government authorities; rather, it is recognized as a shared resource that belongs to the public. People from diverse backgrounds whether activists, journalists, students, or ordinary individuals have utilized RTI to expose misconduct, seek explanations, and claim their rights.⁵

²Sleepyclasses.com, 'Right to Information Act: Impact on Governance and Transparency' <<https://sleepyclasses.com/right-to-information-act-india/#:~:text=The%20RTI%20Act%20has%20played%20a%20significant,RTI%20requests%20have%20revealed%20discrepancies%20in%20the>> accessed on 15 July 2025

³Dr. Sweety Phogat, Article 19 (1)(a) of Indian Constitution and Right to Information Act, 2005 (2018) IJCRT Volume 6, Issue 1 <<https://ijcrt.org/papers/IJCRT1705091.pdf>> accessed on 15 July 2025.

⁴LexisNexis.in, 'Key objectives of Right to Information Act, 2005' <<https://www.lexisnexis.in/blogs/right-to-information-act-2005/>> accessed on 19 July 2025.

⁵ LexisNexis.in, 'Significant provisions of the Right to Information Act, 2005' <<https://www.lexisnexis.in>

The scope of information covered includes policy decisions, administrative actions, financial allocations, project updates, internal communications, and official documentation. The Right to Obtain Information, a key aspect of the broader RTI framework, grants citizens formal legal access to government-held information. It emphasizes the belief that such data belongs to the public and should not be treated as a government monopoly. This right allows individuals to examine documents, request certified copies, and monitor governmental operations to ensure efficiency and integrity. The effect of these rights has been transformative. They have strengthened civil society, supported investigative journalism, empowered citizens to expose corruption, and enhanced the delivery of essential government services such as ration supplies, pension schemes, and welfare initiatives.⁶

Nevertheless, the effective use of RTI still encounters several obstacles. These include limited public awareness, resistance from officials, and procedural delays. Despite such issues, RTI remains a vital tool for strengthening democracy, affirming the principle that an informed citizenry is the true guardian of democratic ideals.

UNDERSTANDING THE RIGHT TO OBTAIN INFORMATION

The Right to Obtain Information is a key feature of any democratic society, granting individuals the ability to access information held by public bodies. This right is founded on the belief that government transparency is essential for accountability and citizen participation. It empowers people to legally request and receive information about how public institutions function, the decisions they make, and the actions they undertake.⁷

CONSTITUTIONAL AND LEGAL BACKGROUND

In India, although the Constitution does not explicitly mention the Right to Information, it is understood to be part of the Fundamental Right to Freedom of Speech and Expression under Article 19(1)(a). The Supreme Court of India has repeatedly interpreted this provision to mean

[/blogs/right-to-information-act-2005/](#) accessed on 19 July 2025.

⁶Cisc.org.in, 'Right To Information Act,2005' <<https://csic.org.in/rights-to-information/>> accessed on 19 July 2025.

⁷Rti.tripura.gov.in, 'Guidelines For the Information Seekers Under The RTI Act, 2005' <<https://rti.tripura.gov.in/guidelines-for-the-information-seekers-under-the-rti-act>> accessed on 19 July 2025.

that freedom of expression is incomplete without access to relevant information.⁸ Additionally, Article 21, which protects the right to life and personal liberty, is also linked to this right, as having access to vital information is necessary for living a dignified and informed life.⁹

This right was formally codified through the Right to Information Act, 2005. The Act grants every citizen the right to seek information from public authorities, who must respond typically within 30 days, or within 48 hours if the matter concerns life or liberty. This law extends to all levels of governments central, state, and local as well as publicly funded organizations, including NGOs and public sector bodies.¹⁰

EXTENT OF THE RIGHT

The Right to Obtain Information spans a wide array of public records and activities, such as:

- Policies and decisions made by the government
- Budget details and financial expenditures
- Official reports, correspondence, advice, and communications
- Minutes of meetings and internal records
- Operations and duties of public officials and departments.

Citizens are also entitled to inspect public works, collect samples from ongoing projects, and request certified copies of official documents.¹¹

SIGNIFICANCE AND BENEFITS

The Right to Obtain Information plays a critical role in enhancing governance:

- **Ensures Transparency and Accountability¹²**

It holds public servants answerable for their actions, reducing corruption and inefficiency.

⁸Dr. Sweety Phogat, Article 19 (1)(a) of Indian Constitution and Right to Information Act, 2005 (2018) IJCRT Volume 6, Issue 1 < <https://ijcrt.org/papers/IJCRT1705091.pdf> > accessed on 15 July 2025.

⁹Civildaily.com, 'Right to Information', <https://www.civildaily.com/right-to-information-act-2005/#:~:text=Constitutional%20Basis:%20*%20Article%2021:%20RTI%20is,expression%2C%20which%20includes%20the%20Right%20to%20Kno, accessed on 19 July 2025.

¹⁰Right to Information Act 2005

¹¹Right to Information Act 2005

¹²Lexisnexis.in, 'Key objectives of Right to Information Act, 2005', <<https://www.lexisnexis.in/blogs/right-to-information-act-2005/>> accessed on 19 July 2025.

- **Empowers the Public¹³**

Individuals can challenge decisions, seek justifications, and participate actively in democratic affairs.

- **Strengthens Democratic Values¹⁴**

An informed population is crucial for transparent elections, equitable policymaking, and responsible leadership.

- **Improves Access to Services¹⁵**

Citizens can monitor the delivery of public services like pensions, food distribution, and welfare schemes.

- **Aids Investigative Efforts¹⁶**

Journalists and activists use this right to uncover wrongdoing and raise awareness on important issues.

LIMITATIONS AND RESTRICTIONS

Despite its vast reach, the Right to Obtain Information is not without boundaries. The RTI Act, 2005 exempts certain categories of sensitive information, such as:

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

¹³ Lexisnexis.in, ‘Key objectives of Right to Information Act, 2005’, <<https://www.lexisnexis.in/blogs/right-to-information-act-2005/>> accessed on 19 July 2025.

¹⁴ Lexisnexis.in, ‘Key objectives of Right to Information Act, 2005’, <<https://www.lexisnexis.in/blogs/right-to-information-act-2005/>> accessed on 19 July 2025.

¹⁵ Lexisnexis.in, ‘Key objectives of Right to Information Act, 2005’, <<https://www.lexisnexis.in/blogs/right-to-information-act-2005/>> accessed on 19 July 2025.

¹⁶ Lexisnexis.in, ‘Key objectives of Right to Information Act, 2005’, <<https://www.lexisnexis.in/blogs/right-to-information-act-2005/>> accessed on 19 July 2025.

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.¹⁷

¹⁷ Right to Information Act 2005, s 08(1) (a) to (j)

Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.¹⁸

Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:¹⁹

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

CONSTITUTIONAL FOUNDATION OF THE RIGHT TO INFORMATION

The Preamble of the Indian Constitution defines India as a Sovereign, Socialist, Secular, Democratic Republic. Accordingly, our understanding and interpretation of constitutional rights must align with and uphold the core principles of this democratic framework that forms the bedrock of India's political system.²⁰

Article 19(1)(a) of the Constitution guarantees the fundamental right to freedom of speech and expression. This right naturally includes the right to access information, as informed expression is only possible when individuals have access to relevant knowledge. Hence, the Right to Information (RTI) is recognized as a constitutional right, being an integral component of the freedom of speech and expression. Additionally, Article 19(2) permits the State to impose reasonable restrictions on this right, provided such limitations serve the public interest and are legally justified.²¹

The Right to Information is also intricately linked with Article 21, which protects the right to life and personal liberty. This right extends to the freedom to be informed about matters that influence one's life and well-being. The phrase "right to life and personal liberty" is expansive, covering various interrelated rights. To form rational judgments and participate meaningfully in society,

¹⁸ Right to Information Act 2005, s 08 (2)

¹⁹ Right to Information Act 2005, s 08 (3)

²⁰ The Constitution of India

²¹ The Constitution of India, art. 19(1) (a)

access to accurate and timely information is essential. Therefore, Article 21 also encompasses the right to know, thereby reinforcing the individual's right to obtain information. In fact, the scope of Article 21 is even broader than Article 19(1)(a), as it not only protects expression but also underpins the right to make informed decisions necessary for living a dignified life.²²

RIGHT TO INFORMATION AND CONSUMER RIGHTS

In a democratic nation like India, both the Right to Information (RTI) and Consumer Rights play vital roles in empowering citizens. While the RTI promotes transparency and accountability in public administration, Consumer Rights safeguard individuals against exploitation in the marketplace. Together, these rights uphold the constitutional values of justice, fairness, and active participation in governance.²³

Consumer Rights provide legal protection to individuals who buy goods or services. According to the Consumer Protection Act, 2019, every consumer is entitled to the following rights:

- Right to Safety
- Right to be Informed
- Right to Choose
- Right to be Heard
- Right to Seek Redressal
- Right to Consumer Education

These rights ensure that consumers are informed, treated fairly, and have access to remedies when faced with defective products, poor services, or unfair trade practices.²⁴

THE LINK BETWEEN RTI AND CONSUMER RIGHTS

The Right to Information acts as a powerful tool to reinforce and enhance Consumer Rights, especially the Right to be Informed and the Right to Redressal. Here's how RTI contributes to consumer empowerment:

- **Access to Information on Products and Services:** Consumers can use RTI to request details from public sector entities regarding pricing, quality standards, terms of service, and more.

²² The Constitution of India, art. 21

²³ The Consumer Protection Act 2019

²⁴ The Consumer Protection Act 2019

- **Holding Public Services Accountable:** If a government body or utility service fails to perform, consumers can obtain official records and data through RTI to support their complaints or demands for better service.
- **Understanding Laws and Regulations:** RTI helps consumers stay informed about regulatory guidelines, legal procedures, and compliance requirements followed by public agencies and authorities.
- **Transparency in Public Schemes and Subsidies:** Citizens can utilize RTI to uncover irregularities or corruption in government programs, ensuring that public benefits reach the intended beneficiaries.²⁵

CONSTITUTIONAL INTERPRETATION OF RTI BY THE SUPREME COURT OF INDIA

1. One of the first significant cases where the Supreme Court highlighted the public's right to know involved a challenge to a government-imposed restriction. In this case, the petitioner contested an order issued by the Madras Government under Section 9(1-A) of the Madras Maintenance of Public Order Act, 1949, which had banned the circulation of their journal, 'Cross Roads'. The Supreme Court struck down the order, declaring it a violation of the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution.²⁶
2. This case involved the issue of whether the Vohra Committee Report should be made public. The Supreme Court reaffirmed the critical role of government transparency in a participatory democracy. The Court stated that in a modern democratic system, citizens have the inherent right to be informed about government activities, especially since the government is formed by elected representatives working for the public's welfare. It further emphasized that openness is a fundamental element of democracy, likening transparency to sunlight, which acts as a natural disinfectant against secrecy and corruption.²⁷
3. In this case, the Supreme Court provided clarity on the meaning of the term "public authority" as defined in Section 2(h) of the RTI Act. The Court ruled that cooperative

²⁵Rtifoundationofindia.com, ' who reigns supreme among the RTI Act,2005 and Consumer Protection Act,2019 <<https://www.rtifoundationofindia.com/who-reigns-supreme-among-rti-act-2005-and-consumer#:~:text=A%20citizen%20dissatisfied%20with%20a,more%20informed%20and%20empowered%20citizenry>>

accessed on 17 July 2025

²⁶ Romesh Thappar v The State Of Madras [1950]AIR 124

²⁷ Dinesh Trivedi v Union of India [1997] 4 SCC 306

societies could fall under this definition if they receive substantial financial support from the government. This decision helped establish when such bodies are obligated to provide information under the RTI framework.²⁸

4. This landmark ruling dealt with the applicability of the RTI Act to the Supreme Court of India, specifically concerning the office of the Chief Justice and the collegium system for appointing judges. The Court concluded that the Supreme Court, including the Chief Justice's office, qualifies as a public authority under the RTI Act. While the Court acknowledged that transparency is vital to maintain judicial accountability, it also emphasized that certain types of personal information may be withheld from disclosure under Section 8(1)(j) especially if such disclosure doesn't serve a greater public interest.²⁹
5. In this significant judgment, the Supreme Court held that the RBI cannot refuse to disclose information under the RTI Act by citing fiduciary relationships or concerns of commercial confidentiality, especially when a larger public interest is involved. The Court highlighted that the RBI has a statutory responsibility to act in the public interest and promote transparency within the banking sector. It asserted that the central bank must prioritize accountability over secrecy when it comes to regulatory information.³⁰
6. This case underscored the importance of making the Right to Information accessible to individuals with disabilities, including those who are visually impaired. The Court stressed that authorities must offer reasonable assistance to ensure that persons with disabilities can effectively exercise their rights under the RTI Act, reinforcing the principle of inclusive and equitable access to information.³¹
7. In this important ruling, the Supreme Court affirmed that students have the right to access their evaluated answer sheets under the RTI Act. The judgment recognized that examinees are entitled to inspect or obtain copies of their assessed exam papers, reinforcing transparency and accountability in the education and examination system.³²
8. This case emphasized the limits of authority held by Information Commissions. The Court ruled that an Information Commissioner does not have the legal standing (*locus standi*) to

²⁸ *Thalappalam Service Cooperative Bank Ltd v State of Kerala and Others* [2013] 16 SCC 82

²⁹ *Central Public Information Officer, Supreme Court of India v Subhash Chandra Agarwal* [2019] [16] SCALE40

³⁰ *Reserve Bank of India v Jayantilal N. Mistry* [2016] 3 SCC 525

³¹ *Aseer Jamal v Union of India* AIR [2018] SC 4612

³² *Central Board of Secondary Education (CBSE) v Aditya Bandopadhyay* [2011] [8] SCC 497

challenge a High Court decision that imposed a penalty, thereby clarifying the boundaries of the Commission's powers under the law.³³

9. In this landmark case, the Supreme Court underscored the vital role of transparency in a democratic system. It recognized that citizens have a right to be informed about how the government operates, asserting that an open and transparent government is fundamental to the functioning of a true democracy.³⁴
10. In this case, the Supreme Court ruled that personal details of public servants are protected from disclosure under Section 8(1)(j) of the RTI Act, unless it can be clearly demonstrated that releasing such information serves a greater public interest. This judgment helped define the boundaries between transparency and privacy in the context of public service.³⁵
11. The Court emphasized that the interpretation of the Consumer Protection Act (CPA) Regulations must be consistent with the broader objectives of the Right to Information (RTI) Act, which aims to promote transparency and facilitate access to information. The Court observed that Regulation 21, which outlines the procedure for parties involved in a case to obtain certified copies, does not expressly prohibit third parties from accessing such information. The absence of a clear restriction should not be interpreted as a denial of access but rather as a gap in the existing regulatory framework. To address this gap, the RTI Act should be applied to enable access to information. Since the CPA Regulations neither permit nor prohibit third-party access, the RTI Act effectively functions as a legislative tool to fill this void and uphold the right to information.³⁶
12. The petitioner filed a complaint under the Consumer Protection Act after experiencing delays and denials in obtaining information through the RTI Act. The case underscores the possibility of seeking redress through consumer forums in RTI-related grievances. However, it also establishes that consumer forums may have limited authority to adjudicate matters that fall solely within the scope of the RTI Act.³⁷

³³ Karnataka Information Commissioner v Public Information Officer [PIO] WP No 38523 of [2017]

³⁴ S.P. Gupta v Union of India AIR [1982] SC 149

³⁵ Girish Ramchandra Deshpande v CIC & others SLP [C] No 27734 of [2012]

³⁶ Central Information Commissioner v High Court of Gujarat [2020] 4 SCC 702

³⁷ Sanjay Kumar Mishra v. Public Information Officer [NCDRC] RP No 2028 of [2012]

CONCLUSION

The Right to Information (RTI) stands as a vital instrument in a democratic society, reinforcing the core values of transparency, accountability, and effective governance. By granting citizens the ability to seek information from public authorities, it narrows the divide between the state and its people, ensuring that those in power remain answerable to the public. This right empowers individuals to make well-informed choices, engage meaningfully in democratic governance, and scrutinize the actions of public officials. The introduction of the RTI Act, 2005 marked a major advancement in India's pursuit of open government, formally recognizing what was already seen as a constitutional guarantee under Articles 19(1)(a) and 21. Over time, both the judiciary and civil society have played key roles in expanding and defending this right through impactful court rulings and civic engagement. The Right to Information (RTI) plays a vital role in safeguarding consumer interests by granting access to precise and timely information. This empowers individuals to make well-informed decisions and to stand up against unethical or unfair practices. It reinforces key consumer rights such as the Right to be Informed and the Right to Seek Redress, while also fostering openness and accountability in public services and welfare initiatives. Ultimately, the strategic use of RTI strengthens the foundation of consumer rights. Both RTI and consumer protection serve as powerful tools for creating an informed, responsible, and proactive public. When people are well-informed, they are better positioned to defend their rights and support a fairer and more transparent society. Despite its transformative potential, the RTI framework faces ongoing obstacles, such as administrative delays, insufficient public awareness and resistance from officials etc. To overcome these issues, there is a need to enhance implementation processes, educate citizens about their rights, and protect RTI users and whistleblowers through legal safeguards. Ultimately, the Right to Information is far more than just a statutory right it is a pillar of democratic participation. When effectively implemented, it ensures that governance remains open and people remain empowered, thus upholding the very essence of constitutional democracy.