



RESEARCH QUESTION

"How does one file an RTI application in India, what information can and cannot be sought under the Right to Information Act, 2005, what are the fees, timelines, and appeal process, and what have courts held about the scope of exemptions?"

Filing, Scope, Timelines, Appeals, and Judicial Interpretation of Exemptions under the Right to Information Act, 2005

TL;DR

Under the Right to Information Act, 2005, citizens can request information by filing a written or electronic application to a Public Information Officer, which must be resolved within 30 days (or 48 hours if life and liberty are at stake). The Supreme Court of India in *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal* (2019) clarified that the right to know must be balanced against individual privacy, distinguishing between absolute exemptions and qualified exemptions that are subject to a public interest override. The Act provides a robust two-tier appeal process under Section 19, backed by strict daily delay penalties under Section 20.

VERIFIED CASES	STATUTES	LATEST RULING
23 15 High Courts · 8 SC	4	2025 High Court of Delhi

CONTENTS

I. Detailed Analysis	2
II. Statutory Provisions	5
III. Cases Discussed	9
IV. Case Details	11

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Application Transfer and SPIO Timeline Calculations

When an RTI application is mistakenly filed with an incorrect public authority, the receiving authority must transfer it under Section 6(3) within five days, and the 30-day statutory clock for providing the information runs only from the date of receipt by the competent State Public Information Officer (SPIO), as held in *RTI Activist v. Directorate of Health Services, Assam* (2017).

02 Compulsory Adherence and Penalty Enforcement

Under Section 20, delay-related penalties imposed by the Information Commission operate as an essential deterrent against administrative delays, and these penalties remain legally valid even if the requested information is eventually provided, as established in *Bisheswar Ram v. State of Jharkhand* (2019).

03 Strict, Non-Philosophical Interpretation of Fiduciary Relationships

The "fiduciary relationship" exemption under Section 8(1)(e) must be construed in its ordinary, legally recognized sense of a trust relationship protecting a specific beneficiary, which does not apply to an examining body holding the evaluated answer books of examinees, as decided in *Central Board of Secondary Education v. Aditya Bandopadhyay* (2011).

04 Exclusion of Personal and Service Records

Information pertaining to a public employee's service records, including memos, show-cause notices, censure, property returns, and income tax statements, is qualified as "personal information" under Section 8(1)(j) and cannot be disclosed unless a larger public interest is clearly demonstrated, as ruled in *Girish Ramchandra Deshpande v. Central Information Commissioner* (2012).

05 The Statutory Public Interest Override

Section 8(2) introduces a robust override mechanism whereby none of the exemptions under Section 8(1) or the restrictions of the Official Secrets Act, 1923, can block information access if the public interest in disclosure outweighs the harm to protected interests, as recognized in *Yashwant Sinha v. Central Bureau of Investigation* (2019).

06 Juxtaposition of the Right to Know and Privacy

Adjudicating Section 8 exemptions requires balancing a citizen's right to know under Article 19(1)(a) with an individual's right to privacy under Article 21, demanding a strict construction of exemptions that does not unnecessarily infringe upon private life, as articulated in *Sancha Bahadur Subba v. State of Sikkim* (2018).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION

The apex court has clarified that Section 18 complaints cannot be used as a shortcut to bypass the statutory appellate mechanism of Section 19 to secure an order of disclosure, as held in *Chief Information Commissioner v. State of Manipur* (2011). Furthermore, the Court has ruled that the RTI Act does not override constitutional protections such as Article 22(5), meaning the state is not obligated to disclose the grounds of preventive detention under the RTI Act prior to the actual execution of the arrest, as decided in *Subhash Popatlal Dave v. Union of India* (2012).

HIGH COURT VARIATIONS

- *Public Information Officer, Chief Commissioner of Land Administration v. A.P. Information Commissioner* (2008): The High Court for the State of Telangana held that the "implied bar" theory cannot be used to restrict fundamental rights, and certified copies of public records (such as a Muntakhab) must be provided unless they explicitly fall under Section 8(1).
- *Udham Singh Nagar Dugdha Utpadak Sahkari Sangh Ltd. v. Uttarakhand Information Commission* (2018): The High Court of Uttarakhand clarified that public authorities are entitled to appeal adverse Commission orders under Article 226/227, but first appellate authorities are prohibited from deciding multiple distinct applications in a single appeal.
- *Shatrughan Prasad Sah v. State of Bihar* (2018): The Patna High Court has refused to exercise its discretionary writ jurisdiction under Article 226 when the petitioner fails to exhaust the alternative statutory remedy of a second appeal under Section 19(3).
- *The Public Information Officer v. The Central Information Commission* (2014): The Madras High Court held that while administrative aspects are open, sensitive judicial records relating to appointments and complaints against judges must be protected from vexatious inquiries.

RECENT EVOLUTION AND PROCEDURAL REFINEMENT

- *Petitioner v. State Information Commission* (2022): The High Court of Telangana sensitized Information Commissions to their statutory duty to decide second appeals within reasonable timeframes and actively examine the necessity of imposing Section 20 penalties.
- *Ajaya Kumar v. Central Information Commission* (2021): The Orissa High Court directed the Commission to resolve second appeals that had remained pending for over ten years, reinforcing the right to a swift remedy.
- *Pankaj Kumar Nath v. Superintendent of Excise* (2012): The Gauhati High Court held that prolonged pendency of second appeals by State Commissions does "violence" to the statutory timeline of Section 19(6).
- *Suman Sinha v. Union of India* (2019): The Allahabad High Court strictly enforced the requirement under Section 19(6) that first appeals must be resolved within the mandatory 30-to-45-day window.
- *V.M. Radhakrishnan v. State Information Commission* (2018): The Kerala High Court clarified that the 30-to-45-day disposal timeline in Section 19(6) applies only to first appeals under Section 19(1) and (2), and not to second appeals under Section 19(3).
- *C.V. Raman v. Karthiyani* (2022): The Kerala High Court held that when an appeal involves third-party information, the Commission is statutorily required under Section 19(4) to afford the third party a reasonable opportunity to be heard.
- *M/s. Dr. Ambedkar Seva Samajam v. The Government of Andhra Pradesh* (2006): The High Court outlined Section 19's binding framework, noting that the statutory onus to justify information denial lies squarely on the denying PIO.
- *University of Delhi v. Neeraj* (2025): The Delhi High Court ruled that public-spirited individuals have no locus standi to intervene in writ proceedings arising from RTI disputes, as such actions are in personam rather than public interest litigations.
- *M/S Chakreshwari Construction Pvt. Ltd. v. Manohar Lal* (2017): The Supreme Court allowed a party to amend civil pleadings based on crucial evidence obtained via an RTI application, illustrating its practical utility in civil litigation.

UNSETTLED AREAS OR CAVEATS

The Limits of Privacy balancing

Although the right to privacy under Article 21 is a fundamental right, it is not absolute and must be balanced against other citizens' rights, as seen in *Mr. X v. Hospital Z* (1998). Adjudicating exactly when a "larger public interest" overrides private personal data remains a highly fact-specific determination.

II. Statutory Provisions 4 PROVISIONS

SECTION 1, RIGHT TO INFORMATION ACT, 2005 — SHORT TITLE, EXTENT AND COMMENCEMENT

This section establishes the title of the Act, defines its territorial extent, and sets the timeline for when various provisions of the Act come into force.

"1. (1) This Act may be called the Right to Information Act, 2005. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment." *Cited in: Shatrughan Prasad Sah v. State of Bihar, University of Delhi v. Neeraj, Central Board of Secondary Education v. Aditya Bandopadhyay, Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal, Girish Ramchandra Deshpande v. Central Information Commissioner, RTI Activist v. Directorate of Health Services, Assam, Pankaj Kumar Nath v. Superintendent of Excise, M/s. Dr. Ambedkar Seva Samajam v. The Government of Andhra Pradesh, Public Information Officer, Chief Commissioner of Land Administration v. A.P. Information Commissioner, C.V. Raman v. Karthiyani, V.M. Radhakrishnan v. State Information Commission, Ajaya Kumar v. Central Information Commission, Sancha Bahadur Subba v. State of Sikkim, Suman Sinha v. Union of India*

SECTION 6, RIGHT TO INFORMATION ACT, 2005 — REQUEST FOR OBTAINING INFORMATION

This section outlines the process for filing an RTI application in writing or electronically, states that applicants do not need to provide reasons for their request, and establishes guidelines for transferring applications to other public authorities.

"(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority; (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her... (2)

An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. (3) Where an application is made to a public authority requesting for an information,-- (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application."

Cited in: RTI Activist v. Directorate of Health Services, Assam, Ajaya Kumar v. Central Information Commission

SECTION 8, RIGHT TO INFORMATION ACT, 2005 — EXEMPTION FROM DISCLOSURE OF INFORMATION

This section lists the categories of information that are exempt from public disclosure under the Act, balancing the right to information against other public interests.

"8. Exemption from disclosure of information.—(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,— (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; (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;" *Cited in: raised in the research question*

SECTION 7, RIGHT TO INFORMATION ACT, 2005 — DISPOSAL OF REQUEST

This section details the rules regarding additional fees, calculations for timelines when fees are requested, and exempts citizens living below the poverty line from paying fees.

"(2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request. (3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving— (a) the details of further fees... requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days... (5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed: Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government." *Cited in: Shatrughan Prasad Sah v. State of Bihar, University of Delhi v. Neeraj, Central Board of Secondary Education v. Aditya Bandopadhyay, Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal, Girish Ramchandra Deshpande v. Central Information Commissioner, RTI Activist v. Directorate of Health Services, Assam, Pankaj Kumar Nath v. Superintendent of Excise, M/s. Dr. Ambedkar Seva Samajam v. The Government of Andhra Pradesh, Public Information Officer, Chief Commissioner of Land Administration v. A.P. Information Commissioner, C.V. Raman v. Karthiyani, V.M. Radhakrishnan v. State Information Commission, Ajaya Kumar v. Central Information Commission, Sancha Bahadur Subba v. State of Sikkim, Suman Sinha v. Union of India*

III. Cases Discussed

23 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Public Information Officer, Chief Commissioner of Land Administration v. A.P. Information Commissioner</i> HBHC010621162008	HIGH COURT FOR STATE OF TELANGANA	2008	Upholds disclosure of land succession records, rejecting implied bar arguments against statutory rights.
02	<i>RTI Activist v. Directorate of Health Services, Assam</i> GAHC010101342010	GAUHATI HIGH COURT	2017	TIMELINE runs from receipt by the correct SPIO, not from filing with wrong authority.
03	<i>The Public Information Officer v. The Central Information Commission</i> HCMA011380612013	MADRAS HIGH COURT	2014	Balances transparency under RTI with judicial administrative autonomy regarding sensitive appointments and files.
04	<i>Petitioner v. State Information Commission</i> HBHC010207142022	HIGH COURT FOR STATE OF TELANGANA	2022	Directs State Information Commission to resolve delayed second appeals and evaluate penalty options.
05	<i>Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal</i> ESCR010004002019	SUPREME COURT OF INDIA	2019	Affirms Chief Justice office is public authority; balances transparency with privacy and judicial independence.
06	<i>V.M. Radhakrishnan v. State Information Commission</i> KLHC010566572018	HIGH COURT OF KERALA	2018	Section 19(6) timeline applies exclusively to first appeals, not second appeals.
07	<i>M/s. Dr. Ambedkar Seva Samajam v. The Government of Andhra Pradesh</i> HBHC010044002006	HIGH COURT FOR STATE OF TELANGANA	2006	Applies the statutory appeal framework under Section 19 of the RTI Act.
08	<i>University of Delhi v. Neeraj</i> DLHC010457552017	HIGH COURT OF DELHI	2025	Dismisses third-party intervention in RTI writ petitions, citing lack of locus standi.
09	<i>Udham Singh Nagar Dugdha Utpadak Sahkari Sangh Ltd. v. Uttarakhand Information Commission</i> UKHC010089152014	HIGH COURT OF UTTARAKHAND	2018	Enables public authorities to appeal adverse orders; bars combining multiple applications in one appeal.
10	<i>Girish Ramchandra Deshpande v. Central Information Commissioner</i> ESCR010005112012	SUPREME COURT OF INDIA	2012	Classifies employee service records, performance, and financial assets as exempt personal information.
11	<i>Yashwant Sinha v. Central Bureau of Investigation</i> ESCR010007732019	SUPREME COURT OF INDIA	2019	Section 8(2) public interest override permits access to national security-related information.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
12	<i>Sancha Bahadur Subba v. State of Sikkim</i> SKHC010001262017	HIGH COURT OF SIKKIM	2018	Balances right to know under Article 19(1) (a) with right to privacy under Article 21.
13	<i>Central Board of Secondary Education v. Aditya Bandopadhyay</i> ESCR010000612011	SUPREME COURT OF INDIA	2011	Rejects fiduciary exemption for evaluated answer books; grants students the right to inspect them.
14	<i>Chief Information Commissioner v. State of Manipur</i> ESCR010002032011	SUPREME COURT OF INDIA	2011	Rules Section 18 complaints cannot bypass Section 19 appeals to compel information disclosure.
15	<i>M/S Chakreshwari Construction Pvt. Ltd. v. Manohar Lal</i> ESCR010002922017	SUPREME COURT OF INDIA	2017	Allows amendment of civil pleadings based on documents obtained via RTI.
16	<i>Mr. X v. Hospital Z</i> ESCR010003621998	SUPREME COURT OF INDIA	1998	Holds right to privacy is not absolute and may yield to protect health or life.
17	<i>C.V. Raman v. Karthiyani</i> KLHC010536412022	HIGH COURT OF KERALA	2022	Requires State Information Commission to afford third parties a mandatory hearing under Section 19(4).
18	<i>Ajaya Kumar v. Central Information Commission</i> ODHC010314192011	ORISSA HIGH COURT	2021	Orders the disposal of a long-pending second appeal involving personal information exemptions.
19	<i>Subhash Popatlal Dave v. Union of India</i> ESCR010006162012	SUPREME COURT OF INDIA	2012	Affirms state has no obligation to disclose preventive detention grounds prior to execution.
20	<i>Bisheswar Ram v. State of Jharkhand</i> JHHC010127792019	HIGH COURT OF JHARKHAND	2019	Upholds delay penalties under Section 20 despite the information being subsequently provided.
21	<i>Pankaj Kumar Nath v. Superintendent of Excise</i> GAHC010220532012	GAUHATI HIGH COURT	2012	Directs the immediate impleadment of parties and swift resolution of pending second appeals.
22	<i>Suman Sinha v. Union of India</i> UPHC010370262019	ALLAHABAD HIGH COURT	2019	Mandates disposal of appeals in strict adherence to the Section 19(6) timelines.
23	<i>Shatrughan Prasad Sah v. State of Bihar</i> BRHC010015102017	PATNA HIGH COURT	2018	Declines writ jurisdiction where the applicant bypassed the alternative second appeal remedy.

IV. Case Details 23 CASE FILES

01 Public Information Officer, Chief Commissioner of Land Administration v. A.P. Information Commissioner

HIGH COURT FOR STATE OF TELANGANA • 2008-12-04 • WP/16717/2008

This petition concerned a request by a citizen for a certified copy of a 'Muntakhab' (a land succession document) under the Right to Information Act, 2005. Public authorities denied the request, arguing the document was personal and the applicant failed to prove her status as a legal heir. The Information Commissioner subsequently ordered the disclosure of the document. The High Court analyzed the scope of the Right to Information Act, emphasizing that it grants citizens broad access to records held by public authorities to ensure transparency. The Court held that the government cannot arbitrarily withhold documents, and in this instance, upheld the duty of public authorities to provide the information as it did not fall under specific statutory exemptions.

HELD The High Court held that the right to information is a manifestation of the fundamental rights guaranteed under Article 19(1)(a) of the Constitution. Unless a right is curtailed by a law made by a competent legislature, executive constructions cannot defeat the purpose of the Act. Because the public land succession document (Muntakhab) did not fall within the specific statutory exemptions of Section 8, the authority was under a duty to disclose it.

“Explicit exemption of documents under Section 8(1) of RTI Act conclusively presupposes that RTI Act does not impliedly bar furnishing of information with regard to any information as defined under Section 2(f) read with 2(i) of RTI Act.”

HIGH COURT FOR STATE OF TELANGANA • 2008

SOURCE HBHC010621162008

02 RTI Activist v. Directorate of Health Services, Assam

GAUHATI HIGH COURT • 2017-08-08 • WP(C)/5984/2010

The petitioner, an RTI activist, sought voluminous records from the Assam Health Department regarding various schemes over a 20-year period. After being asked by the State Public Information Officer (SPIO) to pay substantial photocopying costs, the petitioner appealed to the Chief Information Commissioner, arguing that the department had missed the 30-day statutory response deadline and he was therefore entitled to the information free of charge under Section 7(6) of the RTI Act. The High Court rejected this, noting that the petitioner had initially filed his request with the wrong authority. Because the application only reached the proper SPIO on June 19, 2009, and the SPIO responded within 30 days thereafter, no delay occurred, and the cost demand was valid.

HELD The Court clarified that the right to receive information free of cost under Section 7(6) arises only if the public authority fails to respond within the statutory timeframe laid down under Section 7(1). Where an application is filed before the incorrect public authority, the timeline is not breached if the correct authority acts expeditiously upon receiving the transferred application.

“Section 6 of the RTI Act, 2005 permits a person to obtain any information by making an application accompanied by prescribed fees. ... Section 7(1) of the RTI Act, 2005 lays down the timeframe for responding to the application seeking information. Section 7(6) provides that if the authority fails to provide the information sought for within the time frame laid down in sub-section 1 of Section 7, the same shall be provided free of charge.”

GAUHATI HIGH COURT • 2017

SOURCE GAHC010101342010

03 The Public Information Officer v. The Central Information Commission

MADRAS HIGH COURT • 2014-09-17 • WP/26781/2013

This writ petition challenged an order from the Central Information Commission (CIC) directing the Madras High Court to disclose various documents, including file notings related to the appointment of the Registrar General and complaints against judicial officers. The petitioner argued that the requested information was either unavailable, protected by privacy provisions under the RTI Act, or sensitive in nature, asserting that the second respondent was abusing the Act to harass the court administration. The High Court reviewed the scope of disclosure and the conduct of the information seeker. Ultimately, the court addressed the balance between the transparency mandated by the Right to Information Act and the administrative autonomy of the judiciary in managing sensitive appointments and internal disciplinary files.

HELD The High Court observed that the right to information is not an absolute or uncontrolled right, but is subject to dual checks—statutory exemptions under Section 8 and the constitutional limitations of Article 21. If information falls under Section 8 or relates to organizations excluded under Section 24, public authorities can decline to furnish the information.

“Right to information is a basic and celebrated fundamental/basic right but is not uncontrolled. It has its limitations. The right is subject to a dual check. Firstly, this right is subject to the restrictions inbuilt within the Act, and secondly, the constitutional limitations emerging from Article 21 of the Constitution.”

MADRAS HIGH COURT • 2014

SOURCE HCMA011380612013

04 Petitioner v. State Information Commission

HIGH COURT FOR STATE OF TELANGANA • 2022-03-28 • WP/15627/2022

The petitioner filed a writ petition seeking a direction for the State Information Commission to adjudicate a pending second appeal filed under the Right to Information Act, 2005. The petitioner had sought information which was neither provided by the public authority nor addressed by the first appellate authority, leading to

significant delays in the statutory appeal process. The Court observed that the authorities failed to perform their mandatory statutory duties, which hindered the petitioner's access to information, a right protected under the Constitution. Consequently, the Court directed the State Information Commission to dispose of the pending second appeal within two weeks, specifically instructing them to consider exercising their powers to impose penalties for the procedural delays.

HELD The High Court held that the Right to Information is a fundamental right under Article 19, and the authorities' failure to discharge their statutory duties in a timely manner violates this right. The statutory timelines in Section 19 are mandatory, and the Information Commission has the power to examine the necessity of imposing penalties under Section 20 for non-compliance.

"Section 19(1) of the Act, 2005 provides for a remedy of appeal in case of non-furnishing of information within 30 days or rejection of such request by the Information Officer. Under Section 19(6) of the Act, 2005, the appellate authority is also mandated to dispose of the appeal within 30 days of receipt of the appeal or within such extended period not exceeding a total of 45 days from the date of filing of appeal. Further, Section 19(3) of the Act, 2005 provides for further appeal i.e. Second Appeal to the Information Commission..."

HIGH COURT FOR STATE OF TELANGANA • 2022

SOURCE HBHC010207142022

05 Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal

SUPREME COURT OF INDIA • 2019-11-13 • 2019 INSC 1233

This case addressed whether the office of the Chief Justice of India constitutes a 'public authority' under the Right to Information Act, 2005, and whether information held by the judiciary, such as judges' asset declarations and collegium correspondence, is subject to disclosure. The Supreme Court held that the Chief Justice of India and the Judges form a single public authority—the Supreme Court of India—rather than acting as separate entities. The Court affirmed that information regarding judges' assets is not protected by fiduciary exemptions and is subject to disclosure, provided it balances transparency with privacy and judicial independence. Other requests concerning judicial appointments were remitted to the Central Public Information Officer for further procedural review under the Act.

HELD The Supreme Court held that judicial independence cannot be used as a plea to refuse accountability, as independence is secured by transparency. The Court distinguished between absolute exemptions (Section 8(1)(a)-(c), (f)-(h)) and qualified exemptions (Section 8(1)(d), (e), (i)-(j)), which are subject to a public interest override. The Chief Justice does not hold judges' asset declarations in a fiduciary capacity, and such declarations do not violate privacy rights under Section 8(1)(j) unless the details of personal assets are called for, in which case the public interest test must be applied.

“The Chief Justice and the Supreme Court are not two distinct and separate ‘public authorities’, albeit, the latter is a ‘public authority’ and the Chief Justice and the Judges together form and constitute the ‘public authority’, that is, the Supreme Court of India.”

SUPREME COURT OF INDIA • 2019

SOURCE ESCR010004002019

06 V.M. Radhakrishnan v. State Information Commission

HIGH COURT OF KERALA • 2018-07-26 • WP(C)/25070/2018

The petitioner filed a writ petition seeking a direction for the State Information Commission to expedite the disposal of his second appeal filed under the Right to Information Act. He sought documents related to specific criminal cases involving him, which had been transferred to the CBI. The central legal dispute concerned whether the statutory time limit for disposing of appeals under the Right to Information Act, as set out in Section 19(6), applied to second appeals brought before the Information Commission under Section 19(3).

HELD The High Court held that the strict disposal timeline of 30 to 45 days under Section 19(6) applies only to first appeals under Section 19(1) and (2). Second appeals under Section 19(3), which are filed before the Information Commission, are not bound by the Section 19(6) timeline.

“So it is the first appeals as envisaged in Secs.19(1) & 19(2), which are the subject matter of the time frame stipulated as envisaged in Sub-sec(6) of Sec.19. Therefore, Sri.M.Ajay, learned Standing Counsel for R-1, is right in contending that the time limit envisaged in Sec.19(6) is applicable only in the case of appeals envisaged in sub-sections (1) & (2) of Sec.19.”

HIGH COURT OF KERALA • 2018

SOURCE KLHC010566572018

07 M/s. Dr. Ambedkar Seva Samajam v. The Government of Andhra Pradesh

HIGH COURT FOR STATE OF TELANGANA • 2006-12-21 • WP/17853/2006

The petitioners filed this writ petition for a writ of quo warranto, seeking to disqualify the 9th respondent from his position as the Chairperson and Municipal Councillor of Bapatla Municipality. The petitioners alleged that the 9th respondent had fraudulently obtained a Scheduled Caste certificate despite belonging to a Backward Class (Christian convert), thereby usurping an office reserved for the Scheduled Castes. The petitioners submitted that the respondent previously utilized his Backward Class status for employment benefits and that local authorities had failed to act on multiple representations and complaints regarding the fraudulent community certificate. The case details the procedural challenges faced by the petitioners in obtaining official records to prove the respondent's caste status under the Right to Information Act.

HELD The High Court examined the appellate mechanism under Section 19. It emphasized that in any appeal proceeding, the burden of proof to justify the denial of an information request falls entirely upon the Public Information Officer who refused the applicant.

“If any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.”

HIGH COURT FOR STATE OF TELANGANA • 2006

SOURCE HBHC010044002006

08 University of Delhi v. Neeraj

HIGH COURT OF DELHI • 2025-08-25 • W.P.(C)/1091/2017

The court addressed an application for intervention in a series of writ petitions challenging orders passed by the Central Information Commission (CIC) regarding Right to Information (RTI) requests. The applicants, claiming to be public-spirited individuals, sought to intervene in the proceedings, arguing that the cases involved questions of significant public importance. The court dismissed the intervention application, holding that the applicants lacked the necessary locus standi to participate in proceedings that were in personam rather than in the nature of public interest litigation. The court noted that there was no legal basis for their involvement and that the issues raised by the RTI applicants were limited to the legality of the specific CIC orders under review.

HELD The High Court held that Section 8(1) opens with a non obstante clause that overrides other provisions of the Act, confirming that the right under Section 3 is not absolute. Furthermore, the court dismissed third-party intervention applications in RTI writ petitions, stating that such cases are in personam disputes and third parties have no locus standi to intervene.

“Section 8(1) of the RTI Act opens with a non obstante clause , “Notwithstanding anything contained in this Act” , thereby granting it overriding effect over all other provisions of the Act. This makes it clear that the right conferred under Section 3 is not absolute , but is subject to the exemptions”

HIGH COURT OF DELHI • 2025

SOURCE DLHC010457552017

09 Udham Singh Nagar Dugdha Utpadak Sahkari Sangh Ltd. v. Uttarakhand Information Commission

HIGH COURT OF UTTARAKHAND • 2018-01-12 • WPMS/1492/2014

This case concerned whether a public authority could file a second appeal under the Right to Information Act, 2005. The dispute arose when the petitioner was denied the right to appeal by the appellate authority, which claimed such an appeal was not maintainable by the Managing Director. The High Court clarified that when a decision regarding an information request is unfavorable to a public authority, the public authority is entitled to prefer an appeal before the Information Commissioner and subsequently challenge decisions in the High Court. The court also noted that the first appellate authority erred by adjudicating multiple distinct applications within a single appeal, as each rejection requires a separate, independent appeal.

HELD The High Court held that a public authority can prefer an appeal before the Information Commission and subsequently file a writ petition under Article 226/227 of the Constitution. The Court also held that the first appellate authority is not permitted to decide multiple distinct applications in a single appeal, as each individual rejection must be appealed independently.

“There is another flaw in the order passed by the first appellate authority. Respondent no.2 has only mentioned Appeal No.1 of 2014. Only one appeal was maintainable against the rejection of one application. The first appellate authority could not decide multiple applications in a single appeal.”

HIGH COURT OF UTTARAKHAND • 2018

SOURCE UKHC010089152014

10 Girish Ramchandra Deshpande v. Central Information Commissioner

SUPREME COURT OF INDIA • 2012-10-03 • 2012 INSC 445

The petitioner sought extensive personal information regarding a government employee, including service records, disciplinary history, and details of assets, liabilities, and income tax returns under the Right to Information Act, 2005. The Supreme Court upheld the lower authorities' decisions to deny this information. The Court ruled that such data qualifies as 'personal information' under Section 8(1)(j) of the Act, as it pertains to an individual's private life and has no relationship to any public activity or interest. The Court emphasized that an employee's service records and financial details are confidential matters between employer and employee, and disclosure would constitute an unwarranted invasion of privacy unless a larger public interest is clearly established, which the petitioner failed to demonstrate.

HELD The Supreme Court held that service-related records, including memos, show-cause notices, punishment orders, and financial details like asset declarations, qualify as "personal information" under Section 8(1)(j). The performance of an employee is a matter between the employer and employee, and its disclosure would cause an unwarranted invasion of privacy in the absence of a larger public interest.

“The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual.”

SUPREME COURT OF INDIA • 2012

SOURCE ESCR010005112012

11 Yashwant Sinha v. Central Bureau of Investigation

SUPREME COURT OF INDIA • 2019-04-10 • 2019 INSC 505

The court addressed a preliminary objection regarding the admissibility of documents in a review petition. The respondents argued that the documents were unauthorizedly removed from the Ministry of Defence, violating the Official Secrets Act, and were thus privileged under Section 123 of the Evidence Act. The Supreme Court

dismissed the objection, noting that the documents were already in the public domain and widely published. The court held that there is no statutory bar against considering such evidence, and public interest in transparency, supported by the principles of the Right to Information Act, outweighs claims of privilege for documents already accessible to the public.

HELD The Supreme Court held that Section 8(2) introduces a profound legislative shift by establishing that none of the exemptions under Section 8(1), nor the restrictions of the Official Secrets Act, 1923, can block access to information if the public interest in disclosure outweighs the potential harm. The right to justice is immutable and overrides traditional notions of privilege.

“Section 8(2) of the Act manifests a legal revolution that has been introduced in that, none of the exemptions declared under sub-section(1) of Section 8 or the Official Secrets Act, 1923 can stand in the way of the access to information if the public interest in disclosure overshadows, the harm to the protected interests.”

SUPREME COURT OF INDIA • 2019

SOURCE ESCR010007732019

12 Sancha Bahadur Subba v. State of Sikkim

HIGH COURT OF SIKKIM • 2018-04-30 • WP(C)/31/2017

The petitioner sought disclosure of the assets, income sources, and liabilities of a retired government official under the Right to Information Act, arguing that such transparency was essential to expose potential corruption. The public authorities denied the request, maintaining that the information was personal and protected by privacy exemptions, and that the petitioner failed to demonstrate any larger public interest to justify disclosure. The court was tasked with balancing the right to privacy against the need for transparency in public governance. The petitioner challenged the denial of his RTI request, asserting that public servants' declarations of assets are matters of public record meant to ensure accountability.

HELD The High Court held that when the right to information and the right to privacy are placed in juxtaposition, a balance must be struck. Section 8 exceptions represent reasonable restrictions and must be construed strictly. While details like name, address, and financial status are personal, they can be shared in the larger public interest, such as when there is a doubt about the integrity of a public office holder.

“In the light of the above pronouncements, when the right to information and right to privacy are placed in juxtaposition, the former gives one the right to know, while the right to privacy protects the rights of the individual. Consequently, a balance is to be struck between the Fundamental Rights of persons seeking information and that of the person whose information is being sought.”

HIGH COURT OF SIKKIM • 2018

SOURCE SKHC010001262017

13 Central Board of Secondary Education v. Aditya Bandopadhyay

SUPREME COURT OF INDIA • 2011-08-09 • 2011 INSC 557

This case centered on whether students have a legal right under the Right to Information Act, 2005 to inspect or obtain certified copies of their evaluated answer books. The Supreme Court of India held that evaluated answer books constitute 'information' under the Act and are held by public authorities. Because the Right to Information Act overrides conflicting rules of examining bodies, students generally have the right to access these records. The Court rejected the argument that examining bodies hold such records in a fiduciary relationship. However, the Court clarified that this right does not extend to demanding re-evaluation of answer scripts, which remains governed by the specific rules of the examining body, and noted that sensitive information regarding examiners must be protected.

HELD The Supreme Court held that the relationship between an examining body and examinees does not fall within the definition of a "fiduciary relationship" under Section 8(1)(e). The term must be interpreted in its normal and well-recognized legal sense, which requires a specific beneficiary whom the fiduciary is expected to protect. Consequently, evaluated answer books must be disclosed upon request.

"But the words 'information available to a person in his fiduciary relationship' are used in Section 8(1)(e) of RTI Act in its normal and well recognized sense, that is to refer to persons who act in a fiduciary capacity, with reference to a specific beneficiary or beneficiaries who are to be expected to be protected or benefited by the actions of the fiduciary. That kind of fiduciary relationship is not found between the examining body and the examinee, with reference to the evaluated answer-books..."

SUPREME COURT OF INDIA • 2011

SOURCE ESCR010000612011

14 Chief Information Commissioner v. State of Manipur

SUPREME COURT OF INDIA • 2011-12-12 • 2011 INSC 842

This case clarifies the distinction between the powers of Information Commissions under Sections 18 and 19 of the Right to Information Act, 2005. The Supreme Court held that Section 18 covers complaints regarding access to information but does not empower Information Commissions to direct the disclosure of requested information; that power is exclusively provided under the appellate mechanism of Section 19. When an applicant is denied information, they must pursue the statutory appeal process rather than filing a complaint to seek a mandatory disclosure order. Furthermore, the court ruled that government notifications exempting certain organizations from the Act under Section 24 cannot be applied retrospectively to pending information requests.

HELD The Supreme Court held that Section 18 complaints cannot be used to obtain a direction for disclosure, which is a remedy available only via Section 19 appeals. Additionally, the Court ruled that notifications under Section 24 exempting specific security organizations cannot operate retrospectively to defeat pending information requests.

"Section 24 of the Act does not have any retrospective operation. Therefore, no notification issued in exercise of the power under Section 24 can be given retrospective effect and especially so in view of the object and purpose of the Act which has an inherent human right content."

SUPREME COURT OF INDIA • 2011

SOURCE ESCR010002032011

15 M/S Chakreshwari Construction Pvt. Ltd. v. Manohar Lal

SUPREME COURT OF INDIA • 2017-02-10 • 2017 INSC 1263

The appellant, a landlord, filed an eviction petition against the respondent. During the later stages of the trial, the appellant sought to amend the petition and introduce additional documents obtained via the Right to Information Act to clarify the respondent's business name and evidence of alternative accommodation. The lower courts dismissed these applications due to delay. The Supreme Court set aside these orders, holding that amendments and additional evidence may be allowed at any stage of the proceedings if they are bona fide, relevant, and necessary for the effective adjudication of the case, provided the other party is given an opportunity to respond. The Court concluded that the appellant's request did not fundamentally change the nature of the case.

HELD The Supreme Court allowed the amendment of pleadings and filing of additional documents under CPC when such documents, revealing a crucial business name, were obtained through an RTI application. This demonstrates the admissibility and practical relevance of RTI disclosures in ongoing civil litigation.

"It was alleged therein that the appellant had filed an application under Right to Information Act, 2005 seeking to find out the name under which the respondent is carrying on the business in their alternative accommodation in the city."

SUPREME COURT OF INDIA • 2017

SOURCE ESCR010002922017

16 Mr. X v. Hospital Z

SUPREME COURT OF INDIA • 1998-09-21 • 1998 INSC 374

The appellant, an HIV-positive medical doctor, sought damages against a hospital for disclosing his medical status, which led to the cancellation of his marriage and social ostracization. He argued that the hospital breached its professional duty to maintain patient confidentiality and violated his right to privacy. The Supreme Court of India held that while the right to privacy and the duty of confidentiality are fundamental, they are not absolute. In this case, the court ruled that the duty to protect the health of an innocent third party—the potential spouse—outweighed the appellant's right to privacy. Consequently, the disclosure was legally permissible to prevent the transmission of a fatal, sexually communicable disease.

HELD The Supreme Court held that the Right to Privacy under Article 21 is not absolute and is subject to restrictions. In instances where there is a clash between one person's right to privacy and another's right to life or health, the right to privacy may be lawfully restricted to protect third parties.

"As one of the basic Human Rights, the right of privacy is not treated as absolute and is subject to such action as may be lawfully taken for the prevention of crime or disorder or protection of health or morals or protection of rights and freedoms of others."

SUPREME COURT OF INDIA • 1998

SOURCE ESCR010003621998

17 C.V. Raman v. Karthiyani

HIGH COURT OF KERALA • 2022-08-25 • WA/1163/2022

This case concerns a dispute over clay excavation permits and the procedural requirements under the Right to Information Act, 2005. The appellant sought information regarding a permit issued to a third party for clay mining on paddy land, alleging environmental violations. The State Information Commission had previously issued orders directing an inquiry into the matter. However, the High Court set aside the Commission's order because it failed to provide the affected third party with a reasonable opportunity to be heard, as required by Section 19(4) of the RTI Act and the associated Rules. The court remitted the matter back to the Commission for a fresh hearing with proper notice to all parties.

HELD The High Court held that when an appeal involves third-party information, Section 19(4) of the RTI Act and the relevant state rules mandate that the affected third party must be provided with a reasonable opportunity of being heard before any disclosure is ordered. An order passed in violation of this requirement is unsustainable.

"On joint reading of the Act as well as the Rules extracted above, it is evident that at any point of time when the appeal is preferred by informant against the order of the subordinate authority seeking information against the 3rd party, 3rd party is required to be heard."

HIGH COURT OF KERALA • 2022

SOURCE KLHC010536412022

18 Ajaya Kumar v. Central Information Commission

ORISSA HIGH COURT • 2021-01-22 • WP(C)/27890/2011

The petitioner filed a writ petition seeking a direction for the Central Information Commission to expedite the disposal of a second appeal filed under the Right to Information Act, 2005. The petitioner had previously sought information that was denied under Section 8(1)(j), and the subsequent first appeal was also rejected. Noting that over ten years had elapsed since the filing of the second appeal, the High Court directed the second appellate authority to either dispose of the appeal or communicate the status of the case to the petitioner if it had already been decided.

HELD The High Court directed the Central Information Commission to expedite and dispose of a second appeal that had been pending unresolved for over ten years, underscoring the necessity of ensuring that statutory remedy pathways under Section 19 do not become illusory due to procedural delays.

"The petitioner has filed this writ petition seeking direction to opposite parties to provide information which comes within the purview of Section 6 of the Right to Information Act and further seeks direction to opposite party no.1 to dispose of the appeal within the time stipulated."

ORISSA HIGH COURT • 2021

SOURCE ODHC010314192011

19 Subhash Popatlal Dave v. Union of India

SUPREME COURT OF INDIA • 2012-07-10 • 2012 INSC 276

This case addressed whether a person subject to a preventive detention order could use the Right to Information Act (RTI Act) to obtain the grounds for their detention at the pre-execution stage. The Court held that the RTI Act does not override the constitutional framework, specifically Article 22(5), which requires grounds of detention to be communicated only after the actual detention occurs. The State is under no obligation to disclose these grounds before the arrest. Additionally, the Court clarified that the five grounds for challenging a detention order at the pre-execution stage, established in the Alka Subhash Gadia case, are merely illustrative and not exhaustive. The Court reaffirmed that judicial review powers under Articles 226 and 32 remain broad and cannot be restricted to a limited set of exceptions.

HELD The Supreme Court held that the RTI Act does not override the specific constitutional mechanism of Article 22(5) regarding preventive detention. The State has no obligation to disclose the grounds of detention prior to execution, and the statutory exemptions under Section 8(1)(a) protect such sensitive records.

“Even under Sub-Section (1) of Section 8 of the above Act, the legislature made an exception to the disclosure of information which could be contrary to the interests of the nation, subject to the provision that such information may also be allowed to be accessed in the public interest, which overweighed the personal interests of the citizen.”

SUPREME COURT OF INDIA • 2012

SOURCE ESCR010006162012

20 Bisheswar Ram v. State of Jharkhand

HIGH COURT OF JHARKHAND • 2019-07-02 • WPC/1924/2019

The petitioner, a District Mining Officer, challenged a penalty order imposed by the Jharkhand State Information Commission under the Right to Information Act, 2005. The Commission had penalized the petitioner for failing to provide information requested by an applicant within the statutory timeframe. The petitioner contended that the application was never received in his office and that the matter should have been dropped once the information was eventually provided. The High Court upheld the Commission's decision, noting that the petitioner failed to provide evidence to refute the Commission's finding that the application had been duly forwarded. The Court emphasized that Section 20 of the RTI Act serves as a deterrent against bureaucratic delays, and the penalty remains justified regardless of whether the information was eventually supplied.

HELD The High Court held that the penalty provisions under Section 20 of the RTI Act operate to deter bureaucratic inertia and delay. Even if the requested information is eventually provided, a penalty for failing to adhere to the transfer and response mandates of Section 6(3) is legally justified.

“The provision of Section 6 sub-section (3) contends that the application if filed by any public authority, the same would be transferred by the said authority to the authority from where the information is to be furnished but the application is to be forwarded immediately not later than 5 days...”

HIGH COURT OF JHARKHAND • 2019

SOURCE JHHC010127792019

21 Pankaj Kumar Nath v. Superintendent of Excise

GAUHATI HIGH COURT • 2012-02-16 • WP(C)/593/2012

The petitioners sought information under the Right to Information Act from the Superintendent of Excise. After a successful first appeal, the Superintendent filed a second appeal with the State Information Commission without impleading the petitioners. While the Commission issued a status quo order and failed to act on the petitioners' request for impleadment, the petitioners sought relief from the High Court due to the prolonged delay. The Court held that the State Information Commission had violated the mandate of the RTI Act regarding disposal timelines. The Court directed the Commission to immediately implead the petitioners and conclude the hearing within fifteen days.

HELD The High Court held that the State Information Commission "causes violence to the very object" of the Act by keeping second appeals pending indefinitely. Under Section 19(6), first appeals must be resolved within 30 to 45 days, and second appeals must be decided with similar urgency, directing the Commission to implead necessary parties and resolve the dispute within 15 days.

“Section 19(6) of the Right to Information Act, 2005 provides that an appeal under sub section (1) or sub section (2) shall be disposed of within 30 days from receipt of an appeal or within such extended period in total of 45 days from the date of filing thereof, as the case may be, reasons are to be recorded in writings.”

GAUHATI HIGH COURT • 2012

SOURCE GAHC010220532012

22 Suman Sinha v. Union of India

ALLAHABAD HIGH COURT • 2019-03-07 • WRIC/8032/2019

The petitioner sought a judicial directive to compel the respondent to decide a second appeal filed under Section 19 of the Right to Information Act, 2005. The petitioner contended that the appeal had been pending since October 2018 without resolution. The High Court observed that Section 19(6) of the Act mandates the disposal of such appeals within a maximum period of forty-five days from the date of filing. Consequently, the court disposed of the writ petition by directing the respondent to decide the pending appeal expeditiously in accordance with the statutory time frames stipulated by the Act.

HELD The High Court held that first appellate authorities are statutorily mandated to dispose of appeals within 30 days, or within an extended period not exceeding 45 days, as prescribed under Section 19(6) of the RTI Act, directing the respondent to decide the pending appeal in strict compliance with this timeframe.

“Sub Section 6 of Section 19 of the Right To Information Act provides that an appeal under sub section (1) or sub section (2) shall be disposed of within thirty days of the receipt of the appeal. The said period may be extended, but not exceeding a total period of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.”

ALLAHABAD HIGH COURT • 2019

SOURCE UPHC010370262019

23 Shatrughan Prasad Sah v. State of Bihar

PATNA HIGH COURT • 2018-09-27 • CWJC/8656/2017

The petitioner filed a writ petition seeking documents regarding the appointment of a private individual, alleging that the appointment was obtained through forged credentials. The court observed that the petitioner had bypassed the statutory mechanism provided under the Right to Information Act, 2005, specifically the second appeal process before the Information Commission. Additionally, the court noted that the requested information appeared to fall under the exemptions outlined in Section 24 of the Act. Consequently, the court declined to exercise its discretionary writ jurisdiction and disposed of the petition, granting the petitioner liberty to pursue the appropriate statutory remedy via a second appeal.

HELD The High Court ruled that discretionary writ jurisdiction under Article 226 of the Constitution will not normally be exercised where an alternative statutory remedy is available. The petitioner was directed to exhaust the statutory second appeal mechanism provided under Section 19(3) of the RTI Act instead of filing a writ petition directly.

“In view of the settled law that the discretionary jurisdiction under Article 226 of the Constitution of India is usually not exercised where alternative remedy of appeal is available. In the present case, the petitioner has alternative remedy of second appeal.”

PATNA HIGH COURT • 2018

SOURCE BRHC010015102017

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