

The Right to Information Act, 2005 — a decade of change, 2015 to 2025

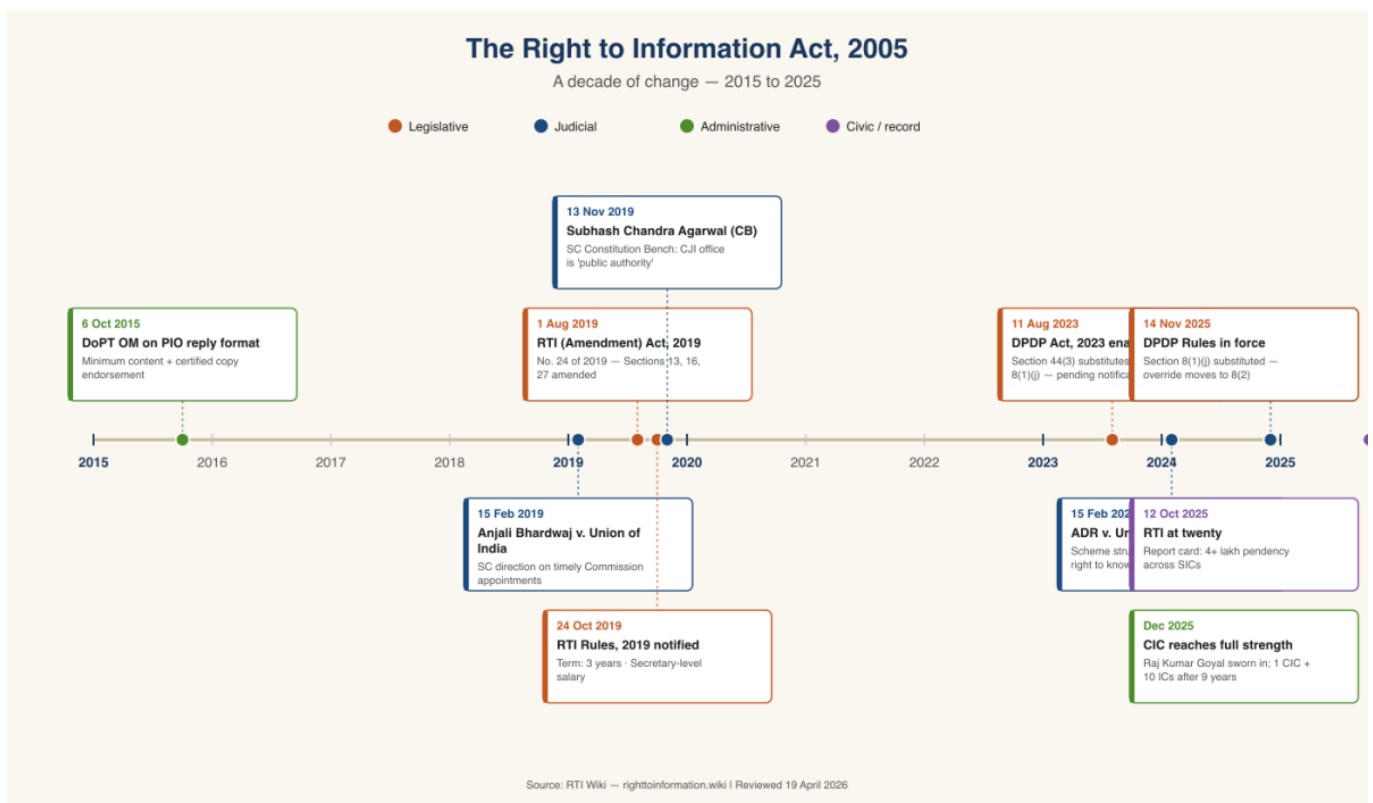


Notice on DPDP Rules, 2025. The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025. With this notification, Section 44(3) of the Digital Personal Data Protection Act, 2023 became operational and amended Section 8(1)(j) of the Right to Information Act, 2005. The earlier public interest override within clause (j) stands removed. Public interest reasoning now operates through Section 8(2) of the RTI Act, which has not been amended. This page has been reviewed in the light of this change. For the full practitioner note, see [DPDP Rules, 2025: The amendment to Section 8\(1\)\(j\) of the RTI Act](#).

An evaluatory account of how the Right to Information Act, 2005 has been altered between 2015 and 2025 by Parliament, the Supreme Court, the High Courts, the Information Commissions, and by the wider public data-protection regime. The note is for practitioners, Public Information Officers, First Appellate Authorities, Commissioners, journalists, and citizens who want a single place to follow the arc of change and its implications for day-to-day working of the Act.

In one line. Between 2015 and 2025, the Right to Information Act, 2005 has been changed by two statutes (the RTI (Amendment) Act, 2019 and the DPDP Act, 2023 in force from 14 November 2025), by one Constitution Bench judgment that redrew the line on personal information and fiduciary claims (*CPIO, Supreme Court v. Subhash Chandra Agarwal*, 2020), by the Supreme Court direction on filling Commission vacancies (*Anjali Bhardwaj*, 2019), by a line of High Court rulings on the reach of the Act into academic and regulatory records, and by the Electoral Bonds judgment (*ADR v. Union of India*, 2024) that re-anchored the constitutional basis of the right to know. The composition and pendency of the Central Information Commission and the State Information Commissions, and their interaction with the new personal-information regime, will shape the next decade of practice.

Infographic: the decade at a glance



The infographic groups the eleven key milestones of the 2015 to 2025 decade along a horizontal timeline. Amber markers are legislative events (Parliamentary Acts, Rules). Navy markers are judicial events (Supreme Court and High Court judgments). Green markers are administrative events (DoPT Office Memoranda, Commission appointments). Purple marks the 12 October 2025 twenty-year record date.

Setting the scene: the Act at twenty

The Right to Information Act, 2005 came into force on 12 October 2005. It codified a right of access to information held by public authorities, set out exemptions in Section 8(1), prescribed timelines under Section 7, and established Central and State Information Commissions under Sections 12 and 15. For the first decade, the conversation around the Act was largely about implementation. Were public authorities publishing Section 4(1)(b) disclosures. Were Public Information Officers respecting timelines. Were Commissions using Section 20 penalties.

The second decade of the Act, from 2015 to 2025, has been different. It has seen three structural shifts. First, a Parliamentary amendment in 2019 changed the terms of service of Information Commissioners. Second, a Constitution Bench in 2020 re-read Sections 8(1)(e) and 8(1)(j) together in relation to the Office of the Chief Justice of India. Third, and largest, the Digital Personal Data Protection Act, 2023 substituted clause (j) of Section 8(1) and came into force on 14 November 2025. Each of these is discussed below, along with the Supreme Court's directions on Commission appointments, three recent High Court rulings, the Electoral Bonds judgment, and the pendency and composition story at the Commissions.

2019: the Right to Information (Amendment) Act

The **Right to Information (Amendment) Act, 2019** (No. 24 of 2019) received Presidential assent on 1 August 2019 and was brought into force on 24 October 2019. The amendment

made three sets of changes.

1. Section 13(1) and Section 13(2) of the principal Act were amended. The fixed tenure of five years (or till the age of sixty-five, whichever earlier) for the Chief Information Commissioner and for Information Commissioners was replaced by “such term as may be prescribed by the Central Government”.
2. Section 13(5) was amended to remove the linkage of salaries and other service conditions to those of the Chief Election Commissioner and Election Commissioner. The new text provides that they shall be “such as may be prescribed by the Central Government”.
3. Section 16 was amended in the same pattern for the State Chief Information Commissioners and State Information Commissioners. Section 27 was amended to introduce corresponding rule-making powers in the Central Government, by the insertion of new clauses (ca), (cb), (cc), and (cd) after clause © of sub-section (2).

The Central Government notified the **Right to Information (Term of Office, Salaries, Allowances and Other Terms and Conditions of Service of Chief Information Commissioner, Information Commissioners and the Chief Information Commissioner and Information Commissioners in State Information Commission) Rules, 2019** on 24 October 2019. The Rules set the term at three years (down from the earlier statutory five) and prescribed salaries at a level equivalent to that of the Secretary to the Government of India (for the Chief Information Commissioner) and to a Secretary-level post for Information Commissioners.

Evaluatory note. The amendment lowered the term of Commissioners from five years to three and took salaries out of the statute. Proponents argued that the Act had earlier coupled the Commission to constitutional bodies with which it was not otherwise comparable. Critics noted that a shorter term tied to prescriptions by the Central Government may affect the perception of Commission independence. The amendment has not, by itself, changed the working of Section 8 or the appellate jurisdiction of the Commission under Section 19(3). What it has changed is the incentive structure for Commissioners, whose terms are now renewable in practice.

2019: //Anjali Bhardwaj v. Union of India// — appointments and pendency

On 15 February 2019, the Supreme Court decided *Anjali Bhardwaj v. Union of India*, (2019) 10 SCC 1. The Court directed the Union of India and the State Governments to fill vacancies in the Information Commissions “in a time-bound manner” and held that the effectiveness of the Act depends on the composition and disposal capacity of the Commissions. The Court laid down parameters on advertising vacancies, constituting Search Committees, and making selections from a diverse pool of candidates.

Evaluatory note. The judgment gave practitioners a judicial benchmark against which to measure the functional health of the Commissions. By the metrics set in *Anjali Bhardwaj*, the Central Information Commission operated below full strength for much of the period between 2019 and 2025. The Commission returned to its full sanctioned strength of one Chief Information Commissioner and ten Information Commissioners only in December 2025. The pendency consequences are discussed below.

2020: //CPIO, Supreme Court v. Subhash Chandra Agarwal// — the Constitution Bench

On 13 November 2019, a five-Judge Constitution Bench of the Supreme Court decided *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*, (2020) 5 SCC 481. The Bench held that the Office of the Chief Justice of India is a “public authority” under Section 2(h) of the Right to Information Act, 2005. The Bench then read Sections 8(1)(e) and 8(1)(j) together and synthesised the jurisprudence on fiduciary relationships and personal information.

The Bench held that the question is not whether a class of records is exempt by default, but whether the public interest test under Section 8(2) has been applied to the particular record. Information on a judge's declarations of assets and liabilities, information on collegium deliberations, and information on correspondence between a judge and the Government must be weighed against the competing interest of judicial independence and personal privacy. The reasoning applies *mutatis mutandis* to public servants generally.

Evaluatory note. *Subhash Chandra Agarwal* is the most important synthesis of RTI jurisprudence since *CBSE v. Aditya Bandopadhyay*, (2011) 8 SCC 497. It rejected the earlier practice of refusing judges' information on the “fiduciary” ground and required Commissions to apply the balancing test in every case. The case remains good law on the scope of Section 8(1)(e), on the application of the Section 8(2) override, and on the treatment of judicial-branch information. The reasoning on Section 8(1)(j) must now be read against the 14 November 2025 amendment, which has moved the override out of clause (j) and into Section 8(2) exclusively.

2018 to 2025: the structural picture at the Commissions

Between 2018 and 2025, Satark Nagrik Sangathan and other civil-society groups tracked the composition, vacancies, and disposal rates of the Central Information Commission and the State Information Commissions. The aggregate picture at the end of 2025 was as follows.

- **Central Information Commission.** Operated with fewer than the sanctioned strength of eleven Commissioners for most of the 2019-2025 period. Returned to full strength in December 2025.
- **State Information Commissions.** Aggregate pendency of appeals and complaints crossed **four lakh** in 2024-25, according to the Satark Nagrik Sangathan *Report on the Performance of Information Commissions in India, 2024-25*. Several States had no functioning Commission for extended periods. Some Commissions heard appeals three to six years after filing.
- **Gender composition.** Over the twenty years between 2005 and 2025, the share of women Information Commissioners across all Commissions remained in single digits.

Evaluatory note. Many of the working problems of the RTI regime in 2025 are problems of capacity and composition, not of statutory text. A Commission sitting below strength, or with long pendency, cannot enforce timelines in a meaningful way, regardless of what Sections 7 and 19 provide. The pendency position is the single most important operational metric for the Act.

2019 to 2024: the High Courts

The High Courts continued to refine the working of the Act through a series of decisions. Four deserve note.

//Bhagat Singh// line on Section 8(1)(h)

The Delhi High Court in *Bhagat Singh v. CIC*, 3 December 2007, held that the Section 8(1)(h) exemption for investigation requires the public authority to demonstrate that disclosure would impede the investigation, not merely that an investigation is in progress. The line has been followed by successive Benches through the 2015 to 2024 period.

//Arvind Kejriwal// on Section 11 third-party procedure

The Delhi High Court in *Arvind Kejriwal v. CPIO* (2010) clarified that the third-party notice under Section 11(1) is a matter of natural justice, not a ground of refusal in itself. The Public Information Officer may still disclose against the third party's wishes, with reasons recorded. The case is routinely cited by First Appellate Authorities.

Delhi HC on PhD theses, December 2024

In December 2024, the Delhi High Court addressed the disclosure of unpublished PhD theses held in university repositories. The Court held that Section 8(1)(d) commercial confidence does not automatically shield academic theses where the public interest in academic integrity and verification of qualifications is engaged. The judgment re-centred the balancing test under Section 8(2).

Madras HC on public servants' assets, 2024

The Madras High Court applied Section 8(1)(j) to the assets of public servants in a 2024 judgment. The Court required the Public Information Officer to apply the Section 8(2) balancing on a case-by-case basis, consistent with the *Subhash Chandra Agarwal* line.

Evaluatory note. The High Court line between 2015 and 2024 has generally pushed the exemptions in a narrower direction and the public-interest balancing in Section 8(2) in a broader direction. This is consistent with the Supreme Court's 2020 Constitution Bench approach.

February 2024: //ADR v. Union of India// — the Electoral Bonds judgment

On 15 February 2024, a five-Judge Constitution Bench of the Supreme Court decided *Association for Democratic Reforms v. Union of India*, (2024) 5 SCC 1. The Court struck down the Electoral Bond Scheme as unconstitutional, in part, for violating the citizen's right to information under Article 19(1)(a). The Court directed the State Bank of India and the Election Commission to disclose data on donors and recipients.

Evaluatory note. *ADR* is not an RTI Act case in the narrow sense. It is a constitutional decision on Article 19(1)(a). But the reasoning re-affirms the line from *State of U.P. v. Raj Narain*, (1975) 4 SCC 428, and *PUCL v. Union of India*, (2003) 4 SCC 399, that the right to know about the affairs of the State is a facet of the freedom of speech and expression. The RTI Act draws its strength from this constitutional root. *ADR* reinforced that root at a time when the statutory regime was being reshaped by the 2019 amendment and the DPDP amendment.

14 November 2025: the Digital Personal Data Protection Rules

On 14 November 2025, the Ministry of Electronics and Information Technology notified the

Digital Personal Data Protection Rules, 2025. With that notification, Section 44(3) of the **Digital Personal Data Protection Act, 2023** (No. 22 of 2023) became operational. Section 44(3) substitutes clause (j) of sub-section (1) of Section 8 of the Right to Information Act, 2005.

- **Before 14 November 2025**, clause (j) read that there shall be no obligation to give a citizen 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 Public Information Officer was satisfied that the larger public interest justified the disclosure.
- **After 14 November 2025**, clause (j) reads that there shall be no obligation to give a citizen information which relates to personal information. The proviso with the override has been removed.

The public interest override has not been removed from the RTI Act. It continues to sit in Section 8(2), which has not been amended. The route to disclosure on public interest grounds now runs through Section 8(2) and not through the text of clause (j).

Evaluatory note. This is the largest legal shift to the Right to Information Act, 2005 since the Act itself was passed. Practitioners must now decide Section 8(1)(j) matters under the substituted clause, apply the Section 8(2) balancing expressly in every case, and address the four-limb proportionality test from *K. S. Puttaswamy v. Union of India*, (2017) 10 SCC 1. Civil society and sections of the press have urged the Parliament to repeal Section 44(3). A formal repeal is not in prospect in the immediate term, but the text of the Act and the shape of the practice will remain subject to Parliamentary attention for the foreseeable future. Practitioners are advised to read the practitioner notes at [DPDP Rules, 2025: The amendment to Section 8\(1\)\(j\)](#) and [PIO reply after DPDP Rules, 2025](#).

Civil society and the legal professional response

The 2019 amendment to Sections 13 and 16, and the 2025 substitution of Section 8(1)(j), have both been the subject of public submissions.

- Civil society organisations including the National Campaign for People's Right to Information (NCPRI) filed public representations on the 2019 amendment before its passage and on the draft DPDP Rules during the consultation period.
- **Justice A. P. Shah**, former Chief Justice of the Delhi High Court and former Chairperson of the Law Commission of India, has written a public letter urging the repeal of Section 44(3) of the DPDP Act and the removal of the Parliament-proviso to Section 8(1).
- Over **120 Opposition Members of Parliament** petitioned the Union Government in April 2025 to repeal Section 44(3).
- The **Editors Guild of India**, the **Press Club of India**, and the **Software Freedom Law Center (SFLC.in)** have each filed submissions on the application of Section 8(1)(j) as amended to investigative journalism and to open-data projects.

Evaluatory note. None of these submissions has, as of the date of this note, resulted in a change to the statute as enacted. They are part of the standing record on the application of the amendment and will be weighed by the Commissions and the courts in the years ahead.

What has changed for practice

Taken together, the 2015-2025 decade has changed the Act on five practical fronts.

1. **Tenure and independence of Commissions.** Terms and salaries are now set by the Central Government. Composition remains a critical variable. Practitioners should track the sanctioned strength and the working composition of the Central and State Commissions.
2. **Treatment of personal information.** The Section 8(1)(j) override has moved out of clause (j) and into Section 8(2). Every Public Information Officer's reply on a clause-(j) matter must now expressly apply the Section 8(2) balancing. Every First Appellate Authority's speaking order must address the balancing. Every Commission order must do the same.
3. **Treatment of judicial-branch and public-servant information.** *Subhash Chandra Agarwal* (2020) remains the governing synthesis. The Office of the CJI is a public authority. Judges' and public servants' information is not categorically exempt. Section 8(2) applies on a case-by-case basis.
4. **Constitutional anchoring.** *ADR* (2024) re-affirmed Article 19(1)(a) as the constitutional foundation of the right to know. The RTI Act's interpretation must be consistent with this constitutional direction.
5. **Procedural predictability.** The Supreme Court's directions in *Anjali Bhardwaj* (2019) set the standard for the timeliness of Commission appointments. Practitioners should apply these standards to the Commissions they are before.

Related notes on this site

- [DPDP Rules, 2025: The amendment to Section 8\(1\)\(j\) of the RTI Act.](#) The primary practitioner note on the 14 November 2025 amendment.
- [Section 8\(1\)\(j\) after the DPDP Rules, 2025.](#) The file noting, the reply, and the practice.
- [Raj Kumar Goyal sworn in as Chief Information Commissioner; CIC reaches full strength.](#) The December 2025 composition note.
- [Right to Information at twenty: the Information Commissions' report card for 2024-25.](#) The pendency and composition picture.
- [The Right to Information Act, 2005 — current text.](#) With amendment overlays at every amended section.
- [Case law library.](#) The curated landmark decisions.

Sources

1. The Right to Information Act, 2005 (No. 22 of 2005).
2. The Right to Information (Amendment) Act, 2019 (No. 24 of 2019), in force 24 October 2019.
3. The Right to Information (Term of Office, Salaries, Allowances and Other Terms and Conditions of Service of Chief Information Commissioner, Information Commissioners and the Chief Information Commissioner and Information Commissioners in State Information Commission) Rules, 2019.
4. The Digital Personal Data Protection Act, 2023 (No. 22 of 2023), Section 44(3).
5. The Digital Personal Data Protection Rules, 2025, notified on 14 November 2025.
6. *State of U.P. v. Raj Narain*, (1975) 4 SCC 428.
7. *S. P. Gupta v. Union of India*, 1981 Supp SCC 87.

8. People's Union for Civil Liberties v. Union of India, (2003) 4 SCC 399.
9. Central Board of Secondary Education v. Aditya Bandopadhyay, (2011) 8 SCC 497.
10. K. S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
11. Anjali Bhardwaj v. Union of India, (2019) 10 SCC 1.
12. Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal, (2020) 5 SCC 481.
13. Association for Democratic Reforms v. Union of India, (2024) 5 SCC 1.
14. Satark Nagrik Sangathan, *Report on the Performance of Information Commissions in India, 2024-25*.
15. Press Information Bureau releases on the appointment of the Chief Information Commissioner and the Information Commissioners, 2019 to 2025.
16. Bhagat Singh v. Chief Information Commissioner, Delhi High Court, 3 December 2007.
17. Arvind Kejriwal v. Central Public Information Officer, Delhi High Court (2010).
18. Delhi High Court judgment on PhD theses under the Right to Information Act, December 2024.
19. Madras High Court judgment on public servants' assets under Section 8(1)(j), 2024.

Last reviewed on

19 April 2026

rti, act-2005, amendment-2019, dpdp-2025, subhash-chandra-agarwal, anjali-bhardwaj, electoral-bonds, decade-of-change, case-law, commission



Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



Read online

<https://www.righttoinformation.wiki/blog/rti-act-decade-of-change-2015-2025?rev=1776591484>

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Last updated

2026/04/19 09:38