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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **AN ANALYTICAL STUDY ON THE MISUSE OF RIGHT TO INFORMATION**

AUTHORED BY - K.KANISHKA SREE<sup>1</sup> & PROF. SAJI SHIVAN<sup>2</sup>

## **ABSTRACT:**

*The Right to Information (RTI) Act, 2005, has been a pillar in promoting openness, accountability, and good governance in India. Yet, its revolutionary potential is being eroded by cases of abuse, which risk weakening its effectiveness and overloading public institutions. This research paper analyzes the multi-dimensional character of RTI abuse, delving into its different forms—such as blackmail, harassment of public servants, political competition, and hindrance of public projects. With the examination of case laws, court interpretations, and actual scenarios, the paper reflects on the mounting issues regarding the abuse of RTI and the consequences on democratic governance.*

*It assesses current protections under the RTI Act, such as exemptions for confidential information and provisions to deal with frivolous requests, as well as suggesting reforms to limit abuse without sacrificing openness. Such reforms consist of instituting fines for vexatious requests, harnessing technology for sifting requests, and raising awareness regarding responsible use of RTI.*

*Finally, this paper emphasizes the importance of finding a fine balance between guaranteeing citizens' right to information and safeguarding public institutions from misuse. By providing practical suggestions for legal, administrative, and institutional reforms, the study hopes to contribute to the debate on how to maintain the integrity of the RTI Act while overcoming its challenges. This research is important in that it not only identifies the immediate challenge of RTI abuse but also maps out a road map towards enhanced governance systems and the protection of democratic values.*

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## KEYWORDS:

*Right to Information (RTI), misuse, transparency, accountability, judicial interpretation, legal reforms, comparative analysis, public governance*

## INTRODUCTION:

The right to information in contemporary democracies is a basic pillar that endows citizens with the ability to be well-informed about government issues and policies formulated for their well-being. Transparency is the backbone of a functioning democracy, where an educated citizenry reinforces democratic values and promotes accountability. The Right to Information (RTI) Act, 2005, in India, is a reflection of this spirit, promoting transparency and accountability in governance. Although the RTI Act has been a powerful tool for empowering citizens, its abuse has become a major challenge that could potentially defeat its lofty goals. This paper aims to investigate the two-sided nature of the RTI Act its function in facilitating transparency and accountability, as well as its vulnerability to abuse while filling the research gap in current literature on the systemic and procedural measures necessary to prevent abuse. The RTI Act, like any other tool, has two edges. While on the one hand it supports transparency and accountability through the ability of citizens to get access to government information, the very way it is structured does leave room for misuse, in that there is no requirement to disclose the reason behind seeking information. Although the Act was meant to rationalize administrative procedures and advance public welfare, it has increasingly been employed for the opposite purpose. Examples of misuse include blackmail, harassment of government officials, and the seeking of personal grudges. These actions not only encumber government machinery but also invade the privacy of citizens and impede the smooth working of public institutions.

State Information Commissioners like Bhaskar Patil of Nagpur<sup>3</sup> have admitted to the abuse of the RTI Act, quoting instances of repeated requests for information on the same topic, mostly with ulterior motives. For instance, there have been cases where RTI petitions were made repeatedly about certain ration card shops or hotel licenses, pointing towards third-party interests (cite sources here). Although the Act does not allow for questioning the intent of an application, such abuse points to the necessity of checks to avoid exploitation.

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<sup>3</sup> <https://timesofindia.indiatimes.com/city/nagpur/rti-act-being-misused-many-a-time-state-information-commissioner/articleshow/19013579.cms>



In addition, the RTI Act has been misused in ways that stray from its intended purpose. It has been employed by aggrieved government officials to take revenge, by litigants to collect evidence for court proceedings, and even by business rivals to acquire an unfair edge. In a few instances, non-governmental bodies (NGOs) have been using the Act to raise foreign funds by submitting RTI requests involving massive collection of data from different government departments. Not only does this diversion of resources waste money, but also diminishes the purpose of the Act in fulfilling the public interest.

The tone and language of certain RTI applications only add to the problem, with requestors frequently employing rude or abusive language. Furthermore, there are situations where applicants do not pay the fee required upon preparation of the information, squandering administrative time. These weaknesses highlight the imperative to introduce reforms to plug loopholes in the RTI Act while maintaining its essential aim of encouraging transparency and accountability.

### **PURPOSE OF RIGHT TO INFORMATION:**

Right to Information (RTI) Act was enacted for implementing citizens' right to information in the realm of public authorities. The Act intends to bring transparency and accountability to the working of all the public authorities created by the Central as well as the State governments. Through accountability and transparency in holding these governments and their servants accountable for what they do in service to the people, corruption can be eradicated. Moreover, the Act provides for the safeguarding of sensitive and confidential information. It also sets a framework for releasing the information to the public as soon as possible.

Key Objectives of the RTI Act:

- Empower citizens to hold the government accountable.
- Promote transparency and accountability in government operations.
- Contribute to improved governance and the reduction of corruption.
- Foster an informed citizenry capable of maintaining vigilance over the functioning of government machinery.

*In Phairembam Sudesh Singh v. The State of Manipur and Ors.*<sup>4</sup>

The RTI Act, 2005, grants Indian citizens the right to access government-held information, aiming to promote transparency, accountability, and curb corruption. While Section 3 recognizes this right, Sections 8 and 24(4) provide exemptions for sensitive information and security organizations. The right to information is linked to Article 19(1)(a) of the Constitution<sup>5</sup>, which guarantees freedom of speech and expression, including the right to seek information. Courts have emphasized that transparency is vital to combat corruption and misuse of power. The Act aligns with international principles, such as Article 19 of the Universal Declaration of Human Rights, and must be interpreted to ensure exemptions do not undermine its core objectives.

### **UNDERSTANDING THE MISUSE OF RTI:**

The Right to Information (RTI) Act, 2005, was passed with the high-minded goal of obtaining access to information possessed by public authorities, in order to increase transparency and accountability in governance. As defined in the Statement of Objects and Reasons, the Act seeks to empower citizens through their ability to examine the working of public institutions. Yet, even with its noble objectives, the RTI Act has been fast turning into a means of abuse, with examples of its provisions being used for private purposes over public good.

Judicial remarks have underlined that the Act, being a tool for accountability, has been misused by those having no real public interest in obtaining the information requested. The key reason for the misuse is that there is no locus standi rule in the RTI case, which provides that anyone may make an application without showing an immediate interest in the case. Also, the Act does not seek reasons from the applicants for procuring information, leaving much leeway for requests to be frivolous or vexatious in nature. This has resulted in an increase in applications made by casual or chronic information-seekers, who consume precious time and resources of public authorities.

The 11th annual report of the State Information Commission (SIC) has also admitted the abuse of the RTI Act, a major admission by the regulatory authority. The report points to cases where people have made multiple appeals on the same topic, frequently with no discernible public interest. It also highlights the abuse of fiscal concessions given to below-poverty-line

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<sup>4</sup> <https://www.the-laws.com/Encyclopedia/Browse/Case?CaseId=526102700000&Title=PHAIREMBAM-SUDESH-SINGH--Vs.-THE-STATE-OF-MANIPUR-AND-ORS.>

<sup>5</sup> <https://indiankanoon.org/doc/1142233/>

(BPL)<sup>6</sup> applicants, who are exempt from fee payment for RTI applications. The report underlines the necessity of social organizations and activists intervening into this and coming up with ways of curbing such exploitation of the Act.

Even the judiciary has raised concerns regarding the abuse of the RTI Act. Ex-CJI S.H. Kapadia<sup>7</sup>, in his appreciation of the RTI law, emphasized how it is being misused with irrelevant and excessive questions. He used the example of questions which were light-years away from the Act's objectives, like queries on judges attending public functions, what they liked to eat, or the contents of their social invitations. These useless requests not only waste public officials' time but also delay their work in carrying out tasks like hearing cases and dispensing justice.

These cases highlight the necessity of balancing the requirement to ensure transparency with the need to avoid abuse of the RTI Act. Although the Act continues to be an effective tool for empowering citizens and keeping public authorities accountable, its misuse for personal or frivolous reasons is a major challenge. This problem calls for cautious examination of the provisions of the Act and putting in place safeguards against misuse without undermining its essential goals. This paper examines such problems and offers reforms to make the RTI Act a pillar of Indian democratic governance.

### **Nature of Rti misuse:**

RTI misuse refers to the exploitation of the Act for purposes that deviate from its original intent, such as personal gain, harassment, or undermining public interest. This misuse often manifests in the form of frivolous, repetitive, or malicious applications that burden public authorities and compromise the Act's effectiveness.

The character of RTI abuse is complex. It involves the misuse of process, wherein citizens use the RTI mechanism to harass public officials or settle scores. Loopholes in the Act are also occasionally used to make requests which are intended for ulterior motives and not for the public interest. Such abuse not only erodes the intent of the RTI Act but also puts pressure on administrative resources, distracting from valid requests and slowing down responses to

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<sup>6</sup> [https://en.wikipedia.org/wiki/Below\\_Poverty\\_Line](https://en.wikipedia.org/wiki/Below_Poverty_Line)



genuine questions. This section examines the different aspects of RTI abuse, with an emphasis on its governance and public trust implications.

One of the most significant abuses of the RTI Act is its use for personal scores, where people make applications to harass or intimidate public servants and others for revenge or personal motives. Such abuse typically includes seeking personal details, with the intent to defame reputations or interfere with professional work. This unethical activity not only creates a hostile working environment for public servants but also erodes public confidence in the RTI mechanism. Moreover, it overloads administrative machinery, causing genuine requests to suffer. To avoid this kind of misuse, enforcement of rules must be stricter and awareness of the ethical application of RTI must grow.

Excessive, redundant, and frivolous RTI requests are another significant abuse of the Act. People tend to file numerous requests on the same topic, with slight differences, to overwhelm the authorities or harass officials. Some applicants file huge numbers of RTIs without any real need, while others keep asking for trivial or absurd information repeatedly. This abuse puts pressure on public resources, slows down genuine responses, and adds administrative expenses, especially in resource-scarce settings. In order to solve this, steps like curtailing the multiple applications from an individual and charges for frivolous applications can be taken.

A grave abuse of the RTI Act entails efforts to obtain confidential or classified information that can compromise national security, public safety, or privacy. Even with available exemptions, loopholes are exploited by some applicants in seeking sensitive information on investigations, intelligence, or private files. Releasing such information can put lives at risk, undermine institutions, and compromise national security. Though the RTI Act seeks to balance security with transparency, this abuse highlights the necessity for tighter controls and enforcement of exemptions to avoid abuse and safeguard public interest.

### **FORMS OF RTI MISUSE:**

The Right to Information (RTI) Act, which was brought into India in 2005, is an important tool for citizens to access information from public authorities, promoting transparency, accountability, and democratic governance. By providing access to government documents, it has played a crucial role in exposing corruption, ensuring administrative accountability, and

enabling people to actively engage in governance. But while RTI has proved to be an effective instrument of justice, it has also increasingly been misused for unethical means. Certain individuals misuse the law for personal benefit, indulging in activities. This abuse not only impedes the effectiveness of the government but also dilutes the very objective of the RTI Act. Identification and mitigation of these abuses are necessary in order to find a balance between transparency and ethical use of the law.

### **1. Blackmail and Extortion<sup>8</sup>**

Perhaps the most heinous use of the RTI is its abuse for blackmailing and extortion. Here, individuals or organizations employ the RTI process to obtain sensitive or incriminating information, and use the same to blackmail public representatives, organizations, or individuals for personal profit. Such abuse typically entails threatening revelation of information liable to embarrass or implicate persons or entities, including financial malpractices, procedural irregularities, or individual misconduct. For example, an RTI seeker may seek information regarding a public figure's alleged impropriety and threaten to reveal the same in the event the figure offers a bribe. In the same way, business rivals may employ RTIs as a means of gaining access to sensitive bid documents and intimidating competitors into abandoning tender bids. This abuse not only undermines the ethical values of the RTI Act but also destroys confidence in public institutions and discourages officials from acting in the public interest. Fear of damage to reputation or legal repercussions usually compels individuals or organizations to yield to such requests, creating a vicious cycle of abuse and compromising the integrity of the RTI system.

### **2. Harassment of Public Officials**

The other familiar method of misusing RTIs is harassment of government officials using numerous, incongruous, or frivolous RTIs. The motive in this case tends to be personal aggrievements, vendettas, or a craving to impede the functioning of administration. The technique consists of lodging numerous RTIs on one and the same subject or akin to it and piling pressures upon public officials as well as overloading administration. For instance, an unhappy employee might send several RTIs to their previous employer, requesting useless or insignificant information, and someone with a personal grudge against a public officer might send unclear RTIs in order to disrupt

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<sup>8</sup> <https://collettreadllp.com/know-your-rights/extortion-and-blackmail-in-criminal-law/>

their work and bring disrepute to their name. All this abuse of the system adds unnecessary strain to public resources, taking away attention from genuine requests and creating an unpleasant work environment for officials. The administrative cost of responding to such requests not only slows down answers to legitimate queries but also raises the cost of administration, which further burdens public resources. Eventually, this contributes to the lowering of the efficiency and morale of public servants, who will begin to view the RTI Act as a means of harassment and not transparency.

### **3. Political Rivalry and Corporate Espionage**

The RTI Act has also been abused as an instrument of political competition and corporate spying. Here, the Act is used by individuals or entities to gain a competitive edge over their rivals or opponents. Such abuse is generally in the form of digging out information that can be used against political rivals or business competitors. For example, political parties can submit RTIs to get harmful information regarding opposing candidates, typically during election time or public debate, and use the information to defame them in the eyes of the people. In India's 2014 general elections, some political parties were alleged to have made RTI requests to get harmful information regarding competing candidates. In one such case, an RTI was filed to obtain the educational records of a leading candidate, creating a controversy in public life. Even so, corporations might employ RTIs to gain access to confidential competitor information, including trade secrets, business plans, or financial information, to get an unjust competitive advantage. This abuse creates a culture of distrust and unethical competition, which undermines the spirit of the RTI Act and its role in facilitating transparency. The tactical timing of such requests, frequently at the height of crucial business negotiations or political events, aggravates the harm inflicted by this abuse, compromising the integrity of political and business processes.

### **4. Obstruction of Public Projects**

Abuse of RTI is also used to hinder or sabotage government schemes, usually by vested interest groups or individuals. Through the submission of excessive RTIs or seeking irrelevant data, they cause delays and administrative bottlenecks, slowing down the implementation of government schemes. Abuse of RTI is especially harmful to public interest, as it slows down the completion of essential infrastructure and development works. For instance, a contractor can submit several RTIs in order to stall the tendering of a tender to a competitor company, and activists who are against an infrastructure project can use RTIs to ask for unnecessary details, thus slowing down the approval



process. Such abuse not only delays the completion of public projects but also adds costs and administrative workload.

The diversion of funds to respond to such requests tends to cause project implementation delays, eroding public confidence in government projects and compromising the provision of basic services. In other instances, the abuse of RTIs to hinder public projects could be motivated by ulterior motives, including the interests of rival contractors or local communities that are against the project. In 2017, a big infrastructure project in Karnataka was delayed following an activist group filing several RTI applications requesting detailed information regarding the project's environmental impact assessment. The actions of the group were viewed as an attempt to delay the project, which was opposed by some local communities.

#### **5. Sensationalism and RTI Leak:**

The most prevalent type of abuse is the sensationalization of RTI results by television news channels to generate greater Television Rating Points (TRPs). RTI replies, which are intended to offer objective and factual information, are often distorted or taken out of context to make for sensational reports. For example, a routine RTI reply regarding administrative delays or small irregularities could be given a sensational hue involving corruption or malpractice. Such an approach is prioritizing entertainment above informed public discourse, sidetracking attention away from real governance issues and diminishing intricate administrative matters into simplistic emotional narratives. The sensationalism has the effect not only of misinforming the public but of undermining confidence in the RTI Act as an instrument of transparency.

Another problematic trend is the selective leaking of RTI details to influence the opinion of the public. In most instances, partials of an RTI response are made public while context or contrary facts are withheld. This strategy is frequently adopted by parties with an interest in propagating a certain narrative. For instance, an RTI reply regarding a government project could state minor inefficiencies, but the leak might report only about these inefficiencies in order to establish a general failure. This selective leaking distorts the public's perception of governance and erodes confidence in public institutions. It underscores the necessity for higher transparency and accountability in reporting and disseminating RTI results so that the public is provided with full and impartial facts

#### **6. Social Media Trials Based on RTI Information**

Misuse of RTI information on social media has generated problems such as social media trials, defamation campaigns, and propagation of spurious RTI responses. Inaccurate or interpreted RTI findings are put on the internet and create public embarrassment, disinformation, and reputation damage. False RTI responses are also applied to misguide the public and undermine confidence in transparency legislations. To counter this, stricter legal sanctions, official authentication websites, and social media fact-checking tools are necessary. Public information campaigns can educate citizens to differentiate between authentic RTI replies and spurious ones. A judicious balance must be struck so that RTI is not misused but its role in promoting transparency is preserved.

### **REFERRED CASE LAWS:**

#### **1. Satish Shetty Case (RTI Activist Killing, 2010)<sup>9</sup>**

Satish Shetty, a well-known RTI activist in Pune, Maharashtra, was murdered in January 2010. Shetty had employed the RTI Act to reveal a number of land scams and unlawful land purchases involving influential men and organizations. His probe exposed corruption on land transactions along the Pune-Mumbai highway, which implicated prominent officials and businessmen. Though Shetty filed police complaints and applied for protection, he was brutally killed in broad daylight. The case emphasizes the risks taken by RTI activists who blow the whistle on corruption and abuse of power. It also underlines the importance of more robust protection for whistleblowers and activists. Satish Shetty's killing is still a grim reminder of the danger of using the RTI Act to take on influential powers.

#### **2. Supreme Court Decision in CBSE vs. Aditya Bandopadhyay (2011)<sup>10</sup>**

Aditya Bandopadhyay, an RTI seeker, asked for access to his assessed answer sheets from the Central Board of Secondary Education (CBSE) to authenticate the marks given. The CBSE refused, citing privacy issues and misuse of the information. The case went up to the Supreme Court, which decided in favor of Bandopadhyay and held that evaluated answer sheets are not exempt from disclosure under the RTI Act. But the Court also warned against the misuse of RTI for ends like blackmail or extortion. This landmark judgment weighed the right to information against the right to privacy. It also

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<sup>9</sup>[https://en.wikipedia.org/wiki/Satish\\_Shetty#:~:text=In%20January%202010%2C%20Shetty%20was,was%20transferred%20to%20the%20CBI.](https://en.wikipedia.org/wiki/Satish_Shetty#:~:text=In%20January%202010%2C%20Shetty%20was,was%20transferred%20to%20the%20CBI.)

<sup>10</sup> <https://indiankanoon.org/doc/1519371/>

brought out the menace of RTI abuse in educational issues, including harassing examiners or institutions by means of answer sheets. The judgment stressed upholding transparency in public examinations through the ethical application of the RTI Act.

**3. K.K. Agnihotri v. State of Maharashtra (2016)**

Here, the Bombay High Court considered the case of harassment where a government officer, K.K. Agnihotri, was subjected to repeated and frivolous RTI applications. The applicant submitted several RTIs for identical or similar information, entailing immense administrative workload and harassment. The Court held that though the RTI Act gives power to citizens in seeking information, it does not provide them with the right to harass government officers with excessive or repetitive requests. This judgment established a significant precedence for dealing with the abuse of RTI for personal agendas. It underlined the necessity of reasonable restrictions to avoid harassment of public servants and facilitate the smooth flow of administrative processes.

**4. CBSE v. Aditya Bandopadhyay (2011)<sup>11</sup>**

Petitioner Aditya Bandopadhyay sought access to his assessed answer sheets through the RTI Act. The Central Board of Secondary Education (CBSE) declined, on grounds of confidentiality and misuse. The Supreme Court held that answer sheets marked after evaluation can be released under the RTI Act since they do not qualify for the exceptions mentioned in Section 8 of the Act. But the Court warned against invoking the RTI Act for excessive or unreasonable requests that would burden public authorities excessively. The judgment explained that though the RTI Act encourages transparency, it should not be utilized as a device for "fishing expeditions" or for making requests that would interfere with the functioning of public institutions. The Court underlined that requests for information need to be specific and supported by public interest.

**5. Institute of Chartered Accountants of India v. Shaunak Satya (2011)<sup>12</sup>**

The petitioner asked for specific information regarding the process of examination of the Institute of Chartered Accountants of India (ICAI), including the moderation process and scaling techniques. The Supreme Court ruled that the RTI Act could not be employed for "fishing and roving inquiries." It held that the sought information was excessive and outside the purview of the Act, as it did not relate to any discernible public interest. This ruling strengthened the rule that RTI applications must have a valid

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<sup>11</sup> <https://indiankanoon.org/doc/1519371/>

<sup>12</sup> <https://indiankanoon.org/doc/1548289/>



purpose and cannot be employed for speculative or vague inquiries. The Court highlighted that the Act is not for individual curiosity or vendettas but a vehicle to ensure accountability and transparency in the conduct of government.

**6. Chandrakant Vrajlal Fichadiya v. State of Gujarat & Ors.<sup>13</sup>**

Here, the petitioner had requested a copy of a map under the RTI Act. But as the document requested contained third-party information, the authorities had to inform the concerned third party and obtain their permission prior to disclosure. Alternatively, disclosure may be allowed if it was found that public interest would override any possible harm or injury to the third party's rights. This case highlights the need for balancing transparency with the safeguarding of third-party rights within the RTI framework.

**7. Mr. Narayan Singh vs. Delhi Transport Corporation<sup>14</sup>**

The Narayan Singh case is an example of the systematic abuse of the RTI Act. The Commission noticed that the appellant repeatedly falsified facts, suppressed information, and made inconsistent statements to pressurize the system. Submitting numerous RTI applications and aggressively pursuing first and second appeals were viewed by it as being adopted as harassment of public authorities. It mentioned that his chief objective was a private dispute over an issue against his brother Hoshiar Singh and not at all any public interest. The case highlighted the challenges faced by public authorities due to vexatious and frivolous RTI applications, which result in unnecessary administrative burdens.

**8. Neha Srivastava v. Trade Marks Registry<sup>15</sup>**

This case underlined that the RTI Act cannot be abused as a mechanism for redressing individual grievances in the guise of seeking information. The court clarified that the RTI Rules should be read with the Act itself, and under no situation can the Rules supplant the underlying principles enshrined in the law.

**9. Uma Kanti & Ramesh Chandra v. Navodaya Vidyalaya Samiti<sup>16</sup>**

Labeled as the most egregious instance of misuse of RTI, this case showed that punitive action should be taken against those who make frivolous requests. Such misuse was seen in Faqir Chand v. North Western Railway, Bikaner, where the Commission saw a

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<sup>13</sup> v <https://indiankanoon.org/doc/155462089/>

<sup>14</sup> <https://indiankanoon.org/doc/185836378/>

<sup>15</sup> <https://indiankanoon.org/doc/72199521/>

<sup>16</sup> <https://www.casemine.com/judgement/in/574c21dae561090f2a0da3f1>

trend of vexatious RTI petitions filed with the intent to cause disruption of administrative processes instead of furthering a public good.

**10. Satish Tiwari v. Indian Oil Corporation Ltd<sup>17</sup>**

The Central Information Commission (CIC) here raised concerns over persons of dubious integrity abusing the RTI Act for personal interest. The court noted that these persons submit RTI applications at the expense of public resources and thus place a disproportionate administrative burden. This case reaffirmed the necessity of prevention of misuse of the RTI mechanism.

**11. Hardev Arya v. Chief Manager (Public Information Officer) & Others<sup>18</sup>**

Here, the petitioner requested information about the bank account of an institution, Arya Kanya Gurukul Chhawani, a registered educational society. The bank declined to provide the information on grounds of exemptions under Section 8(j) of the RTI Act and Section 13 of the

Banking Companies Act, 1970, which cover third-party financial information. The Rajasthan High Court rejected the petition on the grounds that the petitioner was not directly connected with the institution and had not proved any public interest in the sought information. The court declared that the RTI Act could not be utilized as a tool for threatening or harassing private institutions. Further, the court fined the petitioner ₹10,000 for misusing the RTI process and ordered that the amount be paid into the Free Legal Aid Board of the High Court, Jodhpur.

**12. Deshmukh Suresh Bhagwanrao v. C.B.E.C., Department of Revenue, New Delhi<sup>19</sup>**

In this case, a number of public authority employees submitted RTI petitions asking for information about service matters. These were matters like giving effect to orders of courts and tribunals, grounds for transfer, initiation of disciplinary actions, and promotion decisions. Though there was a diversity of merit in each RTI application, there was an alarming tendency employees were employing the RTI Act as a tool to influence their seniors to overturn decisions or bestow personal favours. The case highlighted grave fears regarding the misuse of the Act, highlighting the fact that the RTI law was never meant to be used as a means to allow employees to exert undue pressure on their employers. If unchecked, these practices might undermine the real intent behind the Act and make it a tool of coercion instead of openness.

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<sup>17</sup> <https://indiankanoon.org/doc/520583/>

<sup>18</sup> <https://www.casemine.com/judgement/in/56e66820607dba6b53430d7b>

<sup>19</sup> <https://www.casemine.com/judgement/in/574c1fece561090f2a0d9114>

**13. Paardarshita Public Welfare Foundation v. Union of India & Others<sup>20</sup>**

Delhi High Court slapped a fine of ₹75,000 on an NGO for abusing the RTI Act to try and harass two engineers of the Municipal Corporation of Delhi (MCD). Even though the NGO had initially presented itself as being against corruption, the court concluded that its RTI queries extended far beyond normal questions. The NGO had requested extremely personal and intrusive information, such as the parentage of the engineers, their medical background, and even DNA test results. The court severely criticized this action, citing that RTI was never intended to be a means of personal attack or humiliation. Chief Justice Dipak Misra and Justice Manmohan noted that although corruption needs to be tackled, the way in which information is requested should always be within legal and ethical parameters.

**14. Shail Sahni v. Sanjeev Kumar<sup>21</sup>**

Here, the Delhi High Court was strong on the misuse of RTI on frivolous grounds, especially regarding issues related to national security. The court stated that the paramount responsibility of the Ministry of Defence is to secure the sovereignty and integrity of India. If its meager resources were diverted into answering frivolous RTI queries, it may seriously hamper its core work. The court also mentioned that the abuse of the RTI Act has to be checked to ensure public faith in this "Sunshine Act." If it is permitted to be abused, the purpose of the law itself transparency and accountability may be defeated.

**15. Sanjeev Sharma v. CPIO<sup>22</sup>**

The Central Information Commission (CIC) in this instance recognized the intention of the appellant to combat corruption in the Indian Air Force. It even pointed out, however, that his method was inherently flawed. Though transparency is essential, the appellant's serial and general RTI applications imposed an excessive burden on the authorities, resulting in wastage of time and resources unnecessarily. The CIC emphasized that RTI applications must be specific and within the purview of Section 2(f) of the RTI Act, so that the information requested is relevant and does not hinder public administration. It cautioned that employing RTI as an absolute and unconditional right to seek any type of information would result in its misuse.

**16. Amar Kumar Jha v. Indian Army<sup>23</sup>**

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<sup>20</sup> <https://indiankanoon.org/doc/109068313/>

<sup>22</sup> <https://indiankanoon.org/doc/62349092/>

<sup>23</sup> <https://indiankanoon.org/doc/136492814/>



In this case, the appellant had a tendency to file large numbers of RTI applications relating to personal grievances, quite often through his wife as well. The Commission noted that these applications were not filed to serve any public interest but were used as a tool to compel public authorities to deal with individual complaints. The serial filing of these RTI requests was regarded as a misuse of the system, eventually culminating in harassment of the authorities. The Commission severely criticized such misuse, warning that such acts could defeat the very intent of the RTI Act.

**17. Rajni Maindiratta v. Directorate of Education (North West – B)<sup>24</sup>**

Here, the Delhi High Court laid stress on the fact that while an applicant is not obligated to provide the reason for requesting information under the RTI Act, authorities are not helpless when they see abuse of the law. If the process of law is being misused, the courts and authorities are obligated to step in and stop such misuse.

**18. C Sunil vs. CPIO, Water Works Department, Secunderabad Cantonment Board<sup>25</sup>**

The Central Information Commission (CIC) considered several appeals made by the same appellant and agreed with the First Appellate Authority (FAA) that most of these applications were frivolous. The Commission noted that the appellant had a misconceived perception of RTI as an absolute and unfettered right. He was counseled to use his right to information more wisely in the future.

**19. Shail Sahani vs. Valsa Sara Mathew and Ors<sup>26</sup>**

The petitioner in this case, who is a financier lending money to contractors, was held to be abusing the RTI provisions. The Court remarked that the general and unjustified requests made by the petitioner were an abuse of the process of law and a try at intimidation of the officials. The decision reaffirmed that RTI was not to be used to impede public administration or place unnecessary burdens on the officials. The Court rejected the petition and fined the petitioner Rs. 25,000 in order to discourage such abuse.

**20. Shri Ramesh Chand Jain v. DTC<sup>27</sup>**

The CIC emphasized that even one repeated RTI application takes precious time of the public authorities and the Commission, which could be utilized to address new applications. Therefore, successive applications for identical information hinder the

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<sup>24</sup> <https://indiankanoon.org/doc/90898254/>

<sup>25</sup> <https://indiankanoon.org/doc/188181336/>

<sup>26</sup> <https://indiankanoon.org/doc/168886094/>

<sup>27</sup> <https://indiankanoon.org/doc/97463894/>

flow of information and negate the intent of the RTI Act.

**21. Jagdish Kumar Koli v. Department of School Education & Literacy, MHRD, GOI<sup>28</sup>**

The appellant, who was inquiring about his promotion, was discovered to have submitted several RTI applications on the same matter. The CIC held that he was abusing the RTI Act for personal complaints instead of public interest. The Commission reprimanded him and instructed authorities not to waste public funds by answering repeated frivolous applications.

**22. ICAI v. Shaunak H. Satya<sup>29</sup>**

The Supreme Court reconfirmed that the RTI Act ought not to be abused. Where the law is being used for improper motives, necessary steps are to be adopted so that its misuse does not occur.

**23. Mr. Kuldeep Singh Yadav v. Consumer Affairs, Food And Supply Department, GNCTD<sup>30</sup>**

The CIC ordered the public authority to probe alleged abuse of RTI by Mr. Vijay Kumar Garg and Mr. Kuldeep Singh Yadav. The authorities were ordered to display their RTI applications and responses on their own website to instill transparency with a view to discouraging misuse.

**24. Acharya Arvind Mishra v. National Commission for Minority Educational Institutions, GOI, New Delhi<sup>31</sup>**

The appellant, who had filed repeated RTI appeals even though he had got satisfactory replies, was held guilty of abusing the Act. His appeals were rejected by the Commission and it admitted that there should be strict action against habitual applicants who file frivolous applications.

**25. A.B. Avadhanulu v. South Central Railway, Vijayawada & Secunderabad<sup>32</sup>**

The appellant before us was employing RTI as a harassment tool against railway authorities because of adverse departmental action taken against him. The CIC noted that the RTI Act must not be used as an instrument of vendetta against a previous employer or government department.

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<sup>28</sup> <https://indiankanoon.org/doc/81466589/>

<sup>29</sup> <https://indiankanoon.org/doc/1548289/>

<sup>30</sup> <https://indiankanoon.org/doc/363077/>

<sup>31</sup> <https://indiankanoon.org/doc/4443166/>

<sup>32</sup> <https://indiankanoon.org/doc/155910206/>

**26. Manohar Singh Pangtey v. North Eastern Handloom & Handicrafts Development Corporation**

In this case, the complainant was found applying RTI to put pressure on the respondent with respect to delayed salary disbursements. But the complainant himself knew that there were recoveries pending against him for irregular payments towards housing. The CIC ruled that RTI cannot be utilized as a tool to put excessive pressure on the authorities for personal account-settling disputes.

**27. J.I. Buck v. State Bank of Saurashtra<sup>33</sup>**

Here, the appellant had requested wide-ranging information covering years and all bank branches. The CIC was in agreement with the CPIO's position that gathering such a large amount of information would draw huge public resources away from vital responsibilities. As such, the appellant was requested to revise and limit his request

**EXISTING SAFEGUARDS AGAINST RTI MISUSE**

As a prelude to preventing its misuse, the Act has several legal safeguards in the form of provisions that protect sensitive information, secure third-party rights, and prevent public resources from being disproportionately diverted. These provisions maintain the balance between the right of access to information and preventing abuse so that the Act is used responsibly and effectively.

**Section 8<sup>34</sup>: Exemptions for Sensitive Information**

Section 8 of the RTI Act is the detailed list of exemptions that serves to ensure no disclosure of information which would negatively affect public interest, national security, or private individuals' privacy. The exemptions are vital to ensuring the proper use of the Act to seek access to confidential or sensitive information. Some of the key exceptions are information that may impact national security, for example, defense plans or intelligence activities; economic interests, for instance, trade secrets or fiscal policies; law enforcement procedures, for example, active investigations; and individual privacy, except in cases where public interest outweighs disclosure. Moreover, Cabinet deliberations, foreign affairs, and intellectual property are also exempted under this section. These exceptions provide for the fact that the RTI Act is not abused to obtain information that may hurt individuals, institutions, or the country. For

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<sup>33</sup> <https://indiankanoon.org/doc/1542942/>

<sup>34</sup> <https://docs.manupatra.in/newsline/articles/Upload/F8FF5487-7DF0-4F0F-9A11-74F3C2585AC9.pdf>

instance, in *Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Anr.*, the Supreme Court reiterated the significance of these exceptions, pointing out that indiscriminate release of information may jeopardize governance and public interest.

### **Section 7(9): No Disproportionate Diversion of Resources<sup>35</sup>**

Section 7(9) of the RTI Act reads that information shall not be given if it would lead to a disproportionate diversion of the resources of the public authority or cause damage to its functioning.

This provision is very important in avoiding frivolous or excessive RTI applications, which may bog down public authorities with unproductive work. For example, in *J.I. Buck v. State Bank of Saurashtra*, the Central Information Commission (CIC) confirmed denial of a request for vast amounts of information for more than one branch and years because it would have taken away valuable resources from the normal working of the bank. The CIC mentioned that such requests can immobilize the operations of public authorities and also reduce their capability to discharge their core functions. This provision will enable public authorities to concentrate on their core functions without compromising upon complying with valid RTI requests, deterring the population from making unnecessary or vexatious applications that are of no public interest. Section 11: Protection of Third-Party Information

### **Section 11 of the RTI Act shields third-party information from disclosure without the prior permission of the concerned party<sup>36</sup>.**

Where the information requested is about a third party, the third party must be informed and consulted by the public authority prior to releasing the information. Disclosure is permissible only if there is a greater public interest in disclosure than harm to the third party. For instance, in *Chandrakant Vrajlal Fichadiya v. State of Gujarat & Ors.*, the court placed great emphasis on safeguarding third-party information and making sure that disclosure is warranted by public interest. The petitioner had requested a copy of a map under the RTI Act, which consisted of third-party information. The court held that such information was only to be furnished on giving notice to the third party and with its permission, or if the public interest in disclosure weighed greater than any harm. This ensures that the RTI Act is not abused to obtain

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<sup>35</sup> <https://indiankanoon.org/doc/1322680/>

<sup>36</sup> <https://righttoinformation.wiki/explanations/third-party>



confidential or personal information regarding individuals or organizations so that the right and privacy of third parties are maintained while balancing the interest of transparency.

### **Central Information Commission (CIC) and State Information Commissions (SICs) roles:**

Central Information Commission (CIC) and the State Information Commissions (SICs) are statutory authorities created under the RTI Act to monitor its enforcement and deal with complaints against information requests. These commissions play a crucial role in ensuring that the Act is utilized responsibly and effectively, and action is also taken against its misuse.

### **How They Deal with Frivolous RTI Applications**

The CIC and SICs can reject frivolous or vexatious RTI applications with no public interest or filed to harass public officials. They adopt a number of methods in dealing with such applications, including the direct rejection of applications which are found to be frivolous, repetitive, or malicious. For instance, in the case of *Mr. Narayan Singh vs. Delhi Transport Corporation*<sup>37</sup>, the CIC rejected multiple RTI petitions filed by the appellant on the grounds that they were filed for the purpose of harassing public officers and wastage of resources. In the event of obvious abuse, the commissions can impose charges or fines upon the applicant. For example, in *Hardev Arya v. Chief Manager (Public Information Officers) & Others*<sup>38</sup>, the court levied a fine of Rs. 10,000 on the petitioner for abusing the RTI Act to intimidate a third-party organization. The commissions also provide guidance to public authorities regarding how to deal with frivolous or repetitive requests, instructing them to reject requests for trivial or irrelevant data. Moreover, the CIC and SICs organize public awareness campaigns to inform citizens of the proper use of the RTI Act, highlighting that the Act is meant to enhance transparency and not to resolve personal complaints or harass public servants.

### **Punishments for Misuse Under CIC Decisions**

The CIC and SICs can take punitive action against those who abuse the RTI Act. In repeated abuse cases, the commissions can blacklist people from submitting additional RTI applications. For instance, in *Acharya Arvind Mishra v. National Commission for Minority Educational Institutions, GOI, New Delhi*, the CIC blacklisted the appellant for submitting several frivolous

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<sup>37</sup> <https://www.casemine.com/judgement/in/5a6576524a9326024ad69f7a>

<sup>38</sup> <https://www.casemine.com/judgement/in/56e66820607dba6b53430d7b>

appeals. The commissions may also impose financial penalties on those who abuse the Act.

In *Paardarshita Public Welfare Foundation vs. Union of India (UOI) and Ors.*, the Delhi High Court imposed a fine of Rs. 75,000 on an NGO for requesting objectionable personal information about public servants. In less egregious instances, the commissions can give warnings or admonitions to people who abuse the Act. For instance, in *C. Sunil v. CPIO, Water Works Department, Secunderabad Cantonment Board*, the CIC warned the appellant against making frivolous applications in the future. In extreme cases, the commissions can refer the misuse cases to law enforcement agencies for investigation. For example, in *Mr. Kuldeep Singh Yadav v. Consumer Affairs, Food and Supply Department*<sup>39</sup>, GNCTD, the CIC instructed the public authority to inquire into the appellants on charges of abuse of the RTI Act.

## **REFORMS TO PREVENT RTI MISUSE:**

### **Legal Reforms to Avoid Abuse of the RTI Act:**

To overcome this problem, legal reforms are required to discourage abuse while keeping the core intent of the Act intact. Two important reforms that can effectively stop abuse are instituting penalties for frivolous and repeated applications and capping RTI requests from habitual abusers.

### **Instituting Penalties for Frivolous and Repeated Applications:**

Today, the RTI Act does not directly penalize applicants for submitting frivolous or repetitive applications, resulting in cases where public authorities are flooded with requests that hold no public interest but are aimed at harassing officials or settling personal scores. For instance, in *K.K. Agnihotri v. State of Maharashtra (2016)*, the Bombay High Court noted how repetitive RTI applications could burden public authorities and interfere with their functioning. To deal with this, penalties must be imposed on applicants who make frivolous or repetitive RTI applications. These can be in the form of financial penalties, cost recovery, or even prohibiting habitual offenders from making RTI applications for a period of time.

All this would serve as a deterrent and dissuade people from using the RTI Act for private or malicious motives. Also, by curtailing frivolous requests, public authorities can better utilize resources to meet authentic requests. The Supreme Court, in *CBSE v. Aditya Bandopadhyay*

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<sup>39</sup> <https://indiankanoon.org/doc/363077/>

(2011), has already warned against excessive requests under the RTI Act, stressing the importance of balancing transparency with administrative efficiency. To put this reform into effect, a screening process can be initiated where Public Information Officers (PIOs) identify frivolous or repetitive requests and send them to the Information Commission for consideration. Applicants should also be granted the right of appeal against sanctions so that the process is just and transparent.

### **Restricting RTI Requests from Habitual Offender:**

**Another important reform is restricting RTI requests from habitual offenders.**

There are cases Another essential reform is restricting RTI applications from serial offenders. There are cases where a person makes too many RTI applications, frequently without any discernible public interest. For instance, the 11th annual report of the State Information Commissionerate (SIC) brought to light cases where one person made several appeals on the same topic, putting undue pressure on public resources. To prevent this, restrictions must be placed on the number of RTI applications a person can submit in a limited period. Repeat offenders persons who continuously submit frivolous or vexatious applications. need to face increased scrutiny, like obtaining prior permission from the Information Commission for submitting more applications or requiring applicants demonstrate an evident public interest in submitting multiple applications on one issue. These steps would lessen the administrative workload of public officials, enabling them to deal with authentic applications, and make people use the RTI Act sensibly. The Delhi High Court, in politically motivated and misuse of RTI cases, has highlighted the requirement to avoid misuse of the Act for personal or malicious intentions, which further corroborates the requirement for such changes.

### **SUGGESTIONS TO AVOID RTI MISUSE:**

#### **Gamification of RTI Education:**

Gamification of RTI learning entails creating interactive mobile applications or websites that apply gamification methods to inform citizens about the Act. Such websites may consist of quizzes, simulations, and actual case studies, enabling users to gain points, badges, or rewards upon finishing modules on the goals of the Act, exemptions, and correct application procedures. Working in partnership with IT firms or NGOs to create accessible user-friendly apps and providing rewards such as reductions in government service charges or certificate of

appreciation would make RTI education available and attractive, particularly to the younger generation, which would create a culture of using RTI responsibly.

### **AI-powered chatbots:**

In order to simplify the RTI process, AI chatbots can be placed on government websites to guide applicants in making clear and concise RTI requests. These NLP-based chatbots can also respond instantly to recurring questions, obviating the need for proper applications. Putting chatbots together with RTI websites and social media handles and updating their database regularly would prevent vague or whimsical requests and offer instant guidance to applicants.

### **Public Dashboards for RTI Requests:**

Designing public dashboards that present anonymized information on RTI requests, such as the number of applications submitted, response time, and popular topics requested, would increase transparency. Designing dashboards based on open data platforms and visualization tools, providing real-time updates, and indicating trends would facilitate the detection of patterns of abuse, promote accountability among officials, and eliminate repeat requests.

### **ID proof must be mandatory with RTI applications:**

Abuse of filing RTI applications in name of others or with non-existence of persons has also become very common. RTI Act does not allow those ex-Indians who subsequently acquired nationality of some other nation Provision of compulsory attachment of a copy of ID proof should be included to file complaints in government-departments to avoid filing complaints in name of others.

## **RESEARCH ANALYSIS:**

### **Complaint Cases**

The creativity of the Indian public shines through in their innovative use of the RTI Act. While the primary purpose of the Act is to seek information, citizens have mastered the art of using it to register complaints and ensure action, all under the guise of requesting information. This approach has proven to be more effective than traditional grievance redressal mechanisms, as it compels authorities to respond promptly and address issues that might otherwise be ignored.

### **Irrelevant Cases**



While the majority of RTI applications address serious and significant matters, there are instances where applicants display a surprising sense of humor, leaving one to wonder about their intentions and level of seriousness. These cases provide a light-hearted contrast to the frustration and helplessness often expressed by other applicants.

For example, in one case, an applicant highlighted the lack of development in his village under any government scheme or program. He sought advice on the steps he should take to get the work done, listing three options: staging a *dharna* (protest by squatting), going on a hunger strike, or resorting to self-immolation. Additionally, he requested a copy of the official's "suggestion" regarding his proposed course of action. Such applications, while seemingly humorous, reflect the desperation and creative ways in which citizens attempt to draw attention to their grievances.

### **CONCLUSION:**

The Right to Information (RTI) Act was hoped to be a light of transparency, piercing through the veil of bureaucracy. Yet, as with a double-edged sword, its abuse is capable of harming the very institution it aims to strengthen. Whereas RTI has revealed corruption and inefficiencies, it has also been misused for blackmail, personal grudges, and frivolous requests that congest the system. Picture a weapon that is supposed to shed light on truth being used as an instrument of havoc. Officials burdened with unsubstantiated demands, sincere seekers overwhelmed by the din this is the shadowy side of the misuse of RTI. However, the remedy is not to blunt the blade but to use it judiciously. More stringent checks on vexatious requests, vigilance in responsible use, and protection of public officials can make RTI a force for good. Democracies are better off with more questions than with fewer. Ultimately, RTI has to be a torch, not a trap a tool of justice, not a tool of harassment. Its potential is in the hands of users, and with accountability, it can continue to do its proper job: making democracy stronger.

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