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India's Right to Information Act and the United Kingdom's Freedom of Information Act: A Comparative Test of Transparency in Two Parliamentary Democracies

ANMOL KUMAR SINHA* AND AMBAR SHRIVASTAVA**

ABSTRACT

This paper explores how parliamentary democracies convert political responsibility into legally enforceable access to governmental information through transparency law. Using a doctrinal approach that analyses statutory texts, constitutional provisions, case law, and institutional systems, this paper juxtaposes the Right to Information Act, 2005 of India and the Freedom of Information Act 2000 of the United Kingdom. It examines the open-government principles underlying both statutes, but concentrates on the practical and legal implementation of transparency in relation to the administration of exemptions, appeals, and privacy. The analysis suggests that India possesses the more powerful regime, grounded as it is in the constitutional right to free speech and supported by Information Commissions empowered to penalise the wrongful withholding of information, alongside broader rights of access. India nonetheless suffers serious delays in its appellate process and a lack of institutional capacity. The United Kingdom's system is more developed in legal and procedural terms, but it is more sheltered by privacy balancing, more reliant on administrative timetables, and rests on a more ambiguous constitutional foundation. In recent years both jurisdictions have moved toward a more privacy-centred approach to disclosure, although the Indian regime remains the more democratically anchored of the two.

Keywords: transparency, access to information, parliamentary democracy, privacy, administrative accountability.

I. INTRODUCTION

Democratic governments cannot derive legitimacy from elections alone if the electorate remains uninformed. Citizens must be able to discover how power is exercised, how decisions are justified, and how public money is spent. Transparency legislation addresses this deficit: it

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creates individual, actionable rights through which the public administration can be held accountable to the citizens it serves. The Right to Information Act, 2005 of India and the Freedom of Information Act 2000 of the United Kingdom were both designed for parliamentary systems, yet the two statutes could never be identical, because they emerged from different legal traditions, procedures, and official cultures of disclosure. Comparing them therefore illuminates both the public value that each system has achieved on the record and the different legal arrangements through which each balances the state's claim to secrecy against the citizen's right to be informed.¹

India's constitutional resources frame access to information in the language of right and entitlement. Judicial recognition of the right to know under Article 19(1)(a) means that access to information is treated as a constitutional value and not merely a statutory concession. The statute complements this foundation with specific features: defined response timelines, duties of proactive publication, review of published information, and the power of the Information Commissions to penalise defaulting Public Information Officers. The framework of the United Kingdom, by contrast, rests on statutory and procedural foundations. It confers a very broad right to request information, but the right is subject to defined limits, is mediated by a public interest test, and, where information is withheld, is enforced through complaint to the Information Commissioner and appeals to the tribunal system and the courts.²

The central problem is not whether either jurisdiction supports transparency, but whether each system actually delivers access when tested against exemptions, privacy, delay, institutional capacity, and administrative resistance. India appears stronger in constitutional grounding and statutory design, yet its performance is undermined by vacancies and backlog at the appellate level. The United Kingdom displays greater procedural regularity and a more sophisticated exemption doctrine, though its access culture depends heavily on balancing exercises and is increasingly marked by delayed responses. The comparison indicates that transparency is a product not only of legislative design but also of adjudicative speed and firm control of the machinery of secrecy.³

II. CONSTITUTIONAL FOUNDATIONS OF TRANSPARENCY

A meaningful comparison between India and the United Kingdom must take account of the differing constitutional placement of access rights in the two countries. Although both statutes

¹ ALASDAIR ROBERTS, *BLACKED OUT: GOVERNMENT SECRECY IN THE INFORMATION AGE* 213 (1st ed. 2006).

² M. P. JAIN, *INDIAN CONSTITUTIONAL LAW* 176 (8th ed. 2018).

³ Alasdair Roberts, *A Great and Revolutionary Law? The First Four Years of India's Right to Information Act*, 70 PUB. ADMIN. REV. 925 (2010).

were developed within parliamentary democracies, they originate in different conceptions of citizenship, of the responsibility of the state, and of the proper roles of secrecy, representation, and informed public participation.⁴

A. Transparency, Accountability, and Parliamentary Government

While the Indian and United Kingdom statutes share the objective of accountability, they differ in their normative foundations. The Indian legislation derives its legitimacy largely from a judicially constructed right to know, articulated by the Supreme Court of India out of the freedom of speech and expression and later reinforced by the jurisprudence of democratic participation. From the Indian perspective, accountability is therefore grounded primarily in citizenship and constitutional ethos rather than solely in administrative efficiency. This shapes the way the Indian courts characterise the citizen's claim, that is, whether the claim is described as a constitutional right or as a right delineated mainly by legislation.⁵

B. India's Constitutional Right to Know

Indian constitutional law supplies the rationale for treating the Right to Information Act, 2005 as pro-democracy legislation. Even before the statute existed, the Supreme Court interpreted Article 19(1)(a), which protects the freedom of speech and expression, to encompass access to the information necessary for the meaningful exercise of that freedom. This interpretation has been reinforced by the recent privacy jurisprudence, which holds that a constitutional adjudicator is under a positive duty to reconcile privacy and dignity with openness, and that neither right may be construed as a standing threat to the other. In this regard, *Justice K. S. Puttaswamy (Retd.) v. Union of India*⁶ is significant in that it constitutionalised privacy without negating the continuing relevance of the right to information.

The design of the statute is citizen-centred. It obliges every public authority to organise its records, appoint Public Information Officers, respond within specified periods, and justify any withholding of information by reference to the listed exemptions. Under this design, disclosure is the rule and secrecy the exception. The orientation is most apparent in Section 4, which requires the publication of critical administrative information without waiting for an individual request. These provisions embody both a foundational democratic entitlement and a constitutional expectation that administrative duties be performed within defined time limits.⁷

⁴ DURGA DAS BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA 159 (25th ed. 2021).

⁵ S. P. SATHE, ADMINISTRATIVE LAW 207 (7th ed. 2004).

⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

⁷ The Right to Information Act, 2005, § 4, No. 22, Acts of Parliament, 2005 (India).

C. The United Kingdom's Statutory Model of Openness

The United Kingdom model is neither weak nor purely technocratic; it is simply differently constructed. The Freedom of Information Act 2000 frames access to information as a statutory right enforceable against a wide range of public authorities, including government departments, local authorities, and certain parliamentary bodies and regulators. The model rests on the principle of planned exposure: a broad right of request, an obligation to respond where information is held, a catalogue of absolute and qualified exemptions, and an oversight system that allows internal decisions to be challenged before the Information Commissioner and, ultimately, before the tribunals and the courts.⁸

The practical implications of this framing deserve attention. Because there is no entrenched constitutional right to know, the interpretative discourse of the United Kingdom courts concentrates on the design of the exemptions, the purpose of the statute, and the balance of legislative and judicial competence, which can at times appear restrained when compared with the Indian model. The statutory approach, however, allows case law to develop, particularly in the area of qualified exemptions and the balancing of the public interest. The true comparison is therefore between different legal paths to transparency rather than between a rights-based system and a system without rights.⁹

III. LEGISLATIVE ARCHITECTURE AND INSTITUTIONAL DESIGN

The statutory design of the two enactments determines whether transparency is useful in practice. Coverage, timelines, exemptions, and duties to publish and review together fix the real cost that a requester must bear to obtain information. A transparency statute must therefore allocate the burdens of access between individual requesters and public authorities.¹⁰

A. Coverage of Public Authorities

In India, whether an entity falls within the statutory definition of a public authority turns on factors such as ownership, control, creation by or under the Constitution or a statute, government notification, and substantial public financing. The definition is deliberately expansive: it follows public resources and public power beyond the confines of conventional bureaucratic structures. This breadth has, however, generated litigation over universities, societies, cooperatives, and other hybrid public-private entities, and it has complicated the task

⁸ Freedom of Information Act 2000, c. 36, §§ 1, 2 (UK).

⁹ PATRICK BIRKINSHAW, *FREEDOM OF INFORMATION: THE LAW, THE PRACTICE AND THE IDEAL* 180 (4th ed. 2010).

¹⁰ C. K. TAKWANI, *LECTURES ON ADMINISTRATIVE LAW* 204 (7th ed. 2021).

of mapping governance as the regime extends to the outer borders of state control and authority.¹¹

B. Procedures, Timelines, and Applicant Burden

Ease of use is a precondition of transparency. In India, written or electronic requests are accepted from any citizen, and the public authority must ordinarily respond within thirty days; where the life or liberty of a person is concerned, the response must come within forty-eight hours. Requesters are not required to give reasons for seeking information, a rule that shields them from additional demands and separates entitlement from official curiosity about motive. The threshold for participation is thus kept deliberately low.¹²

In the United Kingdom, the standard period is twenty working days, which reflects a degree of administrative discipline, although the system also sustains a more elaborate culture of refusal notices, consultations, and extensions where the public interest test must be applied. Public authorities are expected to advise and assist requesters in formulating their requests. The layered procedure is designed to ensure that requests are handled properly, but requesters in the United Kingdom may also encounter cost-based limits and refusals where compliance would exceed the prescribed expense threshold. Compared with India's minimal threshold, the United Kingdom regime places somewhat heavier procedural and pecuniary conditions on participation.¹³

C. Exemptions, Privacy, and the Structure of Secrecy

The construction of exemptions is the clearest reflection of doctrine. In India, Section 8¹⁴ lists grounds such as "national security", "commercial confidence", "fiduciary information", "Cabinet papers", and "personal information", while Section 8(2) preserves the dominance of the public interest. The exemption in Section 8(1)(j) has grown in importance alongside the expansion of the right to privacy, because it is the point at which the access statute meets the imperatives of a constitutionally supported privacy right. The Digital Personal Data Protection Act, 2023¹⁵ now supplies a data-governance backdrop, but it does not by itself rewrite the construction of the exemption.

¹¹ The Right to Information Act, 2005, §§ 2(h), 19, 20, No. 22, Acts of Parliament, 2005 (India).

¹² The Right to Information Act, 2005, §§ 6(2), 7(1).

¹³ *Request Handling, Freedom of Information – Frequently Asked Questions*, INFORMATION COMMISSIONER'S OFFICE, <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/request-handling-freedom-of-information/> (last visited Apr. 25, 2026).

¹⁴ The Right to Information Act, 2005, § 8.

¹⁵ The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

The United Kingdom provides a more elaborately classified scheme of absolute and qualified exemptions. Some, such as Section 40 on personal information and Section 32 on court records, operate as absolute exemptions that do not require a conventional balancing exercise once their conditions are satisfied. Others, such as Section 35 on the formulation of government policy and Section 43 on commercial interests, are qualified exemptions that yield to disclosure unless the public interest in maintaining the exemption outweighs the public interest in disclosure. Where access law intersects with data protection, privacy considerations exert significant control, but the exemption scheme is not permitted to become a wholesale circumvention of the access regime. The structure is doctrinally extensive.¹⁶

D. Review, Enforcement, and Proactive Disclosure

The Indian appellate system has visible structural strengths. An applicant may first appeal within the public authority and may then bring a second appeal before the Central Information Commission or the relevant State Information Commission. The Commissions are empowered to order disclosure and, most importantly, to impose fines and penalties on errant Public Information Officers. In this enforcement model, unexplained non-response or unreasonable denial is punishable and creates personal liability for the defaulting officer. The model depends, however, on adequately staffed Commissions and a manageable backlog, conditions that are frequently absent in practice.¹⁷

In the United Kingdom, the ordinary route runs through an internal review, a complaint to the Information Commissioner, and an appeal to the First-tier Tribunal. The Information Commissioner's Office explains that a requester who remains dissatisfied after internal review may complain under Section 50, that the Commissioner may issue a binding decision notice, and that failure to comply with a decision notice may be dealt with as a contempt of court.¹⁸ Both statutes impose proactive publication duties, but India's Section 4 is the more normatively ambitious of the two, treating publication as the very essence of transparency rather than as a routine administrative function.

¹⁶ *Section 40 and Regulation 13 – Personal Information*, INFORMATION COMMISSIONER'S OFFICE, <https://ico.org.uk/for-organisations/foi/section-40-and-regulation-13-personal-information/> (last visited Apr. 27, 2026).

¹⁷ The Right to Information Act, 2005, §§ 19, 20.

¹⁸ *FOI Complaints and ICO Enforcement Powers*, INFORMATION COMMISSIONER'S OFFICE, <https://ico.org.uk/for-organisations/foi/foi-complaints-and-ico-enforcement-powers/> (last visited Apr. 29, 2026).

IV. JUDICIAL CONSTRUCTION OF THE INDIAN RIGHT TO INFORMATION ACT

Indian case law has converted the access statute into a constitutional tool of democratic oversight. The courts have addressed what counts as information, the limits that privacy places on disclosure, the circumstances in which the public interest overrides regulatory secrecy, and the extent to which specialised procedures may substitute for the statute's access route.¹⁹

A. From Constitutional Principle to Statutory Administration

The building blocks of contemporary Right to Information doctrine lie in early constitutional decisions on access that engage the ideas of citizenship and democracy. *State of Uttar Pradesh v. Raj Narain*²⁰ first articulated the principle that the people are entitled to know how public officials conduct public business, and *Union of India v. Association for Democratic Reforms*²¹ built on that idea to recognise electoral transparency and the right to an informed electorate. Because of these landmark cases, and even though the statute could not resolve every problem in the emerging access regime in India and elsewhere, the courts developed a vocabulary of democracy and came to read the statute as a beneficial, democracy-enhancing instrument.

B. Information as Record, Not as Explanation

*Central Board of Secondary Education v. Aditya Bandopadhyay*²² concerns the definition of "information" in the statutory context. The Court held that evaluated answer scripts are, in general, disclosable information, thereby establishing an important educational dimension of access. In the same judgment, however, the Court cautioned that the statute does not oblige agencies to furnish advice, draw conclusions, or arrange, collate, or assemble information into a form in which it does not already exist. The animating concern was to preserve access while preventing Public Information Officers from being converted into all-purpose interpreters of agency action.

The impact of the case has been lasting. It limits the use of administrative inconvenience as a justification for exemption, while upholding the right of officials to refuse requests that seek opinions rather than records. In this respect it resembles the United Kingdom's right of access to recorded information, though the Indian judgment is explicit in cautioning against the

¹⁹ JAIN, *supra* note 4, at 176.

²⁰ *State of Uttar Pradesh v. Raj Narain*, (1975) 4 S.C.C. 428 (India).

²¹ *Union of India v. Association for Democratic Reforms*, (2002) 5 S.C.C. 294 (India).

²² *Central Board of Secondary Education v. Aditya Bandopadhyay*, (2011) 8 S.C.C. 497 (India).

expansion of administrative burdens. The decision thus strengthens transparency within the right of access while protecting the line between records and reasoning.²³

C. Privacy, Personal Information, and Institutional Boundaries

The reconciliation of transparency and privacy has been a focus of Indian case law for many years. In *Girish Ramchandra Deshpande v. Central Information Commissioner*,²⁴ the Court treated service records, property returns, and related documents as personal information, non-disclosable unless a larger public interest required disclosure. That reasoning has since been read together with the privacy holding of *Justice K. S. Puttaswamy (Retd.) v. Union of India*,²⁵ making it doctrinally implausible to treat every item of information in the custody of the state as public information. A more privacy-conscious jurisprudence of disclosure has emerged as a result, though privacy demands case-by-case analysis rather than absolute secrecy.

*Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*²⁶ represents a modern iteration of this balancing exercise. The Court recognised that the office of the Chief Justice of India is itself subject to the statute, reaffirming that even the highest constitutional institutions are amenable to transparency law. At the same time, the Court insisted that a structured balance be maintained between disclosure on the one hand and privacy, confidentiality, and judicial independence on the other. The judgment thus opened the statute's reach while shifting the inquiry from whether disclosure can occur to how the competing interests are to be weighed.

Recent decisions also display a measure of restraint in extending the Act to domains governed by specialised procedural schemes or occupied by quasi-public bodies. In *Chief Information Commissioner v. High Court of Gujarat*,²⁷ the Court held that access to court documents must, in most circumstances, be sought under the procedural rules framed by the High Court rather than through a general information request. A 2024 ruling of the Delhi High Court likewise declined to treat a deemed university as a public authority under the Act, and treated the student

²³ TAKWANI, *supra* note 12, at 204.

²⁴ *Girish Ramchandra Deshpande v. Central Information Commissioner*, (2013) 1 S.C.C. 212 (India).

²⁵ *Puttaswamy*, *supra* note 8.

²⁶ *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*, (2020) 5 S.C.C. 481 (India).

²⁷ *Chief Information Commissioner v. High Court of Gujarat*, (2020) 4 S.C.C. 702 (India).

data sought as sensitive personal information of third parties.²⁸ The courts appear increasingly attentive to sectoral procedure and the privacy of third parties.

D. Confidential Regulation and Public Interest Disclosure

Statutory adjudication reaches its disclosure-oriented peak in *Reserve Bank of India v. Jayantilal N. Mistry*.²⁹ The Supreme Court rejected the claim that the Reserve Bank of India's inspection reports on the banking system could be withheld on grounds of fiduciary duty, private or public economic interest, or regulatory confidence. The contribution of the case goes beyond compelling disclosure in the financial sector: it refused to allow generalised claims of systemic sensitivity to dilute the statute's presumption of disclosure, and it held that the existence of an alternative regulatory framework does not, by itself, create a safe harbour from the Act.

The case retains its relevance because of its reclamation of the right to information and its challenge to transparency deficits in regulation. The Court was visibly reluctant to accept bureaucratic claims of systemic or expert sensitivity. At the same time, the judgment shows that a ruling in favour of disclosure does not automatically translate into transparency throughout the regulatory framework: the strength of the Indian legal framework still depends on robust, sustained, and comprehensive oversight and on administrative willingness to comply.³⁰

E. Adjudicatory Capacity and the Right to Effective Access

For the Indian regime to remain effective, the Information Commissions must actually function. In *Anjali Bhardwaj v. Union of India*,³¹ the Supreme Court treated the Commissions as vital to the working of the statute and directed the Union and the States to fill vacancies through a lawful and transparent process. This was not a minor administrative matter. If the Commissions lack personnel, disclosure rights become largely ornamental, because even successful requesters ultimately lose to delay. The case therefore connects the right to transparency with institutional capacity and treats the architecture of enforcement as a constitutional concern.

²⁸ *Delhi High Court Clarifies Scope of RTI on Deemed Universities*, DEVDISCOURSE (June 28, 2024), <https://www.devdiscourse.com/article/law-order/2999197-delhi-high-court-clarifies-scope-of-rti-on-deemed-universities> (last visited June 10, 2026).

²⁹ *Reserve Bank of India v. Jayantilal N. Mistry*, (2016) 3 S.C.C. 525 (India).

³⁰ PRASHANT SHARMA, *DEMOCRACY AND TRANSPARENCY IN THE INDIAN STATE: THE MAKING OF THE RIGHT TO INFORMATION ACT 148* (1st ed. 2015).

³¹ *Anjali Bhardwaj v. Union of India*, (2019) 18 S.C.C. 246 (India).

V. JUDICIAL CONSTRUCTION OF THE UNITED KINGDOM FREEDOM OF INFORMATION ACT

United Kingdom case law on the Freedom of Information Act 2000 displays a different pattern of judicial preference. The courts concentrate on the organisation of the statute, the hierarchy of exemptions, and the institutional context of each dispute. There are nonetheless notable decisions affirming that democracy and the right to be informed cannot yield to patronage or private convenience.³²

A. Public Expenditure and the Legitimacy of Scrutiny

*Corporate Officer of the House of Commons v. Information Commissioner*³³ is perhaps the most compelling illustration. In the litigation over Members of Parliament's expenses, the courts firmly rejected broad claims of parliamentary privilege and attendant privacy raised to prevent the disclosure of detailed claims, while remaining willing to entertain narrow and concrete objections, such as genuine security concerns. On the facts, the public interest favoured disclosure of the expense claims. The ruling is significant in holding that elected public office carries diminished expectations of privacy in respect of claims on public funds made in the course of public duties.

The case also illustrates an important feature of the United Kingdom method. Rather than invoking an abstract right to know, the court focused on the purpose of the statute and concluded that the purpose was best served by disclosure. The method appears less expansive than the constitutional reasoning of the Indian courts, but it has real utility: it shows that the statute, where the public interest in accountability is solid and document-based and the judicial discipline is sound, can reach politically sensitive information.³⁴

B. Common Law Openness and Statutory Interpretation

*Kennedy v. Charity Commission*³⁵ is frequently cited for its challenge to the assumption that the Freedom of Information Act 2000 exhausts the law of access to information. Although the case centred on the absolute exemption for inquiry-related documents, the United Kingdom Supreme Court examined the nature and scope of common law openness and the relationship between statutory access schemes and broader principles of open justice. The decision suggested that the

³² BIRKINSHAW, *supra* note 11, at 180.

³³ *Corporate Officer of the House of Commons v. Information Commissioner* [2008] EWHC 1084 (Admin) (UK).

³⁴ Ben Worthy, *More Open but Not More Trusted? The Effect of the Freedom of Information Act 2000 on the United Kingdom Central Government*, 23 GOVERNANCE 561 (2010).

³⁵ *Kennedy v. Charity Commission* [2014] UKSC 20 (UK).

common law may, in appropriate circumstances, support disclosure even where the statute does not compel it. Far from dismantling the statutory scheme, the case enriches the normative context within which the statute is interpreted.

C. Qualified Exemptions, Executive Secrecy, and Constitutional Restraint

*R (Evans) v. Attorney General*³⁶ is the foremost contemporary example of the constitutional weight of disclosure decisions under the Freedom of Information Act 2000. The case arose from a ministerial certificate that sought to allow a minister to override a tribunal decision ordering publication of communications involving the Prince of Wales. By confining the practical scope of the override power, the Supreme Court strengthened the independence of decisions reached under the statute. The case is particularly significant because it connected freedom of information not merely to administrative justice but to the rule of law, identifying the constitutional wrong involved when the executive nullifies legally binding decisions that mandate disclosure.

The constitutional significance of *Evans* is that it forbids the executive from substituting its preference for what the law requires. Even under a statute crowded with exemptions, the executive cannot set aside a judicial determination simply by invoking institutional sensitivity or a broad constitutional convention. Here *Evans* and Indian doctrine align in an important way: in both systems the courts have insisted that official position and governmental power do not place decision-makers beyond the reach of binding adjudication. In practical terms, the decision preserved the integrity of the external review function under the statute.³⁷

D. Aggregated Exemptions and Recent Doctrinal Refinement

In *Department for Business and Trade v. The Information Commissioner*,³⁸ the United Kingdom Supreme Court continued to refine the logic of exemption analysis, holding that where multiple qualified exemptions are engaged, the public interests in maintaining them may be considered cumulatively rather than separately. At one level this is a technical point of statutory construction; in practice, it can make the retention of documents easier to justify where several moderate interests overlap in a given context.

The decision exposes a long-standing feature of the United Kingdom regime: there is a good deal of transparency, but the doctrinal field is rigorous and often proceeds through the construction of exemptions rather than from a constitutional inclination toward disclosure. This

³⁶ *R (Evans) v. Attorney General* [2015] UKSC 21 (UK).

³⁷ BIRKINSHAW, *supra* note 11, at 180.

³⁸ *Department for Business and Trade v. The Information Commissioner* [2025] UKSC 27 (UK).

makes the system legally sophisticated and, at times, more deferential to institutional reasons for non-disclosure. The Indian courts, by contrast, more routinely begin from the statute's democratic aim and assess exemptions against that aim, keeping the justification for disclosure in view to the end.³⁹

VI. MEASURING TRANSPARENCY IN PRACTICE

Doctrinal fidelity matters, but a comparative assessment of transparency must ultimately judge how the systems function. A law that guarantees access yet operates amid delays, backlogs, or expansive practical exemptions cannot be evaluated on text alone. The most recent official publications of both countries supply this practical perspective.⁴⁰

A. Demand for Information in India

Official Indian data record a substantial and continuing public reliance on the Right to Information Act, 2005 across the range of public authorities. Figure 1 shows that reported annual requests rose from approximately 1,374,000 in 2019-20 to approximately 1,751,000 in 2023-24, notwithstanding the disruption caused by the pandemic.⁴¹ The doctrinal import is considerable: the statute remains part of everyday governance rather than a ceremonial institution. High demand indicates that citizens regard access to documents as essential to legal claims, the delivery of services, the vetting of recruitment, and the oversight of corruption.

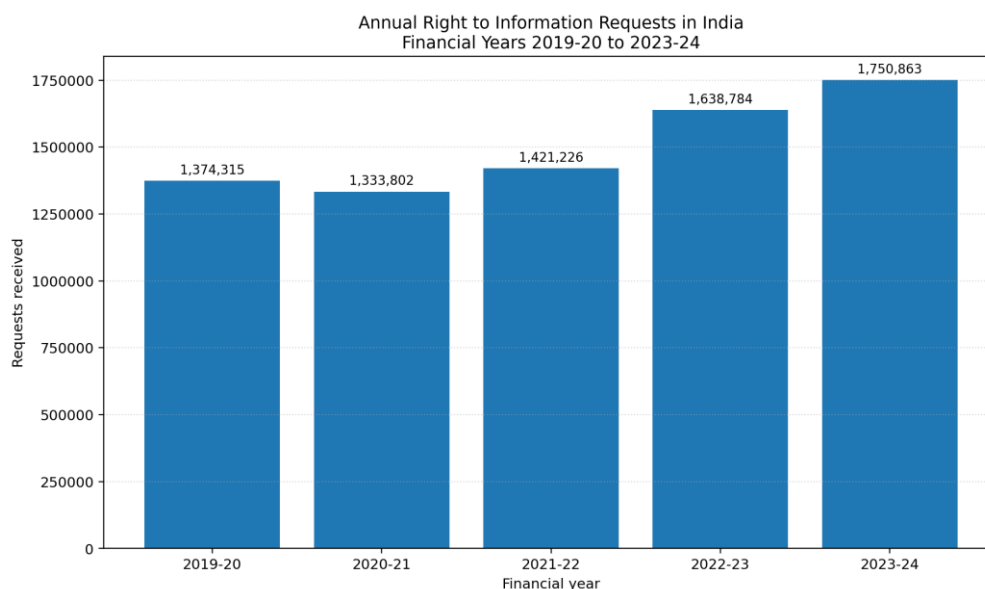


Figure 1. Annual Right to Information requests in India, 2019-20 to 2023-24.

³⁹ Worthy, *supra* note 36, at 561.

⁴⁰ Roberts, *supra* note 5, at 925.

⁴¹ MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS, GOVERNMENT OF INDIA, Reply to Lok Sabha Starred Question, Diary No. 3929 (Dec. 4, 2024) (India).

Figure note: Across the period shown, reported annual requests remained above 1.33 million and rose sharply after 2021-22. The data indicate public dependence on access to information for welfare, regulatory, and service-delivery purposes despite the disruption experienced during the pandemic.

Figure 2 presents a bleaker picture. The Central Information Commission registers many thousands of second appeals and complaints every year, producing a significant backlog, and its own reporting records average disposal periods well in excess of a year.⁴² Within the Indian regime, the normative force of the law and its apparent enforcement power are therefore at odds with institutional capacity. Transparency advances, but access is often contested, and official obstruction must frequently be removed by legal compulsion: the law is sovereign at the point of decision, but slow to arrive at it.

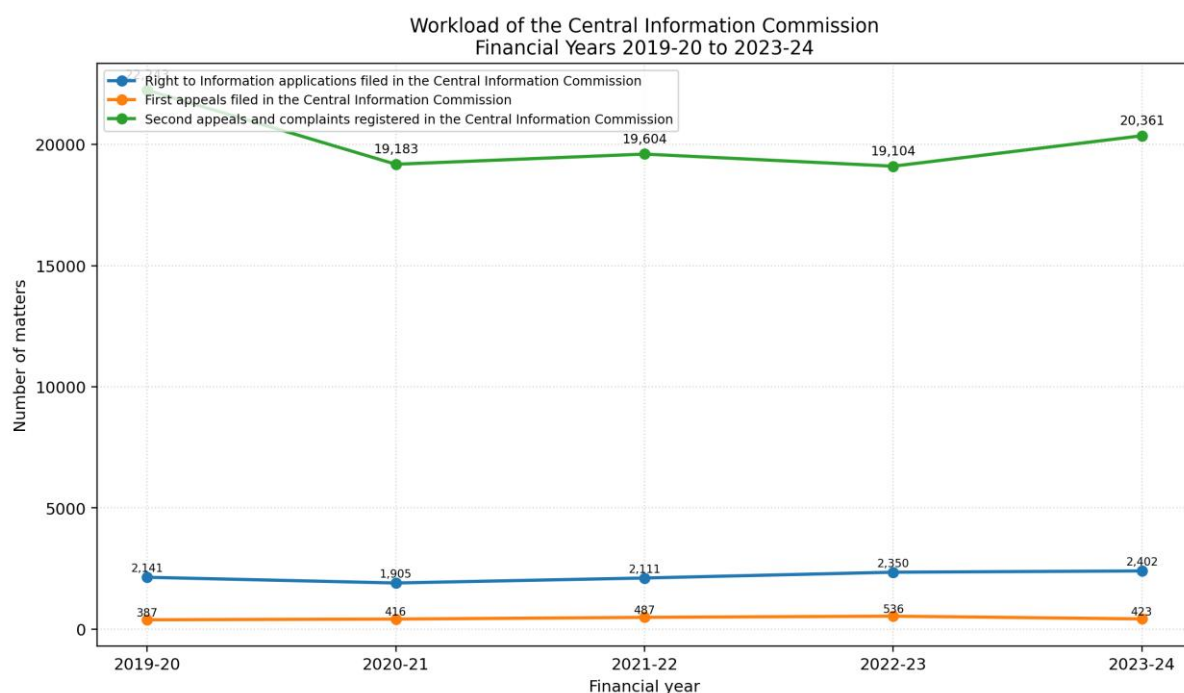


Figure 2. Workload of the Central Information Commission, 2019-20 to 2023-24.

Figure note: The data show a broadly stable annual intake in which second appeals and complaints exceed direct applications to the Commission by an order of magnitude. The true institutional constraint lies in appellate disposal rather than in demand.

B. Request Volume and Timeliness in the United Kingdom

Data from the United Kingdom reveal a different pattern of strain. Figure 3 shows that the monitored central government bodies received 51,507 requests in 2021, 52,740 in 2022, 70,475

⁴² CENTRAL INFORMATION COMMISSION, ANNUAL REPORT 2023-24 (2024) (India).

in 2023, and 83,041 in 2024, while the proportion of requests answered within the standard period of twenty working days fell from 88 per cent to 76 per cent over the same span.⁴³ The combination of rising demand and declining timeliness does not indicate institutional collapse, but it does show the statutory response standard coming under increasing strain. A system that answers late erodes the public value of the information, particularly where policy disputes move faster than the information provided.

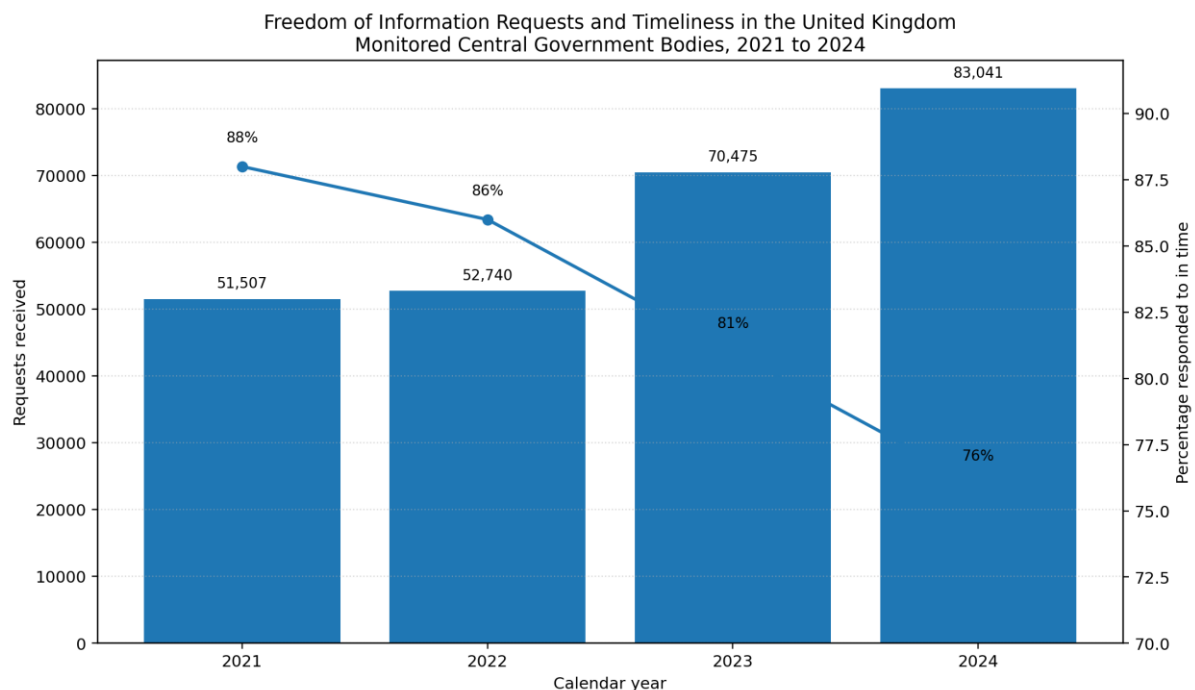


Figure 3. Freedom of Information requests and response timeliness in the United Kingdom, 2021 to 2024.

Figure note: Requests increased sharply after 2022, while the share answered within the response standard fell in each subsequent year. The figure depicts a mature but strained access system in which demand exceeds the capacity of the monitored bodies to respond within the statutory standard.

The outcome pattern is equally instructive. Figure 4 shows that in 2024, of the resolvable requests, 29 per cent were granted in full, 15 per cent were partially withheld, 30 per cent were withheld in full, and 26 per cent had not yet been processed at the time of reporting.⁴⁴

These figures describe a system that is highly active but increasingly contested and burdensome. The regime is mature, yet the complexity and workload now bearing on the right

⁴³ CABINET OFFICE, FREEDOM OF INFORMATION STATISTICS: ANNUAL 2024 STATISTICAL TABLES (2025) (UK).

⁴⁴ CABINET OFFICE, FREEDOM OF INFORMATION STATISTICS: ANNUAL 2024 BULLETIN (Apr. 2025) (UK).

of access can reduce its speed and practical benefit.

Outcomes of Resolvable Freedom of Information Requests in 2024
Monitored Central Government Bodies

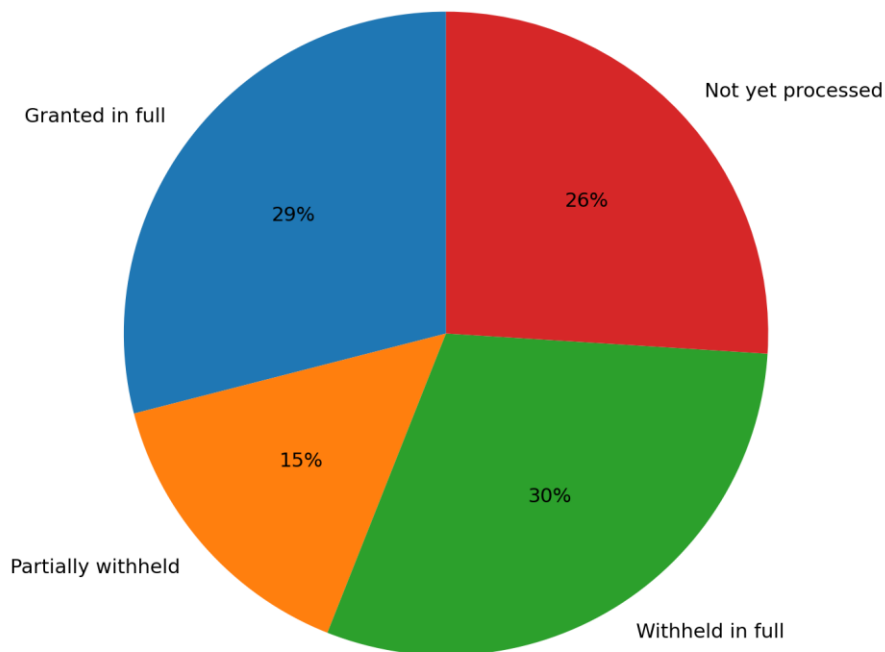


Figure 4. Outcomes of resolvable Freedom of Information requests in 2024.

Figure note: Full grants and full refusals occurred in nearly equal proportions in 2024, and a significant share of requests remained unresolved. Request volume alone is therefore an insufficient measure of the quality of outcomes; timeliness and withholding patterns must also be considered.

C. Comparative Assessment

Two principal conclusions emerge from the comparison. On constitutional framing, citizen demand, and legal discipline, India stands out: it has the more extensive, more assertive, and more systematised statute, designed to discipline the administration through deadlines and penal oversight. The backlog at the appellate level nonetheless diminishes the immediacy with which the right can be exercised. The United Kingdom holds the advantage in doctrinal customisation and refinement, but it is weaker in the constitutional depth of the access right and is increasingly burdened by processing delays and discretionary exemption practice.⁴⁵

⁴⁵ Roberts, *supra* note 5, at 925.

In light of these elements, the contest for the most practical model of transparency is a close one. If the measure is legal aspiration toward democracy, India has the more progressive law. If the measure is procedural regularity within a stable legal framework, the answer is the United Kingdom. If the measure is the effective and timely supply of information to requesters, neither country presents a satisfactory picture: India's difficulty lies in the backlog, while the United Kingdom's lies in slowing response times combined with an exemption framework that can channel decisions away from the statutory presumption in favour of disclosure.⁴⁶

VII. CONCLUSION

The law protects only those promises that institutions actually perform, and transparency must be assessed by that criterion. Statutory texts, landmark decisions, and contemporary statistics, examined together, suggest that India and the United Kingdom maintain openness through comparable but markedly different legal structures of access, secrecy, and democratic accountability.⁴⁷

Within this framework, India's Right to Information Act, 2005 is the more remarkable instrument. It is grounded in the citizen's constitutional right to know, treats disclosure as a core democratic entitlement, and possesses stronger coercive mechanisms, including penalty-wielding Information Commissions, to secure disclosure. The case law of the Supreme Court of India demonstrates that even the most powerful constitutional and legal institutions do not enjoy a right to remain unaccountable to the citizen. The statute confers on the citizen a more open democratic entitlement than its counterpart in the United Kingdom.⁴⁸

The United Kingdom's Freedom of Information Act 2000, for its part, remains a well-structured code. Its courts have ruled in favour of disclosure in high-profile public expenditure litigation, and the system maintains a reasoned scheme of external review within its supervisory framework. The Act is nonetheless construed through a hierarchy of exemptions and is less firmly anchored in constitutional principle. Recent data on timeliness and the distribution of outcomes suggest that the right, however well expressed, is increasingly qualified in operation. The United Kingdom model is mature and disciplined, but its limits are now more clearly revealed.⁴⁹

⁴⁶ BIRKINSHAW, *supra* note 11, at 180.

⁴⁷ ROBERTS, *supra* note 3, at 213.

⁴⁸ The Right to Information Act, 2005, §§ 19, 20.

⁴⁹ Worthy, *supra* note 36, at 561.

The conclusion is accordingly comparative rather than absolute. The United Kingdom has the more elaborate logic of transparency, while India has the more clearly articulated doctrine for resolving access disputes. In present conditions, India better embodies the normative ideal, while the United Kingdom more reliably administers the procedure; yet long case backlogs hollow out even a well-guaranteed right, and rising procedural exemptions can do the same to procedural excellence. Within a parliamentary democracy, durable transparency requires broad disclosure norms matched with effective review, a well-bounded doctrine of privacy, and an official culture that treats information as a public resource rather than an administrative possession.⁵⁰

VIII. SUGGESTIONS

In light of the issues examined and the findings discussed, the following recommendations are offered to clarify understanding, improve practice, and shape future action in this field.

A. Fill Information Commission Vacancies Promptly

Appointments to the Central Information Commission and the State Information Commissions should be made against published timelines and through reasoned, transparent selection. Delay in appointment does not repeal the statute, but prolonged vacancy converts statutory rights into waiting-room entitlements and weakens appellate oversight.

B. Adopt Enforceable Backlog-Reduction Plans

Each jurisdiction should set and publish quarterly disposal targets for its review bodies and report performance variances against those targets. Backlog management should be understood as a rule-of-law obligation, because untimely disclosure often destroys the very value of the information.

C. Strengthen Proactive Disclosure Duties

Indian public authorities require stricter compliance with the publication duties in Section 4, and United Kingdom authorities should broaden publication schemes in high-demand categories. Regular publication reduces the volume of requests and converts access from a reactive into a proactive system.

D. Clarify Privacy-Balancing Standards

India should publish more concrete guidance on the interaction between Section 8(1)(j) and the Digital Personal Data Protection Act, 2023, and the United Kingdom should continue to support

⁵⁰ Roberts, *supra* note 5, at 925.

Section 40 practice with precise guidance to public authorities. Clearer privacy standards will restrain impulsive refusals while preserving dignity and the protection of personal data.

E. Standardise Refusal Notices

Public authorities should be obliged to draft refusals that identify the section relied upon and give a concise, reasoned justification. Better-drafted refusals enable precise legal challenge and lower the cost of pursuing appeals.

F. Prioritise High Public-Interest Requests

Review bodies should adopt priority systems under which requests concerning elections, public expenditure, public health, the environment, and the needs of vulnerable groups are heard out of turn. Information released too late can lose its democratic force, so control over the timing of such requests is paramount.

G. Improve Records-Management Systems

Transparency law depends on records that are sequenced, digitised, and capable of dissemination. Both countries should treat records management as integral to the right of access and should recognise that poor archival practice can operate as effectively as a formal exemption.

H. Use Penalties and Compliance Notices Strategically

Indian Information Commissions ought to apply the penalty power for non-response more consistently, and United Kingdom regulators should deploy decision notices and enforcement powers in a more instructive and publicised manner. Visible administrative enforcement changes behaviour more effectively than the abstract invocation of judicial principle.

I. Publish Comparative Annual Metrics

Governments should publish uniform annual data on demand, outcomes, disposal, and exemption use, with accompanying explanations, in machine-readable formats. Such metrics would allow researchers and parliamentarians to undertake comparative analysis and to demand explanations for any expansion of state secrecy through delay, backlog, or exemption.

J. Embed Transparency Training in Public Administration

Public authorities should incorporate access to information into regular training so that officials treat disclosure as an obligation of the state rather than as a compliance burden. Training should cover the interpretation of exemptions, the handling of digital records, and the normative place of disclosure within parliamentary government.

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