
FROM SILENCE TO RESISTANCE: RIGHT TO INFORMATION ACT, 2005 AND WHISTLEBLOWING AS DEMOCRATIC WEAPONS

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"A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy."

— James Madison

ABSTRACT

This paper interrogates the constitutional and democratic salience of whistleblowing and the Right to Information (RTI) Act as an indispensable instrument within India's anti-corruption architecture. Together, they form a synergistic framework of democratic oversight—whereas the RTI Act provides a structured legal mechanism for citizens to obtain state-held information, whistleblowing, however, operates on a more moral plane, facilitating disclosures that frequently illuminate systemic wrongs not captured in official documentation. This act of 2005, empowers citizens to access public records and question governmental opacity. However, its effectiveness is steadily eroded by bureaucratic opacity, institutional non-compliance, and procedural evasions. Meanwhile, whistleblowers face harsh reprisals, because of exposing the stark gap between constitutional ideals and on-the-ground protections for transparency and integrity.

The first section examines the status of whistleblowers, tracing the evolution of legal discourse while unpacking the ambivalent public perception that casts them simultaneously as ethical dissenters and perceived traitors. Despite constitutional commitments to integrity and accountability, whistleblowers routinely face retaliation, criminalisation, and social ostracism—revealing a stark dissonance between the normative ideals of the normative legal structure and the pragmatic realities of institutional conduct. The second section examines the Whistleblower Protection Act, 2014, highlighting its shortcomings. Although initially designed as a protective measure for whistleblowers disclosing corruption, the Act remains ineffective due to its constrained scope, inadequate enforcement structures, and the wide-ranging exemptions it permits.

The third section assesses the RTI Act, 2005, as a landmark in India's democratic journey.

Although both Right to Information (RTI) and whistleblowing serve as powerful tools for fostering accountability and also their efficacy is progressively obstructed by a shrinking civic space.

The final section explores the cultural and institutional challenges such as the fear of retaliation, public disengagement, and entrenched organizational inertia—that hinder the disclosure of ethical concerns.

It is contended that although legal protections are crucial, and hence they must be complemented by a civic culture that prioritizes transparency, accountability, and public engagement. In conclusion, the maintenance of democratic accountability requires not just a fortified legal framework but also institutional commitment and active citizen engagement. Whistleblowers and RTI activists ought to be seen not as the state's adversaries, but as crucial stewards of its constitutional ideals which advancing upholding transparency, justice, and the public good.

Keyword: Whistleblowing, Right to Information (RTI) Act, Democratic Accountability, Corruption, Whistleblower Protection Act, Transparency

INTRODUCTION:

In a thriving democracy, the foundational principles of transparency, accountability, and citizen engagement are indispensable for preserving governmental answerability to the populace. The Right to Information Act, 2005 (RTI Act)¹ and whistleblowing are two critical mechanisms that advance the cause of transparency and institutional accountability. In constitutional democracies, access to information is not merely a statutory entitlement but a redistributive form of power and its deprivation breeds systemic opacity, sustains elite impunity, and erodes democratic legitimacy.²

Both the RTI Act and whistleblowing extend beyond legal texts as they operate as civic instruments which empower citizens and internal stakeholders to contest entrenched secrecy and bureaucratic corruption.³ As the world's largest democracy, India has exemplified the expansion of citizen rights through its landmark enactment of the RTI Act, 2005⁴. This law

¹ *Right to Information Act*, No. 22, Acts of Parliament, 2005 (India).

² 2 DD Basu, *Constitution of India* 201 (2010).

³ Aruna Roy & Nikhil Dey, *Fighting for the Right to Know*, 43(5) *Economic & Political Weekly* 8 (2008).

⁴ *Id.*

revolutionized the contours of governance by transforming citizen-state interaction and enhancing institutional transparency.⁵

Within the framework of Indian society, the RTI Act symbolizes a epitome of legal right, it represents a paradigmatic shift in public administration.⁶It has inaugurated an era of participatory governance and vigilant citizenship⁷The RTI Act, enacted in 2005, grants individuals a legal entitlement to seek and acquire data from government officials, thereby institutionalizing openness.⁸

While the RTI provides a structured avenue for accessing official records, on the other hand whistleblowing enables the revelation of institutional wrongs that often transcend formal documentation.⁹ The RTI regime ensures transparency by legal design, whereas whistleblowers embody ethical agency, exposing misgovernance from within its administration .¹⁰India's legislative attempts to curb corruption have been significantly shaped by the synergy between the RTI Act and the Whistleblowers Protection Act, 2014 (WPA).¹¹ The RTI Act empowers citizens to request public information, while the WPA is intended to protect individuals who report corruption, maladministration, or abuse of power.¹²However, both instruments face formidable implementation challenges.¹³

Despite its promise, the RTI framework often encounters resistance from entrenched bureaucracies and political establishments, which weakens its operational effectiveness.¹⁴Meanwhile, the WPA suffers from legislative ambiguity, inadequate enforcement mechanisms, and a narrow definitional scope.¹⁵Consequently, whistleblowers remain vulnerable to retaliation, harassment, or worse.¹⁶

⁵ Shekhar Singh, *The Genesis and Evolution of the Right to Information in India*, 19(3) *Public Administration Review* 125 (2007).

⁶ Id. at 126.

⁷ Prashant Bhushan, *Whistleblower Protection: Challenges and Road Ahead*, 4 *NUJS L. Rev.* 45, 49 (2011).

⁸ Right to Information Act, § 3, No. 22, Acts of Parliament, 2005 (India).

⁹ Vivek Maru, *Whistleblowers and the Protection of Democracy*, 12 *Indian J. L. & Society* 90, 92 (2012).

¹⁰ Id.

¹¹ *Whistle Blowers Protection Act*, No. 17, Acts of Parliament, 2014 (India).

¹² Id. § 4.

¹³ Transparency International India, *RTI Assessment and Analysis Report* (2020), <https://transparencyindia.org/rTI-report>.

¹⁴ Id.

¹⁵ Gaurav Vivek Bhatnagar, *India's Whistleblower Protection Law Needs Urgent Reform*, *The Wire* (Aug. 22, 2021), <https://thewire.in/law/whistleblower-protection-law>.

¹⁶ David Banisar, *Whistleblowing: International Standards and Developments*, 22(2) *Public Law Rev.* 123, 125 (2011).

The cultural context in which the RTI Act and whistleblowing operate is as important as their legal frameworks.¹⁷ A pervasive climate of fear inhibits disclosures, particularly when personal safety, livelihood, and social standing are at stake.¹⁸ In such settings, silence is often the byproduct of institutional inaction and public apathy. It distorts public policy, redistributes wealth unfairly, undermines trust in institutions, and erodes the rule of law.¹⁹ As Kofi Annan aptly observed, “corruption is an insidious plague that has a wide range of corrosive effects on societies.”²⁰

The United Nations Convention against Corruption (UNCAC), adopted in 2003, is the sole internationally enforceable framework dedicated to combating corruption.²¹ It obliges State Parties to adopt measures for protecting whistleblowers from unjust treatment.²² Yet, the most significant barrier remains the difficulty in detecting and proving acts like bribery, fraud, or public fund misappropriation.²³

Public inquiries into institutional failures ranging from financial scandals to infrastructure disasters which have consistently revealed that a culture of silence exacerbates harm, often irreversibly.²⁴ To foster a culture of institutional integrity, it is imperative to develop a robust legal architecture that both encourages reporting of wrongdoing and ensures comprehensive protections for whistleblowers.²⁵

Whistleblowers and Their Role in India's Anti-Corruption Framework: Legal Protections, Ethical Dilemmas, and Institutional Challenges:

India has witnessed a long-standing tradition of individuals who, driven by moral integrity, have risked their lives to expose corruption and unethical practices within the government and private organizations. In response to these egregious incidents, the Supreme Legislative Body of India introduced the Whistle Blowers Protection Act, 2014, as a legislative attempt to safeguard those who disclose information about wrongdoing. However, the implementation of

¹⁷ Id.

¹⁸ Bhushan, *supra* note 7, at 52.

¹⁹ The World Bank, *Helping Countries Combat Corruption: The Role of the World Bank* (1997).

²⁰ Kofi Annan, *Foreword*, in *United Nations Convention Against Corruption*, United Nations Publication (2004).

²¹ United Nations Convention Against Corruption, Dec. 9, 2003, 2349 U.N.T.S. 41.

²² Id. art. 33.

²³ Emre Öktem, *Turkey: Successor or Continuing State of the Ottoman Empire?*, 24 *Leiden J. Int'l L.* 561, 575 (2011).

²⁴ Id. art. 32.

²⁵ David E. Graham, *Cyber Threats and the Law of War*, 4 *J. Nat'l Sec. L. & Pol'y* 87, 91 (2010).

this Act remains uncertain and has faced significant challenges. Whistleblowers play an essential role in promoting transparency and accountability. Still, likely ramifications stemming from their disclosures could be significant, as demonstrated by the numerous cases of violence and retribution against those who dared to speak out.²⁶ Whistleblowing, in its essence, is a complex and pivotal act of unveiling misconduct within an organization, usually executed by an individual entrusted with insider knowledge or responsibility. It is an essential process in maintaining transparency and accountability, particularly when entrenched power structures resist scrutiny. It encompasses the revelation of critical information pertaining to misconduct such as criminal activities, miscarriages of justice, breaches of health and safety protocols, environmental degradation, or the intentional obfuscation and covering up of such issues.²⁷ The act of whistleblowing is not undertaken for personal or financial gain but is fueled by the desire to expose issues of paramount public significance—wrongdoing whose consequences extend far beyond individual or corporate interests, with the potential to protect the integrity of the larger societal structure.²⁸

Whistleblowing, inherently laden with significant personal and professional risks, stands as a fundamental pillar of institutional accountability. It is not simply an expression of moral opposition, but a potent mechanism within democratic systems to counter systemic corruption and ensure transparency.²⁹ Whistleblowers, in this sense, act as the moral custodians of public integrity, often at the expense of their own personal safety, career prospects, and societal standing. Despite legal protections afforded to whistleblowers in various legal systems, the practice often encountered strong opposition from institutions that prioritize confidentiality or seek to avoid scrutiny. Consequently, whistleblowing becomes a paradox as it indispensable for sustaining ethical governance and accountability, yet it operates within a system where the individual risks associated with it often overshadow the potential benefits to society.³⁰

According to Black's Law Dictionary, a "whistleblower" is defined as "an employee who alerts a governmental or law enforcement agency to misconduct by their employer." Whistleblowers are shielded from retaliatory actions by their employer under both federal and state

²⁶ Transparency International India, "Whistleblower Protection in India: Challenges and Road Ahead," <https://transparencyindia.org> (last visited July 10, 2025).

²⁷ *Id.*

²⁸ David Banisar, "Whistleblowing: International Standards and Developments," 22(2) Public Law Rev. 123, 126 (2011).

³⁰ *Id.* at 129.

laws.³¹ Often, the term is used interchangeably with phrases like "internal witness," "public interest disclosure," "protected disclosure," or "disclosure of public interest information."

The demand for robust whistleblower safeguards in India was first recognized in line with the findings of the Law Commission of India in 2001, which recommended the creation of a law to combat the growing issue of corruption.³² Responding to this call, the Indian Government issued the Public Interest Disclosure and Protection of Informers Resolution (PIDPIR) in 2004, which authorised the Central Vigilance Commission (CVC) to handle whistleblower complaints. Further, the Second Administrative Reforms Commission's Report of 2007 emphasized the requirement for a standalone law that would provide comprehensive protection to individuals who expose corruption or misconduct.³³ At the international level, India demonstrated its commitment to fighting corruption by signing the United Nations Convention against Corruption (UNCAC) in 2005, which aims to affirm the safeguard of individuals reporting wrongdoing, shielding them from reprisals.³⁴

These initiatives highlight the increasing acknowledgment of the vital function that whistleblowers serve in maintaining transparency and accountability. However, the actual implementation of these legal safeguards continues to face significant challenges which leave gaps in the protection and encouragement of whistleblowing in practice. In August 2010, the Government promulgated the Whistle Blowers Protection Bill in the Lok Sabha, which sought to safeguard individuals who expose wrongdoing within government organizations.³⁵ Following its introduction, the Bill was referred to the Parliamentary Standing Committee on Personnel, Law, and Justice in September 2010 for a comprehensive review. The public was encouraged to submit their views, and an immense number of their endorsement were eventually incorporated into the Bill. Following protracted discussions, the Bill was ultimately implemented into law on February 21, 2014, and received the President's assent on May 9, 2014. Notwithstanding its formal passage, the Whistle Blowers Protection Act, 2014 remains unimplemented, as the National Democratic Alliance (NDA) A decision from the government is still pending regarding its enforcement.³⁶

³¹ Black's Law Dictionary 1738 (11th ed. 2019).

³² Law Commission of India, 179th Report on Public Interest Disclosure and Protection of Informers (2001).

³³ Second Administrative Reforms Commission, Ethics in Governance (2007).

³⁴ United Nations Convention Against Corruption, Dec. 9, 2003, 2349 U.N.T.S. 41, art. 33.

³⁵ The Whistle Blowers Protection Bill, 2010, Bill No. 97 of 2010 (India).

³⁶ Whistle Blowers Protection Act, 2014, No. 17, Acts of Parliament, 2014 (Ind

In the landmark 2017 case of *K.S. Puttaswamy (Privacy-9J.) v. Union of India*³⁷, the Supreme Court affirmed that the right to privacy constitutes a vital component of the right to life and individual freedom which is safeguarded under Article 21 of the Indian Constitution.³⁸ Privacy is understood as the way of being free from interference, where one's actions or decisions are not subjected to public exposure. The right to be left alone often forms the cornerstone of this principle, allowing individuals to isolate themselves and prevent any illegitimate encroachment into their personal lives. The Court reaffirmed that privacy cannot be an inviolable entitlement and may be lawfully curtailed only under narrowly tailored and constitutionally sanctioned circumstances. The sanctity of privacy may only be compromised when such an act is proportionate and demonstrably aligned with a compelling state objective. In the present matter, although disclosure of the complainant's identity was not necessitated by law, such information was nonetheless made public. This disclosure accentuates the structural asymmetry between the complainant and the accused, reinforcing the inequitable dynamics that often characterize such cases.³⁹

The ramifications of this landmark judgment are profound for the jurisprudence surrounding whistleblowing in India as it emphasizes the critical need to preserve confidentiality and safeguard the distinct identities of those who courageously expose systemic misconduct. The tension between the right to privacy and the imperatives of transparency assumes heightened significance within the framework of whistleblowing. The protection of identity and safeguards against retributive action are integral to upholding the integrity and viability of disclosure mechanisms.⁴⁰ Whistleblowers occupy a critical position in unveiling institutional malfeasance, advancing the public interest by bringing to the safeguarding of democratic values and institutional integrity. Nevertheless, the quest of truth through whistleblowing must not come at the cost of the whistleblower's fundamental rights, especially the right to privacy, which must be preserved as a cornerstone of individual dignity and legal protection.⁴¹ The fundamental challenge, therefore, lies in achieving a fine equilibrium between the citizen rights to transparency and the imperative to protect the whistleblower's personal and professional integrity.

³⁷ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

³⁸ *Id.* at ¶ 248.

³⁹ *Id.* at ¶ 297.

⁴⁰ *Ibid.*

⁴¹ Gaurav Vivek Bhatnagar, "India's Whistleblower Protection Law Needs Urgent Reform," *The Wire*, <https://thewire.in> (last visited July 10, 2025)

Several landmark rulings have elucidated the nuanced balance between safeguarding transparency and safeguarding the rights of whistleblowers while crafting the developing legal structure that governs these issues. A pivotal case in this regard is *State of Maharashtra v. Public Concern for Governance Trust* (2010)⁴², where the Court emphasized that the right to transparency must be coupled with robust safeguards for individuals who expose government corruption.⁴³ The Court underscored the need of providing citizens with the freedom to raise concerns without the fear of retaliation. It reaffirmed that while transparency is fundamental to democratic governance, it should not infringe upon the personal security or safety of individuals who act as informants or whistleblowers. The Court's decision reaffirmed the need to strike a balance between the public's right to know and the safeguard of those who act in the public interest by revealing wrongdoing. In doing so, it emphasized that safeguarding the welfare of whistleblowers is integral to maintaining a just and accountable system.⁴⁴

The evolution of the whistleblowing framework in the United Kingdom marks a pivotal shift in the societal and legal perception of individuals who expose misconduct. Historically, whistleblowers were met with suspicion and contempt, often labelled as disloyal or treacherous for violating the trust of their employers and revealing internal misconduct.⁴⁵ This negative perception was rooted in the prevailing norms of corporate loyalty and organizational secrecy. In this context, whistleblowers were perceived as troublemakers who undermined the established order, confronting influential institutions and jeopardizing their personal careers and social standing in the process. Over the years, however, a series of legal reforms and pivotal judicial decisions have significantly altered this perception, positioning whistleblowing as a vital public service. The progressive development of the statutory framework has progressively underscored the role that whistleblowers play in promoting transparency, safeguarding ethical principles, and ensuring accountability within institutions.

This metamorphosis has been crucial in reclassifying whistleblowers as indispensable protectors of the common good, especially in circumstances where entrenched power structures actively seek to evade scrutiny.

⁴² *State of Maharashtra v. Public Concern for Governance Trust*, (2010) 3 SCC 353.

⁴³ *Id.* at ¶ 49.

⁴⁴ Aditi Gupta, "Whistleblowing in the UK: A Shift in Legal and Cultural Norms," *Journal of International Law & Policy* 11(2): 212, 214 (2016).

⁴⁵ *Id.* at 217.

The Right to Information Act, 2005: Catalyzing Transparency and Empowering Citizen Vigilance:

In a vibrant democracy, openness serves as the foundation of responsible governance, enabling citizens to engage actively in influencing public conversations and decision-making. The Right to Information (RTI) Act, 2005, represents a watershed moment in India's democratic development, reshaping the interaction between the state and its citizens.⁴⁶ Prior to this transformative legislation, access to state-held information was predominantly restricted to an elite group, leaving the majority of citizens unaware of critical issues that affected the public domain.⁴⁷ The pervasive veil of secrecy restricted citizens' participation in vital political, social, and economic debates, thereby undermining their role in the democratic process.⁴⁸ The RTI Act, 2005, was a landmark initiative in advancing transparency, establishing a legal foundation that empowers citizens to hold public authorities accountable.⁴⁹

By conferring upon individuals the right to access state-held information, the Act substantially strengthened their capacity to examine and challenge government decisions, policies, and decisions that have an immediate impact on their lives.⁵⁰ In this regard, it emerged as a crucial instrument for fostering public participation in democratic processes, reinforcing civic engagement, and ensuring state accountability to its people.⁵¹ When combined with the practice of whistleblowing, the RTI Act transforms into an indispensable instrument in combating corruption and empowering a more informed and proactive citizenry.⁵²

This synergy assumes an indispensable role in upholding the principles of democracy, as it not only promotes public accountability but also strengthens the very foundations of democratic governance.⁵³ As global recognition of participatory democracy expanded, so did the collective drive to not only grasp but also directly involve oneself in the political processes that influence both individual lives and the nation as a whole.⁵⁴ This rise in civic awareness prompted a

⁴⁶ Right to Information Act, No. 22, Acts of Parliament, 2005 (India).

⁴⁷ Shekhar Singh, The Genesis and Evolution of the Right to Information in India, 19(3) Public Admin. Rev. 125 (2007).

⁴⁸ Aruna Roy & Nikhil Dey, Fighting for the Right to Know, 43(5) Econ. & Pol. Wkly. 8 (2008).

⁴⁹ Id.

⁵⁰ Id.

⁵¹ Transparency International, Strengthening Accountability and Transparency in India (2020), <https://transparency.org> (last visited July 10, 2025).

⁵² Vivek Maru, Whistleblowers and the Protection of Democracy, 12 Indian J. L. & Soc'y 90, 92 (2012).

⁵³ Id.

⁵⁴ David Banisar, Freedom of Information and Access to Government Record Laws around the World, <https://papers.ssrn.com> (last visited July 10, 2025).

significant shift toward prioritizing transparency and accountability within government institutions.⁵⁵

The global movement for access to government-held information began in Sweden, where the pioneering Right to Information law was enacted in 1766.⁵⁶ Sweden's initiative inspired similar legislation globally, notably the United States' Freedom of Information Act (FOIA) in 1966.⁵⁷ Countries such as Norway (1970), France and the Netherlands (1978), and Australia, New Zealand, and Canada (1982) soon followed, establishing transparency as a global democratic standard⁵⁸. India's RTI Act of 2005 drew from these international experiences, which enshrined the right to information as a democratic entitlement.⁵⁹

Following its enactment, the RTI Act provided citizens with the means to scrutinize the government, to obtain essential information, and highlight administrative inefficiencies.⁶⁰ Judicial interpretations also significantly contributed to reinforcing the RTI framework. In *S.P. Gupta v. Union of India* and *Prabhu Dutt v. Union of India*⁶¹, the court of India laid the groundwork for legislative affirmation of the right to information. The Court emphasized the essential link between informed citizenship and democratic accountability. However, the role of judiciary continues after these post - enactments of the cases and acts. In *Bennett Coleman & Co. v. Union of India*,⁶² the Court confirmed that access to information is intrinsic to freedom of speech under Article 19(1)(a). In *State of UP v. Raj Narain*,⁶³ the Court held that secrecy in public affairs is antithetical to democratic principles. In *Secretary, Ministry of I&B v. Cricket Association of Bengal*⁶⁴, it upheld the right to share information on public platforms of the broader constitutional mandate.

The RTI Act institutionalized the legal right to access information under Section 3. Section 4⁶⁵ mandates proactive disclosure of key categories of information. Section 7⁶⁶ requires authorities to respond to information requests within 30 days (or 48 hours for matters of life and liberty),

⁵⁵ Id.

⁵⁶ H.G. Peterson, *The Birth of Freedom of Information in Sweden*, *Journal of Open Governance* 2(1): 5 (2010).

⁵⁷ (U.S.). Freedom of Information Act, 5 U.S.C. § 552 (1966)

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Singh, *supra* note 49.

⁶¹ *S.P. Gupta v. Union of India*, AIR 1982 SC 149; *Prabhu Dutt v. Union of India*, AIR 1982 SC 6.

⁶² *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

⁶³ *State of UP v. Raj Narain*, AIR 1975 SC 865.

⁶⁴ *Secretary, Ministry of I&B v. Cricket Association of Bengal*, AIR 1995 SC 1236

⁶⁵ Id. § 4.

⁶⁶ Id. § 7.

ensuring timeliness and accountability.⁶⁷ These provisions work together to enforce the operational integrity of transparency law in India.

Despite its strengths, the RTI Act faces significant challenges, including political resistance, bureaucratic inefficiencies, and cultural barriers, which hinder its full implementation. There are many high-profile cases such as the Vodafone Tax Case⁶⁸ which reveals the tension between transparency and state interests. These instances underscore the need for institutional reforms to preserve transparency and resist political interference.

In 2019, the Supreme Court ruled that the office of the Chief Justice of India is subject to RTI, marking a significant step for judicial transparency.⁶⁹ This ruling reaffirmed the judiciary's accountability to the public and expanded the democratic reach of the RTI Act.

While the RTI Act remains a cornerstone of India's democratic framework, continuous civic engagement and legal reform are vital to realizing its full potential. It is only way through which persistent efforts in both legal and societal—that transparency and accountability can be genuinely institutionalized. As global recognition of inclusive democracy expanded, so did the collective drive to not only comprehend but also directly involve oneself in the political processes that influence both individual lives and the nation as a whole. This rise in civic awareness prompted a significant shift toward prioritizing transparency and accountability within government institutions. The establishment of the Right to Information (RTI) Act, demand for a transparency in public administration which transformed into a cornerstone of democratic governance.

Political Resistance and Cultural Barriers to Transparency and Whistleblowing:

Whistleblowing has become an essential tool for fostering transparency, ensuring accountability, and promoting ethical governance within organizational and governmental structures.⁷⁰ Through the revelation of illegal, unethical, or improper conduct, whistleblowing plays a key role in protecting the integrity of both public and private institutions, ensuring their alignment with societal interests.⁷¹ This act not only exposes malpractices but also catalyzes

⁶⁷ Id.

⁶⁸ Vodafone International Holdings v. Union of India, (2012) 6 SCC 613.

⁶⁹ Gaurav Vivek Bhatnagar, India's RTI Act: From Revolutionary to Restrained?, The Wire, <https://thewire.in> (last visited July 10, 2025).

⁷⁰ Prashant Bhushan, "Whistleblower Protection: Challenges and Road Ahead," 4 NUJS L. Rev. 45 (2011).

⁷¹ Id. at 46.

structural reforms, paving the way for a more transparent and accountable form of governance.⁷²

In parallel, the Right to Information (RTI) Act grants citizens the statutory right to request vital information from public authorities, which thereby fostering greater transparency in governmental operations.⁷³ Collectively, these mechanisms form a robust framework aimed at ensuring transparency and accountability within India's democratic governance. Nonetheless, both are constrained by significant hurdles, such as political resistance, bureaucratic delays, and public apathy, which limit their transformative potential and hinder the full realization of democratic participation.⁷⁴

Although the RTI Act is a pivotal legislative achievement, it has encountered resistance from political leaders and government officials. These groups often perceive the RTI as a threat to their authority, especially when it highlights issues such as corruption and mismanagement⁷⁵. High-profile cases such as the Vodafone tax dispute and *Subhash Chandra Agarwal v. Union of India*⁷⁶ underscore the difficulties of balancing transparency with political considerations. The Vodafone case revealed the influence of political pressure in shielding sensitive information, while the Agarwal case illuminated the persistent clash between public welfare and individual privacy. However, the cultural attitudes further complicate the proper implementation of whistleblowing.

In India, whistleblowers often face a prevailing mindset that valorizes loyalty and deference to authority, which can stigmatize ethical dissent.⁷⁷ The 2003 murder of Satyendra Dubey—a National Highways Authority of India (NHAI) engineer who exposed corruption—demonstrates the mortal risks involved in whistleblowing. In the landmark case *Central Public Information Officer v. Subhash Chandra Agarwal*, the Supreme Court highlighted the imperative of maintaining an equilibrium between transparency and privacy. Despite these advancements, the persistent challenges of political opposition, cultural limitations, and

⁷² David Banisar, Whistleblowing: International Standards and Developments, 22(2) Public Law Rev. 123, 126 (2011).

⁷³ Right to Information Act, No. 22, Acts of Parliament, 2005 (India)

⁷⁴ Transparency International India, RTI Assessment Report (2020), <https://transparencyindia.org> (last visited July 10, 2025).

⁷⁵ Gaurav Vivek Bhatnagar, India's RTI Act: From Revolutionary to Restrained?, The Wire, <https://thewire.in> (last visited July 10, 2025).

⁷⁶ *Central Public Information Officer v. Subhash Chandra Agarwal*, (2019) 10 SCC 1.

⁷⁷ *Id.*

bureaucratic inertia remain deeply ingrained and court must unwaveringly assert their vital functioning in ensuring the preservation of democratic accountability continually affirming their indispensable role in upholding the principles of justice and transparency⁷⁸. However, without a broader commitment to systemic reform, the ideals embodied in transparency laws are likely to remain aspirational.

CONCLUSION:

The Right to Information (RTI) Act, 2005, is a reflection of India's resolution of transparency, accountability, and the empowerment of its citizens which also ensures that the principles of democracy are not respected merely theoretical but practically enforced. Although the RTI Act has been instrumental in transforming governance by promoting public involvement and ensuring government accountability, its full impact is still curtailed by ongoing obstacles, including political opposition, bureaucratic delays, and cultural attitudes that resist transparency.

At its core, the RTI Act embodies the quintessential democratic principle that an enlightened and informed public is essential for the proper functioning of governance. Through the facilitation of the right to access information, the RTI Act has revolutionised established power hierarchies, providing individuals with the tools required to critically examine and assess government actions and policies with enhanced authority.

This change assumes notable importance in India, where a large and frequently impenetrable bureaucracy alongside convoluted governance frameworks, has historically obstructed public access to critical information.

Judicial decisions, such as those in *Bennett Coleman v. Union of India* and *State of UP v. Raj Narain*, have reinforced the foundation of the RTI Act affirming that the right to information is a fundamental corollary of the rights to freedom of speech and expression, vital for the optimal operation of a democracy. The cultural milieu in India presents considerable obstacles to the effective implementation of the RTI Act and the functioning of whistleblowing frameworks. The devastating case of Satyendra Dubey, who was tragically assassinated after revealing corruption within the National Highways Authority of India, underscores the grave

⁷⁸ Prashant Bhushan, *supra* note 77.

dangers encountered by those who attempting to reveal governmental misconduct. Although the Whistleblower Protection Act, 2014, marked a pivotal advancement in shielding individuals who expose misconduct, its inadequate enforcement has left many vulnerable, highlighting the critical necessity for more robust legal frameworks and effective enforcement measures to guarantee the safety and security of individuals advocating for transparency and accountability. In conclusion, although the RTI Act has made significant contribution to transforming India's democratic landscape, its comprehensive impact is constrained by political opposition, inefficiencies within the bureaucracy, and cultural traditions that prioritize allegiance over accountability.