

MLRIT MUN 2025

BACKGROUND GUIDE.



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COMMITTEE :AIPPM



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Agendas:

Agenda : Deelibration on thee Right to Information Act, 2005 -
Assesing the Erosion of Transparency and Its Implications for
Constitutional Values

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Letter From The Secretary General.

Dear Delegate,

If you're nervous, good. It means you care. Every great speaker, every confident diplomat, started right where you are: unsure, curious, and ready to learn. But at MLRITMUN, we don't wait for confidence to arrive; we build it.

This edition is more than debate and diplomacy. It is a space where ideas collide, voices rise, and leaders take shape. Here, you'll learn to think fast, speak with clarity, and solve problems that demand both logic and courage. You'll find mentors who guide you, peers who challenge you, and moments that transform you.

When the gavel strikes, remember it's not about being perfect. It's about being fearless. If you're backed against a wall, break the whole goddamn thing down. Don't wait for luck; make your own.

At MLRITMUN 2025, every delegate has a chance to rise. Speak. Challenge. Lead. Because this isn't just another conference. It's where your voice begins to matter.

And when it does, I'll be right there watching, guiding, and cheering you on.

I'll see you on the other side of the gavel.

With conviction,
Khaja Moizuddin
Secretary-General,
MLRITMUN 2025 | 7th Edition



Letter From The Executive Board.

Greetings, Parliamentarians!

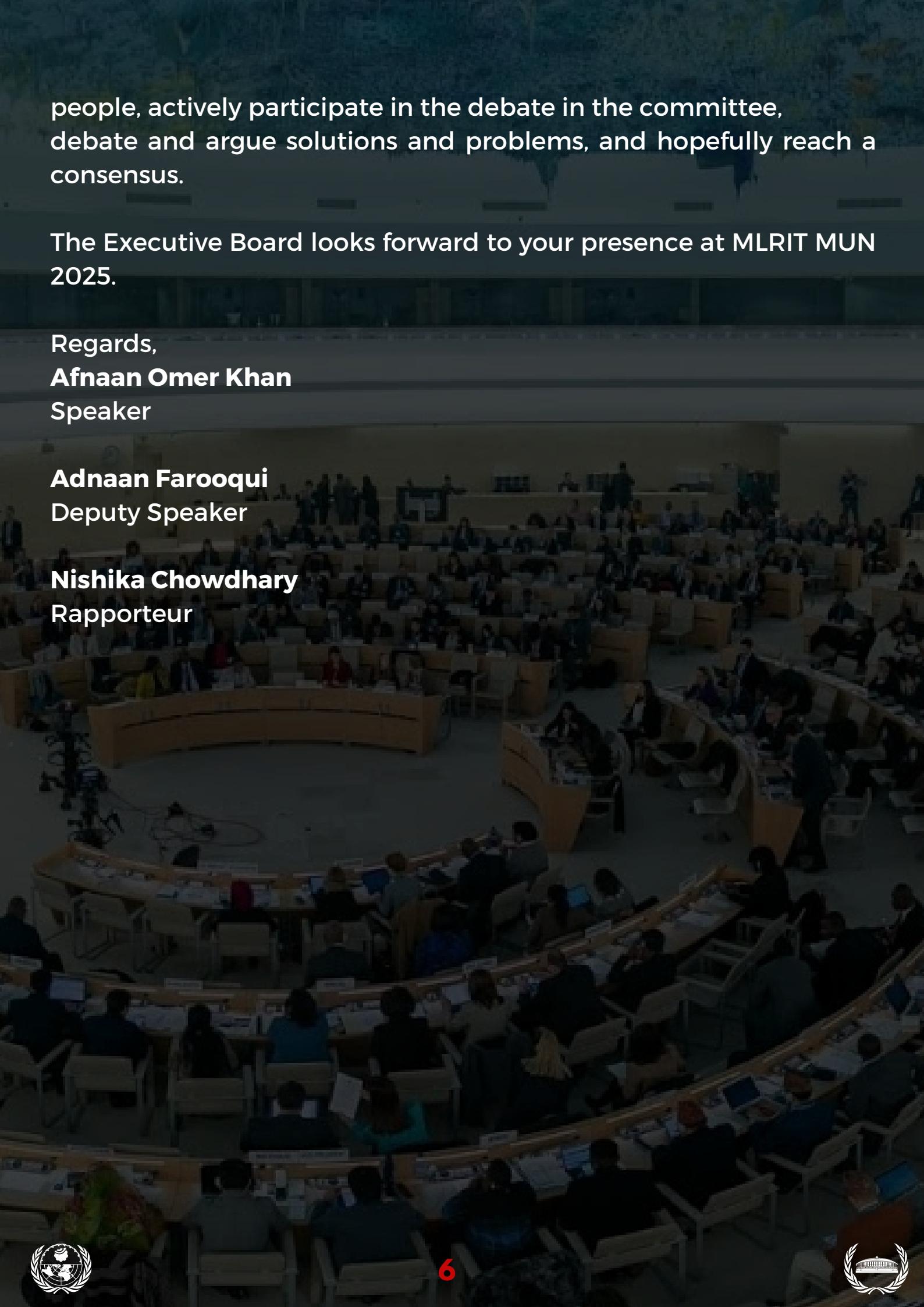
We feel privileged and honoured to welcome you to this simulation of the AIPPM at MLRIT MUN 2025

We hope that this simulation proves fruitful to you and you take something valuable back from it. We also hope that by the end of the conference, you will have a better understanding of different political views in the country, current affairs, and various other aspects of the agenda that has been selected for this conference and we hope that you will be willing to participate in more such conferences.

The Executive Board has collectively designed a Background Guide for you to start off your research process. The Background Guide will help you get familiar with the agenda and its background but for the committee to progress as someone who is going to enact a politician you must carry forward external research, and as the name suggests, will provide you with very basic and guiding insights. The Background Guide is a major resource for you but should not provide a hindrance in your external research.

For your external research and background research on your portfolio, you are advised to research like there's no tomorrow! This Background Guide will only scratch the surface of the agenda that we are currently dealing with. We urge all members of the committee to take the time to read the background guide and use it as a starting point for their preparation. You are to come to the conference with an open mind, ready to meet and work with new people, actively participate in the debate in the committee,





people, actively participate in the debate in the committee, debate and argue solutions and problems, and hopefully reach a consensus.

The Executive Board looks forward to your presence at MLRIT MUN 2025.

Regards,
Afnaan Omer Khan
Speaker

Adnaan Farooqui
Deputy Speaker

Nishika Chowdhary
Rapporteur



Deliberation on the Right to Information Act, 2005 – Assessing the Erosion of Transparency and Its Implications for Constitutional Values.

I. INTRODUCTION

The Right to Information Act, 2005 (RTI Act) symbolizes one of the most transformative democratic reforms in India. It operationalized citizens' right to know, recognized by the Supreme Court as implicit in Article 19(1)(a) of the Constitution. The RTI Act institutionalized transparency, empowering citizens to seek accountability from public authorities and reinforcing the idea that democracy thrives in sunlight. However, two decades later, concerns have arisen over a gradual erosion of transparency. Administrative opacity, statutory amendments, bureaucratic resistance, and competing claims of privacy have collectively undermined the transformative spirit of the Act. This background guide explores the legal evolution, judicial interpretations, and policy implications of the RTI Act within the larger constitutional framework of transparency and privacy.

II. HISTORY AND EVOLUTION OF PRIVACY IN INDIA

The Right to Information and the Right to Privacy have evolved as twin constitutional doctrines, representing two dimensions of democratic governance: public accountability and individual dignity. The journey of these rights reveals India's constitutional maturity in balancing state transparency with citizens' personal liberty. The concept of the right to know gained constitutional recognition through judicial interpretation. In **State of U.P. v. Raj Narain** (1975), the Supreme Court declared that the people of India have a right to know every public act of their public officials. This judgment set the foundation for a culture of transparency in governance. The movement was reinforced by grassroots campaigns such as the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan, whose advocacy against corruption in public works led to the eventual passage of the RTI Act in 2005. In contrast, the recognition of privacy as a constitutional right was gradual. In **Kharak Singh v. State of U.P.** (1963) and **Govind v. State of M.P.** (1975), the Supreme Court recognized privacy as an element of personal liberty under Article 21 but without elevating it to the status of a fundamental right. The transformative moment came in **Justice K.S. Puttaswamy (Retd.) v. Union of India** (2017), where a nine-judge bench unanimously recognized privacy as a fundamental right intrinsic to dignity and liberty.



III. The Right to Information and the Right to Privacy: A Constitutional Balancing Act

The RTI Act, while empowering citizens, recognizes limits through Section 8(1)(j), which exempts personal information from disclosure unless a larger public interest justifies it. The courts have developed a proportionality-based approach to determine when transparency must yield to privacy. In **Girish Ramchandra Deshpande v. CIC** (2013), the Court held that personal details of government employees such as service records and disciplinary proceedings are exempt unless public interest demands disclosure. Similarly, in **Canara Bank v. C.S. Shyam** (2018), the Supreme Court ruled that salary and transfer details of employees constitute personal information protected under privacy.

Post-*Puttaswamy*, the judiciary has emphasized that privacy is not absolute and must coexist with the right to information. The landmark decision in **CPIO, Supreme Court of India v. Subhash Chandra Agarwal** (2019) held that the Chief Justice of India's office is subject to RTI but required balancing transparency with privacy. Thus, the constitutional relationship between RTI and privacy is characterized not by conflict but by contextual harmony based on proportionality and necessity.

IV. The Ambit of the Official Secrets Act, 1923

The Official Secrets Act, 1923 (OSA), a colonial-era statute, criminalizes the unauthorized possession or disclosure of government information that may threaten national security or public order. Although its intent was to protect state secrets, its vague language often conflicts with the transparency objectives of the RTI Act. Sections 3, 5, and 6 of the OSA respectively address espionage, wrongful communication of information, and misuse of official codes. These provisions have been criticized for enabling arbitrary prosecution of journalists and whistleblowers.

While Section 22 of the RTI Act gives it overriding effect over other laws, including the OSA, Section 8(1)(a) retains exemptions for national security and foreign relations. Hence, information commissions frequently navigate a grey area between secrecy and transparency, particularly in matters involving defense, intelligence, or foreign policy.



V. The Erosion of Transparency: Contemporary Concerns

Despite its promise, the RTI framework has been gradually weakened. The 2019 amendment to the Act diluted the autonomy of the Central and State Information Commissions by allowing the government to fix their tenure and remuneration. This change undermined the institutional independence envisioned by Parliament in 2005. Moreover, a rise in RTI-related threats and attacks—over 100 documented cases of violence against activists—illustrates how transparency can endanger citizens without adequate protection mechanisms.

Bureaucratic resistance, delayed responses, and misuse of exemptions have further diluted transparency. Increasingly, authorities cite privacy, security, or administrative burden to deny legitimate information requests. Furthermore, the opacity surrounding large-scale data collection programs like Aadhaar and CoWIN has raised concerns over citizens' informational autonomy.

VI. Data Protection and Its Interaction with Transparency

The Digital Personal Data Protection Act, 2023 (DPDPA) is India's first comprehensive framework for data governance. It introduces consent-based data processing and accountability mechanisms for 'data fiduciaries'. While it advances informational privacy, the Act's broad exemptions for the state could weaken transparency. For example, Section 17(2) permits the government to exempt any instrumentality from its provisions for reasons of sovereignty or public order. This could shield administrative data from public scrutiny, undermining the RTI regime's objectives.

Thus, while privacy laws strengthen individual rights, they must coexist with the constitutional commitment to transparency. Courts and policymakers must ensure that data protection does not evolve into a tool for state opacity.



VII. Judicial Trends and Case Law Evolution

Judicial interpretation has been central in shaping the equilibrium between transparency and privacy. In **Union of India v. Association for Democratic Reforms** (2002), the Court upheld citizens' right to know the criminal and financial background of electoral candidates. This principle of informed participation was later extended to governance through RTI jurisprudence.

In **Thalappalam Service Cooperative Bank Ltd. v. State of Kerala** (2013), the Supreme Court clarified that cooperative societies substantially financed by the government fall under the ambit of RTI. In contrast, in **Central Board of Secondary Education v. Aditya Bandopadhyay** (2011), it restricted excessive demands for information that could paralyze administrative efficiency. These judgments collectively define the contours of transparency in governance.

VIII. Comparative Global Insights

Globally, freedom of information laws have evolved alongside data protection frameworks. The United Kingdom's Freedom of Information Act, 2000 coexists with the Data Protection Act, 2018 (implementing GDPR), both emphasizing proportionality between openness and privacy. Similarly, the United States' Freedom of Information Act (FOIA) provides for disclosure unless national security or privacy concerns prevail. India's model can benefit from these global standards by integrating accountability audits, independent oversight, and public interest overrides.

IX. The Role of Civil Society and Media

Civil society and the media have been instrumental in operationalizing the RTI framework. Movements such as the MKSS, the National Campaign for People's Right to Information (NCPRI), and countless local organizations have democratized access to government records. However, recent trends indicate increased harassment of activists and journalists under defamation, sedition, or secrecy laws. Strengthening whistleblower protections and ensuring safety of information-seekers is vital to preserving transparency as a lived constitutional value.



X. Constitutional Values and the Way Forward

Transparency, accountability, and privacy are not mutually exclusive—they collectively reinforce the democratic fabric envisioned by the Constitution. Legislative reforms must aim to harmonize these values. Repealing the Official Secrets Act, empowering Information Commissions, and aligning RTI with data protection frameworks will restore the balance envisioned by the framers of the Constitution. For policymakers and youth parliamentarians, the goal must be to uphold transparency without compromising individual dignity or national security.

XI. Key Issues for Debate

1. Has the 2019 Amendment to the RTI Act undermined the independence of Information Commissions?
2. Should privacy be prioritized over transparency in cases involving personal data of public officials?
3. Does the Digital Personal Data Protection Act, 2023 threaten the effectiveness of RTI in the digital age?
4. Should the Official Secrets Act, 1923 be repealed or reformed to reflect democratic values?
5. How can India reconcile the right to know with the need to protect individual and national security interests?

XII. References and Case Laws

1. State of U.P. v. Raj Narain, AIR 1975 SC 865.
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3. Govind v. State of M.P., (1975) 2 SCC 148.
4. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.
5. Girish Ramchandra Deshpande v. Central Information Commission, (2013) 1 SCC 212.
6. Canara Bank v. C.S. Shyam, (2018) 11 SCC 426.
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