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BAR ON RTI APPLICATION BY ADVOCATES FOR THEIR CLIENTS

Introduction

1. Section 6 of the Right to Information Act, 2005 (for short **'RTI Act'**) empowers a person who desires to obtain any information under the RTI Act to make a request as prescribed under the Act.

2. Pertinently, can‘any person’, other than the person actually desiring the information,file an RTI application on his/her behalf?

3. In January 2026, the Central Information Commission (for short 'CIC') addressed the above in a series of 2 cases,more particularly in the context when the other person isan Advocate - it held that an Advocate cannot file an RTI application on behalf of his/her client. [Paramjeet Yadav v. The CPIO, Principal, PM Shree Jawahar Navodaya Vidyalaya, Village & Post- Odhan, Dist. Sirsa, Haryana, CIC/DSELI/A/2024/138680 – dated 12.01.2026]&[Sugata Maity, Advocate v. CPIO, Inland Waterways Authority of India, Jalmarg Bhawan, A-13, Sector 1, Noida (UP) – 201301, CIC/IWAOI/A/2024/135548, CIC/IWAOI/A/2024/129074, CIC/IWAOI/A/2024/129021 & CIC/IWAOI/A/2024/129021 – dated 14.01.2026]

Background of the matter

1. The case arose from a dispute over termination of a fruits-and-vegetables supply contract at a Jawahar Navodaya Vidyalaya in Haryana.

2. The advocate filed an RTI application in 2024 seeking information on behalf of his brother, who was the supplier.

3. Being dissatisfied by the Central Public Information Officer’s(for short **‘CPIO’**) response, the Appellant filed a First Appeal.

4. The First Appellate Authority(for short **'FAA'**) upheld the reply of the CPIO in respect of certain points of RTI Application. However, for remaining points,directed the CPIO to provide a revised reply.

5. Challenging the FAA’s order, Appellant approached CIC by filing a Second Appeal on the ground of denial of information by the CPIO.

CIC reasoning and decision

1. CIC noted that the Appellant being an Advocate by profession has sought information on behalf of his brother who used to be supplier of vegetables/ fruits to the Respondent Public Authority.

2. In the absence of any fact stated by the Appellant as to why is he seeking details on behalf of his brother who can personally ask information as a citizen, CIC held that the Appellant has sought information on behalf of his client per se which is not permissible in view of the judgement passed by the Hon’ble High Court of Madras, Madurai Bench in the case titled *N. Sarvanan Vs. Chief Information Commissioner, Tamil Nadu SIC* (W.P. (MD) No. 4336 of 2017) which held *“that the petitioner being a practising advocate cannot seek information relating to the cases instituted by him on behalf of his client. As a citizen he can personally ask for information but not as an advocate on behalf of his client.”*

3. The reasoning given was thatotherwise, every practising Advocate would invoke the provisions of the R.T.I. Act for getting information on behalf of his client - asituation which does not advance the objects/scheme of the RTI Act.

4. Further, CIC observed that the Appellant did not appear during hearing to contest. CIC, however, in the spirit of the RTI Act, directed the CPIO to share a copy of his written submission along with enclosures, free of charge to the Appellant within one day of the date of receipt of theorder.

Information Commissioner Sudha Rani Relangimaintained Both these CICorders were issued by her referencing the above Madras High Court’s judgment.



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Key Principles

1. RTI Act is a citizen-centric law meant to empower individuals directly. A lawyer acts as an intermediary, which the law does not intend to facilitate for litigation purposes and a substitute for discovery in legal proceedings. Allowing lawyers to do so would turn the transparency law into a professional tool to promote legal practice rather than its actual public objective.
2. If a lawyer needs documents or records for an active or upcoming lawsuit, they must use standard judicial mechanisms—such as seeking certified copies, court summons, discovery procedures, or inspection of records. RTI cannot be used as a shortcut to bypass courtregulated discovery.
3. A lawyer can also file an RTI, but only in their personal capacity as an individual Indian citizen. If an advocate files an RTI requesting public information for themselves (without associating it with a client's case or acting as counsel), the application is perfectly valid and maintainable.
4. If information is required for a case, the client themselves should file the RTI application in their own name as a citizen. The lawyer can guide the client on what information to draft or ask for, but the applicant's name and signature must be that of the client.

Conclusion

1. CIC maintained this position in Inland Waterways Authority of India (Supra) as well where a lawyer had filed RTI Applications and subsequent appeals on behalf of hisClient, asserting that a satisfactory response was not provided.
2. The Rulings reinforce the RTI Act's purpose of transparency -not legal strategy for pending disputes.RTI Act was enacted to empower citizens to access information directly from public authorities, not to serve as a tool for lawyers to strengthen litigation strategies.
3. However, while protecting the RTI Act's objectives, the ruling may limit access for those unable to file applications themselves, for example vulnerable groups, and those who lack access, awareness and literacy.
4. Further, it is also a view put forth by some that CIC's interpretation adds restrictions not found in the RTI Act and introduces a locus standi requirement contrary to Section 6(2) of RTI Act, which states that no reasons are required for seeking information.