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# What is Public Interest

RTIAct



In various decisions, it has been held that the expression “public interest”, like “public purpose”, is not capable of any precise definition. However, it has been held that 'public purpose' needs to be interpreted in the strict sense and public interest has to be construed keeping in mind the balance between right to privacy and right to information. The decision has to be based on **objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy** or other factors stated in the provision.

The factors to decide the public interest immunity would include

1. where the contents of the documents are relied upon, the interests affected by their disclosure;
2. where the class of documents is invoked, whether the public interest immunity for the class is said to protect;
3. the extent to which the interests referred to have become attenuated by the passage of time or the occurrence of intervening events since the matters contained in the documents themselves came into existence;
4. the seriousness of the issues in relation to which production is sought;
5. the likelihood that production of the documents will affect the outcome of the case;
6. the likelihood of injustice if the documents are not produced

The terms public interest has to be interpreted as “Redressing public injury, enforcing public duty, protecting social, collective, ‘diffused’ rights and interests vindicate public interest... [in the enforcement of which] the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.

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## Court Decisions on Public Interest

The Supreme Court in Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi (2012) 13 SCC 61<sup>1)</sup> held that the statutory exemption provided under [Section 8](#) of the Act is the rule and only in exceptional circumstances of larger public interest the information would be disclosed. It was also held that 'public purpose' needs to be interpreted in the strict sense and public interest has to be construed keeping in mind the balance between right to privacy and right to information. The relevant extract from the said judgment is quoted below:

22. “The expression “public interest” has to be understood in its true

connotation so as to give complete meaning to the relevant provisions of the Act. The expression "public interest" must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act. In its common parlance, the expression "public interest", like "public purpose", is not capable of any precise definition. It does not have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs <sup>2)</sup>. It also means the general welfare of the public that warrants recognition and protection; something in which the public as a whole has a stake [Black's Law Dictionary (8th Edn.)]

23. The satisfaction has to be arrived at by the authorities objectively and the consequences of such disclosure have to be weighed with regard to the circumstances of a given case. The decision has to be based on **objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy** or other factors stated in the provision. Certain matters, particularly in relation to appointment, are required to be dealt with great confidentiality."

The Hon'ble High Court in its decision dated 13/07/2012<sup>3)</sup> wherein while discussing on the issue of disclosure of information in larger public interest the Hon'ble High Court of Delhi had held as under:

*"The second half of the first part of clause (j) of Section 8(1) shows that when personal information in respect of a person is sought, the authority concerned shall weigh the competing claims i.e., the claim for the protection of personal information of the concerned person on the one hand, and the claim of public interest on the other, and if "public interest" justifies disclosure, i.e., the public interest outweighs the need for protection of personal information, the concerned authority shall disclose the information."*

Furthermore, the decision of the Hon'ble Supreme Court of India in (Girish Ramchandra Deshpande vs. Central Information Commission & ors.)<sup>4)</sup> is pertinent, wherein it was held as under:

*":13.....Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."*

The judgment of Hon'ble Supreme Court in determining larger public interest in R.K. Jain vs. Union of India (1993) 4 SCC 120<sup>5)</sup> where it was observed as under: *54. The factors to decide the public interest immunity would include (a) where the contents of the documents are relied upon, the interests affected by their disclosure; (b) where the class of documents is invoked, whether the public interest immunity for the class is said to protect; © the extent to which the interests referred to have become attenuated by the passage of time or the occurrence of intervening events since the matters contained in the documents themselves came into existence; (d) the seriousness of the issues in relation to which production is sought; (e) the likelihood that production of the documents will affect the outcome of the case; (f) the likelihood of injustice if the documents are not produced..."*

*55. ....When public interest immunity against disclosure of the State documents in the transaction of business by the Council of Ministers of the affairs of State is made, in the clash of those interests, it is the right and duty of the court to weigh the balance in the scales that harm shall not be done to the nation or the public service and equally to the administration of justice."*

In the Indian context, and especially in the context of the RTI Act, 2005, a significant judgment of the Supreme Court of India can be taken note of in understanding the term “public interest”. In ‘S. P. Gupta v President of India’, AIR 1982 SC 149, Justice Bhagwati<sup>6)</sup>, in referring to ‘public interest’, maintained: **“Redressing public injury, enforcing public duty, protecting social, collective, ‘diffused’ rights and interests vindicate public interest... [in the enforcement of which] the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.”**

In State of Gujarat v Mirzapur Moti Kureshi Kasab Jamat & others AIR 2006 Supreme Court 212<sup>7)</sup>, the Apex Court held “the interest of general public (public interest) is of a wide importance covering public order, public health, public security, morals, economic welfare of the community, and the objects mentioned in Part IV of the Constitution [i.e. Directive Principles of State Policy]”.

One of the decisions of the Central Information Commission<sup>8)</sup> also throws some light on this term. Public interest includes **“disclosure of information that leads towards greater transparency and accountability”** [in the working of a public authority]

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## Discuss this topic

~~DISCUSSION~~

## More Common terms under RTI

- [Annual Confidential Report](#)
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- [Competent Authority under RTI Act](#)
- [Composite Petition under RTI Act](#)
- [Deemed PIO](#)
- [Disproportionate Diversion of Resources](#)
- [What is Fiduciary Relationship](#)
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- [What is Information under RTI Act](#)
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- [Refund of Fees](#)
- [RTI Act or Statutory Rules for giving information under RTI Act 2005](#)
- [Severability](#)
- [Substantially Financed](#)

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- [Third Party under RTI](#)
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1)

Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi (2012) 13 SCC 61

2)

State of Bihar v. Kameshwar Singh AIR 1952 SC 252]

3)

W.P. (C) No. 1243 of 2011- UPSC vs. R.K. Jain

4)

(Girish Ramchandra Deshpande vs. Central Information Commission & ors.) SLP(C) No. 27734 of 2012 dated 03/10/2012

5)

R.K. Jain vs. Union of India (1993) 4 SCC 120

6)

S. P. Gupta v President of India', AIR 1982 SC 149, Justice Bhagwati

7)

Gujarat v Mirzapur Moti Kureshi Kasab Jamat & others AIR 2006 Supreme Court 212

8)

Decision No. CIC/OK/A/2006/00046, dt. 02.05.2006.

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