

# What is Public Interest under the RTI Act — updated April 2026



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### Public Interest under RTI — does it still work in 2026?

The post-14 November 2025 position. Section 8(2) is still alive. The myth that “DPDP killed public interest” is wrong.

#### ✓ SECTION 8(2) STILL WORKS HERE

**Section 8(1)(a) — Sovereignty and economic interests**  
override applies

**Section 8(1)(d) — Commercial confidence**  
override applies

**Section 8(1)(e) — Fiduciary relationship**  
override applies (narrow reading post-Jayantilal Mistry)

**Section 8(1)(h) — Impedes investigation**  
override applies

**Section 8(1)(j) — Personal information**  
override APPLIES via stand-alone Section 8(2)

#### ⚠ WHAT ACTUALLY CHANGED

**The “Parliament proviso” inside Section 8(1)(j) was REMOVED**  
It said info not deniable to Parliament couldn't be denied to a citizen

**The personal-data test was tightened**  
Now aligned with the DPDP Act, 2023 definition of personal data

**PIOs invoke 8(1)(j) more aggressively**  
Boilerplate refusals rise — first appeal is free and usually wins

**Section 8(2) override now runs through SEPARATE clause**  
It survived. It is the only route left on personal data.

**Your own record is unaffected**  
Applicant's own information was never within 8(1)(j)

#### ★ Bottom line for applicants

Plead Section 8(2) public interest at the application stage. It is still the override on personal information.

Source: RTI Wiki — righttoinformation.wiki · RTI Act, 2005 Sections 8(1), 8(2), 10 · DPDP Rules, 2025 notified 14 November 2025

**Did you know?** The most common 2026 myth in RTI circles is that “DPDP killed public interest”. It did not. What changed is the **text of Section 8(1)(j)**. The **Section 8(2) public-interest override survived, untouched**. It is still the route to get personal information out when a larger public interest is on the record.

Updated 20 April 2026. Written for someone who has been refused under Section 8(1)(j) and has been told the override is “dead”. It isn't.

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## What is public interest

The Right to Information Act, 2005 does not define “public interest” anywhere in its text. That is on purpose. The drafters left it to the Commissions and the Courts to fill in, case by case. What we have in 2026 is roughly three decades of accumulated judgments — from the *S.P. Gupta* expansion of Article 19(1)(a) in 1981, through *CBSE v. Aditya Bandopadhyay* (2011) and its “disclosure is the rule” line, to *K.S. Puttaswamy* (2017) and the proportionality test.

In working language, public interest asks three things about a disclosure. **Does it advance accountability in the use of public money or public power? Does it help detect, deter, or remedy wrongdoing? Does it enable a citizen to make an informed democratic choice?** If the answer to any of those is yes, and the harm from disclosure does not clearly outweigh that benefit, the disclosure is in the public interest.

The Act uses “public interest” in two distinct places. First, **inside several Section 8(1) clauses** as part of the definition of the exemption itself (for example, clause (j) asks whether the information has “any relationship to public activity or interest”). Second, and far more powerfully, in **Section 8(2)** as a **free-standing override** that applies to **every** Section 8(1) exemption — including the new 8(1)(j) — when the competent authority is satisfied that the public interest in disclosure outweighs the protected interest.

**The second Section 8(2) override is the one that matters in 2026.** It is the one people are told is dead. It is not.

## What changed on 14 November 2025

Here is what the DPDP Rules, 2025 actually did to Section 8(1)(j) — and what they did not. This is the whole story, in one paragraph each.

**What changed.** The **text of Section 8(1)(j)** was substituted through **Section 44(3) of the Digital Personal Data Protection Act, 2023**, which came into force with the notification of the DPDP Rules, 2025 on **14 November 2025**. The new text aligns “personal information” with the DPDP Act's definition of personal data. More importantly for practice, the **in-clause proviso** — the old line that said information which could not be denied to Parliament could not be denied

to a citizen — has been **removed**. That line was an extra shield for applicants; it is gone.

**What did not change. Section 8(2) of the RTI Act was NOT amended.** It still reads exactly as it did before. It still overrides any Section 8(1) exemption where the public-interest-to-disclose outweighs the harm-in-disclosure. It still applies at the First Appellate Authority and Information Commission stages (and at the PIO stage in many readings). And the broader constitutional anchor — Article 19(1)(a) and the *Puttaswamy* proportionality test — is entirely unaffected by the amendment.

The practical effect? The amendment moved the override **out of clause (j)** and put the full weight on **Section 8(2)**. It did not abolish the override. It refocused it. See the full DPDP analysis at [DPDP Rules, 2025 — the amendment to Section 8\(1\)\(j\)](#) and the current 2026 position at [DPDP Act vs RTI — 2026 position](#).

□ **Reality check.** “The DPDP killed public interest” is the single most common mistake I hear in 2026 RTI circles. The DPDP did nothing of the sort. It trimmed clause (j), left Section 8(2) standing, and pushed applicants to draft the override plea more carefully. That is all.

## Before and after — the comparison

Aspect	Pre-14 November 2025	Post-14 November 2025 (current)
“Parliament proviso” inside Section 8(1)(j)	Applied	<b>Removed</b>
Section 8(2) free-standing public-interest override	Applied to all Section 8(1) clauses	<b>Still applies</b> to all Section 8(1) clauses
Section 8(1)(j) test for personal information	“Would cause unwarranted invasion of privacy”	“Would cause unwarranted invasion of privacy” (now aligned with DPDP Act, 2023 definitions)
Your own record under clause (j)	Never within 8(1)(j)	Still never within 8(1)(j)
Public-interest override routes	Two (in-clause + 8(2))	<b>One (Section 8(2))</b>
PIO drafting expectations	Balance privacy and public good	Same balance, now cited through Section 8(2) alone
Constitutional lens	Article 19(1)(a) + <i>Puttaswamy</i> proportionality	Identical

The override did not die. **The override moved house.** Pre-November, you could plead it two ways (inside clause (j) or via Section 8(2)). Now it is a single-route argument — always Section 8(2).

## Does the override still work in 2026

Yes. Here is what works, and here is what needs sharper drafting than before.

### Section 8(1)(a) to (i) — override works exactly as before

For clauses (a) to (i) — sovereignty, parliamentary privilege, commercial confidence, fiduciary, security, foreign relations, investigation, cabinet papers — **nothing has changed**. If your

request is refused under any of these, plead Section 8(2) and cite the harm vs benefit balance. These clauses were not touched by the DPDP amendment. The *Reserve Bank of India v. Jayantilal Mistry* (2016) reading of the “fiduciary” clause and the *Bhagat Singh* reading of “impedes investigation” — see *Bhagat Singh v. CIC* and *RBI v. Jayantilal Mistry* — still control.

### Section 8(1)(j) — override works, but the plea has to be specific

On personal information, the Section 8(2) override still runs. **What changed is the evidentiary burden.** The First Appellate Authority and the Information Commission now expect the applicant to plead the public interest **specifically, and at the application stage.** A generic “public interest demands it” line is not enough. A specific line — **“disclosure of these travel-expense entries is necessary to audit the diversion of public funds from scheme X between these two dates”** — is enough.

### Your own record, and aggregate data — no change at all

Requests about your **own** service record, disciplinary file, or claim were never within 8(1)(j), and still are not. Requests for **aggregate** or **anonymised** data (number of complaints, departmental pendency, scheme-wise expenditure) were never within 8(1)(j) either. The amendment does nothing to these; the refusal rates on these have not moved.

### What a winning 2026 RTI actually looks like

- **Works.** “Total expenditure on project X between 1 April 2024 and 31 March 2025, file note on sanction dated [Y], names of the signatories on the approval page of the file.”
- **Fails at first instance, wins on appeal with 8(2) plea.** “Certified copy of the travel vouchers of the officer holding charge of project X between the above dates, in the public interest of auditing the disbursement pattern.”
- **Fails cleanly.** “Mr Sharma's salary, phone number, and home address.” No public-interest anchor, no public-activity link. Section 8(1)(j) bites.

Copy-paste query templates for the subjects where 8(2) is most often needed live at the RTI Query Builder.

□ **Draft from a public-activity anchor.** The trick that turns a dead-on-arrival personal-data RTI into a live 8(2) appeal is the framing. Anchor the request to a **public function** — an office, a scheme, a project, a rule, a decision — not to a **person**. The record about the person follows the office.

## How to write a Section 8(2) plea that wins

This is the part I spend the most time coaching new applicants on in 2026. There are five moving parts.

1. **Name the public interest.** Not “in the public interest.” Say exactly: “accountability in the disbursement of public funds under scheme X”, “integrity of the tender process for project Y”, “public verification of the functioning of the Vigilance cell in department Z”. Specific. One sentence.
2. **Name the harm you do not cause.** Pre-empt the 8(1)(j) shield. “I do not seek the officer's

home address, family members' identification, or medical data. I seek the record of their public function in this matter.” This moves the PIO off the easy refusal.

3. **Invoke Section 8(2) on the face of the application.** Do not save it for appeal. One line: **“If any portion is considered exempt under Section 8(1), I invoke Section 8(2) on the ground stated above.”**
4. **Ask for Section 10 severance as a fallback.** “If any part of the record is genuinely exempt, I request that the non-exempt portion be released under Section 10 of the Act.” This forces the PIO to engage, not to refuse wholesale.
5. **Keep the request narrow.** Name the file. Name the period. Name the office. The narrower the request, the less room for a 7(9) “disproportionate diversion” refusal.

For the full drafting pattern across twelve subjects, see [RTI Query Builder](#). For the ten most common drafting mistakes, see [Why RTI Applications Get Rejected](#). For appeal drafting, see [Template: first appeal](#) and [Template: second appeal](#).

□ **The line that moves a 2026 appeal.** On the first appeal, I have found this one sentence does most of the work: *“The First Appellate Authority is invited to record a finding under Section 8(2) that the public interest in disclosure of the record sought — to enable public audit of expenditure under the named scheme — outweighs any privacy harm, which is not substantial as the record relates to the exercise of a public function.”* Adapt it to your facts. It works more often than not.

## Court and Commission rulings

The working jurisprudence on public interest is stable. Three anchor rulings do most of the weight-lifting. Newer rulings apply them to new fact patterns.

Year	Case	What it did
2011	CBSE v. Aditya Bandopadhyay	Established that disclosure is the rule; exemption is the exception; file notings are information
2013	Girish Ramchandra Deshpande	ACRs and property returns generally exempt under 8(1)(j); but “larger public interest” can override
2013	Thalappalam v. Kerala	Narrowed “substantially financed”; coops outside RTI unless substantial funding
2016	RBI v. Jayantilal Mistry	Fiduciary clause 8(1)(e) read narrowly; regulator is not a fiduciary of the regulated
2017	K.S. Puttaswamy	Privacy is a fundamental right; proportionality test applies to any State limitation
2024	//Electoral Bonds// (ADR)	Voter's right to know political funding under Article 19(1)(a); transparency is constitutional
2024	Delhi HC %%PhD%% theses ruling	Theses at publicly-funded universities disclosable; Section 8(1)(j) read narrowly; severance is the answer
2024	Madras HC on public servants' assets	Annual Property Returns disclosable with specific public-interest plea via Section 8(2)

Post-November 2025 orders continue to apply the *Puttaswamy* proportionality test. The PIO

reply analysis tracks the drafting register of compliant denials. As of April 2026, a few writ petitions are reported pending in Delhi and Madras High Courts testing the constitutionality of the DPDP substitution of clause (j). None has resulted in a reported stay; the substitution operates as law.

## Stakeholder impact

Stakeholder	What changed for you	What to do today
<b>Citizen</b>	Plead Section 8(2) at the application stage; don't rely on the old in-clause proviso	Anchor requests to a public function, not a person
<b>Public Information Officer</b>	Must test the 8(2) plea on the record's facts; cannot boilerplate-refuse	Pass a reasoned order per Section 7(8); invoke Section 10 severance where possible
<b>First Appellate Authority</b>	Expect more 8(2) pleas; apply proportionality, don't rubber-stamp	FAA guide + speaking order template
<b>Information Commission</b>	First wave of orders under new 8(1)(j) shaping the expectations	Publish reasoned orders for precedent value
<b>Researcher</b>	Published records and case law — unchanged; internal drafts — narrower	Shift more to gazette + final orders; use Shodhganga for PhD theses
<b>Activist</b>	Documented refusals now feed any constitutional challenge	Share refusals via the contribute guide

## Frequently asked questions

Question	Short answer
Did the DPDP amendment kill the public-interest override?	No. It removed the in-clause proviso within Section 8(1)(j). The stand-alone Section 8(2) override is unchanged and still applies.
Can I still get someone's salary via RTI?	Only if the public interest in that salary clearly outweighs the privacy harm. Anchor it to a public function (misuse of a sanction, disproportionate assets enquiry). A bare salary request without that anchor fails under 8(1)(j).
Do I need to say "Section 8(2)" in my application?	Yes. Specifically name the clause and name the public interest. Vague language is the main reason 8(2) pleas fail at first instance.
What about ACRs and property returns?	<i>Girish Deshpande</i> still controls. Generally exempt under 8(1)(j); disclosable where a specific public interest is pleaded. See the <i>Girish Deshpande</i> page and the <i>Madras HC</i> direction.
Has the Supreme Court ruled on the DPDP substitution?	As of April 2026, writ petitions are pending in High Courts. No binding Supreme Court ruling on the substitution yet.
Can my own record be refused under 8(1)(j)?	No. Your own information was never within 8(1)(j), and is not now.
Does Section 8(2) apply at the PIO stage or only on appeal?	The text of Section 8(2) does not limit the stage; it applies wherever a 8(1) exemption is being considered. In practice, many PIOs apply it; if not, the First Appellate Authority and the Commission certainly do.
What if the PIO refuses without citing any 8(1) clause at all?	That refusal itself is defective under Section 7(8). File a first appeal on that ground. A bare "confidential" is not a valid refusal.

Question	Short answer
How is the proportionality test applied?	Identify the public interest; identify the privacy harm; ask whether there is a less restrictive alternative (often Section 10 severance); conclude. See the Puttaswamy framework.
Where can I share a refusal I've received?	Via the contribute guide — post in the discussion on any relevant page.

## Call to action

### Filing right now?

- **New to RTI?** Start at [How to File RTI Online in India — 2026 step-by-step](#).
- **Need a template?** Copy one from the [RTI Query Builder](#).
- **Refused already?** Read [Why RTI Applications Get Rejected](#) and grab the first-appeal template.
- **Got a PIO refusal worth studying?** Share it in the discussion at the bottom of this page via the contribute guide.

## Related on this site

- [The Right to Information Act, 2005 — current text, Sections 8\(1\), 8\(2\), 10.](#)
- [RTI Act summary, sections, and notes.](#)
- [Grounds for rejection — concept note.](#)
- [Privacy under RTI.](#)
- [Privacy of public servants.](#)
- [Severability — Section 10.](#)
- [Fiduciary relationship — Section 8\(1\)\(e\).](#)
- [DPDP Rules, 2025 — the amendment.](#)
- [PIO reply after DPDP Rules, 2025.](#)
- [DPDP Act vs RTI — 2026 position.](#)
- [A decade of change, 2015 to 2025.](#)
- [FAQ — twenty-five most-asked questions.](#)
- [How to File RTI Online in India.](#)
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## Related

- [The RTI Act, 2005 \(as amended\)](#)
- [All explanations](#)
- [Why RTI gets rejected](#)
- [First RTI template](#)

- 25 RTI Questions Answered

## Sources

1. The Right to Information Act, 2005 (No. 22 of 2005), Sections 8(1), 8(2), 10.
2. The Digital Personal Data Protection Act, 2023 (No. 22 of 2023), Section 44(3).
3. The Digital Personal Data Protection Rules, 2025, notified 14 November 2025.
4. Constitution of India, Article 19(1)(a) and Article 21.
5. *Central Board of Secondary Education v. Aditya Bandopadhyay*, (2011) 8 SCC 497.
6. *Girish Ramchandra Deshpande v. Central Information Commissioner*, (2013) 1 SCC 212.
7. *Thalappalam Service Cooperative Bank Ltd. v. State of Kerala*, (2013) 16 SCC 82.
8. *Reserve Bank of India v. Jayantilal N. Mistry*, (2016) 3 SCC 525.
9. *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.
10. *Association for Democratic Reforms v. Union of India* (Electoral Bonds), Supreme Court, 15 February 2024.
11. *Bhagat Singh v. Chief Information Commissioner*, W.P. (C) 3114/2007, Delhi High Court.
12. Delhi High Court direction on RTI access to PhD theses, December 2024.

Last reviewed on: 20 April 2026 — RTI Wiki editorial team.. Post-DPDP Section 8(2) jurisprudence still unfolding; watch the High Court writ petitions challenging the clause-(j) substitution.

## Stuck scheme or document? Check the status first

Many RTIs are filed because a government scheme or document is delayed. Before filing, check the status directly:

- PMAY beneficiary status
- NREGA / MGNREGA job card and payment status
- Ration card status
- PM-KISAN Rs 6,000 status
- e-Shram card status

If a status is stuck beyond the official timeline, use the AI RTI Drafter to file in minutes.

[rti](#), [public-interest](#), [section-8-2](#), [section-8-1-j](#), [dpdp-2025](#), [2026](#), [current-position](#), [explanations](#)



### Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



**Read online**

<https://righttoinformation.wiki/explanations/public-interest>

**Main website**

<https://righttoinformation.wiki/>

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