



IN THE HIGH COURT OF KARNATAKA AT BENGALURU



DATED THIS THE 1ST DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 21831 OF 2025 (GM-RES)

BETWEEN:

SMT. S SAVITHRAMMA
D/O LATE SRI Y SUBBA RAO,
AGED ABOUT 69 YEARS,
R AT NO. 5, 30TH MAIN,
30TH CROSS, DHOBI GHAT,
BANASHANKARI 560070

...PETITIONER

(BY SRI. G B NANDISH GOWDA.,ADVOCATE)

AND:

1. THE KARNATAKA INFORMATION COMMISSION
ROOM NO. 104, FIRST FLOOR,
INFORMATION HOUSE D DEVARAJ ARASU ROAD,
OPPOSITE WEST GATE 02,
OF VIDHANA SOUDHA,
BENGALURU 560001.
2. THE DEPUTY MANAGER (ADMIN)
KSRTC, SHANTHINAGAR, K H ROAD,
BENGALURU 560027.
3. THE PUBLIC INFORMATION OFFICER
KSRTC SHANTHINAGAR,
DOUBLE ROAD (K H ROAD)
BENGALURU 560027,

...RESPONDENTS

(BY SRI. SHARATH B. GOWDA., ADVOCATE FOR R1;
SMT. H.R. RENUKA., ADVOCATE FOR R2 & R3)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER DATED 06.05.2025 PASSED BY THE R1 i.e., TYHE KARNATAKA INFORMATION COMMISSION IN CASE NO. KA MAA A 6939 APL 2024 VIDE ANNEXURE -F AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

- a. *Issue a writ in the nature of certiorari quashing the order dated 06.05.2025 passed by the 1st respondent i.e., the Karnataka Information Commission in Case No.Ka.Maa.A 6939 APL 2024 vide Annexure-F;*
- b. *Issue a writ in the nature of mandamus directing the R3 to furnish information the assets and liability statements for the year 1997-2005 on One Sri. S.P. Jayapal s/o Papanna who worked as DC at the Central Office, KH Road, Bengaluru during 1990-2002.*
- c. *And grant such other order or directions as this Hon'ble Court deems fit under the circumstances of the case, in the interest of justice and equity.*

2. The petitioner had approached the respondent No.3 seeking for furnishing of the asset and liability statement of one Sri.S.P.Jayapal S/o Papanna, who was working as the Deputy Controller at the Central Office, KH Road, Bengaluru during 1990-2002, on



the ground that he had fraudulently obtained the sale deed from the petitioner and there being civil suits which were pending, these documents were required by the petitioner.

3. The said application came to be rejected by respondent No.3 on the ground that the same would come within the purview of Clause (j) Sub-section (1) of Section 8 of the Right to Information Act, 2005 (for short hereinafter referred to as "**RTI Act, 2005**"), namely that it relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of privacy of the individual. It is challenging the said order the petitioner had approached respondent No.1. The respondent No.1 upheld the order passed by respondent No.3 and it is in that background that the petitioner is before this Court seeking for the aforesaid reliefs.
4. Sri G.B. Nandish Gowda, learned counsel appearing for the petitioner, submits as follows:
 - 4.1. It is contended that Sri S.P. Jayapal has procured a sale deed in respect of the petitioner's property by practising fraud upon



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the petitioner. According to the learned counsel, the said transaction has been reflected in the Income Tax Returns filed by Sri S.P. Jayapal. In that view of the matter, it is submitted that the information sought by the petitioner cannot be treated as personal information exempted from disclosure under clause (j) of sub-section (1) of Section 8 of the Right to Information Act, 2005.

4.2. Learned counsel further submits that Sri S.P. Jayapal is a public servant and, therefore, any immovable property acquired by him, together with the corresponding disclosure of assets and liabilities required to be made under the applicable service rules and statutory provisions, partakes the character of public information. It is his submission that details relating to the acquisition of assets by a public servant cannot be regarded as purely personal information, particularly when such information is sought in connection with allegations of fraud and illegal acquisition of property.

4.3. Learned counsel therefore contends that respondent No.3 has erred in rejecting the



petitioner's request for information on the ground of exemption under Section 8(1)(j) of the RTI Act, 2005, and that respondent No.1 has further erred in affirming the said decision. On the aforesaid grounds, he submits that the impugned orders are liable to be set aside and the application submitted by the petitioner seeking the requested information and documents deserves to be allowed.

5. Heard Sri.G.B.Nandish Gowda., learned counsel for appearing for the petitioner. None appears for the respondents.
6. Section 8(1)(j) of the RTI Act, 2005 is reproduced hereunder for easy reference;

8. Exemption from disclosure of information. —

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;



(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers: Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the



larger public interest justifies the disclosure of such information: Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

7. A reading of Sub Section (1) of Section 8 of the RTI Act, 2005 makes it clear that the exemptions enumerated in clauses (a) to (j) thereof operate notwithstanding anything contained in the Act. The provision commences with a non-obstante clause and carves out specific categories of information which are exempt from disclosure. Thus, notwithstanding the general right of access to information conferred under the Act, information falling within any of the exempted categories specified in Sub Section (1) of Section 8 cannot ordinarily be disclosed unless the case falls within the exceptions provided therein.
8. Clause (j) of sub section (1) of Section 8 specifically deals with personal information. The provision exempts from disclosure information that relates to personal information, the disclosure of which is unrelated to any public activity or public interest, or that would result in an unwarranted invasion of an individual's privacy. The exemption, however, is not absolute. Disclosure may still be directed if the Central Public Information Officer, the State Public Information Officer, or the Appellate Authority, as



the case may be, is satisfied that a larger public interest justifies such disclosure.

9. The ingredients of clause (j) may broadly be understood as comprising three distinct elements:
 - 9.1. the information sought must be personal information relating to an individual;
 - 9.2. the disclosure of such information must have no relationship to any public activity or public interest; and/or
 - 9.3. the disclosure must result in an unwarranted invasion of the privacy of the individual concerned.
10. Once the information sought satisfies the aforesaid requirements, the statutory exemption becomes operative and such information cannot ordinarily be directed to be disclosed under the RTI Act.
11. The only exception to the aforesaid rule is where the competent authority arrives at a conclusion that a larger public interest warrants disclosure. Thus, while the right to privacy of an individual is protected under clause (j), the same may yield in an appropriate case where the larger public interest



demonstrably outweighs the privacy interests sought to be protected. The burden would necessarily lie on the applicant seeking disclosure to establish the existence of such overriding public interest.

12. In the present case, the information sought pertains to the assets and liabilities statement of Sri S.P. Jayapal, who, at the relevant point of time, was serving as Deputy Controller in KSRTC. The information sought is not information relating to the functioning of the public authority, the discharge of official duties, governmental decision-making, utilisation of public funds, or the performance of any statutory function. What is sought is information relating to the personal assets and liabilities of an individual, albeit an individual holding a public post.
13. The principal contention of the petitioner is that since Sri S.P. Jayapal was holding a public office and was required to disclose his assets and liabilities under the applicable service rules, the information sought assumes the character of public information and cannot be denied by invoking Clause (j) of Sub Section (1) of Section 8 of the RTI Act.
14. This contention cannot be accepted in the broad manner in which it is canvassed. The mere fact that



- a person is a public servant does not ipso facto render every piece of information concerning him amenable to disclosure under the RTI Act. If such an interpretation were to be accepted, the protection expressly afforded under Clause (j) of Sub Section (1) of Section 8 of the RTI Act would stand substantially diluted in respect of an entire class of individuals merely because they happen to hold public office. Such an interpretation would be contrary to the legislative intent underlying Clause (j) of Sub Section (1) of Section 8 of the RTI Act, which recognises that public servants do not cease to possess privacy rights merely by reason of their employment in public service.
15. A distinction must necessarily be drawn between information relating to the discharge of public duties and information relating to the private affairs of a public servant. Information concerning official acts, decisions taken in an official capacity, exercise of statutory powers, utilisation of public resources, or matters directly connected with public administration may stand on a different footing. However, information relating to personal assets, liabilities, financial affairs, income particulars, tax records, family matters, medical records, and similar personal



details would ordinarily fall within the ambit of personal information protected under Clause (j) of Sub Section (1) of Section 8 of the RTI Act, unless disclosure is justified by an overriding public interest.

16. Equally, the mere fact that such information is required to be furnished by a public servant to his employer or to a statutory authority under the applicable service rules does not, by itself, render the information publicly disclosable under the RTI Act. A distinction has to be maintained between information furnished to a competent authority for administrative, vigilance, regulatory, or service-related purposes and information which is liable to be disclosed to the public at large.
17. Asset and liability statements are ordinarily collected by the employer or the competent authority to ensure compliance with service rules, promote probity in public service, identify possible conflicts of interest, and facilitate vigilance or disciplinary oversight, wherever required. The purpose for which such information is collected cannot automatically determine the scope of its disclosure to third parties. Whether such information can be disclosed under the RTI Act must necessarily be tested on the touchstone



- of Clause (j) of Sub Section (1) of Section 8 of the RTI Act and the exceptions engrafted therein.
18. If the mere filing of an asset declaration before a public authority were sufficient to render the information publicly accessible, the protection afforded by Clause (j) of Sub Section (1) of Section 8 of the RTI Act would stand substantially diluted. Such an interpretation would lead to the anomalous consequence that personal financial information would lose its protected character solely because it has been furnished to a public authority in compliance with a statutory or service obligation.
 19. Therefore, even assuming that the assets and liabilities statement sought by the petitioner was furnished by Sri S.P. Jayapal in compliance with the applicable service rules, the same would not, for that reason alone, cease to be personal information. The question of disclosure would nevertheless have to be examined within the framework of Clause (j) of Sub Section (1) of Section 8 of the RTI Act and the test of larger public interest embodied therein.
 20. The petitioner seeks disclosure of the information on the ground that Sri S.P. Jayapal is alleged to have obtained a sale deed in respect of the petitioner's



property by fraudulent means and that the transaction is reflected in the assets and liabilities statement and related records.

21. The question which arises under Clause (j) of Sub Section (1) of Section 8 of the RTI Act, however, is not whether the applicant has made allegations against the person whose information is sought. The relevant enquiry is whether the information sought constitutes personal information and, if so, whether there exists a demonstrable larger public interest warranting disclosure. Mere allegations, however serious, cannot by themselves convert personal information into public information. If such a proposition were to be accepted, the protection afforded under Clause (j) of Sub Section (1) of Section 8 of the RTI Act could be rendered illusory by the simple expedient of making allegations against an individual and thereafter seeking disclosure of his personal records.
22. The petitioner seeks the information in aid of his challenge to a property transaction allegedly entered into between himself and Sri S.P. Jayapal. The purpose for which the information is sought is therefore directly connected with the assertion and



enforcement of private rights arising out of a private dispute between identifiable individuals.

23. While the petitioner may have remedies available under civil law, criminal law, or any other applicable statutory framework for establishing the alleged fraud and seeking appropriate reliefs, the provisions of the RTI Act cannot be employed as a mechanism for obtaining personal information otherwise protected under law merely for the purpose of advancing a private claim.
24. The concept of "public interest" occurring in Clause (j) of Sub Section (1) of Section 8 of the RTI Act must necessarily be distinguished from a private interest. Every litigant may have a genuine interest in obtaining information which may support his case. However, a private interest, however bona fide, is not synonymous with public interest. The statute contemplates something more, namely an interest which transcends the concerns of the individual applicant and bears a nexus to the welfare of the public at large or a substantial section thereof.
25. The expression "larger public interest" employed in Clause (j) of Sub Section (1) of Section 8 of the RTI Act is of considerable significance. The legislature



- has consciously not used the expression "interest of the applicant". Disclosure under the proviso is justified only where the public interest sought to be served is of such significance as to outweigh the privacy interests protected by the exemption provision. Such public interest may arise where disclosure is necessary to expose corruption, abuse of public office, misuse of public funds, acquisition of disproportionate assets, systemic irregularities, or other matters affecting governance and public administration.
26. In the present case, the petitioner has not placed any material before this Court to establish that the information sought is required for exposing corruption, misuse of public office, diversion of public funds, disproportionate acquisition of assets, or any issue affecting the public at large. The entire foundation of the request is the petitioner's assertion regarding a disputed property transaction. Even assuming such allegation to be true, the dispute remains essentially a private dispute between the petitioner and Sri S.P. Jayapal.
27. Acceptance of the petitioner's contention would effectively result in permitting disclosure of personal



- financial information whenever a private dispute is alleged. Such an approach would seriously erode the privacy protections recognised under the RTI Act and would upset the balance consciously struck by Parliament between the citizen's right to information and the individual's right to privacy.
28. The right to privacy is now recognised as a constitutionally protected right. Clause (j) of Sub Section (1) of Section 8 of the RTI Act represents a statutory manifestation of that protection in the context of access to information. Therefore, before directing disclosure of personal information, the authority concerned must be satisfied that the public interest sought to be served is of such magnitude as to outweigh the privacy interests of the individual concerned. No such circumstances have been demonstrated in the present case.
29. This Court is therefore of the considered opinion that the information sought by the petitioner squarely falls within the ambit of personal information protected under Clause (j) of Sub Section (1) of Section 8 of the RTI Act of the RTI Act and that the petitioner has failed to establish the existence of any overriding or larger public interest warranting



disclosure thereof. The statutory exemption would therefore operate in the facts of the present case.

30. Consequently, this Court finds no infirmity, illegality, arbitrariness, perversity, or jurisdictional error in the order passed by respondent No.3 and affirmed by respondent No.1. The authorities have correctly applied the exemption contained in Clause (j) of Sub Section (1) of Section 8 of the RTI Act of the RTI Act while rejecting the request for disclosure.
31. Accordingly, the writ petition being devoid of merit stands **dismissed**.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 56