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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: October 15<sup>th</sup>, 2026***

# **CNR No. DLHC010336942020**

+ W.P.(C) 10165/2020 & CM APPL. 32358/2020, CM APPL. 32359/2020

THE CENTRAL PUBLIC INFORMATION OFFICER

DIRECTORATE OF PERSONAL SERVICES AIR

HEADQUARTERS INDIAN AIR FORCE .....Petitioner

Through: Ms. Pratima N. Lakra, CGSC  
with Mr. Shailendra Kumar  
Mishra, Advocates.

Mr. Anil Vashist from Air  
Force.

versus

COMMODORE LOKESH K BATRA RETD .....Respondent

Through: Mr. Prasanna S., Ms. Injila  
Muslim Zaidi, Mr. Ashish  
Reddy, Mr. Prasanna Balakumar  
and Ms. Ishita Tulsyan,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed under Article 226/227 of the Constitution of India assailing order dated 08.07.2020 (hereinafter '**impugned order**') passed by the learned Central Information Commission in Appeal No. CIC/IAIRF/A/2018/632874 titled as *Commodore Lokesh K Batra (Retd.) V. CPIO, Directorate of Personal Services, Air Headquarters*.



2. Briefly stated, the respondent submitted an application dated 05.06.2018 under the Right to Information Act, 2005 ('**RTI Act**') to the petitioner, seeking information in connection with each foreign visit of the Prime Ministers of India undertaken on Indian Air Force Aircrafts from 01.04.2013, till the date of the application.

3. The petitioner *vide* letter dated 10.07.2018 replied to the respondent's application dated 05.06.2018 thereby stating as under:-

*"You were provided with the information regarding the visits of the Hon'ble Prime Minister of India from 26.05.2014 onwards till 06.06.2016 by Indian Air Force aircraft vide this HQ letter No. AIR HQ/23401/204/4/10795/E/PS dated 03.02.2017. It is informed that there have been NIL air travel of former Hon'ble Prime Minister Sh. Manmohan Singh from 01.04.2013 till 25.05.2014 by Indian Air Force Aircraft. From 04.06.2016 till 09.07.2018, only three (3) visits were undertaken by Hon'ble Prime Minister Sh. Narendra Modi in Indian Air Force Aircrafts, copy of the travel information is enclosed. Special Flight Returns (SFR) Part - I & Part - II, includes details of aircraft and aircrew and many other details along with entire entourage, including names of all the Special Protection Group (SPG) personnel travelling with the Hon'ble Prime Minister, appointed for his safety. The copies of Special Flight Returns (SFR) Part - I & Part - II with regard to foreign visits by earlier and present Hon'ble Prime Ministers of India (which are mainly utilised for internal auditing and accounting of the IAF) holds sensitive details and would prejudicially affect the security of the State and is further held under fiduciary capacity, as no larger public interest is served by such disclosure. Hence, the said information is denied under Section 8(1)(a) & 8(1)(e) of the RTI Act, 2005."*

4. The respondent, not being satisfied with the denial of information regarding copies of SFRs Part-I & Part-II, in respect of each foreign visit of former Hon'ble Prime Minister, Dr. Manmohan Singh and Hon'ble Prime Minister Sh. Narendra Modi, undertaken by Indian Air Force Aircrafts, from 01.04.2013 till the date of application, preferred an appeal before the First Appellate Authority.

5. The First Appellate Authority *vide* order dated 20.09.2018



dismissed the said appeal noting that the petitioner had rightly denied the said information under Section 8(1)(a) and Section 8(1)(e) of the RTI Act.

6. Aggrieved thereby, the respondent preferred a second appeal before the learned Central Information Commission. The learned Central Information Commission *vide* the impugned order allowed the said appeal directing the petitioner to provide certified copies of available and relevant SFR-II to the respondent.

7. Aggrieved thereby, the present petition has been filed.

8. The learned CGSC for the petitioner submits that the information sought by the respondent *vide* RTI application dated 05.06.2018 pertains to Part-II of the Special Flight Returns (SFR), containing sensitive details of foreign visits of the Hon'ble Prime Minister of India, including the names and particulars of passengers, aircraft, aircrew and Special Protection Group (SPG) personnel accompanying the Prime Minister.

9. She submits that the information was exempt from disclosure under Sections 8(1)(a), 8(1)(g) of the Right to Information Act, 2005, as it concerned matters of national security, could endanger the life and physical safety of persons associated with the Prime Minister's security. She submits that the information, when collated with details already available in the public domain, could be utilised by forces inimical to the security of the State and provide strategic and tactical advantages to adversaries.

10. Learned counsel for the respondent submits that the information sought under the RTI application pertains to expenditure incurred on



foreign visits of the Hon'ble Prime Minister using public funds and is, therefore, a matter of significant public interest. He submitted that the respondent was interested in obtaining details of private persons accompanying the Prime Minister at public expense and not the identities of security personnel.

11. I have heard the arguments and perused the record.

12. At the outset, it is necessary to recognise that though the RTI Act seeks to promote transparency and accountability in the functioning of public authorities, the right to information is not absolute and must be balanced against other rights and interests protected by law, including the right to privacy. The purpose of the RTI Act is though to bring about transparency and accountability of public authorities, the same ought to be balanced with other public interests including confidentiality of sensitive information. Reference in this regard may be drawn to the judgment in **CBSE v. Aditya Bandopadhyay : (2011) 8 SCC 497**, wherein the Hon'ble Apex Court held as under:

*“61. Some High Courts have held that Section 8 of the RTI Act is in the nature of an exception to Section 3 which empowers the citizens with the right to information, which is a derivative from the freedom of speech; and that, therefore, Section 8 should be construed strictly, literally and narrowly. This may not be the correct approach. The Act seeks to bring about a balance between two conflicting interests, as harmony between them is essential for preserving democracy. One is to bring about transparency and accountability by providing access to information under the control of public authorities. The other is to ensure that the revelation of information, in actual practice, does not conflict with other public interests which include efficient operation of the Governments, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information. The Preamble to the Act specifically states that the object of the Act is to harmonise these two conflicting interests. While Sections 3 and 4 seek to achieve the first objective, Sections 8, 9, 10 and 11 seek to achieve the second objective. Therefore, when Section 8 exempts certain information from being disclosed, it*



*should not be considered to be a fetter on the right to information, but as an equally important provision protecting other public interests essential for the fulfilment and preservation of democratic ideals.*

*62. When trying to ensure that the right to information does not conflict with several other public interests (which includes efficient operations of the Governments, preservation of confidentiality of sensitive information, optimum use of limited fiscal resources, etc.), it is difficult to visualise and enumerate all types of information which require to be exempted from disclosure in public interest. The legislature has however made an attempt to do so. The enumeration of exemptions is more exhaustive than the enumeration of exemptions attempted in the earlier Act, that is, Section 8 of the Freedom to Information Act, 2002. The courts and Information Commissions enforcing the provisions of the RTI Act have to adopt a purposive construction, involving a reasonable and balanced approach which harmonises the two objects of the Act, while interpreting Section 8 and the other provisions of the Act.”*

13. The petitioner has contended that the SFR contains sensitive information relating to the foreign visits of the Hon'ble Prime Minister of India, including details of the aircraft, aircrew, passengers and accompanying entourage. It is submitted that even if the names of security personnel are redacted, disclosure of the remaining particulars, when collated with information already available in the public domain, could reveal sensitive aspects of the security arrangements of the Hon'ble Prime Minister.

14. It has been contended that the prescribed SFR-II format under AFO No. 24/2017 contains not merely the names of passengers but also their designations, appointments, identification numbers, flight references, passenger strength and agency particulars. These details are interconnected and, when read together or correlated with publicly available information, may facilitate the identification of security personnel, reveal the composition of the Prime Minister's entourage



and enable inferences to be drawn regarding patterns of security deployment.

15. Section 8 of the RTI Act lays down the information which is exempted from disclosure under the RTI Act, the same is reproduced hereinbelow:

*“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 Parliament or a State Legislature shall not be denied to any person.*

*(2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.*

*(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section 6 shall be provided to any person making a request under that section:*

*Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act."*

16. Section 8(1)(a) of the RTI Act specifically exempts information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, its relations with foreign States, or lead to incitement of an offence. Section 8(1)(g) of the RTI Act specifically exempts



information, the disclosure of which would endanger the life or physical safety of any person.

17. The Hon'ble Apex Court, in ***Supreme Court of India v. Subhash Chandra Agarwal : (2020) 5 SCC 481***, while examining the scope of exemptions under Section 8 of the RTI Act, observed that the right to information is subject to the statutory exemptions and that clauses (a), (b), (c), (f), (g), (h) and (i) of Section 8(1) constitute absolute exemptions, which do not permit disclosure merely on the ground of larger public interest. The Court further clarified that Section 8(2) vests a discretionary power in the public authority to disclose exempt information where the public interest in disclosure outweighs the harm to the protected interests, but does not confer an enforceable right upon a citizen to seek such disclosure. The relevant extract of the same is reproduced hereinbelow:

*“33. Sub-section (1) of Section 8 begins with a non obstante clause giving primacy and overriding legal effect to different clauses under the sub-section in case of any conflict with other provisions of the RTI Act. Section 8(1) without modifying or amending the term “information”, carves out exceptions when access to “information”, as defined in Section 2(f) of the RTI Act would be denied. Consequently, the right to information is available when information is accessible under the RTI Act, that is, when the exceptions listed in Section 8(1) of the RTI Act are not attracted. In terms of Section 3 of the RTI Act, all citizens have right to information, subject to the provisions of the RTI Act, that is, information “held by or under the control of any public authority”, except when such information is exempt or excluded.*

*34. Clauses in sub-section (1) to Section 8 can be divided into two categories : clauses (a), (b), (c), (f), (g), (h) and (i), and clauses (d), (e) and (j). The latter clauses state that the prohibition specified would not apply or operate when the competent authority in clauses (d) and (e) and the PIO in clause (j) is satisfied that larger public interest warrants disclosure of such information. [ For the purpose of the present decision, we do not consider it appropriate to decide*



who would be the “competent authority” in the case of other public authorities, if sub-clauses (i) to (v) to clause (e) of Section 2 are inapplicable. This “anomaly” or question is not required to be decided in the present case as the Chief Justice of India is a competent authority in the case of the Supreme Court of India.] Therefore, clauses (d), (e) and (j) of Section 8(1) of the RTI Act incorporate qualified prohibitions and are conditional and not absolute exemptions. Clauses (a), (b), (c), (f), (g), (h) and (i) do not have any such stipulation. Prohibitory stipulations in these clauses do not permit disclosure of information on satisfaction of the larger public interest rule. These clauses, therefore, incorporate absolute exclusions.

35. Sub-section (2) to Section 8 states that notwithstanding anything contained in the Official Secrets Act, 1923 or any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information if the public interest in disclosure outweighs the harm to the protected interests. The disclosure under Section 8(2) by the public authority is not a mandate or compulsion but is in the form of discretionary disclosure. Section 8(2) acknowledges and empowers the public authority to lawfully disclose information held by them despite the exemptions under sub-section (1) to Section 8 if the public authority is of the opinion that the larger public interest warrants disclosure. Such disclosure can be made notwithstanding the provisions of the Official Secrets Act. Section 8(2) does not create a vested or justiciable right that the citizens can enforce by an application before the PIO seeking information under the RTI Act. PIO is under no duty to disclose information covered by exemptions under Section 8(1) of the RTI Act. Once the PIO comes to the conclusion that any of the exemption clauses is applicable, the PIO cannot pass an order directing disclosure under Section 8(2) of the RTI Act as this discretionary power is exclusively vested with the public authority.”

18. Further, the Hon’ble Apex Court in **Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi : (2012) 13 SCC 61** observed that if, in the opinion of the concerned authority, there is danger to life or possibility of danger to physical safety, the CPIO would be entitled to bring such case within the exemption of Section 8(1)(g) of the RTI Act. The relevant extract of the same is reproduced



hereinbelow:

*“27. Now, let us examine the provisions of Section 8(1)(g) with greater emphasis on the expressions that are relevant to the present case. This section concerns with the cases where no obligation is cast upon the public authority to furnish information, the disclosure of which would endanger (a) the life, (b) physical safety of any person. The legislature, in its wisdom, has used two distinct expressions. They cannot be read or construed as being synonymous. Every expression used by the legislature must be given its intended meaning and, in fact, a purposeful interpretation. The expression “life” has to be construed liberally. “Physical safety” is a restricted term while “life” is a term of wide connotation. “Life” includes reputation of an individual as well as the right to live with freedom. The expression “life” also appears in Article 21 of the Constitution and has been provided a wide meaning so as to inter alia include within its ambit the right to live with dignity, right to shelter, right to basic needs and even the right to reputation. The expression “life” under Section 8(1)(g) of the Act, thus, has to be understood in somewhat similar dimensions. The term “endanger” or “endangerment” means the act or an instance of putting someone or something in danger; exposure to peril or such situation which would hurt the concept of life as understood in its wider sense [refer to Black’s Law Dictionary (8th Edn.)]. Of course, physical safety would mean the likelihood of assault to physical existence of a person. If in the opinion of the authority concerned there is danger to life or possibility of danger to physical safety, the State Information Commission would be entitled to bring such case within the exemption of Section 8(1)(g) of the Act. The disclosure of information which would endanger the life or physical safety of any person is one category and identification of the source of information or assistance given in confidence for law enforcement or security purposes is another category. The expression “for law enforcement or security purposes” is to be read ejusdem generis only to the expression “assistance given in confidence” and not to any other clause of the section. On the plain reading of Section 8(1)(g), it becomes clear that the said clause is complete in itself. It cannot be said to have any reference to the expression “assistance given in confidence for law enforcement or security purposes”. Neither the language of the section nor the object of the section requires such interpretation. It would not further the cause of this section. Section 8 attempts to provide exemptions and once the language of the section is unambiguous and squarely deals with every situation, there is no occasion for the court to frustrate the very object of the section. It will amount to misconstruing the provisions of the Act. The High Court though has referred to Section*



*8(1)(j) but has, in fact, dealt with the language of Section 8(1)(g). The reasoning of the High Court, therefore, is neither clear in reference to the provisions of the section nor in terms of the language thereof.”*

19. The petitioner has specifically pointed out that the mere redaction of names and other direct identifiers would not necessarily eliminate the potential security risks arising from disclosure of SFR-II. In particular, the disclosure of successive passenger manifests may enable sensitive aspects of the security arrangements to be reconstructed by correlating the disclosed particulars with other information in the public domain. The potential implications of such disclosure for national security and the security apparatus accompanying the Hon’ble Prime Minister cannot be disregarded.

20. Once the concerned authority was of the view that revealing certain information could jeopardise national security and the security of the Hon’ble Prime Minister, it was entitled to invoke the exemption under Section 8(1)(a) and Section 8(1)(g).

21. This Court or the CIC cannot sit in appeal over the subjective satisfaction of the competent security agencies as to whether disclosure of particular information could jeopardise national security or endanger the life and physical safety of the Hon’ble Prime Minister. Such an assessment falls primarily within the domain of the agencies entrusted with the responsibility of ensuring the security of the Hon’ble Prime Minister and this Court cannot substitute its own assessment for that of the competent security agencies. (Ref: **Maj. Gen. V.K. Singh (Retd.) v. Union of India : W.P.(C) 7671/2010**)

22. Additionally, in the present case, no sufficient larger public



interest has been demonstrated to warrant disclosure of the particulars in question. The mere fact that public funds have been expended on the foreign visits of the Hon'ble Prime Minister does not, by itself, justify disclosure of information which may compromise the security arrangements put in place for such visits. In the absence of any demonstrated larger public interest that outweighs these concerns, disclosure of the information sought cannot be directed.

23. In view of the above, in the opinion of this Court, the learned CIC erred in directing disclosure of the SFR-II relating to the foreign visits of the Hon'ble Prime Minister after redaction of the names and identifying particulars of security personnel. The petitioner was justified in invoking the exemptions under Sections 8(1)(a) and 8(1)(g) of the RTI Act to deny disclosure of the aforesaid information, in view of the potential implications for national security and the life and physical safety of the Hon'ble Prime Minister, as specifically pointed out by the petitioner.

24. Accordingly, the present petition is allowed and the impugned order is set aside.

25. Pending applications (if any) also stand disposed of.

**AMIT MAHAJAN, J**

**OCTOBER 15, 2026**

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