CENTRAL INFORMATION COMMISSION  
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Appeal No.: CIC/BS/A/2015/002034 + CIC/BS/A/2016/000095-BJ

Appellant : Mr. Kishore Chandki  
12-A, Vaishali Nagar,  
Annapura Road  
Indore-452009, Madhya Pradesh

Respondent : The CPIO & Income Tax Officer,  
Ward 72(1)  
Room No. 501, D-Block,  
Civic Centre, New Delhi

Date of Hearing : 09.03.2017  
Date of Decision : 09.03.2017

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**ORDER**

**FACTS:**

The appellant vide his RTI application sought information on 5 points regarding income tax returns of his wife ‘Jyoti Asnani’ for the last 10 years, her net taxable income, retention period of tax records filed by an individual, rule under which records were destroyed and issues related thereto.

The CPIO, vide its letter dated 14.05.2015, stated that consent of Ms. Jyoti Asnani with respect to whom information was desired by the appellant was sought vide letter dated 05.05.2015, who denied the same vide her letter dated 10.05.2015. Hence, it was stated that information could not be provided since it fell within the purview of section 8 (1) (j) of the RTI Act, 2005. Dissatisfied by the response of the CPIO, the appellant approached the FAA. The FAA, vide its order dated 22.06.2015, concurred with the response of the CPIO.

**HEARING:**

**Facts emerging during the hearing:**
The following were present:  
**Appellant:** Dr. Kishore Chandki (M: 9826918577) through VC;
Respondent: Mr. Puneet Kundu, Inspector (M: 9013854901) in person;

The appellant reiterated the contents of his RTI application and stated that no satisfactory response was provided to him by the respondent till date. It was submitted that vide his RTI application he had sought information regarding the income tax returns of his wife Jyoti Asnani for the last 10 years, her net taxable income, etc. It was further submitted that information sought was needed since he was contesting a false dowry and domestic violence litigation filed by his wife at Delhi. The appellant contested that the order of the Commission in CIC/AT/A/2008/10339 dated 30.07.2008 cited by the respondent was not a husband-wife matter and was related to third party’s “commercial information”. Similarly, it was argued that the order of the Commission in CIC/AT/A/2007/00317 dated 17.05.2007 was also not applicable to the facts of the present case.

The respondent drew reference to several decisions of the Commission including the decision in Juhi Jadli v. Income Tax Department, CIC/RM/A/2012/000038/LS dated 03.06.2013 wherein it was held that wife cannot be regarded as a third party so long as the marriage subsists. The appellant also cited the decision of the Commission in Manoj Kumar Saini v. The Chief Commissioner, Income Tax, Jaipur CIC/LS/A/2010/001044-DS and Sandeep Kumar v. Income Tax Department, New Delhi in CIC/RM/A/2012/000545/LS wherein information relating to Income Tax Returns of father in law was provided. The respondent drew reference to the decision of the Commission in Smt. Sunita v. Public Information Officer, Central Bank of India, CIC/VS/A/2012/000048 wherein, family pension paid to her mother in law were ordered to be disclosed.

The appellant also cited the decision of the Commission in Prashansa Sharma v. Delhi Transco. Ltd. in CIC/SA/A/2014/000433 dated 03.02.2015 which had held as under:

“25. d. The larger public interest in maintenance of wives and children, prevention of domestic violence, etc., for the purposes of the disclosure of such information, which was strongly established by the Delhi High Court in two landmark judgments referred above.

e. The information related income details in the context of non-maintenance of the spouse, becomes the life related information which should be given within 48 hours according to proviso to Section 7(1) of RTI Act, 2005.”

The Commission however observed that the decisions of the Hon’ble High Court relied upon by the Commission in Prashansa Sharma v. Delhi Transco Ltd., dealt with providing affidavits of assets, income and expenditure from
the date of the marriage and did not per se state that disclosure of spouse details formed part of right to information. Furthermore, the decision to file affidavit with personal details was passed in relation to the parties in the proceedings and not stated as a general principle of law applicable in rem.

The Commission however observed that Hon’ble High Court of Delhi vide it decision in Vijay Prakash vs. UOI and others, W.P.(C) 803/2009 dated 1/7/2009 had held that in a private dispute, between husband and wife, the basic protection afforded by virtue of the exemption from disclosure enacted under Section 8(1)(j) cannot be lifted or disturbed unless the petitioner was able to justify how such disclosure would be in ‘public interest’.

Furthermore, the Hon’ble High Court of Delhi in the decision of Naresh Kumar Trehan v. Rakesh Kumar Gupta in W.P.(C) 85/2010 & CM Nos.156/2010 & 5560/2011 dated 24.11.2014 had observed as under:

“25. Indisputably, Section 8(1)(j) of the Act would be applicable to the information pertaining to Dr Naresh Trehan (petitioner in W.P.(C) 88/2010) and the information contained in the income tax returns would be personal information under Section 8(1)(j) of the Act. However, the CIC directed disclosure of information of Dr Trehan also by concluding that income tax returns and information provided for assessment was in relation to a "public activity." In my view, this is wholly erroneous and unmerited. The act of filing returns with the department cannot be construed as public activity. The expression "public activity" would mean activities of a public nature and not necessarily act done in compliance of a statute. The expression "public activity" would denote activity done for the public and/or in some manner available for participation by public or some section of public. There is no public activity involved in filing a return or an individual pursuing his assessment with the income tax authorities. In this view, the information relating to individual assessee could not be disclosed. Unless, the CIC held that the same was justified "in the larger public interest”

Moreover, the Hon’ble Supreme Court of India in Girish Ramchandra Deshpande vs. Central Information Commission & ors. SLP(C) No. 27734 of 2012 dated 03/10/2012 had held as under:

“14. The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public
Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.”

The Commission observes that facts in the present instance indicate that the information was sought in relation to a private dispute between the parties and no public interest was demonstrated to be served with the disclosure of information.

**DECISION:**

Keeping in view the facts of the case and the submissions made by both the parties, no further intervention of the Commission is warranted in the matter.

The appeals stand disposed accordingly.

(Bimal Julka)
Information Commissioner

Authenticated True Copy:

(K.L.Das)
Deputy Registrar