

**CENTRAL INFORMATION COMMISSION**

(Room No.313, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067)

**Before Prof. M. Sridhar Acharyulu (Madabhushi Sridhar), CIC**

**CIC/EPFOG/A/2018/611853**

**Pratinav Jain v. PIO, EPFO, Bangalore**

**Order Sheet:** RTI filed on 22.12.2017, CPIO replied on 28.12.2017, FAO on 30.01.2018, Second appeal filed on 10.02.2018, Hearing on 28.05.2018;

**Proceedings on 28.05.2018:** Appellant present in person, Public Authority absent.

**Date of Decision-29.05.2018:** Disposed of with directions

**ORDER**

**FACTS:**

1. The appellant stated that his wife Smt. Richa Jain have filed a maintain case against him, claiming that she had no income as not working anywhere, but he knew that she was working in Bangalore, with monthly crediting of EPF contributions. He wanted to know details of EPF A/c i.e. EPF account No.& EPF account statement of Smt. Richa Jain from date of opening of her account till date to assess her income from 12 per cent of contribution being made for EPF. The CPIO replied on 28.12.2017, that there is no such record available with them and advised the appellant to seek information from any other agency. Not satisfied with the CPIO's reply, the appellant filed first appeal and also provided details of the company in which his wife was working. The FAA replied to the appeal as the information provided by the appellant about her wife is inadequate and as such availability of information could not be ascertained. The FAA also claimed that the information sought was of personal information of a third party and EPFO maintains the records of EPF in fiduciary capacity, hence the information could not be disclosed in terms to Section 8(1)(e) & 8(1)(j) of the RTI Act. Aggrieved with the above responses, the appellant approached this Commission.

**Decision :**

2. It is relevant to refer to a latest decision of Madhya Pradesh High Court, Jabalpur on 15.5.2018 in Smt Sunita Jain v Pawan Kumar Jain and Others, (WA No. 168/2015) that wife was entitled to know the remuneration received

by her husband working as an officer in a public authority. In MP case appellant pleaded that her estranged husband, was a senior public servant drawing a high salary while she was being given a monthly maintenance of just Rs 7,000 per month. After a trial court rejected her plea that her husband produce his pay slip, she had filed a Right to Information plea to get his salary details. The appeal reached the Central Information Commission, which, in an order dated July 27, 2007, asked the Central Public Information Officer of BSNL to furnish the details of her spouse's monthly remuneration. The husband challenged the CIC order before a single bench of the MP High Court, which set aside the CIC order in March 2015. Then wife moved the double bench of the High Court, which held that a wife was entitled to know the remuneration of her husband. The HC bench of Justices SK Seth and Nandita Dubey stated that the wife couldn't be denied this information by considering her a third party or on grounds of privacy under Section 8(1)(j). The single judge Bench of MP relied on *Girish Ramachandra Deshpande v CIC (2013) 1 SCC 212* and denied the information about salary was officer's personal information. Question was whether appellant was entitled to information as per Section 4(1)(b)(x) of RTI Act, under which the public authority has to voluntarily disclose the monthly remuneration of the public servant, or should be denied under Section 8(1)(j) of that Act, saying it was his personal information.

Section 4(1)(b)(x) says "*monthly remuneration received by each of its officers and employees...*"

Section 8(1)(j) says: "*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*".

3. The question is whether information sought is personal information the disclosure of which has no relationship to any public activity or interest or would cause unwarranted invasion of privacy of spouse. What is public interest?

4. In Strouds Judicial Dictionary, Vol. IV (4<sup>th</sup> Edition) 'public interest' is defined:

*Public Interest - 1-A matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected.*

5. In Black's Law Dictionary (6<sup>th</sup> Edition) 'public interest' is defined as:

*"Public Interest - Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, state or national government.*

6. While dealing with 8(1)(j) of the Act, one cannot lose sight of the fact that the appellant, a spouse, is entitled to know what remuneration the other spouse is getting, to decide his/her legal right to or liability to maintenance. Here it is a case of legal interest in seeking maintenance and also case of pecuniary interest to know salary arrive at quantum of maintenance. The remuneration given to public servant is with reference to public activity of performing duties as public servant. Neither Section 8(1)(j) nor the dictum in *Girish* case apply here. MP High Court held that former will prevail and even under later provision, public interest requires the information to be shared.

7. In this second appeal, husband is trying to ascertain the fact of employment of his estranged wife and also her monthly remuneration from the amount of contribution, which has to be 12 per cent as per statute. It was denied as personal information of wife and information sought was given to them in fiduciary capacity. Since the husband is seeking this information in pecuniary interest or legal interest recognized by law, it is in public interest and hence can be given under provisos to section 8(1)(j). The information cannot be claimed to have been furnished in fiduciary capacity because the statute mandates the

employer to contribute matching amount to 12 per cent of employee's remuneration for EPF as a social security measure. The appellant's demand for information is limited to the amount of contribution if made by the spouse if serving any employer. He wanted to infer two aspects, the fact of her employment and amount of her remuneration from the fact of EPF contribution to defend his liability to pay maintenance to his estranged wife.

8. The CPIO is directed to provide whether Smt Richa Jain is contributing for EPF and if so the quantum of that contribution, to the appellant before 15<sup>th</sup> June 2018. Other details do not help in any way to pursue his legal interest, hence, can be denied. Disposed of.

SD/-  
(M.Sridhar Acharyulu)  
Central Information Commissioner