

CIC: Spouse not third party if marriage subsists.

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Good News!

The people who are fighting with RTI officials in getting the wife's ITR details, PF details or any other financial details will be rejoice to hear that their RTI's wont be rejected on the basis of "Third Party Information".

Because Central Information Commission has ruled that if the marriage between the spouse is subsisting then the information of the spouse wont be THIRD PARTY.

pls read the full judgment below.....

Central Information Commission
Room No. 308, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066
File No:CIC/RM/A/2012/000038/LS

Appellant : Ms Juhi Jadli

Public Authority : Income-tax Department, Noida

Date of hearing : 03.06.2013

Date of Decision : 03.06.2013

FACTS :

Heard today dated 03.06.2013. Appellant not present. The public authority is represented by Shri S.S. Chahal, ITO Ward 1(4), Nodia.

2. By RTI application dated 07.09.2011, the appellant had sought the following information about her husband Shri Shobhit Garg :

(i) Source of income declared by him;

(ii) Details of deductions, such as housing loans, LIC etc., claimed by him;

(iii) Certified copies of the ITRs filed by him for the years 2006-07 to 2010-11.

3. Vide letter dated 09.10.2011, the CPIO had refused to disclose this information on the basis of objection filed by Shri Shobhit Garg. The same view was taken by FAA in order dated 30.01.2012.

4. It appears to me that there is estrangement between the husband and the wife. The wives generally try to collect this information for canvassing their cases in the Family Courts for grant of maintenance. A wife can not be treated as third party in the strict sense of the term, so long as the marriage subsists. However, after divorce, the legal position changes. I am told that marriage still subsists between the appellant and Shri Shobhit Garg. Hence, it will not be correct to deny information on the ground that the appellant is a third party. In the given facts, I order that gross income and net taxable income declared by Shri Shobhit Garg in the last ITR filed by him, may be disclosed to the appellant. No other information is required to be disclosed.

5. This order may be complied with in 04 weeks.

(M.L. Sharma)

Information Commissioner

Authenticated. Additional copies of the order shall be supplied on application and payment of fees, as per RTI Act, to the CPIO of the Commission.

(K.L.Das)

Dy Registrar Address of the Parties :-

(1)The ITO & CPIO, (2)Ms Juhi Jadli, D/oShri Anil Kumar Sharma

Income tax Department, Aaykar Bhavan, 44, Sevak Ashram Road, Dehradun
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