

Tax returns, performance report out of RTI ambit: SC

The Supreme Court has ruled that the details of a person's income tax returns and performance of an employee are "personal information" which cannot be divulged under the provisions of the Right to Information Act unless a larger public interest is involved.

The apex court added that under the transparency law, information pertaining to the performance of an employee or officer cannot be made public as it is a matter between the employee and the employer which falls under the expression of "personal information" and cannot be claimed as a right by others.

"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 a larger public interest is involved and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that a larger public interest justifies the disclosure of such information," a bench of justices K S Radhakrishnan and Dipak Misra said.

"The performance of an employee or officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest," it further said.

The court said "the disclosure of such information would cause unwarranted invasion of privacy of that individual.

"Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right," it said.

The apex court gave the verdict while dismissing a plea against denial of information regarding a government servant's service matters and also the details of his assets and liabilities, movable and immovable properties.

The information seeker had approached the Regional Provident Fund Commissioner (Ministry of Labour) on August 27, 2008 seeking various details relating to a person employed as an Enforcement Officer in the Sub-Regional Office, Akola.

He had also sought the details of the gifts accepted by the official, his family members and friends and relatives on his son's marriage.

Holding that the information sought for is contained in the income tax returns of the official, the apex court said the Central Information Commission and the Bombay High Court had dealt with them and there was no question of disagreement with the two fora.

"We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for the larger public interest. That being the fact, we are not inclined to entertain this special leave petition," the bench said.

"We are in agreement with the CIC and the courts below that the details called for by the petitioner ie, the copies of all memos issued to the third respondent, show cause notices and orders of censure punishment etc are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act," the bench said.

(Indian Express)