

വിവാഹമോചന കേസ് നടത്തുന്നതിന് വേണ്ടിയാണ് വിവരങ്ങൾ ആവശ്യപ്പെടുന്നത് എന്ന കാരണത്താൽ വകുപ്പ് 8(1)(ജെ) ലെ വ്യവസ്ഥകൾക്ക് ഇളവ് നൽകാനാവില്ലായെന്നും ഇത്തരം ആവശ്യങ്ങൾക്ക് ബന്ധപ്പെട്ട കോടതി മുഖേന രേഖകൾ ശേഖരിക്കാവുന്നതാണെന്നും വിവരാവകാശ കമ്മീഷൻ

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Mohankumar T. Borkar through VC

Respondent: Mr. K Ramesh CAPIO through VC

The appellant stated that Ms. Rajashree Chandavar had given false affidavit in the Court stating that she is not employed and he has been ordered to pay maintenance to her and he needs the information as requested in his RTI application dated 15/02/2013 to contest her claim.

The CAPIO stated that the information relates to third party and they had carried out the process as outlined under Section 11 of the RTI Act but the subscriber has objected to the disclosure. He argued that the information is personal in nature and in the absence of any public purpose, exempt under Section 8(1)(e) & (j) of the RTI Act.

Decision notice:

It is seen that the Hon'ble High Court of Delhi vide its decision dated 1/7/2009 [W.P.(C) 803/2009 Vijay Prakash vs. UOI and others] has 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 is able to justify how such disclosure would be in 'public interest'.

The appellant has pleaded that the information is required by him to contest the allegedly false affidavit filed by his estranged wife. If that be so, the appropriate remedy available to the appellant would be to apply to the concerned Court for summoning the records of the EPFO but seeking such information under the provisions of Right to Information Act is certainly not an appropriate relief.

In the matter at hand the appellant has not succeeded in establishing that the information sought is for larger public purpose. It being so, there is no need to interfere with the decision of the respondent.

The matter is closed.