

Tax Hotline

April 19, 2006

INCOME-TAX ASSESSMENT ORDERS - NO SECRET NOW!

In a recent judgment, the Central Information Commission ("CIC"), the highest appellate authority under the Right to Information Act, 2005 ("RTIA"), on March 30, 2006 held that a person has a right to seek any tax payer's assessment order so long as the order is not exempt under the RTIA. This implies that the assessment orders of any person, which the tax authorities so far used to hold as 'private and confidential', will now be accessible to the public. The CIC has, however, denied access to a person's income tax returns treating them as confidential documents.

An assessment order is a document containing basic details of a tax payer's income and the tax due on it. In the CIC's view, there is no basis for not disclosing assessment orders since the assessment is an action by a public authority and that every such action taken by such public authority is in the interest of the public and that the public authority must adopt an open and transparent process of evaluation norms and procedures for the assessment of tax liabilities.

It is interesting to note that though second level income tax appellate orders are public information, first level appellate orders are not and are not specifically covered in CIC's order.

In principle this is a move in the right direction, as it would curtail corruption and would lead to more transparency. However, there is a possibility that the decision of the CIC may be challenged on the grounds of privacy.

- Khushboo Baxi & Bijal Ajinkya

Source: *The Economic Times*, dated April 18, 2006

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Handbook on New Labour Codes

April 29, 2024

Compendium of Research Papers

April 11, 2024

Third-Party Funding for Dispute Resolution in India

April 02, 2024

Research Articles

Private Client Insights - Sustainable Success: How Family Constitutions can Shape Corporate Governance, Business Succession and Familial Legacy

January 25, 2024

Private Equity and M&A in India: What to Expect in 2024?

January 23, 2024

Emerging Legal Issues with use of Generative AI

October 27, 2023

Audio

Third-Party Funding: India & the World

April 27, 2024

IBC allows automatic release of ED attachments: Bombay HC reaffirms

April 15, 2024

The Midnight Clause

February 29, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

Q&A 2024 Protocol to the Mauritius India Tax Treaty

April 22, 2024

Boost to India's Space Potential: India Liberalizes Foreign Direct

