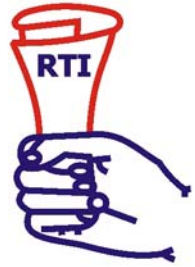


RTI & SUB REGISTRAR



B.H. VEERESHA

Mahithi Hakku Adhyayana Kendra - Bangalore

RTI & SUB REGISTRAR

B.H. VEERESHA

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While all efforts have been made to make this Guide as accurate and elaborate as possible, the information given in this book is only for reference and shall not be taken as binding in any way. This Guide is intended to provide guidance to the readers, but cannot be a substitute for the Act and the Rules made there under.

RTI & SUB-REGISTRAR

By B.H. VEERESHA

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MESSAGE



SHAILESH GANDHI

FORMER CENTRAL INFORMATION COMMISSIONER

I was very happy to see the book by Mahithi Hakku Adhyayana Kendra on implementation of the RTI Act in the Stamps & Registration Department in Karnataka. This will be very useful to citizens wishing to get information on this topic. With a simple and easy to understand informative beginning it goes on to giving important orders of commissions.

It then gives a summary and gist of various orders of the Karnataka commission which will make it easy for the reader to spot the relevant decision on a given subject. The effort and meticulous work done by Shri B.H.Veerasha is laudable and a great service to RTI. Users and PIOs will find it of great help in resolving many issues of interpretation and getting guidance on implementation.

I wish Mr. Veerasha luck and success and look forward to his continuing his commitment to Right To Information.

Shailesh Gandhi

MUMBAI

Dt. 5.1.2016

PREFACE

Mahithi Hakku Adhyayana Kendra focussed on implementation of RTI Act in Stamps & Registration Department in Karnataka since 2006. The objective was to bring total transparency in the functioning of the Department. It is the only department in Karnataka which is computerised and digitised except records prior to 2004. Several applications were filed before various Sub Registrars, who are Public Information Officers, seeking information in Electronic Format.

District Registrars, who are First Appellate Authorities, were also activated in the light of Hon'ble Supreme Court Judgement which makes filing of First Appeal mandatory. This is the only department in Karnataka where First Appeals are being heard regularly and speaking orders are being issued.

It took nearly Ten years for us to completely open up the department under transparency. Now the department is geared up to provide any information in Electronic format except Wills which is considered as information held in fiduciary. Apart from the above the department achieved significant success in publication of Section 4 information also in their web site.

WE made several hundred applications before various Public Information Officers of the department with a view to create awareness amongst Public Information Officers and First Appellate Authorities. Important Orders of Karnataka Information Commission, Central Information Commission, High Court of Karnataka and Supreme Court of India were circulated to all offices of the Department through E-Mail. E mail based Online support was extended to PIOs in disposal of applications under RTI. Even PIOs were trained in presentation of cases before Information Commission.

WE are extremely happy to publish this book which is based on our experience and information collected through RTI from various offices of the Department. Compilation of important orders of Karnataka Information Commission may bring qualitative improvement in disposal of applications under RTI as well as implementation of RTI Act in the department.

BANGALORE
DATE: 15-1-2016

B.H. VEERESHA
TRUSTEE

HISTORY AND BACK GROUND

The history of land records is as old as the Indian civilisation. Maintenance of these records has gone through a process of evolution as it passed through various administrative systems and socio-economic compulsions. The present system of preparing and maintaining land records originated from the Mogul period and it reached its scientific form during the British rule. Land records are of great importance to contemporary socio-economic imperatives and their revision and updating is necessitated for capturing the essentials of change in social dynamics.

As per available information, the earliest record on systematic registration in Presidency Division India was started on 01.02.1781 by Calcutta Presidency Division. Mr. Edward Tiretta was first appointed as Registrar of memorials of deed affecting lands by the princely state of West Bengal.

The Revenue Department is the oldest wing of the Governments existing from times immemorial in the Country. The history of mankind is intimately associated with land relationship. From times immemorial, the Land Administration Revenue Administration centered around collection of taxes/land revenue, which was the main source of revenue to Rulers. The village was the basic unit of administration and has remained so throughout the centuries. Land and its people define basic frame work of any civilization. The resources, their ownership and accessibility of land are some of the fundamental constituents of any system which is considered an essential aspect of human societies over the centuries.

Stamps & Registration Department popularly known as Sub Registrar Offices is one of the Oldest Department of the Government. Bangalore Civil Station earlier known as Cantonment was the oldest Sub Registrar Office in the Karnataka State. Documents relating to the year 1856 are the oldest documents available in the Department. Stamps & Registration Department is the third largest revenue earning department in the state. Main objective of the Department is to Register, maintain, protect and supply of certified documents relating to Land and Properties registered.

Stamps & Registration Department was under the control of Director of Survey and Land Records. After restructuring in 1989 the post of Inspector General of Registration and Commissioner of Stamps was created at State Level and District Registrars & Deputy Commissioner of Stamps at District Level.

Stamps and Registration is the only Department in Karnataka which is fully computerised, networked and partially digitised. Digitisation of old records viz., records prior to 2003 is yet to be taken up by the Department.

The Department administer the following Acts and Rules:

1. Registration Act 1908
Karnataka Registration Rules 1965
2. Indian Stamps Act 1899
3. Karnataka Stamp Act 1957 & Karnataka Stamp Rules 1958
4. Hindu Marriage Act 1955
5. Special Marriage Act 1954
6. Parsi Marriage Act 1936
7. Indian Partnership Act 1932
8. Societies Act 1960.

The Department was computerised using Karnataka Valuation and E-Registration software – popularly known as KAVERI since 1.4.2004. Data of all documents which were presented for registration are being entered in the data base, later on scanned and preserved in the CDs and hard disks. An agreement was entered into with M/S CMS Computer Ltd., CMS House, Mumbai on 30th of June 2003 for implementation of Computerisation in the Department. Further an agreement was also entered into with M/S Centre for Development of Advanced Computing (C-DAC) on 5th day of May 2015 for maintenance of Kaveri Software.

At present all work relating to Stamps & Registration has been computerised. This is the First Department in Government of Karnataka which is fully computerised, networked and providing computerised services to citizens under E-Governance Project. Computerisation of the department under Public Private Participation (PPP) has been found successful.

Since 1.4.2003 after the stamp paper scam stamp duty is being collected through cash and Demand Draft. Arrangement was also made to collect Stamp Duty under E-Stamping method with Stock Holding Corporation of India Limited w.e.f. 14.3.2008.

ACCESS OF INFORMATION HELD IN ELECTRONIC FORMAT UNDER RIGHT TO INFORMATION ACT, 2005:

An application was filed before the Sub Registrar, Nagarbhavi, Bangalore, seeking copy of documents registered in their Office in Electronic Format. The Sub Registrar declined information stating that the CDs prepared by the Contractor included Wills and Powers of Attorney, which being third party cannot be disclosed.

Aggrieved by the decision of the Public Information Officer a complaint was filed before the Karnataka Information Commission and the same was registered as Case No. KIC 1739

COM 2007. During hearing of the complaint Mr. S B Dhavaleshwar, Senior Sub Registrar and PIO, agreed to invoke Section 10 “severability” of the Right to Information Act, 2005 and provide information in CD.

Commission in its order dated 30.8.2007 directed the PIO to provide information in Electronic Format, free of cost. This is the First Order issued by the Information Commission to provide copy of Sale Deeds in Electronic Format. Accordingly the information was provided to the applicant on 8.10.2007 by the Inspector General of Registration.

Many Sub Registrars during hearing of cases before Karnataka Information Commission expressed their difficulty in providing copy of Sale Deeds in Electronic Format since all documents are being stored in a single diskette. Karnataka Information Commission in their Order in Case No. KIC 2513 PTN 2013 DATED 19.8.2013 directed the Inspector General of Registration to maintain Sale Deeds and other Deeds separately in Computer so as to enable easy access of required information under RTI.

PROVIDING INFORMATION IN PDF FORMAT:

Information stored in Electronic Format by the Department is readable in KAVERI SOFTWARE. When this information is provided to applicants under RTI the same could not be opened in other platforms viz., Micro Soft or Linux. This created problem for applicants in accessing the information provided in Electronic format. Karnataka Information Commission in their Order in KIC 1739 COM 2007 (B.H.Veerasha Vs. Sr. Sub Registrar, Nagarbhavi) ORDERED TO PROVIDE THE INFORMATION IN DECODED FORMAT.

Inspector General of Registration in their Order in First Appeal No. RTI: 65:07-08 directed Public Information Officer to provide information in PDF format only. Hence it is mandatory

for Public Information Officers to provide information in PDF format whenever information is sought by the applicants in Electronic Format.

Karnataka Information Commission in their Order in No. KIC: 2336 COMP 2009 dated 10.7.2009 again reiterated providing information available in KAVERI SOFTWARE in PDF format since they cannot be opened in other Plat Forms other than PDF.

During hearing of Petition in KIC 2513 PTN 2013 it was argued by the Public Information Officer that all documents are stored in CDs and hence it is not possible to segregate Sale Deeds from compiled information like Gifts, DTD, Mortgages, Lease Deeds and Wills etc., and it will divert resources of Public authority in doing so. However Information Commission directed the Inspector General of Registration to see that all Sale Deeds and other documents shall be maintained separately in Computer.

DOCUMENT SUMMAY REPORT:

An application seeking Documents Summary Report was filed before the Sub Registrar, Srirampuram, Bangalore, on 27.8.2007. This is the first application received by the Public Authority to provide information relating to DOCUMENT SUMMARY REPORT in Electronic Format. PIO informed that Document Summary Reports are extracts from some columns of the database and they can be only viewed and printed. They cannot be saved. If they are to be saved, they have to be converted into PDF format, which takes time, and converting all the reports into PDF format will disproportionately divert the resource of the Public Authority.

During hearing PIO informed that a database of all documents is generated based on the data entry. The entire database consists of two files, one data file and one log file. However a programme may have to be written if the entries within a specified period have to be extracted and provided to the applicant in soft copy.

After careful consideration Commission opined that no information obtained in the database is exempt from the disclosure under the provisions of the Act and as such there should be no difficulty in providing the entire database to the complainant for a specified period. If a small programme is to be written for this purpose, it should be written. Accordingly IGR was directed to provide information in the form of a CD.

Detailed order issued by the Karnataka Information Commission in Complaint No. KIC 2880 COM 2007 on 19.2.2008 and 10.4.2008 are provided for reference of the readers. Further Karnataka Information Commission in their order NO. KIC: 2336: COMP: 2009 dated 10.7.2007 directed the Sub Registrar, Gulbarga to provide information sought by the appellant viz., Sale Deeds, Trust Deeds, Any other Deeds and Documents Summary Report in PDF Format.

Whether Wills can be separated while providing information in Electronic Format:

Various Information Commissions have held that "WILLS" are information held by the Public Authority in fiduciary relationship as laid down under Section 8(1)(e) of the RTI Act. Hence copy of WILLS cannot be provided under RTI Act as the same is exempted as per Section 8(1)(e) of the Act. It has been agreed by the Public Information Officer in Case No. KIC 91 COM 2008 DATED 17.4.2008 that while providing information earlier the service provider was NIC. But from 2004 onwards, the service provider is CMS, who have developed a software for separating the will and therefore it will be possible to separate and provide the required information to the Complainant from the year 2004 onwards. Hence information available in Computer or CD cannot be denied under the ground that it cannot be separated.

GENERAL POWER OF ATTORNEY AND TRUST DEEDS:

As laid down under Section 51 of The Registration Act, 1908 the following books shall be kept in the several offices namely:

Book 1 : Register of non-testamentary documents relating to Immovable property.

Book 2 : Record of reasons for refusal to Register.

Book 3 : Register of Wills and authorities to adopt

Book 4 : Miscellaneous Register

Book 5 : Register of Deposit of Wills.

The Registration Act prohibits supply of Certified copy of documents registered in Book-IV to the third parties except the parties for execution. . As laid down under Rule 144 of Karnataka Registration Rules 1965, copies of documents in Book No. IV cannot be granted to persons interested in deals in any way other than as agents and representatives of the parties to the deed.

Right to Information Act, 2005 recognises all books maintained in the Office of the Sub Registrar as "INFORMATION" as defined under Section 2(f) of the Act. On study of various orders issued by Karnataka Information Commission, Central Information Commission and various other State Information Commissions it is analysed that Except WILLS other information held in the Offices of the Sub Registrars are not exempted under any of the sub sections of Section 8 of the Right to Information Act. Only "Wills" are considered as information held by the Public Authority in their Fiduciary Relationship. Hence all Information Commissions recognised "WILLS" as information which are exempted from disclosure as laid down under Section 8(1)(e) of the Act.

Further as laid down under Section 22 of the Right to Information Act, 2005, "The Provisions of this Act shall have effect

notwithstanding anything in consistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act”.

Information held in Book-IV i.e. in Miscellaneous Register viz., General Power of Attorney, Trust Deeds cannot be claimed as exempted information as defined under Section 8 of the Act. Hence Section 22 of the Right to Information Act, 2005 will have overriding effect on such information and has to be disclosed under RTI.

The observations of the Supreme Court in WP No. 6454 OF 2011 [Arising out of SLP [C] No.7526/2009] CBSE Vs. Aditya Bandopadhyay Judges: RV Raveendran & AK Patnaik; 9 August 2011. (2011) 8 SCC 497 held as under:

Para 18: *“Section 22 of RTI Act provides that the provisions of the said Act will have effect, notwithstanding anything inconsistent therewith contained in any other law for the time in force. Therefore the provisions of the RTI Act will prevail over the provisions of the bye-laws/rules of the examining bodies in regard to examinations. As a result, unless the examining body is able to demonstrate that the answer-books fall under the exempted category of information described in clause (e) of section 8(1) of RTI Act, the examining body will be bound to provide access to an examinee to inspect and take copies of his evaluated answer-books, even if such inspection or taking copies is barred under the rules/bye-laws of the examining body governing the examinations.”*

The District Registrar, Belgaum, who heard the First Appeal, directed the Sub Registrar, Belgaum, on 6.2.2014 to provide copy of GPA under the Act. The Public Information Officer provided the Copies of General Power of Attorney as per the directions of the First Appellate Authority. This was disclosed by the PIO and the same was recorded in the proceedings during

hearing of Appeal before the Karnataka Information Commission in Appeal No. KIC: 4812: 2014 dated 9.9.2014.

There are several occasions wherein First Appellate Authorities in the Stamps and Registration Department have directed Public Information Officers to provide this information under Right to Information Act.

Central Information Commission in their Order No. CIC/AD/A/2012 / 003475-SA dated 20.1.2014 held as under :: "According to law, GPA is an authority to represent the principal i.e. he is an agent/authorized representative of principal party. He would be part of executing party. When he is part of executing party, he cannot be treated as third party and copy of GPA is part of the record which can be disclosed and is not exempted under any provisions of RTI Act.

Further CIC held that "Q.No.2 pertains to GPA which the Respondent claims which cannot be provided as per Registration Act, 1908. The Commission brought to the attention of the Respondent that section 22 gives overriding powers to the RTI Act over other Acts and the information sought under RTI can be denied using the relevant provisions of RTI Act and not from any other Act."

Karnataka Information Commission in its order in KIC 482 COM 2008 dated 26.2.2009 also held that Certified copy of Trust Deed as sought by the Petitioner shall be provided.

Full Bench of Karnataka Information Commission in their Order in KIC 7763 APL 2014 dated 26.8.2015 directed the Public Information Officer and Sub Registrar, Gubbi, to provide Certified copy of General Power of Attorney to the Appellant.

Hence documents registered in Book IV are not exempted from disclosure under Right to Information Act, 2005.

FEES PAYABLE UNDER RTI ACT :

Karnataka Information Commission in their Order No. KIC 213 COM 2007 has laid down broad guidelines for levy of further fee when information sought under RTI Act. The gist of the order is reproduced below:

“7. There are indeed various procedures/system for obtaining information and copies of documents from public authorities. For example RTC extracts are being issued under “BHOOMI”, Certified copies of orders are being issued by Courts, Khatha and Birth and Death Certificates are being issued by BBMP. Nothing under law prevents the citizens from seeking copies of such documents under Right to Information Act, 2005. According to information available with the Commission, Karnataka High Court is already allowing the citizens to obtain copies of its orders under the Act.”

“8. As regards fees payable, Commission is of the view that to begin with , it may not be desirable to tinker with the existing structure of fee being charged including search fee, copying fee etc., fixed by the public authorities. However, in case an applicant feels that the fee being charged is exorbitant, he can always approach the Commission through a complaint. “

“9. Accordingly, Commission directs that the Respondent as well as the concerned public authority namely Inspector General of Registration and Commissioner of Stamps shall take steps to ensure that in addition to any existing procedures for providing information and copies of documents, the Department shall also provide same information, copies of documents etc. In response to the applications made by citizens under Right to Information Act, 2005. All provisions of the Act and the rules, including the time limits, shall mutatis-mutandis apply to the disposal of such applications”.

While collecting fee under RTI for providing information PIOs are required to be guided by the above order. This will specifically applies to Certified copies of Documents registered and Encumbrance Certificates are sought under the Act. For all other information fee at the rate of RS. Two per page of A4 size is to be levied. In respect of information sought in Electronic Format a fee of Rs.50 is to be levied as prescribed under the Karnataka Right to Information Rules, 2005.

INFORMATION RELATING TO SOCIETIES REGISTERED UNDER SOCIETIES ACT 1960:

Information relating to Societies Registered under Societies Act 1960 cannot be sought directly from the societies unless they are declared as Public Authorities. It is the responsibility of the applicants to prove before the Information Commission that the society in question is receiving substantial grant in aid from the Government.

However as laid down under Section 2(f) of the Right to Information Act, 2005 "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force".

The District Registrar is also the Registrar of Societies where they are required to be registered. Further Societies are required to submit periodical returns viz., Annual Reports. Registration of societies is to be renewed annual by the Registrar of Societies. Registrar of Societies is the competent authority to enquire into any allegations against any particular society. Hence District Registrar can access to all types of information held by the societies.

Whenever information relating to any society is required an application is to be made before the Registrar of Societies viz., The District Registrar who is also the Registrar of Societies. Registrar of Society is empowered to issue directions to collect such information and supply it to the applicants.

The Delhi High Court in their Order in Writ Petition (CIVIL) No.7265 of 2007 dated 25.9.2009 has held as under :

“8. Information as defined in Section 2(f) means details or material available with the Public Authority. The later portion of Section 2(f) expands the definition to include details of material which can be accessed under any other law from others. The two definitions have to be read harmoniously. The term “held by or under the control of any public authority” in Section 2(j) of the RTI Act has to be read in a manner that it effectuates and is in harmony with the definition of the term “information “ as defined in Section 2(f). The said expression used in Section 2(j) of the RTI Act should not be read in manner it negates or nullifies definition of the term “information” in Section 2(f) of the RTI Act. It is well settled that an interpretation which renders another provision or part thereof redundant or superfluous should be avoided. Information as defined in Section 2(f) of the RTI Act includes in its ambit, the information relating to any private body which can be accessed by public authority under any law for the time being in force. Therefore, if a public authority has a right and is entitled to access information from a private body, under any other law, it is “information” as defined in Section 2(f) of the RTI Act. The term “held by the or under the control of the public authority” used in Section 2(j) of the RTI Act will include information which the public authority is entitled to access under any other law from a private body. A private body need not be a public authority and the said term “private body” has been used to distinguish and in contradiction to the term “public authority” as defined in Section 2(h) of the RTI Act. Thus, information which a public

authority is entitled on access, under any law, from private body, is information as defined under Section 2(f) of the RTI Act and has to be furnished.

PUBLIC INFORMATION OFFICERS AND FIRST APPELLATE AUTHORITIES

Name of the Office	Public Information Officer	First Appellate Authority
SUB REGISTRAR	Sub Registrar / Senior Sub Registrar	District Registrar of concerned District.
DISTRICT REGISTRAR	District Registrar	Deputy Inspector General of Registration (Administration) Office of the Inspector General of Registration 8 th Floor, Kandaya Bhavan K.G.Road, Bangalore 560009
Inspector General of Registration	Deputy Inspector General of Registration (Administration)	Inspector General of Registration
Secretary to Government Revenue Department	Under Secretary to Government (Stamps & Registration)	Deputy Secretary to Government Stamps & Registration Department 5 th Floor, M.S.Building Dr. Ambedkar Road, BANGALORE 560 001.

**KARNATAKA INFORMATION COMMISSION ORDER TO
MAINTAIN COPIES OF SALE DEEDS AND OTHER DEEDS
SEPARATELY IN COMPUTER:**

KIC 2513 PTN 2013

**KARNATAKA INFORMTION COMMISSION,
COURT HALL NO. 6**

(No.14/3, First Floor, Sri. Arvind Bhavan,
Nrupathunga Road, Bangalore

(Sri. Thimma Reddy Vs. Deputy Inspector General of
Registration (Administration) & PIO, Department of Stamps &
Registration, Kandaya Bhavan, Kempegowda Road, Bangalore

ORDER

19.8.2013.

1. Appellant is present along with Sri. B.H.Veerasha to assist him. Smt. A N Bharathi, Senior Sub Registrar & PIO, Banaswadi, Kalyana Nagar, Bangalore is present. Sri. K Ramachandra, District Registrar & FAA, Shivajinagar Registration District, 1st Floor, Kandaya Bhavan, Kempegowda Road, Bangalore is present.
2. Appellant in his request for information dated 22.11.2012 addressed to Deputy Inspector General of Registration (Administration) & PIO, Department of Stamps & Registration, Kandaya Bhavan, Kempegowda Road, Bangalore, has sought the following information:
“COPIES OF ALL SALE DEEDS REGISTERED IN THE OFFICES OF THE SUB REGISTRAR SITUATED IN BANGALORE CITY DURING THE MONTH OF OCTOBER 2012 IN ELECTRONIC FORMAT (CD).
3. Respondent No1 Deputy Inspector General of Registration (Administration) & PIO, Department of Stamps &

Registration, Kandaya Bhavan, Kempegowda Road, Bangalore has transferred the application u/s 6(3) of the act on 27.11.2012 to Respondent No.2 all Sub Registrars of Bangalore to furnish the information directly to the Appellant.

4. Respondent No.2 Smt. A N Bharathi states that, she has received this transferred application in her Office 6.12.2012.
5. Respondent No.2 Senior Sub Registrar and PIO, Banaswadi, Kalyana Nagar, Bangalore, in her letter dated 31.12.2012 to the Appellant stated that, the sought information cannot be provided, since they cannot segregate sale deeds from compiled information like Gifts, DTD, Mortgages, Lease Deeds and Wills etc and it will divert resources of the Public Authority in doing so. This intimation was sent to the Appellant through RPAD and produced the copy of the Dispatch Register for having sent the information.
6. Appellant states that, he has received this intimation, but received information from 42 Sub Registrars of Bangalore.
7. Appellant had filed first appeal before the District Registrar and FAA, Shivajinagar Registration District, 1st Floor, Kandaya Bhavan, Kempegowda Road, Bangalore u/s 19(1) of the Act on 18.1.2013, alleging that he had not received information from the PIO.
8. Commission noted that District Registrar & FAA, Shivajinagar Registration District, 1st Floor, Kandaya Bhavan, Kempegowda Road has passed an order on 19.1.2013 and upheld the decision of the PIO.
9. Appellant has filed second Appeal to the Commission u/s 19(3) of the Act on 27.2.2013, alleging that he had not received information neither from the PIO nor by the FAA. Subsequently, the Commission issued summons to both the parties to appear before the Commission on 19.8.2013 at 11.00 AM.

10. Appellant states that, he has received required information from all 42 sub registrars' offices and also submitted before the Commission this information must be available in IGR's Office.
11. Commission directs Sri. K Ramachandra, District Registrar & FAA, Shivajinagar Registration District, 1st Floor, Kandaya Bhavan, Kempegowda Road, Bangalore to hear all RTI appeals within 45 days and pass an appropriate order in future.
12. Commission noted that Appellant had received information from all 42 sub Registrars' Office, but not from Banaswadi Sub Registrar Office, hence Commission directs the Respondent No.2 to transfer back the application under section 6(3) of the act to Respondent No.1, PIO, Office of IGR, Bangalore to provide the information directly to the Appellant.
13. Commission directs the Respondent No.1 Deputy Inspector General of Registration (Administration) &PIO, Department of Stamps & Registration, Kandaya Bhavan, Kempegowda Road, Bangalore, to provide the list of the Sale Deeds of Banaswadi Sub Registrar Office to the Appellant within 30 days, free of cost.
14. Commission directs IGR to see that all Sale Deeds and other documents should be maintained separately in computer.
15. In view of the above, appeal is adjourned to 31.10.2013 at 12.30 PM for further hearing.
16. Dictated, draft corrected, signed and pronounced in the open Court, this 19th day of August 2013.

Sd/-

(DR. SHEKAR D. SAJJANAR)

STATE INFORMATION COMMISSIONER

**KARNATAKA INFORMATION COMMISSION ORDER ON
LEVY OF FEES UNDER RTI ACT :**

KIC 213 COM 2007

**KARNATAKA INFORMATION COMMISSION
(SRI.B.R. RAJAGOPAL VS. DEPUTY INSPECTOR
GENERAL OF REGISTRATION & STAMPS, BANGALORE)
ORDER**

29.3.2007

1. Complainant is present. Sri. Renukprasad, Second Division Assistant, Office of the Inspector General of Registrations and Commissioner of Stamps, Cauvery Bhavan, Bangalore, represents the Respondent.
2. Respondent states that the information sought by the Complainant relates to details of registration of four properties situated at different locations in Bangalore City. Further, he states that in response to his request for information, intimation was issued to the Complainant on 30.12.2006 asking him to provide details such as document Number, year of registration, etc, to identify the office and place of registration.
3. Respondent further states that it would be difficult for him to trace and provide copies of the documents sought by the Complainant, unless the relevant particulars are provided. However, Commission observed that it should be possible for the Complainant to identify the documents required by him by referring to book No.1 relating to encumbrances.
4. Accordingly, Complainant is advised to apply for encumbrance certificates in respect of these properties from the Office of the Head Quarters Sub Registrar, Central Record

Room, Sheshadripuram, Bangalore. Complainant wants to know whether he can seek an encumbrance certificate under RTI Act.

5. Commission directs that on an application for encumbrance certificates under RTI Act made by the Complainant, the Head Quarters Sub Registrar shall take action to provide the said certificate by following the same procedure as is prescribed for disposing normal applications under RTI Act.
6. Respondent states that there already exists a procedure/system for obtaining encumbrance certificates of properties from Book No.1 for previous years. Further, the fee payable under the existing procedure/ system includes search fee and also the cost towards providing the extract of the same.
7. Commission noted that there are indeed various procedures/ systems for obtaining information and copies of documents from public authorities. For example, RTC extracts are being issued under "Bhoomi", certified copies of orders are being issued by courts, khata and birth and death certificates and are being issued by BBMP. Nothing under law prevents the citizens from seeking copies of such documents under Right to Information Act, 2005. According to information available with the Commission, Karnataka High Court is already allowing the citizens to obtain copies of its orders under the Act.
8. AS regards fees payable, Commission is of the view that to begin with, it may not be desirable to tinker with the existing structure of fee being charged including search fee, copying fee etc. fixed by the public authorities. However, in case an applicant feels that the fee being charged is exorbitant, he can always approach the Commission through a complaint.

9. Accordingly, Commission directs that the Respondent as well as the concerned public authority namely Inspector General of Registrations and Commissioner of Stamps shall take steps to ensure that in addition to any existing procedures for providing information and copies of documents, the Department shall also provide same information, copies of documents etc. In response to the applications made by citizens under Right to Information Act, 2005. All provisions of the Act and the rules including the time limits, shall mutatis-mutandis apply to the disposal of such applications.
10. Through a copy of this order, the Commission also requests the Principal Secretary, D.P.A.R.(Administrative Reforms), Government of Karnataka to consider framing of suitable rules to facilitate implementation of the above decision in public interest by all public authorities in the State.
11. In terms of the above directions, the complaint stands disposed off as having been redressed.
12. Dictated, draft corrected, signed and pronounced in the open court, this 29th day of March 2007.

Sd/-

(K.A. THIPPESWAMY)

State Information Commissioner

Sd/-

(K K MISRA)

State Chief Information Commissioner

**CENTRAL INFORMATION COMMISSION ORDER ON
GENERAL POWER OF ATTORNEY AND SECTION 22 OF
THE ACT:**

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama
Place, New Delhi 110 066)

File No.CIC/AD/A/2012/003475-SA

(Ram Avtar Singh Vs. Revenue Dept., GNCTD)

Appellant : Ram Avatar Singh Respondent :

Revenue Dept., GNCTD Date of hearing : 20.1.2014

Date of decision : 20.1.2014

Information Commissioner:

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Referred Sections : Sections 3, 19(3) of the RTI Act

Result : Appeal allowed / disposed of

FACTS

1. Heard today dated 20.1.14. Appellant present along with Shri Rajiv Kumar, Advocate. Public Authority is represented by Shri Naveen Kumar Verma,
2. The Appellant filed an RTI application dated 14.6.12 with the PIO, Dept. Of Revenue, GNCTD seeking information against six points with regard to the document registered vide S.No. 209, registration no. 2362, Book No. 4 dt. 22.1.2004. The PIO replied on 28.6.12 furnishing pointwise information. Not satisfied with the reply, the Appellant filed an appeal dt.10.7.12 with the Appellate Authority reiterating his request for the information. The Appellate Authority disposed of the appeal vide order dt. 11.8.12. In his order, he observed that PIO should have transferred the RTI application to Services Department for information against point 1 and should have invoked relevant provision of RTI Act related to third party information

before entertaining the RTI application. The Appellant approached the Commission vide his second appeal dated 17.10.12 before CIC stating that no notice was sent to third party.

3. During the hearing, the Appellant stated that as per the order of FAA, PIO ought to have initiated the process of obtaining information from third party by issuing notice as per RTI act. Even after a lapse of one and half years from the date of order of FAA, process has not been initiated. The Respondent Officer claims that he did not have entire information about the file that has been dealt by previous PIO, Shri Vinod Kumar, SDM (HQ). The Respondent submits to the Commission that he would initiate the process as per FAA order immediately. As per the submission of Appellant, Q.No.1 is specific and that answer has to be given. Information is not prohibited under any provision of RTI Act.

Q.No.2 pertains to GPA which the Respondent claims which cannot be provided as per Registration Act, 1908. The Commission brought to the attention of the Respondent that section 22 gives overriding powers to the RTI Act over other Acts and the information sought under RTI can be denied using the relevant provisions of RTI Act and not from any other Act. Against points 3, 4, 5 and 6, Appellant wants to know whether it is part of procedure to obtain finger prints of the parties to the transaction and whether this transaction also involved the same procedure. It is directed to be given. Point 7 pertains to copy of GPA which was directed to be given as above. Point 8 is not so essential. If available, it can be given. Appellant insisted on imposing penalty on the PIO for not complying with the orders of FAA even after one and half years. The Commission directs Shri Vinod Kumar, the then PIO who was supposed to comply with the orders of Appellate Authority to show cause as to why penalty cannot be imposed against him. He is directed to be

present along with his written explanation at 11.00 am on 18.2.2014. The present PIO is directed to forward a copy of this order to Shri Vinod Kumar.

4. Copy of GPA is claimed to be third party information. According to law, GPA is an authority to represent the principal i.e. he is an agent / authorized representative of principal party. He would be part of executing party. When he is part of executing party, he cannot be treated as third party and copy of GPA is part of the record which can be disclosed and is not exempted under any provisions of RTI Act. Hence, it is directed to furnish information within two weeks. The Respondent Officer says since the Appellant does not have any connection with the transaction about which he is seeking the information as per the Registration Act, 1908, they need not furnish the copy of GPA. The Commission, once again, has to educate the PIO that RTI Act overrides the Registration Act.
5. The appeal disposed with the above direction. Complaint to continue.

(M. Sridhar Acharyulu)
Information Commissioner

KARNATAKA INFORMATION ORDER ON PROVIDING SERVICE REGISTER UNDER RTI:

KARNATAKA INFORMATION COMMISSION

(COURT HALL NO.7)

**14/3, ARVIND BHAVAN, MYTHIC SOCIETY BUILDING,
NRUPATHUNGA ROAD, BANGALORE**

APPELLANT : SRI. K L. LINGARAJU

PUBLIC AUTHORITY : PIO & SUB REGISTRAR, KOLLEGAL,
CHAMARAJANAGAR DISTRICT

ORDER NO. KIC 7994 APL 2014 DT. 8.1.2015

1. Appellant is present. Sri. Mahadevaiah, FDA, Office of the Sub Registrar, Kollegal, represents the Respondent.
2. The Appellant in his request for information dated 2.4.2014, has sought the following information:
“ಸಿ.ಪಿ. ನಂದಿನಿರವರ ಸೇವಾ ಪುಸ್ತಕ ಮತ್ತು ವಿದ್ಯಾಭ್ಯಾಸದ ಅಂದರೆ ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ, ಪಿ.ಯು.ಸಿ., ಬಿ.ಎ., ಎಂ.ಎ., ಕೆ.ಎ.ಎಸ್. ಇವುಗಳ ಪ್ರಮಾಣ ಪತ್ರಗಳ ಜೆರಾಕ್ಸ್ ಪ್ರತಿಗಳನ್ನು ದೃಢೀಕರಿಸಿ ಕೊಡಿ”.
3. The Appellant filed 1st Appeal on 19.5.2014 and 2nd Appeal to the Commission under Section 19(3) of the RTI Act on 18.7.2014 requesting the Commission to direct the Respondent to furnish the information sought by him and to levy penalty on the Respondent.
4. Commission issued summons on 26.4.2014.
5. Representative of the Respondent informs the Commission that the Service Register of Smt. C P Nandini, Sub Registrar, is in the Office of the District Registrar and he has transferred the RTI application to the District Registrar, Chamarajanagar, to furnish the information with the intimation to the Appellant.

6. Since the appellant has produced the BPL Certificate, representative of the Respondent to take action as per the provisions of RTI Act 2005 and furnish the information sought by the Appellant.
7. Commission directs Smt. Vijayalaxmi R Inamdar, District Registrar, Chamarajanagar, to furnish copies of the Service Register of Smt. C P Nandini, Sub Registrar, Kollegal, within 30 days, free of cost, through RPAD, under intimation to the Commission.
8. The Appeal is adjourned and posted for further hearing on 14.5.2015 at 3.00 p.m. in Karnataka Information Commission's Court Hall No.6, 2nd Gate, 3rd Floor, M.S. Building, Bangalore -1.
9. Dictated, draft corrected, signed and pronounced in the open court, this 8th day of January 2015.

sd/-

SHANKAR.R.PATIL

STATE INFORMATION COMMISSIONER.

**KARNATAKA INFORMATION COMMISSION ON SALE DEEDS
AND OTHER DOCUMENTS IN ELECTRONIC FORMAT:**

ಕಮಾಹ 2336 ದೂರು 2009

ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಆಯೋಗ

(ಶ್ರೀ ದೀಪಕ್ ಜಿ. ಗಾಲ ವಿರುದ್ಧ ಸಾ.ಮಾ.ಅ. ಉಪನೋಂದಣಾಧಿಕಾರಿಗಳ ಕಛೇರಿ,
ವಿಕಾಸ ಭವನ, ಗುಲ್ಬರ್ಗ)

ಆದೇಶ

10.7.2009.

1. ಅರ್ಜಿದಾರರು ಹಾಜರಿದ್ದಾರೆ. ಪ್ರತಿವಾದಿ ಶ್ರೀ. ಗಿರೀಶ್ ಚಂದ್ರ, ಸಾ.ಮಾ.ಅ. ಹಾಗೂ ಉಪನೋಂದಣಾಧಿಕಾರಿ, ವಿಕಾಸ ಭವನ, ಗುಲ್ಬರ್ಗವರು ಹಾಜರಿದ್ದಾರೆ.
2. ಅರ್ಜಿದಾರರು ಮಾಹಿತಿ ಕೋರಿಕೆ ದಿನಾಂಕ 4.2.2009ರಲ್ಲಿ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ ಅನ್ವಯ ಈ ಕೆಳಕಂಡ 2 ವಿಷಯಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಕೋರಿದ್ದಾರೆ.
 - 1) Copies of Documents (Sale Deeds, Trust Deeds and any deeds etc.) registered during 1st January 2007 to till the furnishing information to this application in Electronic Format (P.D.F. format).
 - 2). Document Summary Report in respect of Documents Registered during above period in Electronic format only.
3. ಪ್ರತಿವಾದಿಯು ತಮಗೆ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ ಕಲಂ 18(1)(ಸಿ) ರನ್ವಯ ನಿಗದಿತ 30 ದಿನಗಳೊಳಗಾಗಿ ಯಾವುದೇ ಮಾಹಿತಿಯನ್ನಾಗಲೀ/ಹಿಂಬರಹವನ್ನಾಗಲೀ ನೀಡಿರುವುದಿಲ್ಲವೆಂದು ಅರ್ಜಿದಾರರು ಮಾ.ಹ.ಕಾ. ಕಲಂ 18(1) ರನ್ವಯ ದಿನಾಂಕ 20.3.2009 ರಂದು ಆಯೋಗಕ್ಕೆ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ದೂರನ್ನು ಪರಿಶೀಲಿಸಿದ ಆಯೋಗ, ದಿನಾಂಕ 03.06.2009 ರಂದು ಮಧ್ಯಂತರ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿ, ಪ್ರತಿವಾದಿಯು ಅರ್ಜಿದಾರರಿಗೆ ನಿಗದಿತ ಸಮಯದೊಳಗಾಗಿ ಮಾಹಿತಿ ನೀಡದೇ ಇರುವುದಕ್ಕೆ ಮಾಹಿತಿ ಅಧಿನಿಯಮ 2005ರ ಸೆಕ್ಷನ್ 20(1)ರ ಅಡಿಯಲ್ಲಿ ಏಕೆ ದಂಡ ವಿಧಿಸಬಾರದು ಎಂಬುದಕ್ಕೆ ವಿವರಣೆಯನ್ನು 30 ದಿನಗಳೊಳಗಾಗಿ ಆಯೋಗಕ್ಕೆ ಸಲ್ಲಿಸಲು ಆದೇಶಿಸಿರುತ್ತದೆ ಹಾಗೂ ಮಾಹಿತಿ ನೀಡದಿದ್ದಲ್ಲಿ ತಕ್ಷಣವೇ ಅರ್ಜಿದಾರರಿಗೆ ಮಾಹಿತಿಯನ್ನು ನೀಡಿ, ಸಂಬಂಧಪಟ್ಟ ಮಾಹಿತಿಯ ಪ್ರತಿಯನ್ನು ಆಯೋಗಕ್ಕೂ ಕಡ್ಡಾಯವಾಗಿ ಕಳುಹಿಸಲು ನಿರ್ದೇಶಿಸಲಾಗಿತ್ತು.
4. ಆಯೋಗದ ಮಧ್ಯಂತರ ಆದೇಶವನ್ನು ಸ್ವೀಕರಿಸಿದ ನಂತರ, ಪ್ರತಿವಾದಿಯು ಆಯೋಗಕ್ಕೆ ದಿ. 09.06.2009ರಂದು ಪತ್ರ ಬರೆದು, ಅರ್ಜಿದಾರರು ಕೋರಿರುವ ಮಾಹಿತಿಗೆ

ಸಂಬಂಧಿಸಿದಂತೆ, ಕಛೇರಿಯಲ್ಲಿ ನೋಂದಣಿಯಾದ ದಸ್ತಾವೇಜುಗಳನ್ನು ಸಿಡಿಯಲ್ಲಿ ನಕಲು ಮಾಡಿ ಇಡಲಾಗುತ್ತದೆ, ಸದರಿ ಸಿಡಿಗಳು ಕಾವೇರಿ ಸಾಫ್ಟ್‌ವೇರ್ ಬಿಟ್ಟರೆ ಬೇರೆ ಯಾವುದೇ ಸಾಫ್ಟ್‌ವೇರ್‌ನಲ್ಲಿ ತೆರೆದುಕೊಳ್ಳುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸದರಿ ಅರ್ಜಿದಾರರು ಕೇಳಿದ ಮಾಹಿತಿಯನ್ನು ತಯಾರಿಸಿಕೊಡಲು ಇ.ಸಿ.ಐ.ಎಲ್. ಬೆಂಗಳೂರು ಇವರಿಗೆ ನಿರ್ದೇಶನ ಮಾಡಲು ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು, ರವರಿಗೆ ದಿ. 25.02.2009ರಂದು ಪತ್ರವನ್ನು ಬರೆಯಲಾಗಿದ್ದು, ಸಂಬಂಧಿಸಿದಂತೆ ನೋಂದಣಿ ಮಹಾ ಪರಿವೀಕ್ಷಕರು ಮತ್ತು ಮುದ್ರಾಂಕಗಳ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ರವರು ದಿ. 09.03.2009ರ ಪತ್ರದಲ್ಲಿ ಇ.ಸಿ.ಐ.ಎಲ್.ರವರಿಗೆ ಅರ್ಜಿದಾರರು ಕೋರಿರುವ ಮಾಹಿತಿಯನ್ನು ತಯಾರಿಸಲು ಸೂಚಿಸಿದ್ದರ ಮೇರೆಗೆ ಇ.ಸಿ.ಐ.ಎಲ್.ರವರು ಅರ್ಜಿದಾರರು ಕೋರಿದ ಮಾಹಿತಿಯನ್ನು ತಯಾರಿಸಿ ದಿ. 21.05.2009 ರಂದು ಸಲ್ಲಿಸಿದ್ದು ತದನಂತರ ದಿ. 21.5.2009 ರಂದು ಅರ್ಜಿದಾರರಿಗೆ ಪತ್ರ ಬರೆದು ಶುಲ್ಕ ಭರಿಸಿ ಕೋರಿದ ಮಾಹಿತಿಯನ್ನು ಪಡೆಯಲು ಸೂಚಿಸಿರುವುದಾಗಿ, ಅರ್ಜಿದಾರರು ಶುಲ್ಕ ಭರಿಸಿ ಮಾಹಿತಿಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಅರ್ಜಿದಾರರು ಕೋರಿದ ಮಾಹಿತಿಯನ್ನು ಪಿ.ಡಿ.ಎಫ್. ಫಾರ್ಮಾಟ್‌ನಲ್ಲಿ ತಯಾರಿಸಿಕೊಡಲು ಕಾಲಾವಕಾಶ ತೆಗೆದುಕೊಳ್ಳಲಾಗಿದೆಯೇ ವಿನಃ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ವಿಳಂಬ ಮಾಡಿರುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿ, ಪ್ರಕರಣವನ್ನು ವಿಲೇವಾರಿ ಮಾಡಲು ಕೋರಿರುತ್ತಾರೆ ಹಾಗೂ ಎಲ್ಲ ಪತ್ರಗಳ ಪ್ರತಿಗಳನ್ನು ಆಯೋಗದ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

5. ಪ್ರತಿವಾದಿಯು ಆಯೋಗಕ್ಕೆ ಸಲ್ಲಿಸಿರುವ ಪ್ರತಿಗಳನ್ನು ಗಮನಿಸಿದ ಆಯೋಗ, ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯ ಬಗ್ಗೆ ಯಾವುದೇ ತಿಳುವಳಿಕೆ ಇಲ್ಲದೇ ಇರುವುದರ ಬಗ್ಗೆ ತೀವ್ರ ಆಕ್ಷೇಪ ಹಾಗೂ ಆಶ್ಚರ್ಯ ವ್ಯಕ್ತಪಡಿಸಿ, ಪ್ರತಿವಾದಿಗೆ ಮಾಹಿತಿಹಕ್ಕು ಕಾಯ್ದೆಯ ಬಗ್ಗೆ ತಿಳುವಳಿಕೆ ನೀಡಿತು.
6. ಅರ್ಜಿದಾರರು ಕೋರಿರುವ ಮಾಹಿತಿ ಎಲೆಕ್ಟ್ರಾನಿಕ್ ಮಾಧ್ಯಮದಲ್ಲಿ 58 ಸಿಡಿಗಳಾಗಿದ್ದು ನಿಗದಿತ ಅವಧಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರಿಗೆ ಮಾಹಿತಿ ಶುಲ್ಕವನ್ನು ಪಾವತಿಸುವಂತೆ ತಿಳಿಸದೇ ಇರುವುದರಿಂದ 28 ಸಿ.ಡಿ.ಗಳನ್ನು ಉಚಿತವಾಗಿ ಹಾಗೂ ಉಳಿದ 30 ಸಿ.ಡಿ.ಗಳನ್ನು ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯನ್ವಯ ಮಾಹಿತಿ ಶುಲ್ಕವನ್ನು ಪಾವತಿಸಿದ ನಂತರ ಒದಗಿಸುವುದಾಗಿ ಪ್ರತಿವಾದಿಯು ಆಯೋಗದ ಮುಂದೆ ಒಪ್ಪಿಕೊಂಡಿರುತ್ತಾರೆ.
7. ಮೇಲ್ಕಂಡ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪ್ರತಿವಾದಿಯ ಒಪ್ಪಿಗೆಯ ಮೇರೆಗೆ, ಆಯೋಗವು ಪ್ರಕರಣವು ಬಗೆಹರಿದಿದೆ ಎಂದು ಪರಿಗಣಿಸಿ, ವಿಲೇವಾರಿ ಮಾಡಿದೆ.
8. ಉಕ್ತಲೇಖನ ಕೊಟ್ಟು ಕರಡು ಆದೇಶವನ್ನು ತಿದ್ದಿ, ನನ್ನ ರುಜುವಿನೊಂದಿಗೆ ದಿನಾಂಕ 10ನೇ ಜುಲೈ 2009ರಂದು ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಘೋಷಿಸಿದೆ.

(ಡಾ. ಹೆಚ್.ಎನ್.ಕೃಷ್ಣ)

ರಾಜ್ಯ ಮಾಹಿತಿ ಆಯುಕ್ತರು.

KIC ORDER ON GENERAL POWER OF ATTORNEY:

KIC 4812 APL 2014

KARNATAKA INFORMATION COMMISSION,
COURT HALL NO. 5NO. 14/3, First Floor , Sri. Arvind Bhavan (Mythic Society),
Nrupathunga Road, Bangalore 560001(Sri. M G Kalyanpurkar vs. (i) Sub Registrar & PIO, DC Office,
Belgaum District (ii) District Registrar & FAA, DC Office, Belgaum)**ORDER****9.9.2014**

1. The Appeal heard through Video Conferencing in DC Office, Belgaum.
2. Appellant is absent. Respondent Sri. Vishnuteerth, Sub Registrar & PIO, DC Office Compound, Belgaum District is present along with Sri. Girish Bishtanagowdar, District Registrar & FAA.
3. Appellant in his request for information dated 4.12.2013 addressed to Sub Registrar and PIO, DC Office, Belgaum District, has sought the following information.

“Regarding copy of General Power of Attorney related to Re No. 2456 dated 21.6.2006 and etc.

1. Appellant had filed first Appeal before the District Registrar & FAA, DC Office, Belgaum u/s 19(1) of the Act on 27.1.2014 and directed the Sub Registrar and PIO, DC Office Compound, Belgaum District to furnish the information to the Appellant.
2. Commission noted that District Registrar & FAA, DC Office Belgaum has heard and disposed of the Appeal on 6.2.2014 and directed the Sub Registrar and PIO, DC Office Compound, Belgaum District to furnish the information to the Appellant.

3. Respondent Shri. Vishnuteerth, Sub Registrar & PIO states that on direction of the FAA, he has provided the information to the Appellant on 6.2.2014, in front of the FAA and received the Appellant's signature for having issued the information and copy of the same is produced before the Commission.
1. Appellant has filed second appeal to the Commission u/s 19(3) of the Act on 28.4.2014 alleging that he had received incomplete information from the PIO. Subsequently, the Commission issued summons to both the Parties to appear before the Commission on 9.9.2014 at 11.00 AM.
2. Respondent Sri. Vishnuteerth, Sub Registrar & PIO states that, whatever information available in his Office, is fully provided nothing more to furnish.
3. In light of the above, the appeal is disposed of.
4. Dictated, draft corrected signed and pronounced in the open court, this 9th day of September 2014.

Sd/-

(DR. SHEKAR D. SAJJANAR)

STATE INFORMATION COMMISSIONER

KARNATAKA INFORMATION COMMISSION ON TRUST DEEDS:

KIC 482 COM 2008

KARNATAKA INFORMATION COMMISSION

(Sri B. R. Prasad vs. PIO & Sub-Registrar, Arakalagudu, Hassan Dt.)

ORDER

26-02-2009

1. Petitioner is present. Respondent Sri J. Narayan, PIO & Sub-Registrar, Arakalagudu, Hassan District is present.
2. In his request for information dated 01-01-2008, Petitioner has sought a certified copy of trust deed document no. B. K. IV 01/2000-01 in respect of Seetharaghava Education Trust and certified copies of sale deeds nos. I/938 dated 26-07-03 and I/647 dated 09-01-2004.
3. Petition was last heard on 04-12-08, when Respondent had stated that the trust deeds are recorded in book IV, that under rule 144 of K. R. Rules 1968, copies of documents in book no. IV cannot be granted to persons interested in deals in any way other than as agents and representatives of the parties to the deed. Petitioner had however produced a copy of the letter written by IGR stating that as per orders in KIC 1739 COM 07, except GPAs and wills recorded in book IV, other information could be provided to the applicant.
4. Petitioner had stated that the trust is a public trust and that he will produce the order issued by District Registrar on 06-07-2005, in which it has been clearly stated that this is an educational trust. He states that an educational society / trust cannot claim exemption under section 8(1) of the Act.

5. Respondent states that according to section 51(1), book IV in the registrar's office is called the miscellaneous register. According to rule 144 of Karnataka Registration Rules 1965, copies of documents in book no. IV cannot be granted to persons interested in deals in any way other than as agents and representatives of the parties to the deed. Respondent states that he has therefore not provided a copy of the document asked for by the Petitioner.
6. Petitioner states that he also has the copy of trust deed which was issued by Respondent to Sri A.S. Chandrashekar. Having issued it to one applicant, the Petitioner is denying the same information to him. He also states that that this is a public charitable trust and not a private trust. Citizens are the beneficiaries of this trust. Therefore it is public interest to provide copies of this trust deed.
7. After hearing both the parties, Commission directs that certified copies of trust deed as sought by Petitioner shall be provided to him within seven days, through RPAD, under intimation to the Commission. As regards cost of providing information, Petitioner states that he has already paid the Rs. 60. Commission directs that no further fee shall be sought from the Petitioner and a certified copy of the trust deed shall be sent to him as directed.
8. Petitioner states that he had sought information under three items vide his application dated 01-01- 2008 and the Respondent sent him an endorsement dated 16-01-2008 denying information on all the three items. Petitioner states that the Respondent may have refused information on item no.1 in good faith. However there was no justification for refusing information on item nos. 2 & 3.
9. Respondent states that he has provided the information on item nos. 2 & 3 on 19-05-2008.

10. Petitioner requests that he should be compensated by the Respondent for detriment and inconvenience caused to him due to the delay in providing the required information. After hearing both the parties' Commission directs that Sri J. Narayan, PIO & Sub-Registrar shall personally pay a cost of Rs.1,000/- to Petitioner, to be sent to him by a crossed D.D., within 7 days of receipt of this order, through RPAD, under intimation to Commission.
11. Petition is adjourned to 25-05-2009 at 3-30 p.m. for recording compliance. Parties need not attend, if orders of the Commission have been complied with and a compliance report has been sent to the Commission
12. Dictated, draft corrected, signed and pronounced in the open court, this 26th day of February 2009.

(K. K. MISRA)

STATE CHIEF INFORMATION COMMISSIONER

KIC ORDER ON LEVY OF FEES UNDER RTI :**KIC 532 COM 2008****KARNATAKA INFORMATION COMMISSION**

(Sri K. S. Chinnaswamy vs. PIO & District Registrar,
Jayanagara District, Bangalore)

ORDER**21-05-2008**

1. Complainant is present. Respondent Sri K. Borappa, PIO and District Registrar, Jayanagara District, Bangalore, is present.
2. Complainant in his request for information dated 31-12-2007 has sought the following information:
 - (1) From 1st August 2007 to till day how many organizations societies and firms are registered in your office, provide me the information with name of the organizations / societies and firms and their addresses,
 - (2) As on this day in total how many officials / staff are working in your office, provide their name and designation and since when they are posted / working in your office and their work assignments.
3. In response, the Respondent issued intimation on 14-1-2008 seeking the payment of further fee of Rs. 840-00 towards the cost of supply of information. However, the intimation issued by the Respondent is misleading as he has not given the calculation to show that how he has arrived at the further fee payable. Thereafter, the Complainant filed a complaint to the Commission on 28-1-2008. Commission issued summons on 7-2-2008.
4. In response, the Respondent filed a report dated 5-5-2008. In his report, the Respondent has stated that intimation was issued to the Complainant to remit the further fee of Rs. 840-00 and obtain the information. Further, he states that without

complying to this intimation, the Complainant has filed a complaint before the Commission so as to pressurize the Respondent to furnish the information.

5. Further, he states that the information sought by the Complainant is voluminous and this has to be searched, compiled and to be furnished to the Complainant, for which a total man-days of 8 to 10 days has to be spent along with manpower of about 3 to 4 persons. Therefore, since the information sought for was voluminous, it affects the routine work of the office, there by interrupting the work of the public. He has also stated that this would also cause lot of revenue loss to the State Government.
6. Further, he has quoted that the order of the Karnataka Information Commission in case no. KIC 213 COM 2007 i.e., Sri B. R. Rajgopal vs. DIG, Bangalore, and also the circular instructions of the IGR and Commissioner of Stamps, dated 22-9-2007 and as per the orders of the Commission and circular instructions of the IGR and Commissioner of Stamps, it is permissible to levy the copying charge of Rs. 10-00. Therefore, a sum of Rs. 640-00 towards the cost of supply of information of 64 pages has been calculated in respect 320 firms and Rs. 210-00 towards the cost of supply of information of 21pages relating to the Societies is in 21 pages all together, Rs. 850-00 in respect of information of 85 pages. Respondent states that he has not levied the search fee, but he has only indicated the copying fee as per the circular instructions issued by the IGR and Commissioner of Stamps, dated 22-9-2007, wherein it is stated that information in respect of search and copying fee and encumbrance certificates, the fee payable under the Schedule of the registration fee has to be collected under the Karnataka Societies Registration Act, 1961 and under section 9(10).
7. However, the Commission considers that it has already passed order in case no. KIC 213 COM 2007 at para no. 8 and 9 of the

order, wherein it is stated that in addition to pay existing procedure for providing information and copies of the documents, the department shall also provide the same information and copies of the documents, etc., in response to the applications made by the citizens under the RTI Act by charging the fee with the existing structure of the fee being charged including search fee, copying fee, etc., fixed by the public authority. However, it is also stated that in case the applicant feels that the fee being charged is exorbitant, he can also approach the Commission through a complaint.

8. However, the Commission does not concur with the views exercised by the Respondent with the copying charges of Rs. 10-00 collected by him as per the circular issued by the IGR and Commissioner of Stamps. Further, the intimation issued by the Respondent without calculation is misleading. Therefore, the Commission noted that in the present case, the Respondent has to photocopy the information available on the records of the public authority. It does not involve the search of the records or culling out the information for a particular period. Therefore, the Commission directs the Respondent to file a detailed written submission in this regard, within 30 days, with a copy to the Complainant. A copy of the written submission of the Respondent was handed over to the Complainant on the spot. Complainant is directed to file rejoinder if any, on the written submission as well as the detailed written submission to be filed by the Respondent.
9. The complaint is adjourned to 1-9-2008 at 3.30 pm.
10. Dictated, draft corrected, signed and pronounced in the open court, this 21st day of May 2008.

Sd/-

(K.A. THIPPESWAMY)

STATE INFORMATION COMMISSIONER

CENTRAL COMMISSION ORDER ON PROVIDING SOCIETIES INFORMATION UNDER THE ACT:**CENTRAL INFORMATION COMMISSION**

(Room No.315, B-Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi 110 066) File No.CIC/AD/A/
2013/001318-SA

(Mr. R.K.Bansal Vs. RCS, GNCTD)

Appellant : Mr. Rakesh Kumar Bansal
Respondent : Registrar of Coop. Societies
Date of hearing : 17-06-2014
Date of decision : 30-06-2014
Information Commissioner : Prof. M. Sridhar Acharyulu
Referred Sections : Sections 3, 19(3) of the RTI Act
Result : Appeal allowed / disposed of

The appellant is not present. The Public Authority is represented by Ms. Mala Sood, ARCS, Office of the Registrar of Co-operative Societies, GNCTD, Delhi.

FACTS 2. : Through his RTI application dated 30-10-2012 the appellant is seeking information regarding the details of elections held on 1.7.2012 by the Agrasen Cooperative Thrift and Credit Society, Jayadev Park, New Delhi. The appellant wants the video-recording of the elections in the form of a CD, etc. PIO has sent information by his reply on 23.11.2012 Not satisfied, the appellant filed first appeal before the FAA. FAA by his order dated 7.2.2013 advised the appellant to seek the information u/s 139 of the DCS Act, 2003 from the concerned society and disposed of the appeal Being unsatisfied with the information supplied by the respondent authority, the appellant filed 2nd appeal before the Commission.

Decision:

3. Heard the submissions made by the respondent officer. The respondent officer initiated her submissions by putting forward a proposal for consideration by the Commission, that, let the appellant, who is a member of a society, directly apply to the society seeking the information he wanted and if the society refuses to give the information, he can appeal to the RCS, so that it is easy for them to consider the appeal and impose penalty on the society under section 139 of the DCS Act. She also submitted that this will also reduce their burden of procuring the information from the society as per RTI Act, which is a round-about way of seeking information by the appellant.
4. The Commission observes that section 2(f) of the RTI Act, 2005 gives authority to the PIO/FAA/Commission to enforce the right of the appellant to seek information, if the said right is available under any law, by which the respondent authority can collect the information from the organizations, even though they are not treated as Public Authority. The Delhi Co-operative Societies Act, 2003 provides right to information to members of a society, which can be enforced under the RTI Act through section 2(f) which means that the Public Authority has to use its regulatory power to collect the information from the cooperative society which is a private body and not a public authority under section 2(h) of the RTI Act.
5. The Commission in the case of Shri Anil Sood Vs. Office of Registrar Cooperative Societies [CIC/AT/A/2008/ 00429] has dealt with the question of applicability of the Sec 2 (f) of RTI Act in matters where "other Law" such as Delhi Co-operative Societies Act contains a specific disclosure of information provision for a certain category of applicant i.e members and has observed that:

"The Cooperative Societies are undoubtedly private organizations. As such they are prima facie outside the scope

of the RTI Act. However, information related to the Cooperative Societies are accessible through the RTI Act through Section 2 (f) of the Act, which states that information held by a private body which can be accessed by a public authority under a given law can be accessed through the RTI Act. It follows from it, that the RTI Act can be invoked to access privately held information provided it can be proved that there was a given set of laws under which that information can be accessed by a public authority. In this case, that law is the DCS Act. It, however, follows from it that the manner of accessing the information held by the private body under that law shall be strictly under the provisions of 'other law'. In other words, if the 'other law' clearly lays down as to who can access the information held by the private body Co-operative Society being one and the methodology of accessing that information including the appellate process, it is this law and not RTI Act that shall be invoked for accessing the information.

"6. The representative of the Public Authority also submitted that with regard to cooperative societies, there are always disputes between three kinds of forces, namely, existing managing committee, past managing committee and the prospective management committee. Thus two forces will be trying to out-wit the present management committee of the society. She also submitted that a member, who is defeated or elected by the order of the management, will try to use his right to information both under the DCS Act and the RTI Act. The DCS Act provided the powers to enforce the right to information sought by the members and it also included the provision of Offences and penalties. The representative of the Public Authority submitted that it would be convenient for them to exercise the powers under the DCS Act to get the information successfully, rather than acting under the RTI Act. The Commission observes that when there are two systems or processes available under the law, to obtain

the information and if the appellant chooses the process under the RTI Act and approaches the Commission through 2nd appeal, the Commission cannot close the doors to him and ask the appellant to seek the alternative remedy available under the other law.

7. It is also pertinent to note that if a non-member of a society seeks information from the cooperative society, the Public Authority, can use the regulatory power to get the information from the society, to know about the working of the Co-operative societies. It is imperative on the part of the RCS to collect the information using its regulatory power and keep it in public domain so that the citizens, other than members, can have access to it. The objective of the DCS Act and the RTI Act is the same, that is, to enforce answerability, accountability and transparency among the groups of the people, who use people's money collectively. Any group of persons, like the cooperative society, has to be managed by a management committee and that committee, will be managing the funds and spend the same for achieving the objectives of the cooperative society. It is the duty of the Public Authority to see that the cooperative society is functioning to advance the objectives of the cooperative society and that is the purpose of creating the institution of Registrar of Co-operative Societies as a regulatory authority. The information pertaining to that regulatory authority has to be accessed by a citizen.

With the above observations, the Commission directs the respondent authority to exercise its regulatory power under DCS Act and to provide information to the appellant within 15 days from the date of receipt of this order.

6. The appeal is disposed of accordingly.

(M. Sridhar Acharyulu)

Information Commissioner

**KARNATAKA INFORMATION COMMISSION ORDER ON
GENERAL POWER OF ATTORNEY AND SECTION 22 OF
THE ACT:**

KARNATAKA INFORMATION COMMISSION

Appellant : Sri Virupaksha Gowda.

Public Authority : PIO and Sub Registrar, Gubbi Taluk,
Gubbi, Tumakuru Dist.

Date: 26.08.2015.

ORDER

KIC 7763 APL 2014

1. Shri C.S. Madhu, Advocate, represents the Appellant and filed an Vakalathamma. Smt. Padmavathi, PIO and Sub Registrar, Gubbi Taluk, Gubbi, Tumakuru Dist. and Smt. M. Sridevi, HQA to FAA & Dist. Registrar, Tumakuru are present.
2. Commission heard the submission made by the Advocate of the Appellant and heard the version of PIO and perused the documents produced by the both the parties.
3. This second appeal is preferred by the appellant/RTI applicant under Section 19(3) of the Right to Information Act (in short RTI Act) calling in question the refusal of information as sought for in the RTI Application by the Sub Registrar & PIO, Tumkur/1st respondent and the same having been upheld in the first appeal filed by the appellant/RTI Applicant before the District Registrar & first appellate authority, Tumkur/2nd respondent.
4. The appellant/RTI applicant in his application dated 25.03.2014 has sought for the following information with the 1st respondent:

“ಲೋಕಾಯುಕ್ತ ಪ್ರಕರಣ ಸಂಖ್ಯೆ ಕಂಪ್ಲೇಂಟ್/ಉಪಲೋಕ್-2/ಬಿಡಿ-5478/2012 ಈ ಪ್ರಕರಣದಲ್ಲಿ ನಾನು ದೂರುದಾರನಾಗಿದ್ದು ನೀವುಗಳು ಪ್ರತಿವಾದಿಗಳಾಗಿರುತ್ತೀರಿ. ಸದರಿ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ನೀವುಗಳು ತುಮಕೂರು ಜಿಲ್ಲೆ ಗುಬ್ಬಿ ತಾಲ್ಲೂಕು ಸಿ.ಎಸ್.ಪುರ ಗ್ರಾಮದ ಖಾತಾ ಸಂಖ್ಯೆ 681/848/864ರ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮ್ಮ ಕಚೇರಿಯಲ್ಲಿ ನೋಂದಣಿಯಾಗಿದ್ದ ಜನರಲ್ ಪವರ್ ಆಫ್ ಅಟಾರ್ನಿಯ ನಕಲು ಪ್ರತಿಯನ್ನು ಲೋಕಾಯುಕ್ತಕ್ಕೆ ನೀಡಲಾಗಿದ್ದು ಅವುಗಳ ಧೃಡೀಕೃತ ನಕಲು ಪ್ರತಿಗಳನ್ನು ನೀಡಲು ಕೋರಿದೆ”.

5. The 1st respondent on receipt of the application has sent a communication dated 23.04.2014 refusing to part with the information as sought for on the ground that there is a bar under the Karnataka Registration Rules.
6. Not satisfied with the communication and feeling aggrieved by the denial of information, the appellant/RTI applicant has preferred an appeal before the 2nd respondent and had sought for a direction to the 1st respondent to part with the information sought for.
7. The first appellate authority has passed an order dismissing the appeal and upholding the decision of the 1st respondent. In order to come to this conclusion the 2nd respondent has placed reliance on Section 57(3) of the Registration Act, 1908 and Rule 144 of the Karnataka Registration Rules, 1965.

Section 57(3) of the Registration Act, 1908 reads as follows:

“Registering Officers to allow inspection of certain books and indexes and to give certified copies of entries—

(1) _____

(2) _____

(3) *Subject to the same provisions, copies of entries in Book No.4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.*

(4) _____

(5) _____”

Rule 144 of the Karnataka Registration Rules, 1965 reads as follows:

“Grant of copies of deeds in Book No.4—Copies of deeds in Book No.4 cannot be granted to person interested in the deeds in any way other than as agents or representatives of the parties to the deed”

8. The appellant/RTI applicant has preferred this appeal challenging the denial of information to him by the respondents raising several grounds including the plea that the rejection of his application for the above information is contrary to the RTI Act and that any denial of information other than the one exempted under the provisions of Section 8 and 9 of the RTI Act is in violation of Section 3 of the RTI Act. On the other hand the respondents have justified their actions on the basis of Section 57(3) of the Registration Act, 1908 and Rule 144 of the Registration Rules, 1965.
9. This appeal at the first instance had been assigned to the State Information Commissioner sitting at Court Hall-6. Since, there were conflicting decisions of State Information Commissioners with regard to furnishing of the GPA under the RTI Act, this appeal has been placed before us to examine the question as to whether the registered GPA which is entered in Book-4 can be disclosed to RTI applicants or not.
10. The question which arises for our consideration is as to whether the restriction placed under Section 57(3) of the Registration Act, 1908 and Rule 144 of the Karnataka Registration Rules, 1965 are applicable to an application filed under Section 6 of the RTI Act and whether on the basis of such restriction placed under the said Act and Rules, the respondents were justified in denying the information sought for by the appellant/RTI applicant.
11. The very same question as to whether the embargo placed under Section 57(3) of the Registration Act can be taken as a

ground to deny the information i.e., the GPA to the applicant has been dealt with by the Hon'ble Central Information Commission (in short CIC) in the matter of Anil Singh Vs. PIO, SDM in Case No.CIC/SA/2014/000372, wherein the CIC has held as follows:

- “11. Verification of GPA and other documents used in transactions over immovable property prevents many property related crimes and thus it is in the interest of prevention of crime of fraud and also provide peace of mind to the property purchasers there is a huge public interest involved in disclosing the GPA*
- 12. Even though the Registration Act 1908 limits disclosure of some documents to the executants only, Section 22 of the RTI Act 2005 overrides that law and makes it mandatory for the respondent public authorities to disclose the copies of GPA in the larger public interest. There is no public interest in withholding it; rather huge public interest is involved in its disclosure”*
12. The Hon'ble CIC also has referred to a decision of the Hon'ble High Court of Delhi in the matter of Union of India Vs. Central Information Commission in WP (C) 8396/2009, 16907/2006, 4788/2008, 9914/2009, 6058/2008, 7304/2007, 7930/2009 and 3607/2007, wherein the legislative intent in enacting Section 22 of the RTI Act and its scope has been explained. While referring to the observations of the Hon'ble High Court of Delhi, the Hon'ble CIC has concluded as follows:
 - “15. The commission in conclusion observed that GPA is a public document because the grantee has to use it to convince any prospective purchaser. Because the purpose of GPA is to authorize another person to deal with the others i.e., to lease out, sale or mortgage etc, it is an open document and after being registered it is put in public domain, and when transferred to Delhi Archives, it continued to be in public domain, disclosure of which was permitted by the Registration Act, 1908 also in a limited way. It will be in the interest of that prospective*

purchaser to verify the veracity of the documents including GPA before finalizing the deal. Registered GPA is an authenticated documentation of giving power of attorney to deal with immovable property, which can be accessed by persons interested in purchasing that property to rule out encumbrances if any. It is the duty of Registrar office to give certified copy of such encumbrance or issue 'no encumbrance certificate'. The RTI Act made it obligatory to disclose any document which is held by public authority unless exemptions as mentioned in Section 8 are attracted.

16. *Therefore, the Commission set aside the order of First Appellate Authority and directs the respondent /PIO to supply the required information to the appellant within one month from the date of receipt of this order. The appeal is disposed off".*
13. *Similarly, the Hon'ble CIC in the matter of Sh.Manish Bansal Vs. Delhi Archives, GNCTD in Case No.CIC/DS/A/2013/001968-SA has held as follows:*

"8. The Commission thus concludes that GPA is a public document The RTI Act made it obligatory to disclose any document which is held by public authority unless exemptions as mentioned in Section 8 are attracted. Assuming that Section 57 Registration Act, 1908 authorizes them to deny the access to GPA, which the officers from Sub-Registrar office are regularly raising as defense, the Commission would like to reiterate that as per Section 22 of Right to Information Act 2005, the 156 year old law has to yield to 2005 law which Parliament wanted to override the other laws. The Commissions the respondent Public Authority to inform al the PIOs and officers registering the transactions on landed property to abide by the RTI Act and not to quote obsolete British relic Registration Act, 1908. As the age-old maxim says ignorance of law is no excuse, the respondent authority cannot plead ignorance of this law any more as nine years passed after RTI Act came into existence. Any effort to quote British law to deny the copy of GPA or any other

document which has to be given under RTI Act will be considered as clever ploy to deny the information and the Commission warns the public authority that this also will amount to violation of RTI Act attracting the penalties under Section 20 RTI Act. The office of PIO should desist from using the archaic law and First Appellate Authority cannot reject first appeals on this ground."

14. Perusal of the aforesaid orders of the Hon'ble CIC makes it abundantly clear that the RTI Act, being a special enactment and having overriding effect over the other laws in force including the Official Secrets Act would prevail over the other laws in force as on the date of coming into force of the RTI Act and any enactment or provision repugnant or inconsistent with the provisions of the RTI Act, the provisions of RTI Act will have to be given effect to. Under the RTI Act, information can be denied only if such information falls within the exceptions contained in Section 8 or 9 of the RTI Act. All other information is covered within the definition of "Right to Information" and any citizen is entitled to access/obtain the same. Section 22 of the RTI Act contains a non-obstante clause and it overrides all other enactments. The Legislature in its wisdom and in order to bring in transparency in governance and recognizing the right of a citizen to access information which are in public domain and in the control of the public authorities has consciously enacted Section 22 providing overriding effect to the provisions of the RTI Act. Section 22 of the RTI ensures that the purpose of the enactment is well achieved.
15. Yet another point which weighs towards furnishing of the registered GPA under the provisions of RTI Act to the applicant is that the registered GPA is in the public domain and disclosing the same is definitely in the public interest. The GPA acts as a link document in establishing the title to the property in case the sale has been executed by the GPA

holder. Therefore, disclosing the same has a larger public interest than in withholding the same.

16. In the light of the specific provision contained in Section 22 of the RTI Act and also having regard to the larger public interest involved in disclosing the registered GPA, we have no hesitation to conclude that that the fetters imposed under Section 57(3) of the Registration Act, 1908 and Rule 144 of the Karnataka Registration Rules, 1965 give way to the express provision of Section 3 of the RTI Act, which entitles any citizen access to the information held by any public authority. The embargo placed under Section 57(3) of the Registration Act, 1908 and Rule 144 of the Karnataka Registration Rules, 1965 do not come in the way of furnishing information under the RTI Act, except the ones specifically exempted under Section 8 and 9 of the RTI Act. In the instant case the appellant's request is to furnish the GPA registered in the office of the 1st respondent. As the said document does not fall within the exception as contained in Section 8 and 9 of the RTI Act, the 1st respondent was bound to furnish the same to the appellant. Accordingly we hold that any GPA duly registered in the office of the Sub Registrar is accessible under the RTI Act.
17. The decisions rendered by this commission in KIC 385 APL 2008 and KIC 3126 PTN 2012 have not examined the scope and true spirit of Section 22 of the RTI Act and therefore they do not lay down the correct law.
18. The appellant has made a prayer to impose penalty for non-furnishing of the information sought for. However, in the light of the ambiguity that existed as to whether or not the embargo placed under Section 57(3) of the Registration Act, 1908 and Rule 144 of the Karnataka Registration Rules, 1965 is applicable to the application filed under Section 6 of the

RTI Act or not and the communication from the 1st respondent being an outcome of such ambiguity, we are of the opinion that the refusal to part with the information sought for is not deliberate and accordingly we decline to impose any penalty on the 1st respondent.

19. In the light of the above observations, this appeal is allowed in part. The order passed by the 2nd respondent dated 17.6.2014 passed in RTI Appeal No. 04/2015 is hereby set aside.
20. The 1st respondent/PIO is hereby directed to furnish the certified copy of GPA sought for to the Appellant, free of cost, within 15 days, through RPAD, with intimation to the Commission.
21. Appeal is adjourned on 06.10.2015 at 04:30 p.m.
22. Dictated, draft corrected, signed and pronounced in the open court, this 26th day of August, 2015.

T. RAMA NAIK

State Information Commissioner

L. KRISHNA MURTHY

State Information Commissioner

SHANAKAR R. PATIL

State Information Commissioner

PART - TWO**STAMPS & REGISTRATION DEPARTMENT
GIST OF KARNATAKA INFORMATION COMMISSION ORDERS**

	ORDER NUMBER & DATE	INFORMATION SOUGHT	ORDER OF THE KARNATAKA INFORMATION COMMISSION
1.	KIC 213 COM 200729.3.2007	FEE PAYABLE FOR OBTAINING INFORMATION FROM THE OFFICES OF SUB REGISTRARS	FEE PAYABLE UNDER THE REGISTRATION RULES IS TO BE PAID.
2.	KIC 2038 COM 200719.9.2007	PIO REFUSED TO ACCEPT FURTHER FEE SENT THROUGH MONEY ORDER	COMMISSION ORDERED TO ACCEPT FURTHER FEE SENT THROUGH MONEY ORDER. LATER ON RULES WERE AMENDED ACCORDINGLY.
3.	KIC 2880 COM 200719.2.2008 and 10.4.2008	Document Summary Report of documents registered during 1.4.2007 to 31.7.2007	Commission directed to provide information in respect of all documents except General Power of Attorney and Wills after effecting necessary change in the Software programme.
4.	KIC 532 COM 200821.5.2008	PIO DEMANDED COPYING CHARGES AT RS.TEN PER PAGE	HELD DEMANDING COPYING CHARGES AT RS.TEN PER PAGE UNDER RTI IS ILLEGAL. For providing Xerox copy of the existing information rate chargeable is Rs.Two per page.

5.	KIC 14 COM 2008	Copies of documents registered during March 2007 to November 2007. Inspection of above documents. Section 4(1)(a) and 4(1)(b) Declaration.	PIO stated that information sought by the Petitioner have been provided.
6.	KIC 18 APL 2008 24.4.2008	CERTIFIED COPY OF REGISTERED DOCUMENTATION TAKEN FOR MISSING RECORDS	DIRECTED IGR TO INITIATE DISCIPLINARY ACTION AGAINST PUBLIC SERVANTS RESPONSIBLE FOR LOSS OF RECORDS. RECONSTRUCT THE RECORDS WHICH ARE REPORTED MISSING
7.	KIC 405 COM 2008 15.5.2008	THUMB IMPRESSION TAKEN AT THE TIME OF REGISTRATION	PIO AGREED TO PROVIDE THE INFORMATION.
8.	KIC 91 COM 2008 17.4.2008	LEASE AGREEMENT OF THE SRO OFFICE – WILLS CAN BE SEPARATED AND REMAINING INFORMATION CAN BE PROVIDED IN CD	SINCE INFORMATION HAS BEEN PROVIDED CASE DISPOSED OFF.
9.	KIC 412 COM 2008 15.5.2008	COPY OF SALE DEEDS IN ELECTRONIC FORMAT	SINCE INFORMATION HAS BEEN PROVIDED CASE DISPOSED OFF.

10.	KIC 482 COM 2008 19.5.2008	TRUST DEED	ORDERED TO BE PROVIDED
11.	KIC 489 COM 2008 19.5.2008	BPL CARD ENLOSED FOR APPLICATION	BPL CARD CAN NOT BE USED FOR OBTAINING INFORMATION UNDER RTI. VALID INCOME CERTIFICATE IS TO BE PRODUCED
12.	KIC 532 COM 2008 21.5.2008	FOR PROVIDING LIST OF SOCIETIES REGISTERED PIO DEMANDED COPYING CHARGES	ORDERED TO BE PROVIDED BY COLLECTING FEE PRESCRIBED UNDER RTI. NO PROVISION UNDER RTI TO COLLECT COPYING CHARGES.
13.	KIC 578 COM 2008 22.5.2008	LIST OF PENDING DOCUMENTS	ORDERED TO BE PROVIDED
14.	KIC 610 COM 2008 26.5.2008	Copies of Documents Produced at the time of Registration - Opposed to Public Policy	Since the documents were not taken at the time of registration IGR was directed to take appropriate action in the matter.
15.	KIC 623 COM 2008 26.5.2008	INSPECTION OF FILES PETITIONER CLAIMED SEARCH FEE DEMANDED AT THE RATE OF RS.115 PER ENTRY TOTTALLING RS.1785 IS ILLEGAL	COMMISSION HELD SEARCH FEE UNDER RTI CAN NOT BE CHARGED. FURTHER AWARDED RS.500/- COMPENSATION TO THE PETITIONER.

16.	KIC 686 COM 2008 28.5.2008	PARTICULARS OF SOCIETIES REGISTERED IN THE OFFICE OF THE DISTRICT REGISTRAR	DIRECTED TO PROVIDE INFORMATION. IN THEIR ORDER DATED 16.9.2008.
17.	KIC 686 COM 2008 16.9.2008	LIST OF SOCIETIES REGISTERED	DIRECTED TO PROVIDE INFORMATION FREE OF COST.NO ORDERS FOR DEMANDING SERCH FEE AND OTHER MAINTENANCE COST AS PER CIRCULAR OF IGR.
18.	KIC 725 COM 2008 29.5.2008	ACTION TAKEN ON SURRENDER DEED EXECUTED BY GPA HOLDER	ADJOURNED TO 12.9.2008
19.	KIC 1013 COM 2008 11.6.2008	INFORMATION IN ELECTRONIC FORMAT	PIO WAS REPRESENTED BY A AUTHORISED PERSON WHO IS A RETIRED GOVERNMENT SERVANT. COMMISSION DIRECTED PIO CAN NOT BE REPRESENTED BY A RETIRED GOVERNMENT SERVANT. ONLY A PUBLIC SERVANT WORKING IN THE OFFICE OF THE RESPONDENT CAN ALONE REPRESENT HIM.
20.	KIC 1044 COM 2008 12.6.2008	SERVICE REGISTER OF SUB REGISTRAR	ORDERED TO BE PROVIDED

21.	KIC 1234 COM 2008 24.6.2008	COPY OF GIFT DEED ENCUMBRANCE CERTIFICATE	IF COPY OF DOCUMENT IS DEMANDED UNDER RTI THEN FEE RULES AS PER KARNATAKA RIGHT TO INFORMATION RULES i.e. Rs. 2 per page IS TO BE CHARGED. IF CERTIFIED COPY OF DOCUMENT IS DEMANDED THEN FEE APPLICABLE UNDER THE RULES OF THE DEPARTMENT IS TO BE CHARGED.FOR PROVIDING ENCUMBRANCE CERTIFICATE CHARGE PRESCRIBED BY THE DEPARTMENT IS TO BE COLLECTED.
22.	KIC 1372 COM 2008 1.7.2008	PIO demanded a further fee of Rs. 3604/- as per Circular No. RTI:RGN:9:2006.07 dated 27.9.2007 of the Inspector General of Registration	PIO has not furnished detailed calculation sheet including total number of pages and fee collected for each of the page. Hence directed to provide information free of cost.
23.	KIC 1374 COM 2008 1.7.2008	PIO demanded further fee of Rs. 5226 without furnishing total number of pages.	Commission directed to provide 1000 pages of information free of cost and to collect Rs.1398 for remaining pages at the rate of Rs. Two per page.

24.	KIC 1381 COM 20081.7.2008	Total Number of Societies, Trusts and Firms Registered.Total Number of Societies, Trusts and Firms renewed as on date.	Information was provided by the PIO. Hence complaint closed with a warning for delay.
25.	KIC 1392 COM 20082.7.2008	Copy of correspondence between DR Office and Apartment Owners Association	Directed to provide information free of cost
26.	KIC 1618 / 1619/1620 OF 200815.7.2008	Certified copy of Registration Certificate, Bye Law of a Recreation Club.	Directed to provide information free of cost after tracing the records.
27.	KIC 1784 COM 2008 21.7.2008	PIO demanded further fee as per Circular dated 29.3.2007 issued by the IGR for providing information under RTI Act.	Information Commission observed as under:. As per Order issued by the KIC In No. 213:COM:2007 dt.29.3.2007 All provisions of the Right to Information Act, 2005 and the rules, including the time limits, shall mutatis-mutandis apply to the disposal of such applications. Through a copy of this order, the Commission also requests the Principal Secretary, D.P.A.R. (Administrative Reforms), Government of Karnataka to consider framing of suitable rules to facilitate implementation of the above decision in public

			interest by all public authorities in the State.IGR has not been directed to issue any Circular for fee structure is concerned. Hence demanding further fee as per Circular of IGR is not correct. Hence information is to be provided free of cost.
28.	KIC 1831 COM 2008 23.7.2008	Copy of all returns submitted to Income Tax Department in Electronic format.	PIO agreed to provide information free of cost.
29.	KIC 2186 COM 2008	Copy of all documents registered in CD (Electronic Format)	Directed to provide information free of cost.
30.	KIC 7391 COM 2008 6.3.2009	Information about Market Value of properties.	Directed to provide information.
31.	KIC 8013 COM 20083.4.2009	Procedure followed in registration of agricultural land of size below 10 cents for non agriculture purpose	Direction issued to IGR to issue detailed guidelines.
32.	KIC 8285 COM 200821.4.2009	Raichur City Map & Copy of Guidance value.	Since proof for sending calculation sheet was not submitted before the Commission, information was ordered to be provided free of cost.

33.	KIC 8541 COM 20084.5.2009	Citizen Charter & Section 4(1)(a) and 4(1)(b)	Direction was issued to provide information by collecting prescribed fee of Rs One per page for Section 4 information .
34.	KIC 8608 COM 20085.5.209	Copy of Sale Deed – PIO informed that the information is in the custody of the Court.	PIO agreed to provide the information once the records are received back from the Judiciary.
35.	KIC 8663 & 8664 COM 2008 6.5.2009	Copy of Cicular No. RD:56: MUNOSA: 99 DT. 20.5.1999 Copy of documents submitted at the time of registration of two Sale Deeds	PIO agreed to provide the information.
36.	KIC 14 COM 200815.4.2008	Inspection of documents registered between March 2007 and November 2007	Since information was provided case was ordered to be closed.
37.	KIC 91 COM 2008	Copies of Documents registered between 2001 and 2007	PIO informed that prior to 2004 all documents were stored in single CD and hence they are unable to provide information by separating Wills and GPAs from the CD. However they agreed to provide information for the period 2004 to 2007 in Electronic Format, free of cost.

LIST OF CASES - 2009			
1.	KIC 33 COMP 200912.5.2009	Copy of J Slips generated during the period 1.4.2007 to 31.3.2008 in Electronic Format	Since information has been provided complaint was closed.
2.	KIC 113 COMP 200914.5.2009	Copy of Court order on the basis certain Registration have taken place.	PIO provided the information during hearing.
3.	KIC 235 PTN 200918.5.2009	Particulars of Registered Assets for the years 2007 and 2008 in Sindhanur	PIO demanded Rs.1,18,452/- as further fee. Commission directed to provide information in Electronic Format. IGR was also directed to provide information in Electronic Format whenever applications are received under RTI.
4.	KIC 237 PTN 200918.5.2009	Section 4(1)(a) and 4(1)(b)	Direction was issued to provide information.
5.	KIC 316 PTN 200919.5.2009	MARRIAGE REGISTER EXTRACT Photos taken at the time of Marriage. Action taken to nullify the marriage.	Commission directed to provide all available information with the Public Authority in respect of this particular case.
6.	KIC 2336 200911.7.2009	Copy of Sale Deeds, Trust Deeds and any Deeds registered during 1 st January 2007 to till the date	Commission directed the respondent to provide information in Electronic Format by converting in to PDF format only.

		of furnishing information in Electronic (PDF) format.2. Document Summary Report in respect of Documents registered during the above period in Electronic Format.	
7.	KIC 2385 PTN 200920.5.2009	Copy of all Sale Deeds registered in the layout formed in Survey No. 6/5 of Javenahally Village, Hassan.	Commission directed to provide information.
8.	KIC 3120 PTN 200925.8.2010	Information was sought on change of mutation on the basis of J slip.	Since information pertains to Tahasildar, SRO was discharged from the case.
9.	KIC 3737 PTN 20096.8.2009	Copy of all Sale Deeds executed in favour of two particular persons in Electronic Format	Since Information has been provided by the PIO complaint was closed.
10.	KIC 8620 PTN 200931.3.2010	Petitioner has sought copies of rules or circulars issued by the Department regarding accepting GPAs executed before a notary at the time of registration of documents.	Respondent states that the according to a Supreme Court decision in CA No. 4671/2004 (2009 AIR SCW 5416), provisions of sec. 33 apply only when the person presenting a document is the general attorney of the person executing it and not where it is presented for

			<p>registration by the actual executants(s), even though he may have executed it as agent for someone else. She says that the information has been provided according to this decision and information provided is correct. Commission accepted the information.</p>
11.	KIC 8789 PTN 2009195.2010	Names and addresses of the senior sub-registrar and concerned clerk who have registered the document no. 696/81-82, whether they have retired, their postal addresses, their places of working etc	Since the file was reported missing Commission directed to file a Police Complaint for non availability of Destruction Register.
12.	KIC 9606 PTN 2009201.2010	Copy of Khatha Certificate and Khatha Extract submitted at the time of registration of Sale Deed.	Since Information has been provided by the PIO complaint was closed.
13.	KIC 9688 PTN 2009251.2010	Copy of Spot Inspection Report in respect of case registered for under valuation of the property.,	Since the case is pending before the Regional Commissioner respondent was directed to transfer the application under section 6(3) of the Act.

14.	KIC 9836 PTN 2009 20.12.2010	In her request for information dated 3-8-09, Petitioner has sought copies of sale deed, affidavit and Panchayat katha extract of 38 persons mentioned in the list. Petitioner proved before the commission that the registration has been done on the basis of forged documents.	Commission ordered filing of a criminal case against persons who produced forged documents during registration of properties. Accordingly FIR was filed before the Kengeri Police Station.
15.	KIC 10573 PTN 2009 24.2.2010	Copy of all Sale Deeds registered during 1.4.2004 to 19.8.2009.	Directed to provide information in Electronic Format after collecting required fee.
LIST OF CASES - 2010			
1.	KIC 431 PTN 2010 5.6.2010	Information relating to issue of Bogus EC as claimed by the applicant.	Since information held by the PIO is provided Commission disposed off the complaint .
2.	KIC 762 to 767 PTN 2010 28.5.2010	All Sale Deeds and Lease Deeds in respect of 6 villages registered during 1.1.1890 to 31.12.1900.	Commission held that further fee of Rs. 108200 demanded by the Respondent is correct. Hence petitioner may pay the further fee and obtain information.
3.	KIC 769 PTN 2010 28.5.2010	Copy of Sale Deeds and documents submitted at the time of Registration.	PIO provided copy of Sale Deeds. However documents submitted at the time of Registration

			were destroyed the same could not be give. PIO produced Record Destruction Certificate and the same was accepted by the Commission.
4.	KIC 1659 PTN 2010 15.6.2010	Copy of Gift Deed and documents submitted for registration of Gift Deed	PIO was directed to provide information.
5.	KIC 1860 PTN 2010 22.6.2010	PIO demanded further fee of Rs.90/- per page for providing certified copy of documents sought by the petitioner.	Commission directed PIO to collect fee at the rate of Rs.2 per page as prescribed under the Rules.
6.	KIC 2139 PTN 2010 27.10.2010	PIO demanded search fee.Failed to provide detailed calculation sheet.	Imposed a penalty of Rs.5000/-Since PIO has obtained stay from High Court, case adjourned.
7.	KIC 2146 PTN 2010 1.7.2010	Copy of Sale Deed, EC, Pahani, Sketch, Plan copies .	PIO demanded a further fee of Rs.4260 for providing information consisting of 366 pages. Commission directed PIO to collect fee at the rate of Rs.2 per page for providing information under RTI Act.
8.	KIC 2698 PTN 2010	Petitioner sought Certified copy of five	Commission ordered that under RTI there is no provision for certifying

		pages of documents attached to his application.	and providing copies of documents submitted by the Petitioners.
9.	KIC 2818 PTN 2010 29.10.2010	Whether his brother who died on 21.11.2009 has executed any Will, Gift Deed or any Confidential Documents.	PIO was directed to provide only the Registration Number and date of Registration of will and not the copy of the will.
10.	KIC 3411 PTN 2010 11.8.2010	Copy of Sale Agreements of Agricultural Lands registered in the Office during 12.10.2007 to 12.10.2009	Commission directed petitioner to inspect the records and identify the documents required by him.
11.	KIC 3705 PTN 2010	“(1) Whether the owners of the property situated at No.2848 and 2878, 6th Cross 7th Main, Devaraja Mohalla, Mysore are required to comply with Rule 3 of the Karnataka Apartment Ownership Rules, 1974 while registering the instrument for conveyance of the apartment built on their property by a builder and sold by them and the building jointly to the purchaser on 17.2.2005	Directed the IGR under section 19(8)(a) of the Act to maintain certain records .

12.	KIC 3883 PTN 2010 25.8.2010	Certified copy of Sale Agreements	Since information has already been sent to Petitioner case closed.
13.	KIC 3979 PTN 2010 27.8.2010	Clarification on authenticity of the documents that have been registered twice in the Sub Registrars Office without his consent or knowledge.	Commission opined that petitioner has sought clarification. However petitioner was advised to obtain all documents and establish his right before the Civil Court.
14.	KIC 8315 PTN 2010 5.5.2011	List of all the Registers used in your office with their names and for what purpose they are used.	PIO refused information under Rule 14 of the Karnataka Right to Information Rules, 2005. Commission held denial of information under Rule 14 is illegal. Directed PIO to provide Catalogue and Index of files prepared by them.
15.	KIC 8320 PTN 2010 5.5.2011	What is the reason of having registered the sale certificate contrary to the said laws and arbitrary defrauding govt. With revenue of Rs. 4,24,210/-. b) Why E.C. issued in favour of I.P. Subbaiah from the name of H.Jayamma has not been cancelled, which is a document of fabrication, fraud, based on corruption and illegal, etc. Give reason?	Commission in its order held as under: "The information sought for by the applicant are in the form of asking reasons, questioning issue of encumbrance certificate, etc. and this does not amount to information as defined under 2(f) of the RTI. Even then the respondent has provided available information to the petitioner. Hence petition is disposed off.

16.	KIC 8325 PTN 2010 2.5.2011	Assets & Liability of Sub Registrar and others,.	Ordered to be provided on collection of further fee.
17.	KIC 9130 PTN 2010 26.4.2011	Procedure followed in case registration of property is done on the basis of forged documents.	Appropriate clarification has been provided. Hence case closed.
18.	KIC 9418 PTN 2010 29.4.2011	Copy of All RTI applications received by PIO and replies provided to them.	Direction issued to provide the information.
19.	KIC 10555 PTN 2010 19.5.2011	Total number of properties registered. BBMP authority inform that they can open Khatha for the property	Since information sought is not specific case was disposed off.
20.	KIC 11506 PTN 2010 3.6.2011	Certified copy of documents.PIO demanded further fee of Rs.85/- for providing informa- tion of 3 pages.	Commission direct to provide information free of cost as further fee demanded is unreasonable as it violates Rules 4(2)(a) of Karnataka Right to Information Rules, 2005.
21.	KIC 430 PTN 2010 5.6.2010	(1) How it was Possible under law & what was the reason of such action. Etc.,	Case disposed off as the information sought was provided to the complainant.
22.	KIC 590 PTN 2010 5.6.2010	Copies of letters sent regarding making entries in RTC in	PIO informed that since the information is destroyed as the same was

		respect of document registered in 1992-93 of document No. 1052 in Udupi Taluk, No. 76 Badagubetta grama in Survey No. 146-9A2 & Survey No. 147 1B for formation of road and copies of rules framed thereon.	17 years old. He also produced Destruction Certificate. Case was disposed off accordingly.
23.	KIC PTN 11506 2010 3.6.2010	Certified copy of documents. PIO demanded further fee of Rs.95/- for providing information Of 4 pages.	Commission direct to provide information free of cost as further fee demanded is unreasonable as it violates Rules 4(2)(a) of Karnataka Right to Information Rules, 2005.
24.	KIC PTN 11510 2010 3.6.2011	Certified copy of documents. PIO demanded further fee of Rs.95/- for providing information Of 4 pages	Commission direct to provide information free of cost as further fee demanded is unreasonable as it violates Rules 4(2)(a) of Karnataka Right to Information Rules, 2005.
25.	KIC 11512 PTN 2010 3.6.2011	Certified copy of Sale Deed	Commission directed PIO to certify all the pages of the document and provide it free of cost.
26.	KIC 11637 PTN 2010 13.6.2011	Kindly furnish the date of registration, the name of Purchaser and seller from 9.2.2010 to 15.02.2010.	Since information was not provided by PIO despite payment of further fee of Rs.35/- by the Petitioner, Show Cause Notice was issued to PIO .

27.	KIC 13964 PTN 2010 10.8.2011	Kindly furnish the list of all Records Duly catalogued and indexed. And if computerised and connected through a network give suitable information.	Since information has been provided complaint disposed off.
28.	KIC 14459 PTN 2010 19.8.2011	Copy of the notification published U/s 4 & 5 of RTI Act, 2005 for the current year.	PIO produced postal acknowledgement for having sent the information by Registered Post. Since further fee has been demanded after 30 days from the date of receipt of application, PIO was warned and complaint was disposed off. .

LIST OF CASES - 2011

1.	KIC 2383 COM 2011 29.9.2011	Certified copy of Sale Certificate Registered during 1871-72.	PIO informed that their Office was opened during 24.11.1874 and hence requested information was not available. However petitioner was allowed inspection of documents. As the information was not traced even during inspection, case was disposed off.
2.	KIC 2991 COM 2011 29.4.2011	Certified copy of No Objection Certificate and Permission to sell the property issued by the Tahasildar.	Since information has been provided case disposed off.

3.	KIC 2995 COM 2011 19.10.2011	Name of Sub Registrar before whom Rangamma & Mariyappa solemnly affirmed oath in affidavit on 16-03-2009 that they are owners of Land in Survey 90/2, Kengeri Village. 2. Details of property, owners names reported to BBMP, Kengeri as - per your letter reference RTI-73-1-09-10 dated 12.07.2010 Etc.,	As the matter relates to complaint No. KIC 3245 COM 2011, the case was ordered to be transferred to Court Hall No. 5.
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LIST OF CASES - 2012

1.	KIC 325 COM 2012 19.6.2012	Particulars of sale of lands bearing Sy.Nos. 148/3/B, measuring 3 Acres 28 Gts & Sy.No. 148/1/A, measuring 1 Acres 10 Guntas. This land has been sold on 1-7-1963 and above Sy. No. is sold in the year 1964-65 through Registered Sale Deed which was purchased by my late father Sri. M. Gaffoor Sab Sfo Abdul Quadar.	Commission observed that the PIO should have transferred the application to the respective court where the information is now available. Commission also observed that since complainant has approached Commission u/s 18 of the Act, no direction can be issued to PIO to provide the information. However commission directed complainant to file a first appeal before the First Appellate Authority in case he require information.
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2.	KIC 3511 PTN 2012 14.9.2012	Registration of Document which belongs to Undivided Family by coparcener.	Petitioner was advised to approach First Appellate Authority in case he require information as per Supreme Court Order in Civil Appal No. 10787-10788/2011.
3.	KIC 4063 PTN 2012 26.9.2012	Total Number of Properties registered during the years 2005-2006 to 2008 in respect of Agricultural Lands between 1Gunta to 5 Guntas.	Directed to provide information for one month viz., July 2011 .
4.	KIC 4065 PTN 2012 26.9.2012	Total No. of Properties registered during 2005-06 to 2008 in respect of Agricultural Lands between 1 Guntas to 5 Guntas.	Directed to provide information for one month viz., July 2011
5.	KIC 4195 PTN 2012 22.8.2012	Particulars of sites registered in the Layout formed in Survey No. 16/3 of Doddabidarakallu Village during 2010-11 and 2011-12.	PIO informed that the required information has been provided free of cost.
6.	KIC 4480 PTN 2012 4.10.2012	Copy of the Will.	Respondent agreed to provide the copy of the will only after filing death certificate.

7.	KIC 5612 PTN 2012 9.11.2012	Copy of Layout Plan, Site Release order issued by MUD, Copy of Government Guidelines issued for registration of Document No. 11159/2009.10.	PIO informed that the required information was provided to the Petitioner after certifying all pages.
8.	KIC 5769 PTN 2012 4.10.2012	COPY OF WILL	Respondent agreed to provide information after payment of Rs.280 by the petitioner.
9.	KIC 6578 PTN 2012	Copy of Gift deed and copy of Khatha Certificate, Khatha Extract and Tax paid receipt produced at the time of Registration.	Petitioner in his letter informed the Commission that the information sought by him has been provided. Hence petition was closed.
10.	KIC6696 PTN 2012 9.10.2012	Copy of Sale Deed	Petitioner was directed to provide information once petitioner remits further fee as demanded by him.
11.	KIC 7238 PTN 2012 3.1.2013	Certified copy of Survey Sketch and other documents submitted by the Seller at the time of Registration of Documents	Ordered to provide information free of cost within 15 days.
12.	KIC 7453 PTN 2012 2.7.2013	Suo moto declaration as per Section 4 of the Act.	Directed to compile and provide the information.

13.	KIC 10239 PTN 2012 4.3.2012	Copy of Sale Deed	Directed to provide information.
14.	KIC 11603 PTN 2012 30.5.2012	Copy of all documents registered. Reason for registration of less than 50 documents per day etc.,	Since information has been provided by PIO petition was disposed off.
CASES OF 2013			
1.	KIC 442 PTN 2013	Certified copies of all documents registered in favour of Smt. Savithri Suresh wife of S Suresh Kumar, Law Minister.	Since information was provided by PIO petition was closed.
2.	KIC 844 PTN 2013 10.7.2013	Inspection of Sale Deeds registered during the period 1.1.2012 to 15.11.2012. Applicant in address column stated that he is an Editor of a News Paper.	Application was rejected stating that applicant is not a Citizen. Commission warned both PIO and First Appellate Authority for misinterpretation of the Act. Directed to allow inspection.
3.	KIC 1082 PTN 2013 18.6.2013	Copies of all documents submitted by GPA holder at the time of registration of a particular document.	PIO brought to the notice of Commission that since documents sought by the Petitioner relates to more than five years old the same has been destroyed. A copy of the order issued by the District Registrar permitting PIO to destroy documents was produced. Hence petition was disposed off.

4.	KIC 1730 PTN 2013 10.7.2013	Copy of Will	Commission upheld the decision of PIO that the information sought by the petitioner is exempted under Section 8(1) of the Act.
5.	KIC 1844 PTN 2013 28.6.2013	Copies of documents submitted at the time of Registration.	PIO has provided information without attestation. Commission imposed a penalty of Rs.5000/- for having provided information without attestation.
6.	KIC 2513 PTN 2013 19.8.2013	Copies of all Sale Deeds registered in Bangalore City during the month of October 2012 in Electronic format	Since information was received by appellant in all the Offices except Banaswadi SRO, issued direction to provide the information free of cost.
7.	KIC 3385 PTN 2013 29.11.2013	Information relating to registration of property belonging to HUF by a member of the family without consent from other family members.	Directed to provide information within 15 days after appellant submits his objection.
8.	KIC 3601 PTN 201321.8.2013	PIO returned Indian Postal Order stating that the same was returned by Postal Authorities as the same is crossed.	Commission upheld the decision of the PIO in returning crossed IPO as the same can not be encashed by them.
9.	KIC 3602 PTN 201321.8.2013	PIO returned Indian Postal Order stating that the same was returned by Postal Authorities as the same is crossed.	Commission upheld the decision of the PIO in returning crossed IPO as the same can not be encashed by them.

10.	KIC 4104 & 4106 PTN 2013 10.1.2014	Encumbrance Certificate of a property for the period 1940 to 1982 – PIO demanded fee as laid down under Karnataka Registration Rules 1962	Petitioner argued that fee demanded by PIO is unreasonable. Commission held that petitioner may be allowed inspection of files and provide copies of documents identified during the inspection after collecting fees as per RTI Rules.
11.	KIC 4253 PTN 2013 16.1.2014	Copies of Sale Deeds executed in favour of Channappa and others in Sy.No 269/2 of Aaroor Village	PIO submitted that no Sale Deeds have been registered in respect of the property during the period 1988 to 2013 and the same has been informed to the Petitioner. Case ordered to be closed.
12.	KIC 4774 PTN 2013	Copy of application submitted by one Manjunath for securing Encumbrance Certificate in respect of a particular property.	PIO issued an endorsement stating that the information is voluminous. Commission directed PIO to allow inspection of records by the Petitioner and provide information identified by him on the same day . Issued Show Cause Notice to the PIO.
13.	KIC 4787 PTN 2013 11.11.2013	Petitioner sought clarification as to under which provision Act and Rules PIO has been empowered to question how the	Commission disposed off the petition stating that information sought by the Petitioner does not fall under Section 2(f) of the Act.

		property was acquired by the executants if the property is self acquired.	
14.	KIC 4813 PTN 2013 24.10.2013	Copies of all Sale Deeds, Gift Deeds, Lease Deeds in respect of land belonging to 10 Survey Numbers from 1867 to till date.	Commission directed Petitioner to inspect the files and obtain information after payment of prescribed fee as the information sought is voluminous. Further commission also ordered to provide detailed calculation sheet to the Petitioner.
15.	KIC 5314 PTN 2013 31.1.2014	Whether the Donor of the Gift Deed was in Semi Conscious Stage at the time of Registration of the Document.	Commission rejected the petition stating that the information sought does not fall under Section 2(f) of the Act.
16.	KIC 6613 PTN 2013 29.11.2013	Total number of sites registered in Basaveswara Layout	Earlier PIO had provided unattested copies of information. During hearing PIO provided attested copy of information.
17.	KIC 6671 PTN 2013 19.3.2014	Registration of a particular property in the name of one Chaya Prakash	Earlier PIO had provided unattested copy of information. PIO was directed to provide attested copy of information.

18.	KIC 6764 COMP 2013 4.2.2014	Certified copy of all documents submitted as per Karnataka Land Reforms Act during registration of a Sale Deed.	Directed to provide information immediately.
19.	KIC 6790 PTN 2013 25.3.2014	Suo-moto declaration and Catalogue and Index of files maintained as per Section 4 of the Act.	Directed to compile and provide information immediately.
20.	KIC 6876 PTN 2013 11.4.2014	Information provided as per Order of KIC in Comp No.KIC 461 PTN 2013.	Directed to provide information after payment of further fee.
21.	KIC 6967 PTN 2013 2.4.2014	Certified copy of Document kept under Pending Registration in No. P 786.	PIO submitted that the document is not traceable. Commission directed to allow inspection of document by the petitioner. On 23.7.2014 case closed as the information sought was not available.
22.	KIC 7200 PTN 2013 28.2.2013	Area of Grama Thana during the period 1.4.1825 to 1.4.2013	Since petitioner has approached Commission under section 18 no direction could be given to the Respondent.
23.	KIC 7486 PTN 2013 11.4.2014	Particulars of recipients of concessions, permits or	Since information has been provided in Electronic format petition was closed with a warning.

		<p>authorizations granted by it. This includes particulars of all Documents registered in your office including Name of the Executants, Name of the Beneficiaries, Date of Registration etc., except for wills.</p> <p>B) Details in respect of the information, available to or held by it, reduced in an electronic form.</p>	
24.	KIC 8107 PTN 2013 25.3.2014	Copy of Gift-Deed and copy of Khatha Extract produced during registration	Since information was provided appeal disposed off.
25.	KIC 8347 PTN 2013 26.5.14 KIC 8349 PTN 2013 26.5.2014	Copy of all Circular and communications issued relating to registration of self acquired property. Under which provision of Karnataka Registration Act Sub Registrar is having power to seek information about self acquired property.	Since information sought by the petitioner does not fall under section 2(f) of the Act, appeal was disposed off.
26.	KIC 8380 PTN 2013 18.3.2014	Copy of Legal Notice issued to Sub Registrar regarding registration of a Land.	Directed to provide the information.

27.	KIC 8418 PTN 2013 23.5.2014	Suo-moto declaration and Catalogue and Index of files as per Section 4 of the Act.	Commission directed to provide information after compilation.
28.	KIC 8428 PTN 2013 17.1.2014	Certified copy of Sale Deed	PIO was directed to provide information within 30 days. Show Cause Notice was also issued to PIO for delay in providing information.
29.	KIC 8429 PTN 2013 17.1.2014	Whether Land comes under the Jurisdiction of Municipality or not	PIO was issued with a Show Cause Notice for delay. PIO was also directed to provide information.
30.	KIC 9747 PTN 2013 6.3.2014	Particulars of land in Survey No.538 for the period 1995 to 2013.	Since information was provided case disposed off.
31.	KIC 9912 PTN 2013 AND 9914 PTN 2013 5.3.2014	Particulars of document relating to a Sale Deed.	Commission directed PIO to file a Police Complaint if the documents are found missing. A copy of the FIR also be sent to appellant. Case adjourned.
32.	KIC 9912 AND 9914 PTN 2013 28.5.2014	Documents found missing.	PIO submitted that Malur Police refused to register a case of missing files. Commission directed PSI of Malur Police to register a complaint and provide copy of FIR
33.	KIC 10042 PTN 2013 4.7.2014	Copy of Gift Deed registered prior to 1949	PIO submitted that the document is not traceable. Commission directed to make special efforts to trace the document by

			assigning the job exclusively to a staff and submit his report.
34.	KIC 10574 PTN 2013 16.5.2014	Certified copy of documents relating to complaint filed before Karnataka Information Commission in No. KIC 101487 COMP 2010	Commission issued Show Cause Notice for not providing information. Directed to provide information immediately.
35.	KIC 10868 PTN 2013 24.6.2014	Copy of Release Deed	Commission considered information sought by the Petitioner relates to one subject. Directed to provide information.
36.	KIC 12021 PTN 2013 19.08.2014	Certified copy of documents submitted at the time of registration of Sale Deeds registered during the period 1.8.2013 to 12.8.2013.	Information relating to each Registration is a Separate Subject. Petitioner cannot request certified copy of all the 482 Registrations in one RTI application. Hence Inspection of documents was allowed by the Commission. Further Document Summary Report in Electronic Format was provided to the Petitioner.
37.	KIC 2513 PTN 2013 19.8.2013	Copy of Sale Deeds	Commission directed to IGR to see that all Sale Deeds and other documents should be maintained separately in computer.

LIST OF CASES - 2014			
1.	KIC 638 COM 2014 8.7.2014	Particulars of land purchased in one year.	Directed PIO to allow inspection by appellant and provide information identified during inspection after collecting further fee.
2.	KIC 643 COM 2014 30.10.2014	E.C. of a property for 30 years	Provide information after payment of further fee of Rs.320/- or allow inspection of files by the appellant.
3.	KIC 1085 APL 2014 19.8.2014	File relating to registration of document.	Since the file has been destroyed information was not furnished. Respondent produced order of District Registrar for destruction of files as the same was more than five year old. Appeal closed.
4.	KIC 1087 APL 2014 19.8.2014	File relating to registration of a document.	Since information has been provided free cost on the direction of First Appellate Authority, appeal disposed off.
5.	KIC 1319 COM 2014 16.2.2015	Particulars of documents registered in Harapanahally Taluk from 1.1.195 to 31.12.2013. Copy of all remittance made to government.	Since information has been provided appeal disposed off.

6.	KIC 1408 COM 2014 16.1.2015	Encumbrance Certificate of a property	As the information has been provided by PIO appeal disposed off.
7.	KIC 1656 APL 2014 14.10.2014	Copy of Will Registered on 16.2.2012 Copy of Will in CD Form Copy of all documents submit- ted at the time of Registration of Will.	Information has been provided by the PIO. PIO further states that earlier will in CD was sent in Widows Picture and Wax Viewer. However now the same has been sent in PDF format. Appeal disposed off.
8. 9. 10.	KIC 1891 COM 2014 KIC 1892 COM 2014 9.1.2015 KIC 1889 COM 2014 18.2.2015	Particulars of Deposit of Title Deeds, Loans taken against property etc.,	Directed to allow Inspection of concerned files and provide information identified during Inspection.
11.	KIC 1921 APL 2014 29.10.2013	Index Register extract for 28.1.2013. Inspection of documents registered during June and July 2013	PIO submitted that he had invited appellant to inspect the documents. However he failed to do so. Further there is no clarity in seeking information in respect of Index Register. Appeal ordered to be disposed off.
12.	KIC 2240 APL 2014 12.9.2014	Copy of two sale deeds registered during 1945-46 and 1948-49.	Commission observed that information has not been provided within the time limit despite payment of further fee. Hence ordered for refund of further fee. Show Cause Notice was issued to PIO.

13.	KIC 3207 APL 2014 6.2.2015	Copy of Sale Deeds and GPA registered in Electronic Format. Inspection of Files.	Information has been provided by PIO except GPA. Commission ordered to file extract of Rule 144 of Karnataka Registration Rules to take a final decision in the matter.
14.	KIC 3964 APL 2014 13.2.2015	Copy of Suo-moto declaration and Catalogue and Index of files.	Directed PIO to compile and provide information within 30 days. Show Cause Notice was issued for payment of Rs.3000 as compensation to the Appellant.
15.	KIC 4297 APL 2014 10.9.2014	Suo-moto declaration and Catalogue and Index of Files.	Appellant acknowledged receipt of information. Commission directed PIO to display the information on the Notice Board as well as Website of the Public Authority.
16.	KIC 4812 APL 2014 9.9.2014	Copy of General Power of Attorney.	PIO submitted that the information has been provided as per the Direction of the First Appellate Authority viz., The District Registrar, Belgaum District on 6.2.2014
17.	KIC 7763 APL 2014 6.1.2015 KIC 7187 APL 2014 21.2.2015	Certified copy of GPA given to Lokayukta	Case adjourned to 9.4.2015 Orders awaited. SRO Belgaum submitted that the GPA is not traceable. Commission opined that with out GPA Sale Deed could not be

		Certified copy of GPA submitted at the time of registration of document.	registered. Therefore Commission directed PIO to file a FIR before the Police for loss of record and produce copy of Complaint and acknowledgement received from the police during next hearing.
18.	KIC 7793 APL 2014 8.1.2015	Copy of all Form 3 extracts submitted at the time of registration of documents pertaining to Kollegal Municipality Limits	PIO informed that the information sought is voluminous. Commission directed to allow inspection of files by appellant and provide required information.
19.	KIC 7994 APL 2014 8.1.2015	Service Register and Certified copy of Educational Qualification certificates.	Direction was issued to provide information.

LIST OF KIC ORDERS WHERE INFORMATION OF THE OFFICE OF THE INSPECTOR GENERAL WAS REQUESTED

	KIC CASE NO	INFORMATION SOUGHT BY THE APPLICANT	ORDERS OF THE INFORMATION COMMISSION
1.	KIC 162 COM 2008 10.6.2008	Assets & liabilities from 2000 to 2007 along with applications and sanction orders to acquire and dispose off properties etc. in respect of three District Registrars. 3	Directed to transfer the application to the Secretary to Government under section 6(3) of the Act.

2.	KIC 203 APL 2008 &KIC 2351 COM 2008 7.8.2008	Assets & Liability Statement of Grade – A and Grade-B Officers.	Directed to provide information.
3.	KIC 1267 COM 2008 25.6.2008	Particulars of documents required to be submitted for Registration of Documents in the Office of the Sub Registrars.	Commission in its power vested under section 19(8)(a)(iii) of the RTI Act directs the Principal Secretary to Government, Revenue Department, and IGR and Commissioner of Stamps, to examine the plea of the Petitioner in light of the above facts and consider to issue guidelines to the Sub- Registrars in the State keeping in view the orders of the Supreme Court and High Court in consultation with the Law Department in respect of filing up of certain documents before the registering authorities. They are directed to file a report to the Commission within 60 days.
4.	KIC 4340 PTN 2010 23.8.2010	Suo-moto declaration under section 4(1) (b) of the RTI Act, 2005.	Directed to provide information after compilation.
5.	KIC 5514 PTN 2013 6.12.2013	List of Offices which have published Section 4(1)(a) and 4(1)(b) Declaration.	Directed PIO to provide information.

6.	KIC 8403 APL 2014 14.1.2015	Procedure followed in the Department in the event of non opening of CDs. List of Documents reported missing by Sub Registrars	Directed to provide information.
7.	KIC 9461 APL 2014 6.3.2015	Catalogue and Index of files maintained as per Circular issued by DPAR.	Directed to provide information.
8.	KIC 10146 PTN 2013 10.7.2014	Action taken on complaint filed against a society.	Commission accepted information provided by the respondent as correct. Further observed that some of the information sought by the petitioner does not fall under section 2(f) of the Act.
9.	KIC 12151 PTN 2013 1.8.2014	File Noting available in the file relating to Letter addressed to IGR by the Petitioner.	Since required information has been provided case disposed off.
10.	KIC 12020 PTN 2013 19.8.2014	Section 4 Declaration of the Office of IGR	Directed to provide information.
11.	KIC 9462 APL 2014 5.3.2015	Section 4 declaration of DR Office, Hassan.	Directed to provide information.
12.	KIC 5198 PTN 2013 12.2.2014	Particulars of sub division of land per flat.	Case pending – Adjourned to 6.5.2014.

13.	KIC 8278 PTN 2013 Clubbed with 8279, 8280, 8281, 8282 and 8283.	Case relating to M/s Pitney Bosefranking Machine	Directed to provide information.
14.	KIC 8232 PTN 2013 18.3.2014	Registration of a document on the direction given by Supreme Court.	Since information has been provided case closed.
15.	KIC 7907 PTN 2013 25.3.2014	Categorisation of A Khatha and B Khatha	Since information is provided case closed.
16.	KIC 11558 PTN 2013 20.5.2014	Action taken on complaint filed against a Sub Registrar.	PIO was directed to provide information.
17.	KIC 12021 PTN 2013 19.8.2014	Inspection of files relating to Registration of Documents for a particular period.	Commission directed PIO to send a intimation indicating date and time of inspection.
18.	KIC 12022 PTN 2013 19.8.2014	List of Public Servants who filed Assets & Liability Statement and date of filing etc.,	Commission informed PIO that information in respect of maintenance of Assets & Liability is not exempted under the Act. Hence Directed to provide information.
19.	KIC 12023 PTN 2013 19.8.2014	Copy of all Sale Deeds registered in a month in Electronic Format.	Directed to provide information.

20.	KIC 995 APL 2014 19.9.2014	Mother Deed of property No. 22 New No.5 situated in Hosur Road, Shanthinagar, Bangalore pertains to the period 1960 to 2013.	Directed to provide information.
21.	KIC 16 COM 2014 15.10.2014	Service Register and Marks card of Mr. Venkatesh Bhat, Sub. Registrar.	PIO informed that since all records have been sent to Accountant General for settlement of Terminal Benefits the information can not be furnished. Commission accepted the version of PIO and closed the case.
22.	KIC 2647 COM 2014 5.1.2015	Petitioner sought certain information which is in the custody of a Society registered under the Society Act.	Commission directed PIO to secure the information from the Society and provide it to the Petitioner.
23.	KIC 7763 APL 2014 26.8.2015	GENERAL POWER OF ATTORNEY	Full Bench of Commission directed the PIO to provide information.

ABOUT THE AUTHOR



B.H. VEERESH is a Trustee of “MAHITHI HAKKU ADHYAYANA KENDRA” and “ACTIVE CITIZENS NET WORK” which are spear heading the movement of RTI in Karnataka. Having served in State Government, Central Government and Canara Bank for three decades at present he is working for Good Governance through RTI in Karnataka. He is instrumental in conducting several training programmes and awareness programmes throughout the state during the past ten years. He has been recognised as “ RESOURCE PERSON” by both Central Government and State Government.

He has authored several books on RTI both in Kannada and in English. His books are being used as guide by Citizens as well as by Public Information Officers and First Appellate Authorities for effective implementation of RTI Act in the State. Several standard formats provided by him are found very useful by both citizens as well as by PIOs in speedy disposal of RTI applications. He has represented applicants before the Karnataka Information Commission and Central Information Commission in several cases. He is also an Honorary RTI consultant to various public authorities. Two Email based help lines established by him viz., rtikarnataka@gmail.com and rtihelplinekarnataka@gmail.com are providing required assistance in seeking information by citizens and providing information by Public Information Officers respectively in Karnataka.

Books authored by him are as under :

- Mahith Hakku Margadarshi How to use RTI
- How to File First Appeal
- RTI Act and Rules
- How to Publish Section 4 of RTI Act
- RTI & POLICE