

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