

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