

**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**