

ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Shri Tarun Kanti Mishra,
State Chief Information Commissioner

Date:- 4th April, 2011

Complaint Case No.1087 / 2008

Sudhansu Kumar Roul,
S/o Late Nityananda Roul,
At-Machia,
PO-Basta,
District-Balasore Complainant

-Vrs-

Public Information Officer,
Office of the Sub-Registrar, Basta,
District-Balasore.....Respondent

Decision

1. Complainant Sudhansu Kumar Roul is absent on call. Rathindra Kumar Singh, Senior Clerk, O/o the Sub-Registrar, Basta, Balasore is present.
2. Complainant Sudhansu Kumar Roul had submitted form-A application dated 26.05.2008 to the PIO in the office of Sub-Registrar, Basta, Balasore seeking some information. The same is quoted below:
 - “(i) Supply the applicant xerox copy of sale deed No.1678 dt.03.08.2007 executed by Dhaneswar Roul to Pitamber Behera.
 - (ii) Since the executant has admitted that the property was a joint family property and the legal heirs of deceased late Nityananda Roul were 7 (seven) in number was he entitled to sale half portion of Sabik Plot No-846 of Khata No-12 and Hal Plot No-1132 under Khata No-108 of Mouza-Barungadia. Now called Baulgadia. How could the Sub-Registrar register the illegal document?

- (iii) Please supply the applicant the consolidation office case No-5094 wherein the executant of the deed claims to have demarcated his share.
- (iv) The sale deed as executed by the applicant's mother Sukamani Roul bearing No-1925 dated 02/07/05 is also illegal since the Tehsildar vide Misc. case No-3464 dated 03/09/03 holds that such transfer of property is illegal by virtue of which the executants claims his ownership."

3. On scrutiny of this application, the PIO was of the opinion that the information sought for by the complainant does not come under the purview of the RTI Act, 2005. Accordingly, a reply was made ready by 7.6.2008. The complainant had met the PIO on the same day but declined to receive the letter.
4. The State Commission perused the items of information sought for by the complainant. Item No.(iv) is clearly not within the purview of the RTI Act. Moreover, the PIO is not expected to answer any questions. Item No.(iii) relates to information held by another public authority, i.e. the Consolidation Officer. Item No.(ii) is once again not related to the office of Sub-Registrar, Basta. However, the Sub-Registrar, Basta, in response to Item No.(i) should have supplied the complainant photocopies of sale deed No.1678 dt.03.08.07 executed between Dhaneswar Roul to Pitamber Behera. He however, declined to give photocopies, contending that there are no such provisions in the law. He argued that only certified copies can be supplied on payment of prescribed fees.
5. There are admittedly certain procedures to obtain the certified copies of officials records. There is simultaneously a provision under the RTI Act to access any permissible information. This accessibility is a cornucopia for the common man. Benefits of this law cannot be denied to a person merely because there are some other provisions of law. Such an approach will inevitably lead to an inequitable situation. To illustrate, a third party, who is alien to a litigation, will access the officials records under RTI Act by paying a nominal charge. But such opportunity would be

denied to an individual who is a party to the case and he would be directed to apply for a certified copy. Obtaining a certified copy from a public office is both expensive and time consuming. There is also no legally enforceable right to obtain a certified copy. It is just a facilitation. It would, therefore, not be prudent to deny to a person who is a party to a case to access the information under RTI Act. It is essentially the choice of the citizen as to whether he should apply for the information under RTI Act or under the other existing procedure. While applying for a copy under RTI Act, the citizen would, of course, be aware that what he seeks to obtain is not a certified copy, but a mere photo copy, which has very limited legal value. In any case, it has to be his own choice.

6. The PIO is, therefore, directed by the State Commission to supply the photocopies of sale deed No.1678 dt.03.08.2007 free of cost within 30 days. This information should be supplied under registered post. With these directions, the case is closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission this day, the 04th April, 2011.

State Chief Information Commissioner
04.04.2011