

How to Use RTI for Property Related Matters

Glossary

- i. Central Information Commission-** Defined under Section 2(b) of the RTI Act. The Central Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under the central government.
- ii. Information-** According to Section 2 (f) 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.
- iii. Public authority-** According to Section 2(h), any authority or body or institution of self-government established or constituted –
- (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government, and includes any –
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
- iv. Right to Information-** According to Section 2 (j) the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to –
- (a) inspection of work, documents, records;
 - (b) taking notes, extracts or certified copies of documents or records;
 - (c) taking certified samples of material;
 - (d) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device
- v. State Information Commission-** Defined under Section 2(k) of the RTI Act. The State Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under the state government.

1. Backdrop

The Right to Information Act, 2005 (hereinafter referred to as RTI) intends to furnish the sought information from public authorities. Information is defined under Section

2(f) of the RTI Act and a public authority under Section 2(h) of the Act. The relevant sections are reproduced below-

Section 2(f)-*"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.*

Section 2(h) -*"public authority" means any authority or body or institution of self-government established or constituted –*

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any –

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

2. Are land records accessible under the RTI Act?

Certainly, land records are accessible under the RTI Act. This was held by the Central Information Commission in the case of [Mr. Surender Pal Singh v GNCTD Delhi](#). The appellant had sought information regarding plot holders, the boundaries of plot and the area of plot left for agriculture purpose; aggrieved by the unsatisfactory information provided, he filed second appeal with the commission. The respondent had claimed exemption citing the information to be third party. The Commission rejecting the claim said that land records with the government containing name of owners, details of boundaries and extent of land are public documents and transparency of land records is the mandate of RTI Act.

3. What documents can be sought under RTI Act?

To answer this question, we will refer to some precedential order wherein property documents have been provided under the RTI Act.

- a) **Mutation documents**- In the case titled [Shri Zameer Ahmed Jumrana v. CPIO North Delhi Municipal Corporation](#), the appellant had sought information regarding mutation of a property. The matter was previously decided by the Commission and the PIO was ordered to trace the missing documents and furnish them; however, no action was taken by the PIO. The commission ordered the PIO to furnish the information within a period of 3 weeks.

- b) **General Power of Attorney-** The CIC in the case titled *Anil Singh v. PIO, SDM* had observed that general power of attorney is a public document and accessible under the RTI Act. The purpose of General Power of Attorney is to authorize one person to deal with another and it will be considered to be a public document since the grantee had to use it to convince a prospective buyer.
- c) **Title Deed and Details of Beneficiaries of Land Projects-** The appellant in the case *Dr. K Venkata Rao vs PIO, Ministry of Housing and Urban Poverty Alleviation* had sought information pertaining to beneficiaries of a project allotment of dwelling unit. The sought information was not provided and even the second appeal was dismissed on the ground of not being present at the time of hearing. The appellant challenged the order of CIC in Delhi High Court and the court ruled for the order to be set aside. After the proceedings, CIC resumed this matter. The Commission ordered the respondent to facilitate inspection and provide information within 15 days and also ruled that a *title deed is a public document*.
- d) An RTI application revealed that an officer permitted 40% of houses to civilians which were meant for war heroes and war widows of the Kargil war. It proved to be an important evidence to prove the charge of corruption in the case of *Adarsh Co op Housing Society Ltd v. UOI & Ors*.
- e) The Tamil Nadu Information Commission, in 2020, **ordered** the state government to digitalise all revenue records since 1864.
- f) Recently, an RTI application **revealed** that the Goa Bhumiputra Adhikarini Bill, 2021 was “not administratively approved” and “may have unforeseen wider ramification” before being passed in the Goa state assembly.
- g) In the case titled *Kousthubha Upadhyaya v. DoPT*, the CIC held that annual property returns of a government employee are in public domain and shall be provided under the RTI Act. This will prove to be a means to stop corruption also, but since the information is third party, the PIO must give a written notice to the third party regarding such information.

4. Information available on the official website

The following information regarding RTI is available on the official website of Department of Land Resources-

- a) [Details of committee of PIO/ FAA.](#)
- b) [Details of committee for suo motu disclosure](#)
- c) [Details of nodal officers for pro-active disclosure](#)
- d) [Details of PIO/FAA of various departments.](#)

5. Tips and Tricks

In order to dodge exemption on an RTI application for procuring the information with respect to revenue records, an applicant must prefer to communicate that the sought information pertains to him and does not breach the privacy of any third party. A brief contextual paragraph with other referential information in the beginning of the application may end up making a big difference.

This will do three things:

1. Help the PIO in accessing how the information is relevant to the applicant.
2. Help PIO in properly understanding the nature and exactness of the sought information
3. It will ease out the process of seeking information and reduce the maximum chances of encountering a dismissal.

Example:

Please provide the copy of the General Power of Attorney, endorsed in my favour namely 'Jethalal Gada' on date 20.1.2021 endorsed by 'Shri Taarak Mehta' before Sub Registrar office, Gwalior bearing Reg. No.: XXXXX Folder No.: XXXX at Page XX to XX.

Sample RTI to Tehsil

November 11, 2021

To,
The Public Information Officer
Tehsil Office, Kalka
Haryana, India

Sir/Ma'am,

The following information is sought under section 6(1) of the RTI Act, 2005. Please furnish:

1. The list of beneficiaries of ABC land allotment scheme.
2. The boundaries of land allotted to beneficiaries of ABC land allotment scheme.
3. The list of beneficiaries who have claimed their land allotment.
4. The list of beneficiaries who have not claimed their land allotment.

Yours Faithfully,
XYZ

PLEASE CONSIDER BEFORE DISPOSING OF THE APPLICATION:

1. If required then, please '*render reasonable assistance*' for the purpose of obtaining the information **u/s 5(3)** of the Right to Information Act, 2005.
2. If the information, wholly or partially is available with any other particular department then as per the provision **u/s 6(3)**, please transfer the application, wholly or partially, to the concerned department.

