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CIC Seminar on Land Records and Right to Information (RTI) Act 2005

The Central Information Commission organised a seminar on ‘Land Records and Right to Information Act’ on 15 July 2017 in the SCOPE Convention Centre. The Seminar was attended by Chief Information Commissioners, Information Commissioners from Central Information Commission and State Information Commissions, Principal Secretaries/Secretaries of State Government’s Land Resource/Revenue Departments, former Central Information Commissioners, NGOs and other stakeholders. Shri Dinesh Singh, Secretary, Department of Land Resources was present. Information Commissioner, CIC, Shri Yashovardhan Azad, chaired the proceedings during the seminar.

The Seminar began with an address by Shri Radha Krishna Mathur, Hon’ble Chief Information Commissioner. Shri Mathur referred to the concerns in the Information Commissions emanating from the high number of RTI applications received in almost all State Government departments dealing with Land Records and allied matters. He pointed out that a very large number of revenue, civil and criminal cases before various courts emanate from land issues. He suggested that a pilot project be taken up in each State in one District each covering the whole gamut of computerisation and digitisation of land records, ground truthing, connectivity and integration between the registration and mutation process, adding thereon related information like circle rate, encumbrances with banks, position or revenue and civil litigation, etc. and ensuring easy accessibility to reliable land records and related information for the citizens. He also suggested that this information should be available at one place with easy accessibility to the citizens. He emphasised that all schemes of the Government, whether State or Central, should have a built-in element for authenticity and transparency in this critical sector.

Speakers presented their views on the issues of Land Records and Access, Land Records Modernisation, the Legal Architecture of Land Governance in India: Access to Information Challenges, Systemic Issues in Land Records Management and possible linkages with RTI Act, Land Acquisition and Right to Information Act, Computerisation of Land Records to Reduce Information Asymmetry and other topics.
Some Significant CIC Decisions

1. Details of impugned Order of the lower Courts/Tribunal etc to be made available on the website of the High Court.

The Commission observed that uploading the details of impugned orders of the lower Courts/Tribunals can help the general public, litigants and all other stakeholders in linking the Hon’ble High Court’s orders/judgments with the impugned orders and thereby serve a larger public interest.

(CIC/HCOST/A/2016/302947, 302949, 299710 & 299708 dated 08.08.2017).

2. Ban on Junk food near Delhi Schools.

The Commission asked the Delhi government to consider banning the sale of junk food and colas near schools in the capital. It observed that the query raised by the appellant addresses public interest, particularly the health of the children.


3. Vendors should be apprised of the reason for withdrawal of proposals or rejection of proposals.

Commission is of the considered view that there should be greater transparency and accountability in the process of Defence Procurement, in as much as the vendors should be apprised of the reason for withdrawal of proposals or rejection of proposals. The earlier appeal and the present case reflect on the lack of any such mechanism in place which leaves the vendors aggrieved and wanting for information from all channels. Although, RTI Act allows for exemption of Section 8(1) (d) to deny the information, but as a common proposition, more and more disclosure should be encouraged in such cases to avoid casting aspersions on the process of procurement.


4. Delhi government to reveal how circle rates were fixed.

The Commission observed that the appellant deserves plea of PIO to withhold information invoking Section 8(1) (d) is not maintainable per se. Details of allotment of shops to defaulters was directed to be made available to the appellant upon the order of the Commission.


5. Show-cause notice issued to PIO for causing deliberate obstruction to the dissemination of information.

The Commission observed that prima facie the first lapse has been on the part of PIO, O/o Divisional Commissioner, who, despite the details of information sought very clearly in the RTI application, refused to apply his mind, made no efforts to check his records or apply Section 5(4) of the RTI Act to garner the information. The RTI application was instead simply transferred, as noted above to a totally un concerned public official. This tantamounts to causing deliberate obstruction to the dissemination of information without any reasonable cause by transferring the RTI application without any application of mind.

The Commission further directed issue of show cause notice upon the PIO, O/o Divisional Commissioner for denial of information without any reasonable cause by transferring the RTI application without any application of mind.

The Commission further directed issue of show cause notice upon the PIO, Delhi Parks and Garden Society, GNCTD for causing deliberate obstruction to the dissemination of information by mindlessly transferring the RTI Application to irrelevant officials, without checking his own records/website.


6. NDMC to disclose details of defaulter shopkeepers at Patli Bhawan.

A whopping amount aggregating in crores of rupees is pending realization. The situation is alarming as it has a direct impact on financial health of NDMC which is the civic body entrusted with the maintenance of civic affairs of the National Capital. The reasons which keep NDMC from initiating concrete steps towards realization of outstanding dues cannot be kept under wraps as it affects the maintenance of civic amenities and livelihood of NDMC employees. The issue, concerns larger Public Interest. Even on merits, the plea of PIO to withhold information invoking Section 8(1) (d) is not maintainable per se. Details of allotment of public infrastructure to anyone, the terms of allotment & consideration thereof is not an exempted information. The PIO was directed to furnish complete information within 3 weeks of receipt of this order.