



Through Registered Post

Ms. Shivani, Advocate,
D/o Sh. Raj Kumar,
R/o House No. 89, Ward NO. 10,
Mohalla Katehra, Bassi Pathana,
Fatehgarh Sahib, Punjab.

Appellant

Versus

Public Information Officer,
O/o District Bar Association,
Lawyer's Chambers Complex,
District Court Complex,
Fatehgarh Sahib. 140412.

First Appellate Authority,
O/o District Bar Association,
Lawyer's Chambers Complex,
District Court Complex,
Fatehgarh Sahib. 140412

Respondents

Appeal Case Nos.514, 515, 516 and 517 of 2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
29.09.2018/ 11.10.2018	Nil	14.11.2018/13.11.2018 /26.11.2018	Nil	22.01.2019

Present: Appellant- Ms. Shivani, Advocate.
Respondents- None.

Order

The following order was passed on 04.07.2019:

16.05.2019

"The appellant and the respondents are the same. The matter seemingly emanates from the same issue. It shall be appropriate to dispose of the aforementioned appeals with a single order.

The respondents have not as yet filed any reply/written statement to the notice issued by the Commission. They are advised to do so with an advance copy to the appellant who may like to react on the same in case she desires so.

Despite having passed express directions, the respondents have failed to file any written reply to the notice of the Commission. The appellant, on the other hand, citing the orders of Central Information Commission, insists that the respondents are a public authority and falls within domain of RTI Act, 2005. Final opportunity is afforded to the respondents to put forward their view point, failing which the Commission shall pass an appropriate order based on the record on file".

Appeal Case Nos.514, 515, 516 and 517 of 2019

“The case has come up today, 04.07.2019. The respondents are again silent and absent.

The President, District Bar Association, Fatehgarh Sahib is issued show cause notice as to why he should not be deemed as a PIO of the Public Authority in terms of the citations produced by the appellant and delivered to them as well and why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, he is also given an opportunity under Section 20 (1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

The case has come up today. Despite having issued a show cause notice, the President of District Bar Association has failed to respond. The appellant had sought information about a complaint filed against her by a member of association, a resolution passed by the association against her, if any, and the action taken against her. The appellant has cited an order of Central Information Commission passed on 17.03.2016, wherein



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following observations were made:

“The Bar Council is a statutory body constituted under Advocates Act, 1961, to protect ethical standards of Advocates and admonish the member for misconduct. The information about this core function of Bar Council cannot be denied to the appellant as it does not attract any exemption.”

The Commission finds that the respondents are a entity whose conduct can be overseen by the Bar Council of India. They are governed under a law namely “The Advocates Act, 1961”. Association is obliged to function transparently as the Govt. from time to time affords facilities and assistance to it in the overall public interest. More so, they are an integral part in the dispensation of justice and are, in a way, the officers of the Court. The Commission, therefore, directs the President of the Bar Association to provide her the information forthwith. It also directs the Bar Council of Punjab and Haryana to ensure that the aforesaid directions to the association are complied. On its failure, it should take cognizance of non-compliance of the directions passed by a statutory authority. With these observations, the appeals are **disposed**.

20.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The Chairman, Bar Council of Punjab and Haryana, Law Bhawan, Sector 37-A, Chandigarh.