

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email:- psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Khurana S/o Sh Girdhari Lal,
H No-264, Street No-16, Nai Abadi,
Chotti pori, Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o President, Bar Association,
Court Complex, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o Secretary, Bar Council,
Punjab & Haryana, Chandigarh.

...Respondent

Appeal Case No. 3712 of 2018

Present: None for the Appellant
None for the Respondent

Order:

This order should be considered in continuation to the earlier order.

Due to non compliance of the order of the Commission and non-appearance, the PIO-Bar Association Abohar was issued a show cause notice on 25.03.2019 under Section 20 of the RTI Act and directed to file reply on an affidavit. The PIO-Bar Association Abohar was again directed to provide the information to the appellant within 10 days. The PIO of the Bar Association was also directed to clarify that which is the appropriate First Appellate Authority in this case.

On the date of hearing on **21.05.2019 and 23.07.2019**, the respondent was absent. The President, Bar Association Abohar was impleaded in the case and directed to file a reply in the ongoing case. Since the respondent was again absent on 03.09.2019 and 03.12.2019, the Commission invoked section 18(3) in order to receive evidence on affidavit from the President of the Bar Association to arrive at a just and fair decision on the matter. Section 18(3) reproduced hereunder:

(3) The Central Information Commission or State Information Commission, as the case may be shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) Summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (b) Requiring the discovery and inspection of documents;
- (c) Receiving evidence on affidavit;
- (d) Requisitioning any public record or copies thereof from any court or office;
- (e) Issuing summons for examination of witnesses or documents; and
- (f) Any other matter which may be prescribed.

Hearing dated 04.03.2020:

Both the parties are absent. Having gone through the record, the Commission observes that the Bar Association is not a public authority as per definition of Section 2 of the RTI Act.

Since the onus of proving that the bar association is a public authority lies on the appellant, I find that the appellant has brought nothing on the file to prove the same. Hence the appeal is dismissed and the show cause is dropped.

No further course of action is required. The case is **closed**.

Chandigarh
Dated: 04.03.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email:- psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Deepak Khurana, S/o Sh Girdhari Lalm
264, Street No-16, Nai Abadi, Abohar,
Distt Fazilka..

... Appellant

Versus

Public Information Officer,
O/o President, Bar Association, court Complex,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o Secretary, Bar Council,
Punjab & Haryana, Chandigarh.

...Respondent

Appeal Case No. 3738 of 2018

Present: None for the Appellant
None for the Respondent

Order:

This order should be considered in continuation to the earlier order.

Due to non compliance of the order of the Commission and non-appearance, the PIO-Bar Association Abohar was issued a show cause notice under Section 20 of the RTI Act and directed to file reply on an affidavit. The PIO-Bar Association Abohar was again directed to provide the information to the appellant within 10 days. The PIO of the Bar Association was also directed to clarify that which is the appropriate First Appellate Authority in this case.

On the date of hearing on **21.05.2019 and 23.07.2019**, the respondent was absent. The President, Bar Association Abohar was impleaded in the case and directed to file a reply in the ongoing case. Since the respondent was again absent on 03.09.2019 and 03.12.2019, the Commission invoked section 18(3) in order to receive evidence on affidavit from the President of the Bar Association to arrive at a just and fair decision on the matter. Section 18(3) reproduced hereunder:

(3) The Central Information Commission or State Information Commission, as the case may be shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- [\(a\)](#) Summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- [\(b\)](#) Requiring the discovery and inspection of documents;
- [\(c\)](#) Receiving evidence on affidavit;
- [\(d\)](#) Requisitioning any public record or copies thereof from any court or office;
- [\(e\)](#) Issuing summons for examination of witnesses or documents; and
- [\(f\)](#) Any other matter which may be prescribed.

Hearing dated 04.03.2020:

Both the parties are absent. Having gone through the record, the Commission observes that the Bar Association is not a public authority as per definition of Section 2 of the RTI Act.

Since the onus of proving that the bar association is a public authority lies on the appellant, I find that the appellant has brought nothing on the file to prove the same. Hence the appeal is dismissed and the show cause is dropped.

No further course of action is required. The case is **closed**.

Chandigarh
Dated: 04.03.2020

Sd/-
(Khushwant Singh)
State Information Commissioner