

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



REGISTERED SHOW CAUSE NOTICE

Satpal Khariwal,
S/o Ram Gopal, H.No.1074, St.3,
Abohar, Distt. Fazilka.

Versus

Public Information Officer,
o/o President,
Bar Association, District Court,
Moga.

Public Information Officer,
o/o Secretary,
Bar Association, District Court,
Moga.

First Appellate Authority,
o/o Bar Association, District Court,
Moga.

Appeal Case No. 2811 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant)

(Respondent)

ORDER:

(To be read in continuity with earlier orders on **9.9.2022**)

1. The RTI application is dated **15.2.2022** vide which the appellant has sought information **regarding resolution passed during the year 2021**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **27.3.2022** and Second Appeal was filed in the Commission on **13.6.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **9.9.2022**.

2. This Order was reserved on 9.9.2022. As per Second Appeal filed by the appellant, the information sought from the respondents, District Bar Association, Moga was, denied vide reply received from the Secretary of Bar Association on 28.2.2022 on the contention "District Bar Association, Moga, is not a statutory Body and not bound to give such information claimed by you"

3. It is however, settled that Bar Council of State and District Bar Association are statutory body constituted under the Advocates Act 1961. An Order of the Central Information Commission, CIC/SA/A/2015/001262, 1263, 1264, 1265, Dated 17.3.2016, reads as under:-

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

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4. Further, as per an Order by the Punjab State Information Commission in Appeal Cases No. 514, 515, 516, and 517 Dated 20.8.2019, further clarified that District Bar Association are infact statutory bodies and therefore under the purview of the RTI Act.

"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."

5. In view of the above, the contention Secretary, District Bar Association, Moga, is hereby rejected and the Commission deems it fit to serve with the Show Cause Notice to the President and Secretary of the District Bar Association, Moga.

6. The respondent **PIO, President and Secretary, District Bar Association, Moga**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **15.2.2022**.

"In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*." Copies of this order be sent to the parties through registered post.

7. Next hearing on 24.1.2023 at 11.30 am at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
23.12.2022

Cc: Registrar, Punjab and Haryana High Court, Sector 1, Chandigarh, for information and further necessary action.