

केन्द्रीय सूचना आयोग
Central Information Commission

2 तल, विंग 'ब' / 2nd Floor, 'B' Wing
अगस्त क्रांति भवन / August Kranti Bhavan
भीकाजी कामा प्लेस/ Bhikaji Cama Place
नई दिल्ली - 110066 / New Delhi - 110066

Dated: 22.9.2010

Proceeding in Complaint No. CIC/AT/C/2009/000604

Present: Shri A.N. Tiwari, Central Information Commissioner

Complainant: Smt. Nilam D. Pandya

Respondents: Bar Council of India

Smt. Nilam D. Pandya of Ahmedabad has filed this complaint dated 18.8.2009 before the Commission against Bar Council of India (BCI), New Delhi for deemed refusal of her RTI-request dated 7.7.2009.

2. Comments from respondents were sought by the Commission vide letter dated 15.9.2009. Shri M.D. Joshi, Acting Secretary & CPIO, BCI vide letter No. 28/2010(RTI/BCI) dated 5.1.2010 has replied to the Commission that BCI in its meeting held on 27.6.2009 has held that BCA was not a public authority u/s 2(h) of the RTI Act. He further informed that the Commission has heard five cases on the same issue and orders are reserved on applicability of RTI Act to BCI in the light of Section 2(h) of the RTI Act. The BCI is awaiting the outcome of these cases for necessary actions and directions.

3. The Commission vide its letter dated 18.3.2009 has informed the CPIO, BCI that the Commission vide its order dated 11.1.2010 has decided that BCI is a public authority u/s 2(h) of the RTI Act and directed CPIO to reply to the RTI-request of the complainant within 10 days.

4. In order to avoid multiple proceedings under sections 19 and 18 of the RTI Act, viz., appeals and complaints, the matter is remitted to CPIO, Bar Council of India, 21, Rouse Avenue Institutional Area, New Delhi-110002 (*forwarding herewith a copy of RTI-request*), with the following directions :

- i) In case no reply has been given by CPIO to the complainant to her RTI-request dated 7.7.2009, CPIO should furnish a reply to the complainant within two week of receipt of this order.
- ii) In case CPIO has already given a reply to the complainant in the matter, he should furnish a copy of his reply to the complainant within one week of receipt of this order.
- iii) CPIO should invariably indicate to the complainant the name and address of the 1st Appellate Authority, before whom the complainant can file first-appeal, if any.
- iv) A copy of CPIO's reply should also be endorsed to the Commission.

5. In case the complainant is not satisfied with the reply received from CPIO, she, under section 19(1) of the RTI Act, may within the time prescribed, file her first-appeal before the AA.

6. On receipt of the first appeal from the petitioner as per the above directions, AA should dispose of the appeal within the period stipulated in the RTI Act.

7. In case complainant still feels aggrieved by the decision of AA, she shall be free to approach the Commission in second appeal under section 19(3), along with complaint u/s 18, if any, within the prescribed time limit.

8. The matter is closed with the above directions.

Sd/
(A.N. Tiwari)
Information Commissioner

Authenticated by


(K.K. Sharma)
OSD & Assistant Registrar

Address of the parties:

✓ Smt. Nilam D. Pandya,
A-23, Hariom Appt,
Near Radio Morchi Tower,
Satellite, Ahmedabad

The Central Public Information Officer,
Bar Council of India,
21, Rouse Avenue Institutional Area,
New Delhi - 110 002