

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नईदिल्ली, New Delhi – 110067

File No : CIC/BCOIN/A/2020/687001

Prasoon Shekhar

.....अपीलकर्ता/Appellant

VERSUS

बनाम

**CPIO,**

Bar Council of India, RTI  
Cell, 21 Rouse Avenue,  
Institutional Area, New  
Delhi-110002.

....प्रतिवादीगण /Respondent

Date of Hearing : 01/02/2022

Date of Decision : 25/05/2022

**INFORMATION COMMISSIONER : Saroj Punhani**

**Relevant facts emerging from appeal:**

RTI application filed on : 16/03/2020

CPIO replied on : 24/07/2020

First appeal filed on : 19/05/2020

First Appellate Authority's order : 30/08/2020

2nd Appeal/Complaint dated : 25/09/2020

**Information sought:**

The Appellant filed an RTI application dated 16.03.2020 seeking the following information: -

1. How frequently the inspection of colleges is done by BCI.
2. Provide the list of colleges which are not found fit after inspection between 2016-20.

3. *Provide the list of colleges whose affiliation were cancelled by BCI between 2016-20.*
4. *Provide the list of all the college and the members who inspected along with date and time (especially for the colleges which come under (2) and (3) of the RTI Request.*

The CPIO furnished point-wise information to the appellant on 24.07.2020:-

1. *“All the applications for approval will be considered after inspection only. If the college fulfills all the requirements, the inspection will be carried out. Firstly, the application of the new law colleges will be given priority. The colleges situated near new colleges also will be covered while inspecting new law colleges. The existing law colleges are also inspected very three year, if not happened the extension of approval of affiliation will be issued.*
2. *No such list if available with the CPIO*
3. *No such list is available with the CPIO.*
4. *No such list is available with the CPIO”*

*The information sought (2, 3 and 4) is in the format of agenda and minutes. The information sought is in voluminousness. After this lock down you are requested to kindly write a mail to [dlebc@gmail.com](mailto:dlebc@gmail.com) or call 011-49225000 for fixing a date for verifying the documents from 2016 to 2020. Delay in providing the information was due to lockdown.”*

Being dissatisfied of delay in getting the information, the appellant filed a First Appeal dated 19.05.2020. FAA's order dated 30.08.2020, upheld the reply of CPIO.

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

**Relevant Facts emerging during Hearing:**

The following were present:-

**Appellant:** Present through audio conference.

**Respondent:** Ashok Pandey, Joint Secretary & FAA present through audio conference.

The Appellant at the outset invited the attention of the bench to his written submissions, relevant extracts reiterated by him during the hearing are reproduced hereunder:

*“6. That it is most humbly submitted that despite a passage of over 16 Years from the date of enactment of the RTI Act, Respondent Bar Council of India, is not complying with the mandatory provision as enumerated under Section 4 of the RTI Act, more particularly, Section 4(1)(b) and 4(2) of the RTI Act relating to suo-moto disclosures by the Public Authorities which is evident from a bare perusal of the website of Respondent Bar Council of India.*

*7. That the Hon’ble CIC, in the case of H N Pathak v. PIO, BCI (CIC/SA/C/2016/000164) vide Order dated 02.01.2017, had observed that there was no specific disclosure under Section 4(1)(b) in the Official Website of BCI and had directed to file a compliance report with undertaking that BCI would update information periodically, however, from a perusal of RTI Section of Bar Council of India website, the information is nothing more than a formality with no space for suo moto disclosure. Relevant Portion of the Order pertaining to disclosure of inspection report is quoted as follows:*

*“21. In fact, the BCI is under an obligation under section 4(1)(b) to voluntarily disclose every inspection report on their official website. The parents and students or any other person has a right to know the reasons for recommending to accord the recognition. They should get an opportunity to verify the claims made by the legal educational institute which entitled them the recognition. It is not proper and legal on the part of the BCI to deny the information sought. Hence the complaint sustains. The transparency in the process of recognizing law colleges, voluntary disclosure of inspection reports explaining inadequacies in faculty and infrastructure in law colleges will go a long way in removing the scope of corruption. The information so disclosed will help students and their parents to exercise the choice of law colleges in very effective manner. The aims and objectives of Advocates Act 1961 could be achieved if the provisions of transparency in RTI Act are properly complied with by the Bar Council of India.”*

*8. That it is also brought to the notice of the Hon’ble CIC that though the Ld. CPIO have specifically stated on Point No. 2, 3 and 4 that no such information is available with him, however, from a bare perusal of categories of documents held by it or under it’s control as stated by Respondent BCI, on it’s website, inspection*

*report of law institutions finds place. Relevant portion of Section 4(1)(b) disclosure by BCI is quoted for convenience of Hon'ble CIC, which is as follows:*

*"The documents / decisions / proposals of the various State Bar Councils, files of disciplinary proceedings, applications / compliance reports of law colleges for approval, **inspection reports of the law institutions**, Minutes of the various meetings, transfer applications of advocates, writ petitions filed against the Bar Council of India, revisions and petitions related to the Council, welfare funds submitted by the various State Bar Councils, personal files of employees of the Council, etc"*

*9. That the information sought should have been disclosed by the Respondent BCI on their official website as mandated under the RTI Act. Reliance in this regard is placed on judgments of Hon'ble Supreme Court and Hon'ble Delhi High Court for kind consideration...."*

The FAA vehemently objected to the arguments of the Appellant contending on issues of *suo motu* disclosure and argued that the aspect of *suo motu* disclosure is not before the Commission for adjudication in this case. He further explained that the BCI website is in the process of being upgraded and eventually all *suo motu* disclosures would be available therein but he also wished to clarify that BCI does not upload/place the inspection report of colleges in the public domain because that is ought to create unnecessary confusion and speculation amongst the stakeholders as the fact finding committee/inspection committee only renders its opinion on the question of approval etc. but the final decision is based on the findings of the Legal Education Committee which is comprised of members from distinguished backgrounds including that of the retired justices of the High Courts & the Supreme Court and it is this final approval that is placed in the public domain indicating the status of the colleges.

The Appellant desired to point out that even as on the date of hearing the BCI website did not contain any updates and urged to the bench that the decadent lack of transparency in the functioning of BCI and the absence of inspection reports of the law colleges in the public domain is causing immense agony to the student community as they are unable to make an informed decision for taking admission to the various law college and cited certain instances in this regard with respect to a bunch of law colleges in Patna wherein the concerned High Court had to intervene and issue directions to the BCI to conduct the inspection of the colleges.

The FAA burst into frenzied arguments with the Appellant for bringing up allegations of lack of transparency and for insisting on non-compliance of earlier Commission's directions.

The Commission took exception to the disdainful conduct of the FAA and closed the hearing proceedings.

**Decision:**

The Commission based on a perusal of the facts on record observes that as far as the information sought for in the RTI Application is concerned, no infirmity lies in the reply of the CPIO in as much as the Appellant was provided a factual reply while also being offered an inspection of the available and relevant records.

Now, as far as the averments of the Appellant are concerned, the Commission finds that concededly the disclosure of the inspection reports of the law colleges in the public domain will benefit the student community at large and will significantly reduce the burden of RTI Applications filed in this regard. For the said reason, the **Commission directs the FAA to place this order before their competent authority to ensure that action is expedited with respect to the upgradation of the BCI website while also incorporating the stipulations of the Commission in the *H N Pathak* case (supra).**

As regards relief to be ordered in the matter, the Commission directs the CPIO to reiterate the opportunity of inspection of the available records with respect to the information sought for at points 2,3,4 to the Appellant and facilitate the same on a mutually decided date & time. The intimation of date & time of the inspection shall be provided to the Appellant telephonically and in writing by the CPIO. Copy of documents, if any desired by the Appellant during the inspection shall be provided free of cost upto 25 pages and beyond this limit, prescribed fees may be charged as per RTI Rules, 2012 by the CPIO.

The aforesaid directions shall be complied with by the CPIO within 15 days from the date of receipt of this order under due intimation to the Commission.

**The appeal is disposed of accordingly.**

**Saroj Punhani (सरोजपुनहानि)  
Information Commissioner (सूचनाआयुक्त)**

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

(C.A. Joseph)

Dy. Registrar

011-26179548/ ca.joseph@nic.in

सी. ए. जोसेफ, उप-पंजीयक

दिनांक /

