

**CENTRAL INFORMATION COMMISSION**  
**2nd Floor, 'B' Wing, August Kranti Bhawan,**  
**Bhikaji Cama Place, New Delhi -110066**  
**Tel : +91-11-26186535**

**Appeal No. CIC/SA/A/2016/001807**

Appellant: Sh. Lalit Kumar,

Respondent: Central Public Information Officer  
Secy., Bar Council of Delhi,  
2/6, Siri Fort,  
Institutional Area,  
Khel Gaon Marg,  
New Delhi-110049

Date of Hearing: 21.08.2017

Dated of Decision: 21.08.2017

**ORDER**

**Facts:**

1. The appellant filed RTI application dated 01.01.2016 seeking information regarding: action taken on letter dated 01.09.2015 which was sent by Hon'ble Delhi High Court to the respondent to take action against Smt. Roshni Singh, Advocate; whether any notice was sent to Smt. Roshni Singh, Advocate and copy of her reply, if any, etc.
2. The response of CPIO is not on record. The appellant filed first appeal dated 29.02.2016 with First Appellate Authority (FAA). The response of FAA is not on record. The appellant filed second appeal on 01.07.2016 before the Commission on the ground that information should be provided to him.

**Hearing:**

3. The respondent was represented through counsel Sh. Ashish Tiwari who was personally present in the hearing. The appellant was absent.

4. The respondent stated that vide their letter dated 09.08.2017, available information has already been provided to the appellant.

5. During the hearing, the Commission asked the respondent about the delay in giving reply to the appellant on his RTI application dated 01.01.2016. The respondent stated that due to shortage of staff from 2015 in Bar Council of Delhi, the reply could not be sent on time. The respondent stated that some of their employees were involved in on-going process of verification of advocates.

**Discussion/ observation:**

6. The Commission observed that there is a delay of more than 1 year 6 months in giving reply to the appellant on his RTI application dated 01.01.2016. The defense taken by the respondent is not sustainable.

7. The Commission further observed that the respondent in his reply dated 09.08.2017 stated that “reference your application under RTI Act,2005, seeking information, which has been received in our office on 02.08.2017, along with Hon’ble CIC notice dated 28.08.2017”. While on the one hand, the respondent, during the hearing has stated and accepted that there is a delay in giving reply to the appellant, on the other hand, the respondent in his reply dated 9,8.2017 has stated that they had received the RTI application along with the hearing notice. The respondent should clarify the above position.

**Decision:**

8. The respondent is directed to show-cause in writing the reason for delay in replying to the RTI application dated 01.01.2016 of the appellant and why penalty should not be imposed on him, within 30 days from the date of receipt of this order.

9. The respondent is further directed to clarify the position as mentioned in para no. 7 above, within 30 days from the date of receipt of this order.

10. The Deputy Registrar is directed to fix a hearing in the matter after 30 days for compliance.

Copy of the order be given to the parties free of cost.

Sd/-

**(Radha Krishna Mathur)**  
**Chief Information Commissioner**

**Authenticated true copy**

**Sd/-**  
**(S.C.Sharma)**  
**Dy. Registrar**

**ADJUNCT ORDER DATED 28.09.2017**

**Hearing:**

1. The instant matter was earlier heard on 21.08.2017. The matter is listed today for compliance of order dated 21.08.2017
2. The respondent was represented by counsel Sh. Ashish Tiwari who was personally present in the hearing. The appellant did not participate in the hearing.
3. The respondent has sent their written submission dated 22.09.2017, which is taken on record.
4. The respondent stated that the delay caused in giving reply to the complainant's RTI application was neither deliberate nor intentional and was due to occurrence of some unprecedented circumstances. The respondent in his written submissions stated that the elected body of the State Bar Council of Delhi was dissolved in June, 2015 as their term of election came to an end. Thereupon, the duties and obligations which were collectively carried out by the elected body of 25 members along with the regular staff of the Bar Council of Delhi which is now being managed solely by the regular staff only with no elected member in place. All the functions of Bar Council of Delhi are currently administered by the Special Committee since November, 2015.
5. The respondent stated that the Bar Council of India came up with Rules relating to the Certificate and Place of Practice (Verification) Rules in the year 2015 and post introduction of the said Rules, the election to all the Bar Councils across the country were virtually put on hold as the very objective of the said Rules was to first identify fake practicing lawyers and fake degree holder and to strike off their name from the rolls of the advocate of State Bar Councils including the State Bar Council of Delhi.
6. The respondent stated that in view of the above, the State Bar Council of Delhi is engaged in the mountainous task of verification of all the advocates enrolled on the rolls of Bar Council of Delhi. He stated that it requires consistent and prolonged interaction with not only the Universities/Colleges

which are situated in State of NCT of Delhi but also various Universities/Colleges which are situated across the Country.

7. The respondent stated that on one hand, the Council and its regular staff have to work in constant touch with all the Universities and Educational Institutions across the Country in order to verify the degrees and educational certificates of the concerned advocates and on the other hand they have to ensure smooth dispensation of routine affairs of the Bar Council as well such as fresh enrollment of advocates, preparation of rolls of advocates, conducting meetings of various Committee(s), keeping check of various pending and upcoming litigations before Courts of Law and implementation of the directions issued therein.

8. The respondent referred to judgment of hon'ble Supreme Court of India in the sub-judice matter of Ajayinder Sangwan & Ors. Vs. Bar Council of Delhi & Ors. The Hon'ble Court in its order dated 23.08.2017 held as: "5) Learned senior counsel for the Bar Council of India admitted that the work relating to verification is very slow as the States where Advocate Generals are functioning as the Chairman of the State Bar Councils and elections are due, they are unable to spare time for the affairs of the State Bar Councils due to heavy workload. Further, no verification of certificates/degrees have been undertaken for LLB Graduates seeking enrolment after July 2010 and the All India Bar Examination (AIBE) cannot be said to be proof of having a valid degree of any candidate. In order to expedite the process of verification of degrees, the Bar Council of India proposes to constitute a Central Verification Committee of the Bar Council of India headed by a former Judge of this Court for the purpose of transparent and fair verification. 6) To put it in a nutshell, the petitioners are requesting for immediate elections of the State Bar Council as the term has expired long back whereas the Bar Council of India is pressing for the need of verification of the candidates to eliminate fake lawyers in order to bring improvement in the Bar and to get deserving practicing advocates for the respective Bar Councils. 7) We have been informed by learned senior counsel for the Bar Council of India as well as the respective State Bar Councils that the process of verification is not completed yet".

9. The respondent stated that it is due to manifold administrative obligations and time-engaging exercises and in view of the circumstances as provided above, the Bar Council of Delhi could not ensure timely filing of reply to the complainant's RTI application. The delay caused by the staff of Bar Council of Delhi dealing such matters, is neither willful nor intentional and is regretted and it is also submitted that no such delay will be repeated in future.

10. Regarding clarification with respect to para 7 of Commission's earlier order dated 21.08.2017, the respondent stated that it has been inadvertently mentioned in the reply to the RTI application. It is clarified that the Bar Council has received the RTI application on 08.03.2017 and the statement made in the reply to the RTI of the appellant has been due to a clerical mistake while drafting the same.

**Discussion/Observation:**

11. The Commission is of the view that the explanation given by the respondent is satisfactory.

**Decision:**

12. Show cause is dropped.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

**(Radha Krishna Mathur)**  
**Chief Information Commissioner**

**Authenticated true copy**

**(S.C.Sharma)**  
**Dy. Registrar**