

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

CIC/SA/A/2015/001262

CIC/SA/A/2015/001263

CIC/SA/A/2015/001264

CIC/SA/A/2015/001265

(Video Conference – Rewari,Punchkula)

**Harinder Dhingra Vs. Bar Associations, Rewari, Faridabad, Punchkula,
Gurgaon**

Important Dates:

RTI Application: 7-6-2014	1 st Appeal: 17-8-2014	2 nd Appeal: 25-6-2015
Show cause issued	Hearing: 14-03-2016	Decision: 17-03-2016

Parties Present:

The appellant is present. The Public Authority is not represented.

FACTS:

2. The appellant is a public spirited person working to provide information to the needy and questioning unreasonable tendencies in the public authorities. He is seeking information regarding the number of complaints against the advocates under section 35 of the Advocates Act for the past 10 years, how many cases were disposed of, number of advocates alleged to have committed misconduct or unethical conduct as provisions of Advocates Act, number and percentage of complaints disposed of within one year of the lodging of the complaint, etc.

Having received no information from the Public Authority, the appellant approached the Commission after exhausting the first appeal.

DECISION:

3. Heard the submissions. The appellant wants information regarding the number of complaints against the advocates, how many cases were disposed of, number of advocates who had violated the provisions of Advocates Act, number and percentage of complaints disposed of within a year of the lodging of the complaint, etc. practising/registered with the Bar Associations located at Rewari, Faridabad, Punchkula and Gurgaon, for at least 3 years and how many disciplinary cases against the advocates were sent to the Bar Council of Punjab & Haryana, at Chandigarh by the respective Bar Associations located at Rewari, Faridabad, Punchkula and Gurgaon. The appellant complained that he was not provided with the required information and his first appeals were also not heard by the FAA.

4. 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.

Section 6 of Advocates Act 1961 says:

Functions of State Bar Councils. – (1) The functions of a State Bar Council shall be— (a) to admit persons as advocates on its roll; (b) to prepare and maintain such roll; (c) **to entertain and determine cases of misconduct against advocates on its roll;** (d) **to safeguard the rights, privileges and interests of advocates on its roll;** 1[(dd) to promote the growth of **Bar Associations** for the purposes of effective implementation of the welfare schemes referred to in clause (a) of sub-section

(2) of this section clause (a) of sub-section (2) of section 7;]

CHAPTER V CONDUCT OF ADVOCATES, in section 35 of Advocates Act deals with: **Punishment of advocates for misconduct.**—

(1) Where on receipt of a complaint or otherwise a State Bar Council has reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee. (1A) The State Bar Council may, either of its own motion or on application made to it by any person interested, withdraw a proceeding pending before its disciplinary committee and direct the inquiry to be made by any other disciplinary committee of that State Bar Council. (2) The disciplinary committee of a State Bar Council shall fix a date for the hearing of the case and shall cause a notice thereof to be given to the advocate concerned and to the Advocate-General of the State. (3) The disciplinary committee of a State Bar Council after giving the advocate concerned and the Advocate-General an opportunity of being heard, may make any of the following orders, namely:— (a) dismiss the complaint or, where the proceedings were initiated at the instance of the State Bar Council, direct that the proceedings be filed; (b) reprimand the advocate; (c) suspend the advocate from practice for such period as it may deem fit; (d) remove the name of the advocate from the State roll of advocates. (4) Where an advocate is suspended from practice under clause (c) of sub-section (3), he shall, during the period of suspension, be debarred from practising in any court or before any authority or person in India. (5) Where any notice is issued to the Advocate-General under sub-section (2), the Advocate-General may appear before the 1 Inserted by Act 60 of 1973 w.e.f. 31.01.1974. The words “, if it does not summarily reject the complaint,” omitted by Act 60 of 1973 w.e.f. 31.01.1974. Disciplinary committee of the State Bar Council either in person or through any advocate appearing on his behalf. Explanation.—In this section, section 37 and

section 38, the expressions "Advocate-General" and Advocate-General of the State" shall, in relation to the Union territory of Delhi, mean the Additional Solicitor General of India.

Directions

5. The Commission directs the **Bar Council of Punjab & Haryana**, Chandigarh to furnish the information sought. The action taken under Section 35 by the Bar Council should be published under Section 4(1)(b) of the RTI Act on their own without anybody need to see it.

6. The Complaints also might have emanated from district bar associations and reach the Bar Council of the State. Though Bar Associations are different from Bar Councils, they are also constituted under a law made by Parliament, i.e., the Advocates Act, 1961. They too have a duty to inform the people about their activities. The Commission, therefore, directs the Presidents of the Bar Associations at Rewari, Faridabad, Panchkula and Gurgaon, to provide copies of complaints against, if any, forwarded by them to the Bar Council of Punjab & Haryana at Chandigarh.

7. The Commission also directs the FAA/Bar Council of Punjab & Haryana, Chandigarh to **show cause** why disciplinary action cannot be recommended against him for not taking up the first appeal of the appellant.

8. All the directions shall be complied with, and explanations shall reach within 21 days from the date of receipt of this order.

9. The Commission orders accordingly.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Babu Lal)
Deputy Registrar
Addresses of the parties:

1. The PIO under the RTI Act/President of the Association

DISTRICT BAR ASSOCIATION, District Courts,

Rewari-123401 Haryana State

2. The PIO under the RTI Act/President of the Association

DISTRICT BAR ASSOCIATION, District Courts,

Faridabad-121001 Haryana State

3. The PIO under the RTI Act/President of the Association

DISTRICT BAR ASSOCIATION, District Courts,

Punchkula-134101 Haryana State

4. The PIO under the RTI Act/President of the Association

DISTRICT BAR ASSOCIATION, District Courts,

Gurgaon-122001 Haryana State

5. The First Appellate Authority under the RTI Act

BAR COUNCIL OF PUNJAB & HARYANA, CHANDIGARH

Law Bhawan, Dakshin Marg, Sector 37-A, Chandigarh

PIN: 160017

6. Shri Harinder Dhingra,

D-4-A/7, D.L.F. Phase-I, Gurgaon-122002 Haryana State