

Central Information Commission directs BCI to publish on its website inspection reports of law colleges

Recently in the case of *Prasoon Shekhar v CPIO*, the Central Information Commission (CIC) has ordered the Bar Council of India (BCI) to make inspection reports of law institutions available on its website. The CIC, Saroj Punhani, stated in a decision dated May 25 that disclosing law college inspection records in the public sphere will assist the student community at large and will greatly lessen the burden of RTI petitions made in this respect. The Commission orders the FAA to file this order with their relevant authority to ensure that action on the BCI website be taken quickly, while also taking into account the Commission's ruling in the H N Pathak case.

It was considering an appeal from the First Appellate Authority (FAA), which had denied the request for records of law colleges that had been declared inadequate during a BCI inspection or had their affiliation revoked. In its order, the CIC also expressed significant disapproval of the FAA's "disdainful conduct" during the hearing before it, as well as the FAA's frantic arguments with the appellant.

Prasoon Shekhar, a fourth-year law student, had filed a Right to Information (RTI) request on March 16, 2020, inquiring how often BCI inspected universities. On July 24, 2020, the Central Public Information Officer (CPIO) provided the appellant with point-by-point information, including the following on law college inspections:

“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.”

The plaintiff also requested the following information, which the CPIO refused to provide: -

- A list of colleges that were not found fit after inspection between 2016 and 2020
- A list of colleges whose affiliation was cancelled by BCI between 2016 and 2020
- A list of all the colleges and members who inspected, as well as the date and time of the RTI Request.

The appellant filed an appeal with the FAA, which upheld the CPIO's judgement in an order dated August 30, 2020.

This resulted in the current CIC appeal.

The complainant stated in written submissions that, despite the passage of more than 16 years since the RTI Act's enactment, the BCI is still not cooperating with the mandatory provisions identified under Section 4 of the RTI Act, more specifically, Sections 4(1)(b) and 4(2) of the Act relating to suo-moto disclosures by public authorities, as evidenced by a cursory examination of the BCI's website. The complainant also claimed that in *HN Pathak v. PIO*, BCI, the directed CIC had ordered BCI to file a compliance report with an undertaking that BCI would update information on its website on a regular basis; however, a review of the RTI section of the BCI website revealed that the information was nothing more than a formality, with no room for suo moto disclosure.

The FAA strongly refuted the appellant's arguments on the subject of suo motu revelation, arguing that the question of suo motu disclosure was not before the Commission for adjudication in this matter. He also stated that the BCI website is being improved, and that all suo motu disclosures would soon be published on it. He further highlighted that, in order to minimise undue uncertainty and speculation among stakeholders, BCI does not upload/place college inspection reports in the public domain.

The CIC, on the other hand, disagreed, claiming that such disclosures would benefit students.

As a result, it directed BCI to improve its website in this direction.

In terms of remedy for the appellant, the CIC directed that he be allowed to see the records accessible in relation to the information requested.

The order said, *"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 CPIO must follow the instructions within 15 days of receiving the order.