

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the Right to Information Act, 2005)
The Institute of Company Secretaries of India
ICSI House, C-36, Institutional Area, Sector-62,
Noida - 201 309 (U.P.)

Appeal No. 82/2022

IN THE MATTER OF:

Pradip Upadhayay
5 Bellilious Road
Third Floor
West Bengal-711101

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House
22, Institutional Area, Lodi Road
New Delhi - 110 003

Respondent

Date of Order: 9th November, 2022

ORDER

1. The Appellant has filed first appeal on 10.10.2022 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5402(22) dated 07.10.2022 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his application dated 09.09.2022 has requested to provide the actual number and name of the Members from the Eastern Region who voted in the ICSI election in 2018 and 2021.
3. The Appellant has informed in the instant appeals that the Information sought was refused on the ground that "information is fiduciary in nature and personal information". Therefore, it is exempted from under the RTI. The contention of the ICSI is not valid because the same information is being published by The Institute of Chartered Accountants of India. ICSI can verify the same with ICAI. If required I can will share the list published by ICAI during the hearing. There cannot be different yardsticks for different Professional Institutions. The information asked was the number and name of the voters not their personal communication details or address. Therefore, the ground of refusal that it is fiduciary in nature and personal information is not sustainable.

I humbly request you again to provide the information.
4. The reply of the Respondent against the instant appeal is as under: -

“We reiterate the submissions already made that “The query contains information which are fiduciary in nature and personal information. Therefore, the information sought is exempted under Section 8(1)(e) and 8(1)(j) of the RTI Act, 2005.

Therefore, the appeal deserves to be dismissed in limine”.
5. This Office has carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.
6. This Office concurs with the submission of the Respondent.

The appeal is accordingly disposed of.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

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3. Directorate of IT - For publishing on the website