

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, Sector-62, Institutional Area
Noida - 201 309 (U.P.)

Appeal No.397/2023

IN THE MATTER OF:

Ms. GITANJALI KASHYAP
B-5/264, Krishna Colony, Goraya, Punjab
Jalandhar 144409

Appellant

Vs.

Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309

Respondent

Date of Order: 31st October, 2023

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/23/00397 on 03.10.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with Response Ref No. ICSOI/R/E/23/12687 dated 14.09.2023 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide her application dated 25.08.2023 has requested to provide the certified copies for CS Professional Examination- 3 modules held in June 2023 .
- (3) The Appellant has informed in the instant appeal that “Provided Incomplete, misleading or False information”.
- (4) The reply of the Respondent against the instant appeal is as under: -

“It is submitted that the requisite information as sought by the Applicant (Appellant hereinafter) in her RTI Application ICSOI/R/E/23/12687 dated 25.08.2023, was made available in public domain and was freely available without any cost at link <https://cc.icsi.edu>

In response to her above mentioned RTI Application , the Appellant was informed about the said link and the procedure to fetch the sought information vide letter dated 14.09.2023(copy of letter enclosed). An announcement in this regard has also been published on the website of the Institute (copy of announcement attached).

Further, It is to inform that Appellant has already accessed the required information through the above mentioned portal (screenshot attached).

In the instant Appeal, the Appellant has expressed her disappointment over delay in providing

the requisite information, especially the certified copy of Answer Book of “Governance, Risk Management, Compliances, and Ethics”.

It is to inform that the postponement of date of viewing was caused due to technical issue and remaining Answer book was provided to the student soon after the issue was resolved.

Further, The Appellant has stated this as an infringement of her right to access timely information.

It may be informed that the facility of providing Certified copies at no cost is a facility which the Institute has started from June 2023 examinations onwards, and is open for all the students irrespective of the fact whether or not they have filed an RTI Application. An announcement to this fact has also been published at the website of the Institute. Thus, this facility is not under the ambit of the RTI Act, 2005. The act is merely a medium to apprise those students about this facility who have failed to view the announcement.

Furthermore, it being a voluminous task, availability of scanned copies depends upon multiple factors including technical feasibility and thus, no fixed time period for providing the Answer Books has been stipulated.

This, along with the fact that student was provided with copy of announcement and timely reply of her RTI Application, does not amount to infringement of her rights as a student or an RTI Applicant.

The contents as above made in the RTI reply stands as it is and are candid”.

- (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) The requisite information as sought by the Appellant was freely available in public domain without any cost at Link <https://cc.icsi.edu> as intimated by CPIO EXAM to the appellant vide communication dated 14.09.2023.

The Appellant has already stated that she was able to view the answer sheets and CPIO Exams has also substantiated the same.

CPIO Exams has also stated that postponement of date of viewing was caused due to technical issue and remaining Answer book was provided to the student soon after the issue was resolved.

Although the postponement of date is due to technical issue under the instant case, it is advised that necessary measures be initiated to ensure the timely availability of copies to the Students in future.

The appeal is accordingly disposed of.

Sd/-

(Sonia Baijal)
First Appellate Authority

Copy to:

1. Ms. GITANJALI KASHYAP
B-5/264, Krishna Colony, Goraya, Punjab
Jalandhar 144409
2. Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309
3. Directorate of IT - For publishing on the website