

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. 000013/2026

IN THE MATTER OF:

Pratik Pandit Jadhav
Room No. 11, Vainganga Apart, 2nd Floor,
Kopri Thane, Near Bara Bunglow Park,
Thane East, Thane,
Maharashtra

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
'ICSI House', 22, Institutional Area, Lodi Road,
New Delhi – 110003

Respondent

Date of Order: 23rd April, 2026

ORDER

- (1) The Appellant has filed first Appeal No. ICSOI/A/E/26/00013 on 25/03/2026 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 25/03/2026 against the Central Public Information Officer (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide his RTI Application No. ICSOI/R/E/26/00759 dated 07/03/2026 has requested the following information:

“Request you to provide Certified Copies of Answer Sheets under the Right to Information Act 2005.

Below are my details for your reference:

Name - PRATIK PANDIT JADHAV

Stage Of Examination - PROFESSIONAL PROGRAMME (Syllabus2022)

Year of Examination - DECEMBER 2025

Roll No – 327179

Student Registration No - 440803886/08/2019

Paper No. Subject Name.

01. ENVIRONMENTAL, SOCIAL AND GOVERNANCE (ESG)

03. DRAFTING, PLEADINGS AND APPEARANCES (DPA)

05. COMPLIANCE MANAGEMENT, AUDIT AND DUE DILIGENCE (CMADD)

07. CSR AND SOCIAL GOVERNANCE (CSRSG) (Open Book Exam)“

- (3) The Appellant has submitted in his instant appeal regarding the reply provided by the Respondent to the RTI queries as under:

“First Appeal under Section 19(1) of the RTI Act, 2005 Refusal to provide information in a downloadable/retainable format.

1. Facts of the Case:

I filed an RTI application dated 7th of March, 2026 seeking Briefly describe info. The CPIO, vide reply dated 25th of March 2026, refused the information stating it is already in the public domain. However, the document on the website is restricted to online viewing only and does not allow downloading or saving for future reference.

2. Grounds for Appeal:

* Violation of Section 2(j): The Right to Information under Section 2(j) includes the right to obtain information in the form of certified copies, print-outs, or electronic modes. Simply providing a view-only link does not fulfil the requirement of obtaining information, as the applicant cannot retain or use the record as evidence.

* Inconsistent with Section 7(9): Section 7(9) mandates that information shall ordinarily be provided in the form in which it is sought. I specifically require a retainable copy (PDF/Hard copy). Restricting access to a browser-based viewer is a technical barrier that defeats the purpose of the Act.

* Failure of Suo Motu Disclosure: While authorities are encouraged to put info online under Section 4, the Central Information Commission (CIC) in Harish Kochhar vs. CBSE (CIC/OK/A/2008/01046) held that merely referring an applicant to a website is inadequate if the information is not easily accessible or provided in the requested format.

* Section 22 Overriding Power: Even if the authority's internal website policy prohibits downloads, Section 22 of the RTI Act has an overriding effect over any other rules or orders inconsistent with the Acts goal of transparency.

3. Prayer / Relief Sought: I request the Hon'ble Appellate Authority to direct the CPIO to provide the information in a downloadable PDF format via email or providing appropriate link with downloadable password protected pdf."

(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 his RTI Application ICSOI/R/E/26/00759 dated 25.03.2026, was provided to him vide letter dated 25.03.2026, in which the Appellant was informed about weblink and the procedure to access the Answer Books through "ICSI Examination Answer Books Portal" (Copy of letter enclosed). An announcement in this regard was also published on the website of the institute (Copy of Announcement enclosed).

It is to inform that the Appellant also applied on the ICSI Examination Answer Books portal on 08.03.2026, and answer books have been made available to the applicant on 19.03.2026 and the same can be accessible to the applicant till 30.04.2026. It is also to be submitted that the answer books have been viewed by the Appellant on the portal (Screen Shot of the portal is attached)

Now in the instant Appeal, the Appellant has submitted that Section 2(j) of the Right to Information Act, 2005 has been violated while providing the answer books. In this regard, it is stated that the provisions of section 2(j) of the RTI Act, 2005 have been fully complied in the case and the copy of evaluated answer books have been provided to the Appellant through electronic mode which is

one of the modes as prescribed under the RTI Act itself and within the due time. Therefore, the Appellant's ground for Appeal for violation of section 2(j) is not tenable.

It is further to be submitted that, to ensure quick and transparent access of the answer books, the Institute provide a dedicated answer books portal facility to all its concerned students where the copy of evaluated answer books is available at free of cost and without filing of RTI application. Therefore, no requirement of filing an RTI application for obtaining the same. The portal does not have the download feature is a safeguard towards the unrestricted circulation of answer books, tampering, commercial exploitation and circulation on social media which may compromise the sanctity of the examination process and confidentiality of the evaluators. The ICSI, being an institution of higher learning imparting advanced professional education has a duty to balance transparency with maintaining the examination integrity.

The Appellant has further contended that the process adopted by the ICSI is inconsistent with Section 7(9) of the RTI Act, 2005. It is clarified that there is no inconsistency with the provisions of Section 7(9) of the Act. Evaluated copies of the answer books has been provided to the Appellant through electronic mode. The Hon'ble Allahabad High Court in Union of India vs. Central Information Commission has held that "if information is given and perusal of records is permitted, it would suffice the requirement under RTI Act, 2005. It may not be necessary always to provide the copies of records / documents which the department considers would neither be necessary nor would serve any purpose practically for which the information has been sought". The Court further observed that if sufficient information is there and perusal of record is permitted, it should suffice the mandate of the Act.

The Appellant's further contention that the process of display of answer books amounts to a failure on the part of the ICSI to make suo motu disclosure under the RTI Act is also not tenable, because the ICSI is not denying the information. The substantive information i.e. copy of evaluated answer books with marks and

comments is available for viewing to the Appellant. This fulfills the objective of the RTI Act i.e. ensuring the transparency and accountability. The restriction on download is reasonable procedural safeguard and not the denial of the information.

Regarding section 22 of the RTI Act, 2005 as mentioned by the Appellant in his instant appeal, it is to state that section 22 provides that the RTI Act shall have overruling effect in case of any inconsistency with any other law for the time being in force. However, in this case there is no matter of inconsistency. The RTI Act under section 2 (j) defines "Right to information" to include inspection of work, documents, records and taking certified copies. The Institute facilitated "inspection through the dedicated portal, which is one of the modes as prescribed under the RTI Act itself. Hence, the provision of RTI Act is being fully complied with and not overridden.

Therefore, substantive information is made available to the appellant and no other information is required to be provided.

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

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.

This office concurs with the submissions of the Respondent in his reply to the instant appeal.

The appeal is accordingly disposed of.

Sd/-

(Ashvini Kumar Srivastava)
First Appellate Authority

Copy to:

1. Pratik Pandit Jadhav
Room No. 11, Vainganga Apart, 2nd Floor,
Kopri Thane, Near Bara Bungalow Park,
Thane East, Thane,
Maharashtra
2. Central Public Information Officer
The Institute of Company Secretaries of India
'ICSI House', 22, Institutional Area, Lodi Road,
New Delhi – 110003
3. Directorate of IT – For publishing on the website