

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. 72/2021

IN THE MATTER OF:

Mr. Rajesh Arora
J703, Mahindra Aurasector,
110 aneew Palam Vihar 3
Gurugram - 122017
Haryana

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: 2nd November, 2021

ORDER

1. The Appellant has filed first appeal on 08.10.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5166/(21) dated 08.10.2021 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 01.10.2021 has requested to provide the information through RTI.
3. The Appellant has informed in the instant appeal that:

“I am in receipt of the attached response from ICSI for an application filed by me under the RTI Act and I am not satisfied with the answers so provided particularly for the following questions:-

1. Criteria of selection of the Members of the Experts Group on Secretarial Standard.

Your Response: As may be determined by the Council.

My Additional question: What is determined by the Council, please share the same.

2. Tenure for which a member of Experts Group Secretarial Standard/Board can continue/serve.

Your Response: As may be determined by the Council.

My Additional question: What is determined by the Council, please share the same.

3. Reason for not rotating few members of the Experts Group on Secretarial Standards/Board for more than 4 years.

Your Response: This cannot be construed as an information under Section 2 (f) of the RTI Act.

My additional question: There are few members which are continuing for more than 4 years whereas the Expert Group/Board is being reconstituted every year. The same members shall not continue forever, hence would like to know the reasons for not rotating them. Someone would have taken that decision and would have recorded the reasons thereof, please share the same.

4. The relevant section/rule under which the President of ICSI and/or Council Members has/have got the discretionary power of appointment of the Members of Expert Group on Secretarial Standards/ Board.

Your Response: There is no prohibition under the CS Act/Regulations.

The Council/President-ICSI under the authority of the Council may constitute such expert groups/ core-group as may be required for effective functioning of the Institute.

My Additional question: Which section/regulation authorises the Council/President to constitute such groups if there is no prohibition. Please share the resolution that would have passed by the Council to constitute such an expert group.

Humble request to answer the above additional questions in a fair manner."

4. The reply of the Respondent against the instant appeal is as under:-

"The reply provided earlier is reiterated. Further, it is also necessary to mention that appellant is seeking afresh and additional information in his first appeal, which he had not sought earlier in his RTI application. Therefore, the information cannot be provided as per the choice of the information seeker."

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.
6. This Office concurs with the submission of the Respondent.

The appeal is accordingly disposed of.

Sd/-

(Ankur Yadav)

First Appellate Authority

Copy to :

1. Mr. Rajesh Arora
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2. Mrs. Sarah Arokiaswamy
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3. Directorate of IT - For publishing on the website