

OFFICE OF THE FIRST APPELLATE AUTHORITY

(Appointed under 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. 1/2020

IN THE MATTER OF:

Madhur N Agrawal
16, Mauli Complex
Besides Durga Mata Temple
Behind Akashwani
Jawhar Colony road
Maharashtra

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 : 20th January, 2020

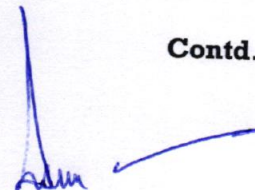
ORDER

1. The Appellant has filed first appeal on 9th January, 2020 under section 19(1) of the Right to Information Act, 2005 against response issued vide letter Ref. No. RTI 2005/2947(19) dated 09.01.2020 by 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 21.11.2019 had requested to provide the following information :

"1. Whether the ICSI have any guidelines/ rules/regulation/circular which need to be followed before hiring/ leasing/ renting premises for chapter office
2. Whether the ICSI have any guidelines/ rules/regulation / circular which need to be followed before appointing/ empaneling any third party vendor which will supply goods or services to the members or to the Institute internally. 3. Whether there is any tender/ EoI called before appointing Reparo Creations for selling Blazers to members of ICSI. 4. Whether the tenders/EoI are called before hiring/ leasing/renting premises for chapter office."

3. The Respondent vide letter dated 09.01.2020 had informed the Appellant that the information sought is interrogative in nature and seeking clarification, therefore, not covered under Section 2(f) of the RTI Act.

Contd...2...



4. The Appellant in the instant appeal informed as under :

"PIO has provided a wrong information on my RTI Application. The PIO has summarily rejected the application, hiding behind the sec. 2 (f) of the RTI Act, 2005. My grounds of appeal are as below,

1. The information asked in the application is sought to understand the procedure of ICSI. The ICSI is a Statutory Body under an Act of parliament and hence works under certain guidelines.

2. My application is towards the same thing, asking to share the documents under which the procedure is followed. 3. The application do not sought to make any investigation but merely a simple information asked as the stakeholder of the Institute."

5. The Respondent has informed against the instant appeal as under :

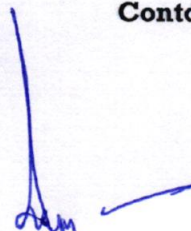
"The information sought by RTI applicant (Appellant herein) is in the form of queries as he has used the expression "Whether" in the queries.

Quoting the judgement (CIC/SS/AI2013/000S3S-YA) dated 28th May, 2014 passed by the Hon'ble Central Information Commission (CJC) in the matter of Shri G. Senthil Kumar, Puducherry VIS Directorate of Health & Family Welfare Services. Puducherry concerning the queries starts with the worn "Whether' is attached herewith for ready reference which was given the decision that

"The public authority is not bound to answer queries like whether he would be considered for the post since he has crossed the age limit or' whether he will be granted any age relaxation and whether his merit will be considered Of not Interrogative queries viz. "How/ Why/ When" do not come under the ambit of RTI Act..

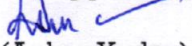
The said judgement has referred the case of Dr. Celsa Pinto Vs. Goa State Information Commission (W.P. No. 419 of 2007), the High Court of Bombay, in its order dated 03.04.2008, held:-"The definition (of information) cannot include within its fold answers to the question "why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

Contd...3...



6. 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.
7. This Office concurs with the submissions of the Respondent.

The appeal is accordingly dismissed.


(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Madhur N Agrawal
16, Mauli Complex
Besides Durga Mata Temple
Behind Akashwani
Jawhar Colony road
Maharashtra
2. Mr. Surya Narayan Mishra
Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House, 22, Institutional Area
Lodi Road
New Delhi - 110 003
3. Directorate of IT For publishing on the website