

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. 20/2019

IN THE MATTER OF:

M S Niranjhan
S/o M A Srinivasan
Flat 1A, Vishwakamal Apartments
62/245, R K Mutt Road
Mylapore
Chennai – 600 004

Appellant

Vs.

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

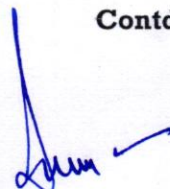
Respondent

Date of Order : 6th August, 2019

ORDER

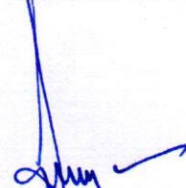
1. The Appellant has filed first appeal dated 7th July, 2019 (received in this Office on 11th July, 2019) under section 19(1) of the Right to Information Act, 2005 against information provided vide letter Ref. No. RTI 2005/2285(19) dated 2nd July, 2019 by the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant has mentioned under the ground for appeal that he is aggrieved by the response provided by the Respondent.
3. The issues raised by the Appellant in the Appeal and the Respondent's submissions thereof are as under ::
 - a) There is no obligation on the part of ICSI to approach the third party in this matter. (Respondent's Submission : As per the RTI Act, 2005, there was definitely obligation on the part of the ICSI to approach third party.)
 - b) ICSI is duty bound to provide information to the citizens of India about its members who are qualified company secretaries and their eligibility to practice. Respondent's Submission : As per the RTI Act, 2005, the CPIO is bound to follow the RTI Act, 2005 only and accordingly the same has been followed by CPIO).

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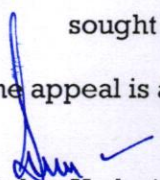
- c) The information sought is only about a person's membership status who declares in public (at various forums) that she is a qualified company secretary in practice and carries on the profession. (Respondent's Submission : It is beyond the purview of RTI Act, 2005 as upheld by CIC in the case of Smt. Nirmal Garg vs. SEBI – Case No. CIC/MP/A/2015/001439, CIC/MP/A/2015/001440 & CIC/MP/A/2015/001441).
- d) ICSI has nothing preventing it under the law or to shy away from providing membership information of any person. (Respondent's Submission : The said contention is unsustainable since there is no ground or reason mentioned by the Appellant.)
- e) If the person is not a member, the same could also be provided as an information. (Respondent's Submission : The third party is a registered member, therefore, followed by the process of RTI Act, 2005 we were unable to provide the information as sought by the Appellant.)
- f) ICSI shall not be in cahoots with imposters and fraudsters who designate as company secretaries. It is in larger public interest that fraudsters/ imposters/ non-members of ICSI shall be identified and brought before justice. (Respondent's Submission : The CPIO is only accountable to provide the information as per Section 2(f) read with Section 2(i) and 2(j) of the RTI Act, 2005. It is also necessary to mention that the Appellant is frequently asking the information relating to Ms. Anjali Goyal through various RTI applications, therefore, it proves that the Appellant has personal interest in her personal information. Hence, the same can not be considered in the larger public interest.)
- g) No personal or private information of the third party is sought in the RTI application. (Respondent's Submission : As per records, the information sought by Appellant is only available with the ICSI and third party, therefore, it may surely be considered as her personal information.)
- h) The RTI application is made since no information on the third party was found from the member's directory at ICSI's websites. (Respondent's Submission : It is pertinent to mention that the basic information like name, membership number and COP number (if holding) is mandatorily required to be displayed in the public domain on the ICSI's website. However, the member has the option of hiding his/ her personal information like address, contact number and email from viewing in the public domain.)
- i) It is necessity for the public to know if the person, who is declaring to be a company secretary is in fact a company secretary or not. (Respondent's Submission : Since the Appellant has sought information under the purview of RTI Act, 2005 and it was related to third party, we had to follow the process as mentioned in RTI Act, 2005 and accordingly, we were unable to provide the information).

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- j) Section 11(1) of the RTI Act is not applicable to my RTI application.(Respondent's Submission : Since the Appellant had asked the information which was related to the third party, Section 11(1) of the RTI Act, 2005 is applicable on the RTI application.)
4. The Respondent vide reply dated 02.07.2019 had informed the Appellant that the information as sought is relating to a third party. In accordance with Section 11(1) of the Right to Information Act, 2005, a letter was written to the third party (i.e. Ms. Anjali Goyal).
 5. The Respondent has further informed that the third party in her reply has requested the Respondent not to disclose the information.
 6. The Respondent has informed against the instant appeal that the contents of the RTI reply dated 02.07.2019 stands as it is.
 7. 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.
 8. This Authority takes note that the process followed as per 11(1) by the Respondent is in order. This Authority also has taken on record that the Appellant has emphasised on public interest in Point 9 of the Appeal.
 9. In view of the foregoing, the Respondent is hereby directed to provide the information sought by the Appellant within 15 working days from the date of issue of this Order.

The appeal is accordingly disposed of.


(Ankur Yadav)
First Appellate Authority

Copy to :

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3. Directorate of IT For publishing on the website