

**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. 33/2019**

IN THE MATTER OF:

B Vinay Reddy  
H. No. 2-2-15/1 Street, Pitlambase  
Land Mark Near Brahman Gari Temple  
Medak Town, Medak  
Telengana – 502 110

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 : 29<sup>th</sup> October, 2019**

**ORDER**

1. The Appellant has filed first appeal dated 4<sup>th</sup> October, 2019 under section 19(1) of the Right to Information Act, 2005 against information provided vide letter Ref. No. RTI 2005/2516(19) dated 03.10.2019 by the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant had submitted an application under the RTI Act wherein he requested for information pertaining to providing copies of answer books of CS Examinations under RTI Act.
3. The queries of the Appellant and the reply furnished by the Respondent and contents of the appeal are as under :

Query No.	Query Raised	Reply by the Respondent	Contents of the Appeal
1.	Whether the Institute is providing certified copies of answer sheets under the RTI	No. Only photocopy of the answer book(s) is provided to the candidates under RTI on payment of requisite fee as specified under the Right to Information (Regulation of Fee and Cost) Rules, 2005.	For the points (1) (2) (3), PIO has provided a generalised reply, request you to provide a specific reply, in the point number (2) it was asked, copies will be provided in PDF format (soft copy) or in Paper format (Hard Copy), but PIO replied with incomplete information.
2.	If yes to the (1) above, it will be provided in Soft copy or Hard Copy		
3.	If certified copies are provided in hardcopy, please mention the charges collected by the Institute including postage.		

Query No.	Query Raised	Reply by the Respondent	Contents of the Appeal
4.	Fee for providing Verification, Inspection, Certified copies and RE-evaluation of answer sheets as per the Institute procedure	The information sought is available on the website of the Institute i.e. <a href="http://www.icsi.edu">www.icsi.edu</a>	In point number (4), it was asked the fee for providing Verification, Inspection, Certified copies and Re-evaluation of answer sheets as per the Institute procedure. But, PIO replied to refer icsi website.  I request you to direct PIO provide information here or attach the specific link of the site which redirects to the information sought, instead of providing the general link of the site.
5.	No. of applications received at each level of the course seeking certified copies under RTI for exams conducted in June 2019 alongwith Date of the application, Name of the applicant, RTI Registration Number, Email Id, Copies sought for level and no. of papers/ subjects, Status of the application	The information is not maintained in the form / content as desired, therefore, not available and not covered under Section 2(f) of the Right to Information Act, 2005.	In point number (5) and (6), it was asked for the number of RTI applications filed for the period 2010 to 2019 along with with applicant wise data. But, PIO replied information is not maned as per the content/format sought by me. It may be noted, if the information is not available in the format sought by me, PIO may be provided to the extent of information available instead of denying the reply.
6.	No. of applications received at each level of course seeking certified copies under RTI during the period 2010 to 2019 alongwith the below details : Date of application, Name of the applicant, RTI Registration Number, Email id, copies sought for level and no. of papers/ subjects, Status of Application		It clearly appears PIO is not willing to provide information under RTI and discouraging the RTI applicant.



Query No.	Query Raised	Reply by the Respondent	Contents of the Appeal
9.	For how many days answer sheets will be preserved from the date of declaration of result	The information sought is available on the website of the Institute i.e. <a href="http://www.icsi.edu">www.icsi.edu</a>	In point number (9), I was asked for no. of days answer sheets will be preserved from the date of declaration of result. But, PIO replied to refer icsi website. I request you to direct PIO provide information here or attach the specific link of the site which redirects to the information sought, instead of providing the general link of the site.
10.	For how many days student can seek certified copies under RTI from the date of declaration of results.	This is not an information, therefore, not covered under the RTI Act, 2005.	In point number (10) I was asked for no. of days student can seek certified copies under RTI from the date of declaration of results. But, PIO replied it is not information under RTI. I appeal to direct PIO to provide the same.


4. The submissions of the Respondent has instant appeal and the decision of the First Appellate Authority are as under :

Query No.	Submission of Respondent	Decision of the First Appellate Authority
1, 2 & 3	The Respondent has informed that only photocopies of answer books can be provided as per the provisions of the RTI Act, 2005.	The submission of the Respondent is accepted as it was mentioned that "photocopies of answer books can be provided" which means the information is supplied in physical form (hard copy).
4.	The Respondent has informed the specific links on the website of the Institute.	The Respondent is directed to inform the specific links on the website of the Institute to the Appellant.
5 & 6	The Respondent has reiterated the reply already given and submitted that only such information can be provided which already exists with the public authority. Therefore, the information which is readily available in the format/ content can only be provided to the appellant and not as per the choice of the information seeker.	The submission of the Respondent is accepted.

9.	The Respondent has informed the specified link on the website of the Institute wherein the retention schedule has been mentioned.	The Respondent is directed to inform the specific link on the website of the Institute to the Appellant.
10.	The Respondent has informed that the query is in the nature of seeking clarification/ opinion and therefore does not fall within the definition of 'information' under Section 2(f) of the RTI Act, 2005.	The submission of Respondent is accepted.

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 Respondent is directed to provide the specific information requested at query No. 4 and 9.

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