

**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. 40/2019**

IN THE MATTER OF:

P P M Ashraf  
Meadows P H E D Road  
Eranhipalam  
Kozhikkode  
Kerala

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 : 25<sup>th</sup> November, 2019**

**ORDER**

1. The Appellant has filed first appeal dated 13<sup>th</sup> November, 2019 under section 19(1) of the Right to Information Act, 2005 against response issued vide letter Ref. No. RTI 2005/2871(19) dated 13.11.2019 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 27.10.2019 requested to furnish the following information :

*"We had submitted a GRIEVANCE on third party audit of RULES and REGULATIONS of PUBLIC AUTHORITIES mandated vide OM issued by GOI DOPT in 2013 April 15. Banking Company namely SBI is doing BUSINESS by way of SBI GENERAL REGULATION sanctioned by CENTRAL GOVERNMENT and PARLIAMENT while other GOVERNMENT BANKS are doing BUSINESS without REGULATION but on the basis of PRIVATE MANUAL which is a fraud on parliament and central government. OM mandates adherence to AOBT OB while framing Regulation. As per instruction of DOPT and DARPG Sri Tharvinder Singh Under Secretary Ministry of Corporate Affairs have informed us as under The earlier grievances have already been forwarded to the respective Institutes for information and to taking action if any. The grievance is disposed of. PLEASE INFORM US ACTION TAKEN BY INSTITUTE for THIRD PARTY AUDIT as SRI THARVINDER SIGH STATED THAT COMPANY SECRETARIES are having adequate PROVISION in COMPANY SECRETARY ACT to conduct third party audit and additional provision is not required in the act."*

3. The Respondent had informed vide letter dated 13.11.2019 that the query is not clear.

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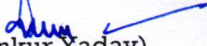


4. The Appellant, in the instant Appeal, has informed as under :

*"The earlier grievances have already been forwarded to the respective Institutes for information and to taking action if any. The grievance is disposed of. The GRIEVANCES SUBMITTED THROUGH MINISTRY OF CORPORATE AFFAIRS is stated to be submitted to CS Institute for action. as ABOVE. Please inform the action taken on the GRIEVANCES with special reference to third party audit on adherence to AOBT OB while framing REGULATIONS by the ENTITY BASED on the COMMAND in the respective acts. For example STATE BANK OF INDIA CONSTITUTED under SBI ACT framed SBI GENERAL REGULATIONS CLAIMING REGULATIONS ON ALL BUSINESS AFFAIRS of THE BANK. Please inform whether the ABOVE REGULATION covers DEPOSIT BUSINESS AND WHETHER REGULATION has adherence to AOBT OB as COMMANDED in OM of DOPT. OTHER NATIONALISED BANKS are commanded vide section 19 of BANKING COMPANIES ACQUISITION and TRANSFER of UNDERTAKING ACT to FRAME GENERAL REGULATION on ALL BUSINESS AFFAIRS ( the BUSINESS AFFAIRS they are having MANUALS which constitute a REGULATION). PLEASE INFORM US whether these MANUAL being GENERAL REGULATION is having sanction of central government and parliament as mandated in the Banking Companies Acquisition and transfer of undertaking act which constituted these Banks. This applies to RRB act IDBI act etc Please inform action taken on grievances forwarded by Ministry of Corporate affairs with reference to OM of DOPT on third party audit. PLEASE INFORM US ACTION TAKEN BY INSTITUTE for THIRD PARTY AUDIT as SRI THARVINDER SIGH STATED THAT COMPANY SECRETARIES are having adequate PROVISION in COMPANY SECRETARY ACT to conduct third party audit and additional provision is not required in the act."*

5. The Respondent has informed against the instant appeal that "The query is not specific as to any document maintained by ICSI. Neither does it pertain to any specific time period. As such the query is vague and does not fall within the definition of 'information' under the RTI Act, 2005."
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 :

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3. Directorate of IT .... For publishing on the website