

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, Sector-62, Institutional Area
Noida - 201 309 (U.P.)

Appeal No.00066/2024

IN THE MATTER OF:

Shri Taha Merchant
Datta Mandir Burhani Complex deopur Dhule,
Maharashtra, Pin - 424001

Appellant

Vs.

Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309

Respondent

Date of Order: 13th June, 2024

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/24/00066 on 17.05.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with the Response vide letter dated 17.05.2024 against the Central Public Information Officer (EXAM) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide his RTI Application No. ICSOI/R/E/24/08049 dated 03.05.2024 has requested to provide with the model answers referred by examiners while checking answers of students for CS Professional December 2023 Exams and has mentioned that this information is not exempted under RTI act as a trade or commercial secret as per decided case law of ICAI vs Shaunak H Satya.
- (3) The Appellant has submitted in the instant appeal that as per Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors., Model answers evaluated are not eligible for exemption under 8(1)e. The Appellant has also submitted that as per Shaunak case law, instructions to moderators are eligible for exemption and not model answers.
- (4) The reply of the Respondent against the instant appeal is as under: -

“It is submitted that the requisite information as sought by the Applicant (Appellant hereinafter) in his RTI Application ICSOI/R/E/24/08049 dated 03.05.2024, is exempted from disclosure and the same was communicated to the Appellant vide letter dated 17.05.2024(copy of letter attached.

Further, in the instant Appeal the Appellant has sought the same information once again.

This is to reiterate that the information i.e. Model Answers given to the Examiners are for the exclusive use of them. Given the confidentiality of interaction between the authority holding the examination and the examiners, the Model Answers qualifies to be item barred by section 8(1) (e) of the RTI Act, 2005. This information also attracts section 8 (1) (d), being the exclusive intellectual property of the ICSI and thus exempt from disclosure under 8(1) (d) of the RTI Act,2005.

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.

This office concurs with the submissions of the Respondent.

The appeal is accordingly disposed of.

Sd/-

(Asit Kumar Rath)

First Appellate Authority

Copy to:

1. Shri Taha Merchant
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2. Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309
3. Directorate of IT - For publishing on the website