

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.00067/2024

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/24/00067 on 17.05.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with the Response vide letter dated 13.05.2024 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/24/07967 dated 15.04.2024 has requested to provide the information as per his following queries:

“How many marks are provided as moderation or standardization by ICSI bifurcated subject wise for CS Professional December 2023 attempt. Also, mention whether moderation marks are awarded to each student or is it awarded only to some. If it is not awarded to all students provide statistics about how many students were awarded marks, what are average moderation marks awarded, what was highest and what was lowest moderation marks awarded. Also, provide how many students weren't given any marks on account of moderation. Please provide all statistics breakup into subjects provide in number as well as percentage.”
- (3) The Appellant has submitted in the instant appeal as follows:

“Individual student information is not asked; individual student information is exempt under given section. I'm asking for statistics about what are moderation marks offered for each subject. If the same marks are not offered, then what is the deviation of highest and lowest moderation marks given in percentage. Such information can easily be retrieved from Excel functions applied on database.”
- (4) The reply of the Respondent against the instant appeal is as under: -

“It is submitted that in reply to the RTI Application ICSOI/R/E/24/07967 dated 15.04.2024, the Applicant (Appellant hereinafter) was provided the Moderation Policy for CS Examinations.

However, in the instant Appeal the Appellant has sought subject wise statistical data of moderation.

In response to the Appeal, this is to inform that subject wise marks provided through moderation depends upon the standards of moderation policy drawn up by the Institute with reference to its own experiences, scope and nature of the examinations conducted.

Further, Institute has already disclosed these standards of moderation which are available at the website of the Institute and also provide to the Appellant vide letter dated 13.05.2024.

However, the statistical data prepared and designed by ICSI can be treated as Information of Trade Secrets and Commercial confidence, and thus it is exempt from disclosure under Section 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