

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. 21/2018

IN THE MATTER OF :

Jyoti Maheswari
27- 28 Kundli, Sindhu Nagar,
Bhilwara, Rajasthan – 311 001

Appellant

Vs.

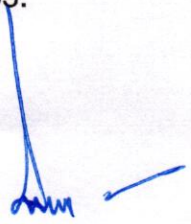
Central Public Information Officer
The Institute of Company Secretaries of India
'ICSI House'
22, Institutional Area, Lodi road
New Delhi – 110 003

Respondent

Date of Order : 4th October, 2018

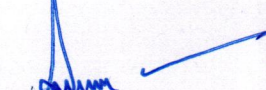
ORDER

1. The Appellant has filed first appeal dated 20th September , 2018 under section 19(1) of the Right to Information Act, 2005 against information provided vide letter Ref.No. RTI 2005/2119(18) dated 20th September, 2018 by the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Respondent had provided the information as sought by the Appellant vide letter dated 20th September, 2018 and the information was uploaded through RTI Online Portal.
3. In this appeal, the Appellant has informed that she denied photocopy of her answer sheets by ICSI.
 - The website of the ICSI provides the option for certified copies at fees of Rs. 500 per subject whereas RTI Act clearly states that the information sought must be provided at Rs.2 per page.
 - Reference : Paras Jain vs. Institute of Company Secretaries of India (LPA 275/2014, order dated 22/04/2014)
 - Held : We dispose of appeal quashing guideline number 3 notified by the respondent (Institute) and declare that for the answer sheets copy is sought by the Appellant (Mr. Jain) he shall be charged fee as per Rule 4 of the Right to Information (Regulation of Fee and Cost) Rules 2005.



4. The Respondent has informed that the information can be provided to the Appellant under the mechanism for inspection and/or supply of certified copy(ies) of Answer Books only to the Candidate concerned and the procedure is available on the Institute's website www.icsi.edu at the URL - <https://www.icsi.edu/media/webmodules/Inspection Certified Copy.pdf>
5. The respondent has submitted that an Order dated 9th May, 2014 has been passed by the Hon'ble Supreme Court of India in SLP(C) No. 12692/14 in the matter of The Institute of Company Secretaries of India Vs. Paras Jain. The respondent has further submitted that the Hon'ble Supreme Court of India has stayed the operation and implementation of the impugned judgement passed in the LPA 275/2014 of the Hon'ble High Court of Delhi.
6. The Respondent has further informed that the contents of the reply to the RTI query stands as it is and are candid.
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 Office concurs with the submissions of the Respondent as above.

The appeal is accordingly dismissed.


(Ankur Yadav)
First Appellate Authority

Copy to :

1. ✓ Ms. Jyoti Maheswari
27- 28 Kundli, Sindhu Nagar,
Bhilwara, Rajashthan - 311 001
2. Mr. Surya Narayan Mishra
Central Public Information Officer
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- 3 Directorate of IT For publishing on the website