

BEFORE THE FIRST APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
The Institute of Company Secretaries of India
ICSI House, 22, Institutional Area, Lodi Road
New Delhi
Appeal No: 06 /14

IN THE MATTER OF

Shri Paras Jain
B-9/3- Vallabh Vihar Society
Sector-13, Rohini
Delhi- 110085

Appellant

Vs.

Public Information Officer
The Institute of Company Secretaries of India
ICSI House, 22, Institutional Area
Lodi Road
New Delhi 110003

Respondent

Place of Hearing : The ICSI, C-37, Sector – 62, Noida – 201 301 (U.P.)
Date of Hearing : 10th March, 2014
Date of Order : 14th March, 2014

ORDER

1. This is an appeal dated 21st January, 2014 (received at ICSI on 4th February, 2014) filed by Shri Paras Jain (hereinafter referred to as 'Appellant') under Section 19(1) of the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act').
2. A copy of the complaint to the Central Information Commission under Section 18(1)(f) RTI Act, 2005 was also enclosed with this Appeal. I note that I have no role to play on the same.
3. I have noted that an opportunity was given to the Appellant and the Respondent to be present on 10th of March, 2014 vide communication dated 4th March 2014, in order to enable proper appreciation of facts and figures, which was not availed by them. Subsequently, I have carefully

considered the application, the response, the appeal and from the records made available to me, I find that the matter has to be decided based on the material available on record.

4. From the appeal, I note that the Appellant is aggrieved by the Respondent's response to his application wherein he had sought information as well as inspection of documents, viz. –

- (i) Inspection of the contract which was entered into between ICSI (WIRC) and Camplace Private Limited (As per Section -2(j)(i) of the RTI Act, 2005).
- (ii) Inspection of the file noting of the office of President, Vice-President, Secretary and Chief Executive of the ICSI in the month of September, October and November 2013 (As per Section -2(j)(i) of the RTI Act, 2005).
- (iii) Total earning of the ICSI through the SIP, EDP and MSOP training in the year 2012-13.
- (iv) Total expenditure on the travel and the hotel expenses of the President, Vice-President, Secretary and Chief Executive of the ICSI in the year 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13. Further complete particulars of such expenses must also be given and name of committee which approves such expenditure.
- (v) Inspection of the register of the attendance of the following Committee (As per Section -2(j)(i) of the RTI Act, 2005).
 - a) Executive Committee
 - b) Examination Committee
 - c) Finance Committee
 - d) Training & Educational Facilities Committee
 - e) Information Technology Committee
 - f) Coordination Committee
- (vi) Total earning of the ICSI through Corporate Membership Fee in the year 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13.
- (vii) Total salary drawn by TR Mehta, Director, NIRC in the year 2009-10, 2010-11, 2011-12 and 2012-13.

5. **Information sought at point no. 4(i) above**, the Respondent had invoked the provision of Sections 8(1)(d) of the RTI Act seeking exemption on providing the information to the Appellant. Upon a perusal of the information sought by the Appellant at point no. 4(i) above and response of the Respondent, I note that the reason of invoking the specific exemption clauses has not been provided by the

Respondent. Mere saying that exemption is there is not enough. The Respondent is also expected to communicate the Appellant as to how the exemption is attracted on the information. In view of the same, I am remitting the application for reconsideration by CPIO to dispose off the same within 20 days of the receipt of this order.

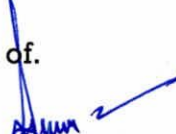
6. As regards **information sought at point no. 4(ii) above**, the Respondent in his reply stated that it is a vague query. Upon a perusal of the information sought by the Appellant, I find that the information sought therein was not specific. In this context, I note that the Hon'ble Chief Information Commission in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), had held that: **"Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO"**. In view of the above observations, I find that the Respondent is not obliged to provide a response where the information sought is not specific. I will like to advise the Appellant that he may specify the exact information and file a new application.
7. **Information at point nos. 4(iii), (vi) & (vii) above**, the Respondent in his reply had stated that information is not maintained in the format/content as desired by the Appellant. I do not find any reason to disbelieve the response provided by the Respondent. In this context, I note that Hon'ble Chief Information Commission in the matter of *Sh. Alok Shukla vs. CPIO, SEBI* (CIC / SM / A/2012 / 001838 Decision dated May 23, 2013), held that: **"...While dealing with RTI, we should not forget that information means only an existing material record. The CPIO can provide the copy of the available records; he cannot create new records in order to address specific queries of the Appellant."** In view of the above observations, I find that the Respondent cannot be obliged to provide such non available information.
8. As regards **information sought at point no. 4(iv) above**, the Respondent had provided the desired information in the *Annexure* of his reply dated 8th January, 2014 vide RTI 2005/1063/(13). In this appeal, the Appellant stated that CPIO has only disclosed the expenditure of the domestic travel and the hotel expenses, not the International travel and the hotel expenses of the President, Vice-President, Secretary and Chief Executive of the ICSI. Therefore, the figure of International travel and the hotel expenses must be disclosed

Upon a perusal of the information sought by the Appellant at point no. 4(iv) above and response of the Respondent. I note that the information sought by the Appellant is total expenditure on the travel and hotel expenses and partial information has been provided. In view of the same, I am remitting the application for reconsideration by CPIO to dispose off the same within 20 days of the receipt of this order.

9. **Information sought at point no. 4(v) above** – In this appeal, the Appellant has informed that he had not found the said information on website of the ICSI.

Upon a perusal of the information sought by the Appellant at point no. 4(v) above, response of the Respondent and the Appeal, I note that Appellant in his RTI application had sought for the inspection **register of the attendance** of the Executive Committee; Examination Committee; Finance Committee; Training & Educational Facilities Committee etc, and now in this appeal, Appellant sought for **inspection of minutes** of above mentioned Committees. Further, in this specific case, I note that if the Appellant wants any new information, he is free to approach the Respondent with application fees and additional fees for cost of information, as envisaged under the RTI Act read with the Right to Information Rules, 2012.

10. In view of the above, the appeal is accordingly disposed of.


(Ankur Yadav)

First Appellate Authority

Date: 14th March 2014

Copy to :

(i) By Speed Post

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(ii) By Hand

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(iii) By Email

3. For publishing on website