

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

APPEAL NO. 52/2022

IN THE MATTER OF:

CS Dhruv Jha
Block-CA, 93D,
2nd Floor, DDA Flats,
Hari Nagar,
Delhi-110064

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: 30th June, 2022

ORDER

1. The Appellant has filed first appeal on 03.06.2022 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5315/(22) dated 31.05.2022 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his RTI application dated 06.05.2022 has requested to provide information:
 1. List of recruiters participated in Mega Placement drive (either online or offline) organized by ICSI from FY 21-22 to till date. (Data to be provided separately for each Mega Placement Drive)
 2. Number of candidates participates in each Mega Placement drive. (Data to be provided separately for each Mega Placement Drive)
 3. List of candidates selected by recruiters in Mega Placement Drive. (Data to be provided separately for each Mega Placement Drive)
 4. Details of Highest and lowest package received by candidates in Mega Placement Drive. (Data to be provided separately for each Mega Placement Drive)
 5. List of Candidates selected by recruiters from the job posted by ICSI on its Placement since 2021. Please provide name of Recruiters also.
3. The Appellant has requested in the instant appeal that "The reason given for not providing information is not maintainable, below is my response against reason provided for not providing information."
 1. The first reason given for not providing information is that information is not maintained by ICSI in the form and manner as desired-Not at all my fault.
 2. The second reason given was itself contradictory with first reason, since in first reason concerned officer saying that information not maintained as desired by me and in second reason he was saying that information is exempt under section 2(f), so if information is exempt under section 2(f) than first reason does not arise at all.

For your kind information the mentioned section is the definition of "Information" and not the exempted list of information that cannot be provided.

Therefor I kindly request you to provide information sought by me, if information is not maintained by ICSI in same form and manner that I desired, I request to provide information in manner that may resemble to manner in which I sought information."

4. The reply of the Respondent against the instant appeal is as under: -

"The requisite information is not maintained in the form/manner as desired. Therefore, the queries do not fall under the information of Section 2 (f) of the Right to Information Act, 2005. Hence, we reiterate our reply given to the applicant (appellant herein).

Further, it is to inform that the "the public authority under the RTI Act, 2005 is not to create or collate information; or to interpret information. Therefore, the information which is readily available in the format/content can only be provided to the appellant and not as per the choice of the information seeker. The reply(ies) to the query(ies) cannot be created and designed in the manner and wish of the appellant. Therefore, the contents as above made in the RTI reply stands as it is.

Please refer order issued on 09.08.2011 in the Civil Appeal No. 6454 of 2011 [Arising out of SLP [C] No. 7526/2009] in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors."

"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act. The content 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.
6. This Office concurs with the submission of the Respondent. RTI Act, 2005 does not make it obligatory on the part of the Public Authority to create information or to interpret the information for the purpose of its extraction/dissemination.

The appeal is accordingly disposed of.

Sd/-
(Ankur Yadav)
First Appellate Authority

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