

**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.00001/2025**

IN THE MATTER OF:

Mr. Bidish Das  
House Number 4, Kunja Behari Bose Lane,  
Opposite to Old Building of St. Helen School,  
(Near Prince Anwar Shah Xing) Tollygunge,  
Kolkata – 700033  
West Bengal

Appellant

Vs.

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

Respondent

Date of Order: 17th February 2025

**ORDER**

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/25/00001 on 24.01.2025 under Section 19(1) of the Right to Information Act, 2005 in connection with Response vide letter dated 24.01.2025 against the Central Public Information Officer (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide his RTI Application No. ICSOI/R/E/25/00001 dated 01/01/2025 has requested the following information:

“Q 1. Provide the name and details of all those schemes and offers (any privilege , facility , benefit - whether monetary or non monetary) which are specifically run by Institute of Company Secretaries of India for Person with Disabilities(Divyangjan).

Q 2. Provide the name of all the branches/offices of the Institute of Company Secretaries of India which are Divyangjan friendly.

Q 3. Does Institute of Company Secretaries of India provides any special services to PwD (Divyangjan) for availing facilities offered by ESIC ? (If yes then provide the list and details of all those services)

Q 4. Provide the Link ( URL ) of Official Website of Institute of Company Secretaries of India and Link ( URL) of all the helping / subsidiary websites of Institute of Company Secretaries of India. (Also provide Link of all those websites which are specially designed for Person with Disabilities , (Divyangjan) )

Q 5. Provide the Link ( URL ) of all the applications of Institute of Company Secretaries of India present in Google Play Store. (Also provide Link of all those Applications which are specially designed for Person with Disabilities , (Divyangjan) )

Q 6. Provide the Link ( URL ) of all the applications of Institute of Company Secretaries of India present in AppleApp Store. (Also provide Link of all those Applications which are specially designed for Person with Disabilities ,(Divyangjan) )

Q 7. Provide the name of all those Branches/offices of Institute of Company Secretaries of India which are having

(a) Currently Operational Toilets for Public use

(b) Currently Operational Toilets for Persons with Disability (Divyangjan)

(c) Person with Disability (Divyangjan) friendly infrastructure (example - PwD friendly building , special amenities provision for Divyangjan , etc.)

Q 8. Provide all the details of amenities and support services available in branches/offices of Institute of Company Secretaries of India for Persons with Disability (Divyangjan)."

- (3) The Appellant has submitted in his instant appeal with regards to the reply provided by the Respondent to the RTI queries as under:

"For Point Number 2 and 7 the PIO has stated that collation of requisite information is not maintained in desired form / format. However the RTI Applicant is of the view that as ICSI does not have large number of offices / branches in India therefore compilation of such information is not a time consuming and diversion of resources problem. Hence the FAA is requested to provide the information.

For Point Number 5 and 6 the PIO has not clarified that if the Smartphone Apps are compliant as per Web Content Accessibility Guidelines 2.1AA of W3C or not, similar to response provided for point number 4.

For Point Number 8 the RTI Applicant actually wanted to know that, if services like Ramp, Non Slippery Floors, Handrails, Wheelchair, wide doorway and corridors for better mobility of wheelchairs, etc. available or not."

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

"With reference to query nos. 4, 5 and 6:-

Since the Mobile Apps on both Android and iOS platform contain the links redirecting to the main Website and the main website is accessibility compliant, accessibility compliance of these mobile apps may not be required separately as such. The Institute has however started working on the upgradation of the Mobile Apps and getting the accessibility audit certificate for the same as well.

With reference to query nos. 2 and 7:-

Only such information is required to be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Hence, it is reiterated that collation of requisite information is not maintained in the desired form / format. Therefore, the same cannot be provided.

Further **Hon'ble Supreme Court of India in its judgment passed in Civil Appeal No. 6454/2011 (CBSE Vs Adititya Bandopadhyay)** has held that 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 (Para 35). Copy attached as **Annexure - 1**.

Also, the **Hon'ble Karnataka High Court in its judgment passed in Writ Petition (C) No. 48376 OF 2018 (K.T. VISHWANATH Vs State Information Commission)** has held that under the provisions of the RTI Act, 2005 only such information that is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record, and PIO is not obliged to furnish information that is not accessible and available in his office. Copy attached as **Annexure - 2**.

With reference to query no. 8:-

Collation of requisite information is not maintained in the desired form / format. Therefore, the same cannot be provided.

Only such information is required to be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. May please refer the above referred judgments:

**Hon'ble Supreme Court of India in its judgment passed in Civil Appeal No. 6454/2011 (CBSE Vs Adititya Bandopadhyay); and  
Hon'ble Karnataka High Court in its judgment passed in Writ Petition (C) No. 48376 OF 2018 (K.T. VISHWANATH Vs State Information Commission)**

In view of the forgoing, the appeal deserves to be dismissed in-limine.

Prayed accordingly. "

- (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 in his reply to the instant appeal.

The appeal is accordingly disposed of.

Sd/-

(Asit Kumar Rath)  
First Appellate Authority

Copy to:

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2. Central Public Information Officer  
The Institute of Company Secretaries of India  
'ICSI House', 22, Institutional Area, Lodi Road,  
New Delhi - 110003
3. Directorate of IT - For publishing on the website