

**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. 56/2021**

IN THE MATTER OF:

Mr. Rakesh Verma  
Near MG Road, behind SBI ATM  
Gurgaon  
Haryana- 122001

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: 13<sup>th</sup> August, 2021

**ORDER**

1. The Appellant has filed first appeal on 22.07.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with query Ref. No. RTI 2005/5097/(21) dated 15.07.2021 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 application dated 16.06.2021 has requested to provide information through RTI.
3. The Appellant has informed in the instant appeals that “ Provided Incomplete, Misleading or False Information”
4. The reply of the Respondent against the instant appeal is as under:-

“Reply to the point number 1:- Our earlier reply is reiterated as requisite information is personal in nature and the disclosure of which has no relationship to any public activity or interest and hence, exempted under section 8(1)(j) of the RTI Act, 2005.

[Case referred: The CPIO, Ministry of Railways Vs. Gulzar Saifi (Case No. CICINRAIL/A/20171181774)].

Reply to the point number 2 and 3:- Our earlier reply is reiterated as the appointment of Floor Manager at Central Registration Centre has not been done by the ICSI, therefore, the ICSI is not the right public authority to approach for the requisite information.

Please refer the para number 35 of CIVIL APPEAL NO.6454 OF 2011 [Arising out of SLP [C] No.7526/2009] in the matter of Central Board of Secondary Education & Anr. ... Appellants Vs. Aditya Bandopadhyay & Ors. ... Respondents:-

"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."

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.
6. This Office concurs with the submission of the Respondent.

The appeal is accordingly dismissed.

Sd/-

(Ankur Yadav)  
First Appellate Authority

Copy to :

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3. Directorate of IT - For publishing on the website