

**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. 73/2021**

IN THE MATTER OF:

Sharad Kumar Jhunjhunwala  
A-11 Ashok Vihar,  
Ranchi- 834002  
Jharkhand

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: 12<sup>th</sup> November, 2021

**ORDER**

1. The Appellant has filed first appeal on 14.10.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5146(21) dated 14.10.2021 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 17.09.2021 has requested to provide information through RTI.
3. The Appellant has informed in the instant appeals that "CPIO has not referred to any circular or guideline or any office order or any other official document in reply nor has provided the source of information but a misleading and incomplete reply has been provided to most of the points in RTI application claiming exemption under section 2 of RTI act

Please provide the basis on which the information was provided to points three four five eight nine ten and eleven

The CPIO claims that all other organisations do the same without explaining the basis of such claim

Point nine ten and eleven has been termed as ambiguous without any basis  
Query in point nine ten and eleven arise out of statements recorded in inquiry report prepared during disciplinary proceedings of applicant in page number 106 and 107 and 96 where counselling has been used in reference to applicant."

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

“Written Submission to reply w.r.t. query numbers 3, 4, 9, 10 and 11:- Since the appellant has mentioned the words ‘details’ in queries which is evidently unspecific in expression and therefore, the queries are considered as ambiguous. And therefore, the contents made in the RTI reply stands as it is as the 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.

It is also relevant to mention that the reply(ies) to the query(ies) cannot be created and designed in the manner and wish of the appellant. Only such information can be provided which already exists in the readily available form/content with the public authority.

Written Submission to reply w.r.t. query number 5:- Since the information sought by the appellant is unspecific, therefore, the query is considered as ambiguous. And therefore, the contents made in the RTI reply stands as it is as the 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.

It is also relevant to mention that the reply(ies) to the query(ies) cannot be created and designed in the manner and wish of the appellant. Only such information can be provided which already exists in the readily available form/content with the public authority.

Written Submission to reply w.r.t. query number 8:- The reply provided earlier is reiterated as the reply(ies) to the query(ies) cannot be created and designed in the manner and wish of the appellant. Only such information can be provided which already exists in the readily available form/content with the public authority. And therefore, the contents made in the RTI reply stands as it is as the 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.

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.

In view of the foregoing, 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 dismissed.

Sd/-  
(Ankur Yadav)  
First Appellate Authority

Copy to :

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3. Directorate of IT - For publishing on the website