

**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. 100/2021**

IN THE MATTER OF:

Sameer Gupta  
230, Akash Darshan Apartments,  
Mayur Vihar, Phase I  
Delhi-110091

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: 15<sup>th</sup> January, 2021

**ORDER**

1. The Appellant has filed first appeal on 17.12.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5197(21) dated 14.12.2021 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 15.11.2021 has requested to provide information through RTI.
3. The Appellant has informed in the instant appeals that "Refused access to Information Requested."
4. The reply of the Respondent against the instant appeal is as under:-

"Regarding reply to the point Nos. 1, 2, 5, 7:-

Once information has been provided in public domain and on website then the information is no longer held by or under the control of any public authority and hence, is no longer accessible as 'right to information'. (Please refer judgment dated 02.05.2016 passed by the Hon'ble CIC concerning to the public information disclosure in the matter Nos. CIC/MP/A/2015/001439, CIC/MP/A/2015/001440 & CIC/MP/A/2015/001441 of Smt. Nirmal Garg vs. Securities Board of India).

Further, it is also necessary to mention that 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. Therefore, the reply to the query cannot be created and designed in the manner and wish of the appellant. (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.)

Regarding reply to the point Nos. 3, 4, 6, 9:-

The content 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 reply(ies) to the query(ies) which are interrogative in nature and seeking clarification. And therefore, the same cannot be created and designed in the manner and wish of the appellant. (Please refer judgment dated 28.05.2014 passed by the Hon'ble CIC in the matter No. CIC/SS/A/2013/000838-YA of Shri G. Senthil Kumar, Puducherry Vs. Directorate of Health & Family Welfare Services, Puducherry).

Regarding reply to the point No. 8:-

The content 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 reply to the query in which applicant is seeking clarification. And therefore, the same cannot be created and designed in the manner and wish of the appellant. (Please refer judgment

dated 28.05.2014 passed by the Hon'ble CIC in the matter No. CIC/SS/A/2013/000838-YA of Shri G. Senthil Kumar, Puducherry Vs. Directorate of Health & Family Welfare Services, Puducherry).

Regarding reply to the point No. 10:-

The content made in the RTI reply stands as it is as the definition (of information) under the RTI Act, 2005 cannot include within its fold answers to the question "why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information. (Please refer judgment dated 03.04.2008 of the Hon'ble High Court of Bombay in the case no. W.P. 419/2007 of Dr. Celsa Pinto Vs. Goa Information Commission).

Regarding reply to the point No. 11:-

It is necessary to mention that the applicant (appellant herein) has mentioned the word 'all the documents' in query which is evidently unspecific in expression and therefore, the same has considered as unspecific. And therefore, the contents made in the RTI reply stands as it is. 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. (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.).

Further, it is also pertinent to mention that whatever information was required to be provided, the same has already been provided with the RTI reply (Copy of the RTI reply is attached). The video sought by the appellant is not a data material as such is not an information within the ambit of the RTI Act.

Regarding reply to the point No. 12:-

It is to inform that the Disciplinary matter regarding Mr. Sameer Gupta was placed in the 216th meeting of the Executive Committee held on 10th June 2021 as main item and in the 277th meeting of the Council held on 19th June, 2021 as main item.

Regarding reply to the point Nos. 13 and 14:-

The contents as made in the RTI reply stands as it is and are candid. Since the information as sought by appellant is relating to personal information and falls under the fiduciary relationship between employee and employer, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information. And therefore, the same is exempted under Section 8(1)(e) and 8(1)(j) of the RTI Act, 2005.

Further, it is also necessary to mention that the applicant (appellant herein) has mentioned the word 'whether' in query(ies) which is interrogative in nature and seeking clarification. Therefore, the same cannot be created and designed in the manner and wish of the appellant. And therefore, the contents made in the RTI reply stands as it is. (Please refer judgment dated 28.05.2014 passed by the Hon'ble CIC in the matter No. CIC/SS/A/2013/000838-YA of Shri G. Senthil Kumar, Puducherry Vs. Directorate of Health & Family Welfare Services, Puducherry).

In view of the forgoing, we reiterate the reply and 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 except for Query Number 11. 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. Further, Interrogative queries viz. "How/Why/When" do not come under the ambit of RTI Act.
7. The Appellant has specifically asked for the Investigation committee report as a part of Query 11, which is covered under the ambit of RTI Act (if it exists in the records of ICSI). This Office directs to the Respondent to provide a copy of Investigation committee report to the Appellant within 7 days from the issue of this ORDER.

The appeal is accordingly disposed of.

Sd/-  
(Ankur Yadav)  
First Appellate Authority

Copy to :

1. Mr. Sameer Gupta  
230 , Akash Darshan Apartments,  
Mayur Vihar, Phase 1  
Delhi-110091

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