

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. 26/2021

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: 3rd May, 2021

ORDER

1. The Appellant has filed first appeal on 04.04.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with query Ref. No. RTI 2005/5035(21) dated 03.04.2021 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 05.03.2021 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:-

"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.

Further, it is 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.

Therefore, the information which is readily available in the format/content can only be provided, not as per the choice of the information seeker.

It is also necessary to mention that he is seeking information afresh in the first appeal by mentioning the vague manner for information which he had not asked in the RTI application earlier

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 analyzed 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. Further, it is not obligatory for one Public Authority to follow the reply(ies) provided by other Public Authority(ies). In view of the foregoing, the information cannot be provided 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 submissions of the Respondent.

The appeal is accordingly dismissed.

Sd/-

(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Sharad Kumar Jhunjhunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand
2. Mrs. Sarah Arokiaswamy
Central Public Information Officer
The Institute of Company Secretaries of
India, ICSI House, 22, Institutional Area
Lodi Road
New Delhi - 110 003
3. Directorate of IT - For publishing on the website

