

**Central Information Commission, New Delhi**  
**File No.CIC/SM/A/2011/000351**  
**Right to Information Act-2005-Under Section (19)**

**Date of hearing** : 17 February 2012

**Date of decision** : 21 February 2012

**Name of the Appellant** : **Dr. Gyan Prakesh Mishra,**  
**C/o. Shri Suresh Mishra,**  
**Vill Prem Raja, P O Bahorva,**  
**Via Kidihadapur, Distt – Balia, UP.**

**Name of the Public Authority** : **CPIO, Allahabad High Court,**  
**Allahabad, UP.**

The Appellant was present along with Shri Madhusudan Srivastava.

On behalf of the Respondent, the following were present:-

- (i) Shri Shashikant Tripathi, CPIO,
- (ii) Shri Parvinder Kumar, APIO

**Chief Information Commissioner** : **Shri Satyananda Mishra**

2. We heard the Appellant and his representative from the Balia studio of the NIC over phone. The Respondents were present in the Allahabad studio. We heard their submissions also.

3. The Appellant had wanted to have a list of all those accused persons whom the High Court would have let off on personal bond/security under Section 482 in spite of the fact that they had serious charges pending against them. The CPIO had denied the information by referring to some rule of the Allahabad High Court (Right to Information) Rules 2006. The Appellate Authority had endorsed the decision of the CPIO.

4. During the hearing, the Respondent submitted that the desired information was simply not available in the High Court. They explained that the High Court never maintained any such list of accused persons who might have been let off under any particular provision of any law and all such decisions of the High Court would have to be individually examined to find out about such details. They further contended that the CPIO could not be expected to research through thousands and thousands of orders passed by the High Court over these years to elicit such information. We tend to agree with this line of argument. The CPIO is obliged to provide any information only if it is available. He cannot be expected either to create or innovate any information which does not exist otherwise. The kind of information the Appellant has sought is clearly beyond the scope of the Right to Information (RTI) Act. To that extent, the denial of the information is not wrong.

5. However, we completely disagree with the basis on which the CPIO and, later, the Appellate Authority had decided to deny the information. The rule cited by them is itself both vague and sweeping. It says that any information can be denied if it is found to be against any law or practice. Unless the CPIO clarifies how this particular piece of information is against any law or practice, the information seeker would never know why the desired information is being denied. Besides, the Right to Information (RTI) Act has not provided for denial of any information on such grounds. The competent authority, while framing rules for carrying out the provisions of the Act cannot obviously add more exemption provisions than what already exists. We hope these rules will be revisited by the competent authority to bring them in consonance with the provisions of the Right to Information (RTI) Act.

6. The appeal is disposed of accordingly.
7. Copies of this order be given free of cost to the parties.

**(Satyananda Mishra)**  
**Chief Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(Vijay Bhalla)**  
**Deputy Registrar**