EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi- 110 001 **Dated: 04**th **November, 2020**

RTI Appeal Registration No. ISBBI/A/E/20/00022

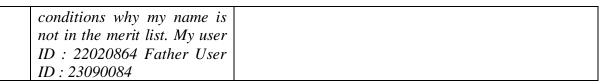
IN THE MATTER OF

Ms. Nikita Vyas		Appellant
·	Vs.	11
Central Public Information Officer		
The Insolvency and Bankruptcy Board of India		
2 nd Floor, Jeevan Vihar Building		
Sansad Marg, New Delhi- 110 001.		Respondent
-		_

ORDER

1. This appeal is borne out of the application under Right to Information (**RTI**) bearing Registration no. ISBBI/R/E/20/00135. The information sought by the appellant under section 6 of the Right to Information Act, 2005 (**Act**) and the reply given by the respondent are as under:

Sl.	Information Sought	Reply by CPIO
No.		
1.	Subject: Reason of why my	The applicant has not sought any information vide her
	name is not in the merit list of	RTI application and response to the queries contained
	IBC mygov quiz 2020 Sir I	in her RTI application do not fall under purview of the
	want to enlighten the issue	RTI Act.
	that me and my father both	
	had participated in the IBC	
	quiz fulfilling all the	
	eligibility criteria and terms	
	& conditions. On mygov quiz	
	dashboard, I scored 80%	
	while my father scored 60%.	
	On 1st September 2020, IBBI	
	declared the IBC quiz results	
	in which name of my father is	
	in the merit list, while, my	
	name is not even in the whole	
	list. I am unable to	
	understand that even after	
	fulfilling the criteria &	



- 2. In this appeal, the appellant has submitted that the response provided by the CPIO amounts to refusal to access the information and has requested the FAA to re-consider the factual position and provide access to the information sought by appellant.
- 3. In this regard, comments of the respondent were called for. The respondent has submitted that the query sought by the appellant does not fall within the definition of information under the Act and hence it cannot be treated as an RTI request. Hence, no information was to be provided to her.
- 4. In this connection, it is relevant to consider the definition of the term "information" under the Act. Section 2(f) of the Act defines "information" as any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. However, under the RTI request, the appellant wanted to know the reasons as to why her name was not in the merit list of IBC Quiz results. In the appeal, the appellant wanted this FAA to provide access to information about the fact.
- 5. It may be stated that the FAA has no power or authority under the Act to decide on the aforesaid query raised by the appellant as to why her name does not appear in the merit list but her father's does. It may be pertinent to note that in the Guide on Right to Information Act, 2005 issued vide OM No. 1/32/2013-IR dated 28th November, 2013 of DoPT, it is stated that:

"A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act that is available and existing and is held by the public authority or is held under the control of the public authority. The Public Information Officer is not supposed to create information that is not a part of the record of the public authority. The Public Information Officer is also not required to furnish information which require drawing of inference and/or making of assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions."

Further, the order of the Hon'ble High Court of Bombay, in the matter of *Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs The Goa State Information Commission* on 3rd April, 2008 (2008 (110) Bom L R 1238) is also relevant for consideration. It was held:

"Section 2(f) - Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts,

reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force; The definition 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."

Lastly, the observations of the Hon'ble Supreme Court in the matter of *CBSE & Anr. Vs. Aditya Bandopadhyay & Ors.*, *SLP(C) NO. 7526/2009* is also relevant, wherein it was held:

"... 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."

This being the position, this FAA finds that the justification/query requested by appellant is not within the domain of the Act and as such does not fall within the definition of 'information' provided at Section 2(f) of the Act. However, the FAA would like to advice the appellant in good faith that she may choose to approach the Advocacy Division of the Insolvency and Bankruptcy Board of India which was in-charge of organising the online Quiz in collaboration with Mygov portal of the Government of India, if she so desires.

6. With the above finding, the appeal is disposed of.

(Sd/-) (**K. R. Saji Kumar**)

Executive Director and First Appellate Authority

Copy to:

- 1. Appellant, Ms. Nikita Vyas.
- 2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi 110 001.