

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

2nd Floor, Jeevan Vihar Building,
Sansad Marg, New Delhi - 110 001
Dated: 28th November, 2020

RTI Appeal Registration No. ISBBI/A/E/20/00024

IN THE MATTER OF

Mr. T N Kripanandan

..... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India
2nd 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/20/00174. 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. No.	Information Sought	Reply by CPIO
1.	<i>Kindly advise me whether My CAIIB PG DIPLOMA- Associate Certificate of Indian Institute of Bankers a post-graduate diploma in the field of banking and finance issued by the Indian Institute of Banking and Finance (formerly, Indian Institute of Bankers), an ISO Certified institution, incorporated by law i.e., under section 25 of the Companies Act, 1913, is eligible with respect to EdI/Professional Qualification for registration as under Rule 4 r/w Annex IV of Company's (Registered Valuers and Valuation) Rules 2017 for registration as Valuer under asset class of Securities or Financial assets.</i> <i>(CAIIB CERTIFICATE ATTACHED)</i>	<i>The eligibility condition with respect to the educational qualification for the asset class of Securities or Financial Assets, is provided under Rule 4 r/w Annexure IV of the Companies (Registered Valuers and Valuation) Rules, 2017.</i> <i>It stipulates as –</i> <i>(i) Member of Institute of Chartered Accountants of India, Member of Institute of Company Secretaries of India, Member of the Institute of Cost Accountants of India, Master of Business Administration or Post Graduate Diploma in Business Management (specialisation in finance) from a University or</i>

		<p><i>Institute established, recognised or incorporated by law in India.</i></p> <p><i>(ii) Post Graduate in Finance from a University or Institute established, recognised or incorporated by law in India</i></p>
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2. In this appeal, the appellant has requested the answer to the following query:

“Whether CAIIB i.e Certified Associate of Indian Institute of Banking and Finance PG Diploma issued by Indian Institute of Banking and Finance is qualified under Rule r/w Annexure IV of the companies (Registered Valuers and valuation) Rules 2017 for Valuer under Asst Class of Securities or Financial Assets.”

3. Comments of the respondent were called for. The respondent has submitted that the appeal is in the form of seeking opinion, which may not be provided as it is out of the ambit of the Act. However, relevant information pertaining to the eligibility conditions may be provided as follows -

"The eligibility condition with respect to educational and professional qualifications, for registration as valuer is provided under Rule 4 r/w Annexure IV of the Companies (Registered Valuers and Valuation) Rules, 2017. For the asset class of Securities or Financial Assets, the eligible educational/professional qualification are -

(i) Member of Institute of Chartered Accountants of India, Member of Institute of Company Secretaries of India, Member of the Institute of Cost Accountants of India, Master of Business Administration or Post Graduate Diploma in Business Management (specialisation in finance) from a University or Institute established, recognised or incorporated by law in India.

(ii) Post Graduate in Finance from a University or Institute established, recognised or incorporated by law in India."

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 get the answer/clarification to his query. In the appeal, the appellant wants this FAA to provide answer/clarification to his query.
5. It is well established that the FAA has no power or authority under the Act to decide on the aforesaid query raised by the appellant. The Hon’ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training*,

North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD (Decision dated 06.05.2019), observed the following:

“Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.”

Similarly, the Hon’ble CIC in *A.K. Vasudev Vs. CPIO, M/O. Consumer Affairs, Food & Public Distribution, New Delhi*, Second Appeal No. CIC/DOCAF/A/2018/137220 (Decision dated 11.02.2020) has held that:

“In view of the above ratio, the Commission observes that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or provide clarification or furnish replies to hypothetical questions.”

Further, 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 RTI request by the 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.

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, Mr. T N Kripanandan.

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