

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circus, New Delhi -110001

Dated: 12th September, 2024

IN THE MATTER OF

Hashim Anwar

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Shankar Market,

Connaught Circus, New Delhi -110001.

... Respondent

ORDER

1. The Appellant has filed present Appeal dated 19th August 2024, challenging the communication of the Respondent dated 16th August 2024 with regard to his RTI Application No. ISBBI/R/E/24/00125 dated 02nd July 2024 filed under the Right to Information Act, 2005 (RTI Act).

2. The request of the Appellant and the reply of the Respondent was as follows –

Appellant	Respondent
I am looking for information on Personal Insolvency and Bankruptcy options available to individual who are in debt trap I have written email and send registered letter to Chairman IBBI and Executive Director IBBI	The information sought is in the nature of a ‘query/ opinion’ and not in the nature of seeking information under Section 2(f) of the Right to Information Act, 2005.

3. In the appeal, the Appellant has stated the following –

“I believe the RTI application was not read properly and has been disposed off in haste. The purpose of the RTI was to find out the options available to Individual under the IBBI if he is debt ridden and unable to pay off the loans. Please let me know how to proceed for this.”

4. I have carefully examined the application, the response of the Respondent and the Appeal. Before examining the request, I deem it appropriate to deal with scope of ‘information’ and right to receive the information under the RTI Act. It is noted that in terms of section 2(f) of the RTI Act ‘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.”*.

5. The aforesaid definition contemplates providing of material in the forms of records, documents, opinions, advice, etc. It does not include giving opinions on issues raised or providing clarifications or advice to inquiries. Section 2(j) of the RTI Act defines the “*right to information*” in term of information accessible under the Act which is held by or is under the control of a public authority and which can be disclosed subject to exemptions under section 8 of the RTI Act. Thus, if the public authority holds any ‘information’ in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section.
6. The Appellant is looking for information on Personal Insolvency and Bankruptcy options available to individual who are in debt trap. Such request does not fall within the scope of ‘information’ under the RTI Act.
7. Accordingly, no interference is required with the decision of the Respondent. The appeal is accordingly, disposed of.

Sd/

(Jithesh John)

First Appellate Authority

Copy to:

1. Appellant, Hashim Anwar.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110 001.