

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 12th May, 2021

RTI Appeal Registration No. ISBBI/A/E/21/00012

IN THE MATTER OF

Mr. Ramakrishna S

... 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. The present Appeal No. ISBBI/A/E/21/00012 dated 19th April, 2021, has been filed by Mr. Ramakrishna S (Appellant), before the First Appellant Authority (FAA), Insolvency and Bankruptcy Board of India (IBBI) under the Right to Information Act, 2005 (RTI Act), against the disposal of the RTI Application No. ISBBI/R/E/21/00086 by the Central Public Information Officer - CPIO (Respondent) on 17th April, 2021.
2. The information sought by the Appellant under section 6 of the RTI Act and the response given by the Respondent are as under:

S. No	Information Sought	Reply by CPIO
1.	<p>(i) Myself Ramakrishna S completed Diploma in civil engineering in 2005 & AMICE in 2013. I am working as a civil engineer in private construction companies since completion of my diploma. I want to become a registered valuer through IBBI.</p> <p>(ii) One of my relative completed his B.Tech in civil engineering in 2012. He has been worked in private construction company for 3 years. Later, he got appointed as Junior Engineer(Civil) in Central Govt. Dept in 2015.</p> <p>I have read the general information provided under Frequently Asked Questions for registered valuer uploaded in IBBI website, it was clearly mentioned that the educational qualifications and experience stipulated for registered valuer as per Rule 4 of the companies (Registered Valuers and Valuation) Rules, 2017 in which experience of minimum 5 years in Specified Discipline (i.e</p>	<p>Rule 4 of the Companies (Registered Valuers and Valuation) Rules, 2017 ("Valuation Rules") prescribes post qualification experience in the "specified discipline" as an eligibility conditions for registration under rule 3 of the Valuation Rules. As per the explanation provided in the Valuation Rules, the 'specified discipline' shall mean the specific discipline which is relevant for valuation of</p>

	<p>relevant for valuation of an asset class for which the registration as a valuer is being sought) required. After that, membership in any RVO, completion of 50 hours training and pass of valuation examination in relevant class conducted by IBBI is mandatory for registration through IBBI as a valuer. I consult with RVOs regarding membership in RVO and joining for 50 hrs training course, then one or 2 RVOs informed that 5 years of experience in valuation is mandatory for membership in RVO instead of Civil engineering experience. Hence, I am requesting you to provide the guidelines adopted by IBBI for a registered valuer in asset class (Land & Building) for working as civil engineer in Pvt sector as well as Govt sector (Job related to Civil engineering only) for our guidance and further steps towards become a registered valuer.</p>	<p>an asset class for which the registration as a valuer is sought under the Valuation rules.</p>
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3. In this appeal, the Appellant has broadly stated the following:

“In the reply, information provided by you is not clear As I stated earlier in my application, information provided in FAQ for registered valuers (file attached), specifically mentioned in Q.No.51 that, a valuer aspirant who were completed his/her BE / B.Tech in Civil engineering with five years experience in civil engineering is eligible as required experience criteria is established. 1 or 2 RVOs informing that 5 year’s experience in valuation field is mandatory for registered valuer.

Please clarify that, B.Tech/BE in civil engineering with 5 years experience in civil engineering and nil experience in valuation field eligible for getting membership in RVOs and become registered valuer or not?”

4. Comments of the respondent were called for. The respondent has submitted the following:

“The requisite information (in accordance with the definition provided under section 2(f) of the RTI Act, 2005) was already provided earlier which is reiterated as, Rule 4 of the Companies (Registered Valuers and Valuation) Rules, 2017 ("Valuation Rules") prescribes post qualification experience in the “specified discipline” as an eligibility condition for registration, under rule 3 of the Valuation Rules. As per the explanation provided in the Valuation Rules, the ‘specified discipline’ shall mean the specific discipline which is relevant for valuation of an asset class for which the registration as a valuer is sought under the Valuation Rules. Any further opinion or clarification, beyond the already existing records, is out of the ambit of information as defined under section 2(f) under the RTI Act, 2005.”

5. On perusal of the application submitted by Appellant for seeking information under RTI Act and the appeal made thereafter, it is observed that Appellant wants to know the answer to the following query:

“Whether B.Tech/BE in civil engineering with 5 year’s experience in civil engineering and nil experience in valuation field, is eligible for getting membership in RVOs and becoming a registered valuer?”

6. In this connection, it is important to refer the definition of ‘information’ in the RTI Act. Section 2(f) of the RTI Act defines ‘information’ as follows:

‘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.

7. It is stated in the Guide on the RTI Act issued by the DoPT under v OM No. 1/32/2013-IR dated 28th November, 2013 that:

“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.”

8. 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.”

9. 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 that:

“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.”

10. The above being the position, the FAA agrees with the reply of the CPIO and that interpretation of provisions of Companies (Registered Valuers and Valuation) Rules, 2017 is not within the scope of the RTI Act.

11. In view of foregoing, the appeal is disposed of.

(Sd/-)

(Dr. Anuradha Guru)

Executive Director and First Appellate Authority

Copy to:

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