

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

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

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

IN THE MATTER OF

Ms. Nikita Vyas

..... 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/20/00135. 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. No.	Information Sought	Reply by CPIO
1.	<i>Subject: Reason of why my name is not in the merit list of IBC mygov quiz 2020 Sir I want to enlighten the issue 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 &</i>	<i>The applicant has not sought any information vide her RTI application and response to the queries contained in her RTI application do not fall under purview of the RTI Act.</i>

	<p><i>conditions why my name is not in the merit list. My user ID : 22020864 Father User ID : 23090084</i></p>	
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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.
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