

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

2<sup>nd</sup> Floor, Jeevan Vihar Building  
Sansad Marg, New Delhi- 110 001

**Dated: 18<sup>th</sup> August, 2022**

**RTI Appeal Registration No. ISBBI/A/E/22/00033**

**IN THE MATTER OF**

**CA Rajat Kumar Mehra**

... Appellant

Vs.

**Central Public Information Officer**

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

... Respondent

**ORDER**

1. The Appellant has filed the present Appeal dated 20<sup>th</sup> July 2022, challenging the communication of the Respondent dated 13<sup>th</sup> July 2022 with regard to his RTI Application No. ISBBI/R/P/22/00027 dated 2<sup>nd</sup> July 2022 filed under the Right to Information Act, 2005 (RTI Act) on the following requests –
  - a. Certified copy of all 83 questions asked from the Appellant along-with their correct answer as per data bank and justification for answer.
  - b. Certified copy of options chosen by the Appellant.
  - c. Certified copy of two questions (claimed as absurd by the Appellant) with their correct options as per data bank and records of reasons and justifications for choosing one option.
2. The Respondent had denied the requests stating that “*Disclosing the questions and/or their answers violates the integrity of the live question bank, which is in use. It will breach the confidentiality / secrecy of the live question bank. Hence the information is exempted from disclosure under section 8(1)(d) of the RTI Act, 2005.*”
3. Aggrieved by the response of the Respondent, the Appellant has *inter-alia* submitted the following in this Appeal: –
  - a. The Respondent has reproduced only selective portion of RTI application to mislead and to avoid compliance under RTI Act.
  - b. The Respondent has failed to maintain the integrity of question bank and examination by violating the RTI act persistently and breaking all academic practices and principles.
  - c. The model question as available are not taken into question bank. The answers and questions are deliberately made wrong to hide live question and never timely corrected to confuse aspirants.
  - d. The questions are dead, as the Appellant is seeking answers after the examination.
  - e. If the IBBI does not inform the correct answer, the questions will be live forever and the Appellant will think them as to reasons of failure.

- f. Just to fail and bring self-sufficiency, IBBI is asking different questions from different students at the same time.
  - g. The information given by Respondent is incorrect, *mala fide*, vague, misleading and bad in law.
4. I note that the Appellant has been raising similar queries in his RTI requests and for that purpose, the Appellant was also given opportunity of personal hearing which he availed on 19<sup>th</sup> July, 2022 through virtual mode. During hearing, the Appellant made submissions on the lines of written submissions made in Appeal and vehemently argued that Respondent has decided his information request without applying mind and has acted against law and practice relating to RTI Act. I, therefore, deem it appropriate to decide the Appeal based on written submissions in the Appeal and material available on record.
  5. 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.*".
  6. 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 8.
  7. In the RTI Application, the Appellant has again requested for certified copies of questions asked from him, answers to the same with justification, options chosen by Appellant and copy of two specific questions highlighted by the Appellant. I have already provided detailed reasons to the Appellant *vide* my Order dated 8<sup>th</sup> June 2022 in RTI Appeal Registration No. ISBBI/A/E/22/00018 and Order dated 21<sup>st</sup> July 2022 in RTI Appeal Registration No. ISBBI/A/E/22/00027 as to how disclosure of the questions, answers and options chosen by Appellant will not only be against the confidentiality and integrity of the entire Examination process but also affect the competitive position of the other aspirants as the aspirants having questions and answers in advance will have an undue advantage as the questions are likely to be repeated in the future Examinations. It has been held therein that such information is exempted under section 8(1)(d) and 8(1)(e). Also, as the questions in the question bank are limited, if any Appellant is provided with the copy of questions and answers asked from him in a particular attempt, such disclosure can eventually lead to disclosure of the entire question bank. This may go against the confidentiality and integrity of the entire Examination process.

8. I adopt the findings in my aforesaid Orders dated 8<sup>th</sup> June 2022 and Order dated 21<sup>st</sup> July 2022 as the same grievance of Appellant has already been dealt with in those orders. I, therefore, do not deem it necessary to burden this order with same findings again.
9. Accordingly, I do not find any reason to interfere with the decision of the Respondent. The Appeal is disposed of accordingly.

**Sd/**  
**(Santosh Kumar Shukla)**  
First Appellate Authority

**Copy to:**

1. Appellant, CA Rajat Kumar Mehra.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2<sup>nd</sup> Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.