

**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: 19th September, 2024

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/24/00028**

IN THE MATTER OF

Jitender Kumar Jain

... 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

1. The Appellant has filed the present Appeal dated 23rd August 2024, challenging the communication of the Respondent dated 23rd August 2024 with regard to his RTI Application No. ISBBI/R/E/24/00136 dated 11th July 2024 filed under the Right to Information Act, 2005 (RTI Act).

2. The query raised in the RTI Application, and the reply of the Respondent is as follows –

| Information sought | Reply |
|--|---|
| <i>Please provide the name of competent authority and the members or officers thereof who approved the issuance of show cause notice no. 388 dated 9 July 2024 to Jitender Kumar Jain, Insolvency Professional having number 10070</i> | <i>The referred Show Cause Notice was issued by the competent authority in accordance with the Insolvency and Bankruptcy Board of India (Delegation of Powers and Functions) Order, 2017 available on website of IBBI and accessible at https://ibbi.gov.in/en/about</i> |

3. The Appellant, in his Appeal stated that:-

“The name of officers of competent authority who approved the issuance of show cause notice no. 388 dated 9 July 2024 to Jitender Kumar Jain, Insolvency Professional having number 10070 is not provided.”

4. I have carefully examined the Application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record. The Appellant’s “right to information” envisaged in section 3 of the RTI Act is subject to the provisions of the Act. 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. Further, 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. 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.

5. The Appellant has sought for names of competent authority / members and officers of IBBI who had approved by the issuance of show-cause notice to Mr. Jitender Kumar Jain. In this regard, it is relevant to understand the scope of section 8(1)(j) of the RTI Act. Section 8(1)(j) exempts information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless a larger public interest justifies the disclosure of such information. If the information sought for is personal and has no relationship with any public activity or interest or it will not sub-serve larger public interest, and the Respondent is not legally obliged to provide that information. The Hon’ble Supreme Court in *Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizvi and Ors.* (Civil Appeal No. 9052 of 2012 (Arising out of SLP (C) No. 20217 of 2011) vide Order dated 13th December 2012 observed that –
“In terms of this provision, information which relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. It is, therefore, to be understood clearly that it is a statutory exemption which must operate as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions.”

In *Canara Bank v. C.S. Shyam and Anr.* (Civil Appeal No. 22 of 2009) vide decision dated 31st August 2017, the Hon’ble Supreme Court observed as follows -

“In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

In *H.E. Rajashekarappa v/s State Public Information Officer & Others*, Writ Petition No.10663 of 2006 (GM-RES) decided on, 01 July 2008, the Hon’ble High Court of Karnataka observed that –

“The object of the Act is to provide right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. In view of the above provisions excerpted, it cannot be said that Section 2(f) of the Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide

right to information to a citizen pertaining to public affairs of the public authority. Therefore, the respondent No.3 had no right under the Act to seek personal information of the petitioner...”

Further, the First Appellate Authority in Dr. Shivani Sandesh Mayekar Vs. CPIO, SEBI, Mumbai (Appeal No. 1608 of 2013) *vide* Order dated February 21, 2013 had also observed that -

“the disclosure of information relating to the name, designation, etc. of SEBI official(s), is exempt under sections 8(1)(g) and 8(1)(j) of the RTI Act. In view of these observations, I find that the respondent was justified in invoking the provisions of sections 8(1)(g) and 8(1)(j) of the RTI Act, in his response, while denying the information as sought by the appellant, through the instant query.”

6. In view of above, I hold that the name of competent authority / members / officers of IBBI as requested, is exempted under section 8(1)(j) of the RTI Act. Further, I am also not satisfied as to how a larger public interest is involved. As such I find no valid ground to outweigh the scope of exemption under section 8(1)(j).
7. In view of above, the appeal is disposed of accordingly.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

1. Appellant, Jitender Kumar Jain.
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