

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

7th Floor, Mayur Bhawan, Shankar Market,
Connaught Circus, New Delhi -110 001

Dated: 8th August, 2024

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/24/00018**

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

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1. The Appellant has filed the present Appeal dated 10th July 2024, challenging the communication of the Respondent dated 22nd May 2024 with regard to his RTI Application No. ISBBI/R/E/24/00072 dated 27th April 2024 filed under the Right to Information Act, 2005 (RTI Act).
 2. In the RTI Application, the Appellant has stated for the following –
“Please provide the details of relatives of each of the member / officer / employees of IBBI who is working in the field regulated by IBBI. For this purpose, relative have the meaning given in section 5(24A) of IBC.”
 3. The Respondent’s replied the RTI Application as follows -
“The information sought by the applicant is ‘vague’ and hence cannot be provided.”
 4. The Appellant, in his Appeal stated that: the Respondent has not provided the requested information.
 5. In this regard, I note that section 19 of the RTI Act provides that *“Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:*
Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.”
 6. From the documents available on record, I note that the RTI Application was disposed by the Respondent on 22nd May 2024. Accordingly, the due date for filing appeal was till 22nd June 2024. However, the Appellant has filed the appeal on 10th July 2024 which is 18 days

after the due date. Also, the Appellant has not provided any reasons to justify that he was prevented by sufficient cause from filing the appeal in time.

7. However, in the interest of transparency, I deem it appropriate to deal with this appeal on merits. 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 scope of information disclosure under the RTI Act is circumscribed by RTI Act itself. While the “right to information” flows from section 3 of the RTI Act, it is subject to other provisions of the Act. 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.
8. It is pertinent that the Appellant wants to know the details of relatives of officers/ members/ employees of IBBI working in field regulated by IBBI. Appellant has also stated that the definition of ‘relative’ can be taken from section 5(24A) of the Insolvency and Bankruptcy Code, 2016. Such query is hypothetical and cannot be dealt under the RTI Act. Respondent cannot be expected to collect information of all relatives of employees / members/ officers of IBBI and see if they fall within the definition provided in the Insolvency and Bankruptcy Code, 2016. Same is beyond the scope of information and right to information under the RTI Act. The CPIO cannot be expected to create and provide any other information which could be assumed or imagined by the information seeker. 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), has observed that:

“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. Also, 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 the CPIO or SPIO or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information. In this regard, it is pertinent to mention that the term “personal information” has been amplified in the Apex Court's decision in the case of *Cen. Pub. Information Officer, SC vs. Subhash Chandra Agarwal* dated 13th November, 2019 whereby it was held as under:

“....personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.”

I note that the details of relatives of employees / officers / members of IBBI are personal information of such employees / officers / members and the disclosure of the same may cause unwarranted invasion on their privacy. Accordingly, the requested information will also get exempted under section 8(1)(j).

10. Lastly, I also note that Appellant has asked vague queries by use of phrases like 'details of *relative*'. The Respondent is expected to provide 'information' as defined in the RTI Act and not provide replies to such vague queries. In the matter of *Shri Harmit Singh Vs. Central Excise Department, Chandigarh* (Order dated November 07, 2008) the Hon'ble CIC *inter alia* held that the respondents therein were right in rejecting the request as it is quite unclear and vague and no specific information can be identified on the basis of the signals contained in the query.
11. In view of above, I do not find any reason to interfere with the decision of the Respondent. The appeal is disposed of accordingly.

Sd/
(Jithesh John)
First Appellate Authority

Copy to:

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