

**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: 12th September, 2024

RTI APPEAL REGISTRATION NUMBER - ISBBI/A/E/24/00025

IN THE MATTER OF

Baburao Meda

... 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

ORDER

1. The Appellant has filed present Appeal dated 16th August 2024, challenging the communication of the Respondent dated 16th August 2024 with regard to his RTI Application No. ISBBI/R/E/24/00155 dated 29th July 2024 filed under the Right to Information Act, 2005 (RTI Act).
2. The request of the Appellant and the reply of the Respondent was as follows –

Appellant	Respondent
In any Bank, Financial Transactions like Cash Payment, Chque Payment, BG Payment and etc, Maker and Checker Required to complete the Transaction. Please give information	The information sought is vague and not clear. Hence the same cannot be provided.

3. In the appeal, the Appellant has stated the following –
“I was clearly asked the information regarding maker and checker concept. I dont know what vague in that information. So please persue once again and send information to me.”
4. 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.”*

5. 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.
6. The Appellant has asked for query as to whether in Banks, there is requirement of a maker or checker for all financial transactions. Such requests of the Appellant are inquiries inviting and soliciting response in the nature of explanation, clarification, opinion, etc. and is beyond the scope of ‘information’ under section 2(f) and the ‘*right to information*’ under section 2(j) of the RTI Act. The CPIO is not bound to provide any such advice/guidance or opinion to the Appellant. In this context, I note that Hon’ble Supreme Court of India in its judgment dated August 9, 2011 in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors.* had held that: *“...A public authority is “...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.”*
7. As stated in the Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November 2013 - *“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. Accordingly, in view of above, the appeal is disposed of.

Sd/

(Jithesh John)

First Appellate Authority

Copy to:

1. Appellant, Baburao Meda.
2. CPIO, The Insolvency and Bankruptcy Board of India, 7th Floor, Mayur Bhawan, Shankar Market, Connaught Circus, New Delhi -110 001.