

**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: 03rd March, 2025

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal Registration No. ISBBI/A/E/25/00018**

IN THE MATTER OF

Sumit

... 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 27th January 2025, challenging the communication of the Respondent, filed under the Right to Information Act, 2005 (RTI Act). As the Appeal required detailed analysis of different provisions of the RTI Act, this Appeal is being disposed of within 45 days. With reference to his RTI Application No. ISBBI/R/E/24/00269, the Appellant had requested the following information,
“For registering as a valuer in IBBI, it mentions on the site the candidate cannot be in employment while seeking registration. I tried emailing the board but didn’t get any response, my queries are as follows 1. What is the reasoning behind barring a registration seeking candidate from being in employment? 2. Does that mean the candidate needs to resign from his current job (that is, be unemployed) while applying for the employment? 3. I am working as an engineer in a govt job, if I resign to seek registration and fail due to whatever reasons, I won’t be able to join back. Can IBBI provide an exception for candidates like me seeking registration? 4. There is a possibility I might get registered in IBBI, but my bank empanelment might get rejected due to banks internal policy. I don’t want to leave my job till then. Once I get empanelment I can leave my job then. Does IBBI have some solution for that?”
 2. The CPIO had denied the request stating that the information sought is in the nature of clarification/opinion, which is outside the scope of “*information*” under Section 2(f) of the RTI Act. In the present appeal, the Appellant has challenged the Respondent’s reply on the ground that the definition of “*information*” includes opinion/advice and thereby obligates the Respondent to respond to the queries in the impugned Application.
 3. I have carefully examined the application, the response of the Respondent and the instant Appeal and find that the matter can be decided based on the material available on record. 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.*” It is pertinent to mention here that the Appellant’s “*right to information*’ flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. 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. 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.

4. The 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." The Guide on the RTI Act issued by the DoPT under OM No. 1/32/2013-IR dated 28th November 2013 states as follows - "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." Moreover, a public authority cannot be expected to provide reasoning/justification for decisions taken by it. The Hon'ble Bombay High Court at Goa in the matter of *Dr. Celsa Pinto vs. Goa State Information Commission (W.P. No. 419 of 2007, decision dated 03.04.2008)* has held as follows:
"The definition of information cannot include within its fold answers to the question "why" which would be 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."
5. The Appellant has extensively sought clarifications and opinions on the registration process for Valuers with the IBBI. On the perusal of facts on record, I note that the instant matter is not as much about seeking information as much it is about redressing the Appellant's grievance concerning his employment as "an engineer in a govt job" and securing registration as Valuer with IBBI. Such queries of the Appellant, in my view, are in the nature of inquisitions soliciting guidance, advise, and opinion and beyond the scope of the right to information under the RTI Act. The Respondent is not bound to respond to such inquisitions under the RTI Act. In this regard, it is also relevant to refer to the Order dated April 21, 2006, of the Hon'ble CIC in the matter of *Dr. D.V. Rao Vs. Shri Yashwant Singh & Anr*, wherein it was observed that: "the RTI Act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his questions with prefixes, such as, 'why', 'what', 'when' and 'whether'. The petitioner's right extends only to seeking information as defined in section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority."
6. In view of the foregoing observations, the instant Appeal is found bereft of merit and stands dismissed. This Appeal is, accordingly, disposed of.

Sd/
(Kulwant Singh)
First Appellate Authority

Copy to:

1. Appellant, Sumit.
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