

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

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 16th March, 2022

RTI Appeal Registration No. ISBBI/A/E/22/00007

IN THE MATTER OF

C Naulak

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

2nd Floor, Jeevan Vihar Building

Sansad Marg, New Delhi- 110 001.

... Respondent

ORDER

1. The Appellant has filed present Appeal dated 16th February 2022, challenging the communication of the Respondent dated 16th February 2022 with regard to his RTI Application No. ISBBI/R/E/22/00003 dated 19th January 2022 filed under the Right to Information Act, 2005 (RTI Act). The information sought in the Application is as follows:

“1. Total Number of Application received by Insolvency and Bankruptcy Board of India IBBI under Deputation/Short term contract grade wise /cadre wise/officer wise since its formation year wise/advertisement wise.

2. Total numbers of officers shortlisted and also finally selected by Insolvency and Bankruptcy Board of India IBBI cadre wise/officer /year wise.

3. Also please provide the applicants employers details for those selected advertisement wise and rejected and also shortlisted.

4. Please provide the employee wise selected and the post currently held by them in Insolvency and Bankruptcy Board of India IBBI along with their post/rank/cadre in their parent org. Also provide the educational qualification of those selected. If there is any privacy issue the name of employee may be hide / remove

5. Please also provide the perks and benefits payable to officers of ibbi along with copies of circulars.

In view of covid the reply to the above may be given by email at my email id suannaulak@gmail.com or in rti online portal, hard copy is not required.”

2. The Respondent had stated that in view of the voluminous data and information not available in the format sought, the RTI Applicant may at a convenient date from 21-01-2022 to 25-02-2022 visit the IBBI office and inspect the copies of the documents relevant to his query.

3. In this Appeal, the Appellant has stated that he is a resident of Hyderabad, and it cannot be expected from the applicant to come down to New Delhi for inspection of documents. He

has also stated that “IBBI as a statutory regulatory body created by Parliament of India must be surely having records of the employees recruited and those who apply for it. Hence, I request once again to provide me the detail as available in the format available to IBBI.”

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. *Ex facie* the Appeal is not raising any grievance as contemplated in section 19 of the RTI Act. The Appellant has accepted the opportunity of inspection offered by the Respondent but has claimed inability and difficulty in availing the same. Therefore, he has requested for providing the asked information as available on records of Insolvency and Bankruptcy Board of India (IBBI). He has also submitted that if providing name of any employee has any privacy issue, the name of the employee may be withheld. Under these circumstances, I do not find any grievance against the decision of the Respondent so as to qualify this Appeal within the ambit of section 19.
5. However, in the interest of transparency, I have considered the case in light of request made and decision given by the Respondent. 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.” 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.
6. I find that the Respondent has not denied the information request on the grounds of any exemptions under section 8 and 9 of the RTI Act rather he has denied available information in view of the voluminous data and information being not available in the format sought by the Appellant. Now, in the Appeal, the Appellant has asked the details as available in the format available to Respondent. From the response of the Respondent, it can safely be said that the voluminous information available cannot be shared in any devised form. This clearly shows that the voluminous information asked cannot be provided in any form as it would result in disproportionate diversion of resources of IBBI. In this regard, it is pertinent to refer to section 7(9) of the RTI Act, which provides that: -

An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.
7. Section 7(9) provides that an information shall ordinarily be provided in the form sought unless it would disproportionately diver the resources of the public authority or would be detrimental to the safety or preservation of the record. I do not find any larger public interest for a direction to collate and compile the details of information and to provide the same to

the Appellant. Despite this, if the Respondent resorts to provide such information after collating and compiling the same in a single point, it would have to devote very large amount of resources and time. Such exercise would defeat *'the practical regime of right to information'* as envisaged in the preamble of the RTI Act and would disproportionately divert the resources of IBBI. I note that the Hon'ble CIC in the matter of *Shri Praveen Agarwal Vs. SEBI (Order dated October 1, 2008)* held that it is not open to appellant to saddle a public authority with elaborate queries, response to which could not be given without the public authority straining itself to wade through large volumes of information and data. Section 7(9) clearly forbids this form of disclosure. In my view, the nature of information sought would require IBBI to compile the same after going through each of the related files individually and would require it to create a fresh compilation of information, records from the individual files. In this regard, it is also useful to refer to the following observation of the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.* (Judgment dated August 9, 2011):

"The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

8. Further, the Hon'ble CIC in *N. Murugesan Vs. CPIO, Ministry of Power (Second Appeal No. CIC/POWER/A/2018/165515)* Order dated 21.05.2020 had observed that: –

"..... collation of the information in the manner sought by the appellant on point no. 3 of the RTI application would involve compilation from voluminous records by a significant number of officials and would disproportionately divert the resources of the public authority from the efficient discharge of its normal functions. If the required information was not maintained in the manner as asked for, the CPIO could not be asked to compile such data which would require going through each of these files individually. Furthermore, the CPIO is also not required to collect and compile the information on the demand of a requester nor is he expected to create a fresh one merely because someone has asked for it..... the CPIO cannot be expected to compile the information which requires disproportionate diversion of the resources of the public authority."

9. Furthermore, the Hon'ble Supreme Court in the matter of *ICAI vs. Shaunak H. Satya (2011) 8 SCC 781* dated 02.09.2011 had held as under:

"26.The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources."

10. The compilation of vast and voluminous information about number of applications received for deputation/contract, cadre-wise, officer-wise, number of officers shortlisted, and those who are selected, shortlisted or rejected with personal details in their applications advertisement-wise, the post held by them along with their rank in their parent organisations and educational qualifications, etc. since formation of IBBI, would disproportionately divert the manpower and resources of IBBI. Hence, in my view, the response of the Respondent is in line with provisions of section 7(9) of the RTI Act which permits the Respondent to withhold the information in these situations. I, therefore, find that there is no obligation on the CPIO to collate and compile the information and there is no need to interfere with the decision of the Respondent with regard to requests at points no. 1 to 4. However, the Appellant is at liberty to avail the opportunity of inspection of available records offered by the Respondent and Respondent may consider the request of the Appellant in accordance with law.
11. Lastly, it is also noted that the Respondent has not claimed exemption under section 8 and 9 of the RTI Act for information at point 5, rather has shown willingness to share the information through inspection of available records which the Appellant has claimed difficult to avail since he stays in Hyderabad. It is unclear as to how this information, if available, would be covered in exclusion provided in section 7(9). The information asked in point 5 is not dovetailed with information which could fall within the provisions of section 7(9). Section 10 of the RTI Act provides for severing that part of the information, which is exempt from disclosure provided it can be reasonably severed from that which is not exempt. Respondent must examine this request keeping in mind these provisions holistically.
12. The matter is, accordingly, remitted to the Respondent to decide the issues in accordance with law within 10 days of receipt of this Order. The Appeal is accordingly disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, C Naulak.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.