

Right to information act, 2005

The Government of India has enacted the Right to Information Act, 2005 (<http://rti.gov.in/rtiact.asp>) which has come into effect from October 12, 2005. The Right to Information under this Act is meant to give to the citizens of India access to information under control of public authorities to promote transparency and accountability in these organisations. The Act, under Sections 8 and 9, provides for certain categories of information to be exempt from disclosure. The Act also provides for appointment of a Chief Public Information Officer to deal with requests for information.

IBBI's Obligation under the Act

The Insolvency and Bankruptcy Board of India (IBBI) is a public authority as defined in the Right to Information Act, 2005. As such, Insolvency and Bankruptcy Board of India is obliged to provide information to members of public in accordance with the provisions of the said Act.

Access to the Information held by IBBI

The right to information includes access to the information which is held by or under the control of any public authority and includes the right to inspect the work, document, records, taking notes, extracts or certified copies of documents / records and certified samples of the materials and obtaining information which is also stored in electronic form.

IBBI Website

The IBBI maintains an active website (URL: <http://www.ibbi.gov.in>). The site is updated regularly and all the information released by the IBBI is also simultaneously made available on the website. IBBI is committed to provide more and more information in the public domain. The information available in public domain includes the following and duly serves the suo moto disclosure as per section 4(1)(b) of the Right to Information Act:-

1. Acts/Rules/Regulations/Circulars/Notifications/Guidelines
2. Information relating to Insolvency Professionals, Insolvency Professional Agencies, Insolvency Professional Entities & Information Utilities.

3. Information relating to Orders of Hon'ble Supreme Court of India, High Courts, NCLTs, NCLAT, DRTs, DRAT and IBBI.
4. About organisation of IBBI.
5. Annual Report / IBBI Journal / Reports of committees.
6. Press Releases, Media Coverage, Events
7. News Letter, Speeches and Reports
8. Information relating to Limited Insolvency Examination and National Insolvency Examination.
9. Public announcements relating to Corporate insolvency resolution process/Voluntary liquidation process/Liquidation process
10. Orders of the Board.
11. Internships scheme.

Some important links to relevant information on IBBI website are given below.

[Preamble](#)

[Establishment of IBBI](#)

[Powers and Functions of the Board](#)

[IBBI Governing Board](#)

[Organisational Structure](#)

[Senior Officers](#)

[Disciplinary Committee](#)

[IBBI Advisory Committee](#)

[IBBI TECHNICAL Committee](#)

[Insolvency and Bankruptcy Code, 2016](#)

Making an Application under the Right to Information Act, 2005

Citizens of India will have to make the request for information in writing, clearly specifying the information sought under the Right to Information Act, 2005. The application for request should give the contact details (postal address, telephone number, fax number, email address) so that the applicants can be contacted for clarifications or for further information. As per the Act, information can be furnished only to citizens of India and not to others.

How do I send my application?

A citizen who desires to seek information under section 6 (1) of the Right to information act, 2005 from the Public Authority is required to send, along with the application, a demand draft or a bankers cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the Public Authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Authority, against a proper receipt.

Applications can also be made over fax or email. IBBI will take up the application for consideration, as required under the Act, only after the application fee has been received.

Where do I send my request?

You can send your request addressed to the concerned Central Public Information Officer (CPIO) indicated below:

Central Public Information Officer

Ms Anita Kulshreshtha

Deputy General Manager

Insolvency and Bankruptcy Board of India,
7th Floor, Mayur Bhawan, Shankar Market,
Connaught Place, New Delhi-110001

_(or)

You can also file RTI Applications/Appeals online by using RTI Online Portal at <https://rtionline.gov.in/>.

How long will IBBI take to provide information?

IBBI will, within 30 days of receipt of the application for information along with the fee, communicate to the requestor whether it can or cannot

provide the information.

Will I have to pay to get the information?

As per the Right to Information (Regulation of Fee and Cost) Rules, 2005, the public authority shall charge:-

- Rs.2/- for each page (in A-4 or A-3 size paper) created or copied;
- actual charge or cost price of a copy in larger size paper;
- actual cost or price for samples or models; and ?
- for inspection of records, no fee for the first hour; and a fee of Rs.5/- for each 15 minutes (or fraction thereof thereafter)

Further, to provide information under Section 7(5) of the Right to Information Act, 2005, the public authority shall charge:-

- Rs. 50/- per diskette or floppy; and
- for information provided in printed form at the price fixed for such publication or Rs. 2/- per page of photocopy for extracts from the publication.

At what stage will I have to pay this cost?

If IBBI has the information and can provide it to you it will, within 30 days of its receiving the application along with appropriate fees, communicate to you the cost of providing the information as prescribed under Section 7(1) of Right to Information Act.

When will I get the information?

You will get the information, once IBBI receives the payment towards providing the information.

Can IBBI refuse to give me information?

The Right to Information Act, 2005 under Sections 8 and 9 exempts certain categories of information from disclosures. These include:

- Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence.
- Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute

contempt of court;

- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- Information received in confidence from foreign Government; information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- Information which would impede the process of investigation or apprehension or prosecution of offenders;
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- 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.

Do I have a right to appeal?

Under the Right to Information Act, 2005 you have the right to appeal if you are not satisfied with the information provided by Central Public Information Officer.

To Whom should I address my appeal to?

You can address the appeal to:

First Appellate Authority

Dr. Mukulita Vijaywargiya
Whole Time Member

Insolvency and Bankruptcy Board of India
7th Floor Mayur Bhawan, Shankar Market
Connaught Place New Delhi 110001

What if I am not satisfied even with the decision of the appellate authority?

Under the Act, if you are not satisfied with the decision of the appellate authority within IBBI, you can appeal to the Central Information Commissioner appointed in terms of Chapter 3 of the Right to Information Act, 2005.