



भारतीय दिवाला और शोधन अक्षमता बोर्ड

Insolvency and Bankruptcy Board of
India



**AUDIT REPORT OF THE
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA
ON PROACTIVE DISCLOSURE UNDER RTI ACT, 2005
DECEMBER-2019**



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FOREWORD

Keeping in view the importance of Right to Information Act, the ISTM has been involved in capacity building of civil servants of various public authorities for effective implementation of the RTI Act, 2005 by conducting a large number of training programmes on various facets of RTI Act. ISTM has rich experience of conducting the third party audit of pro-active / suo motu disclosure under section 4 of the RTI Act, 2005 on the websites made by the public authorities especially Central Ministries / Departments.

2. Consequent to the issue of DoPT guidelines on suo motu disclosure vide OM No. 1/6/2011-IR dated 15th April, 2013, ISTM received requests from various public authorities for conducting third party audit. Based on the request, ISTM has taken up the third party audit of suo motu disclosure made by Insolvency and Bankruptcy Board of India (IBBI).

3. I am happy to state that the study team has come out with a comprehensive report on the current status of proactive disclosure of Insolvency and Bankruptcy Board of India (IBBI) and provided suggestions for further improvement. I am sure the report submitted by the study team will go a long way in strengthening the suo motu disclosure of Insolvency and Bankruptcy Board of India (IBBI) to further meet the information needs of the citizens.



(Vadali Rambabu)
Joint Director, ISTM

PREFACE

The Right to Information Act was enacted in 2005 to ensure smoother, greater and more effective access to information. This act provides an effective framework for the right of information recognized under article 19 of the Constitution. The preamble of the Act states that the object to be achieved of the RTI Act as:

“An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and formatters connected therewith or incidental thereto.

Whereas the Constitution of India has established democratic Republic. And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;”

2. Chapter II of the Act containing sections 3 to 11 deals with right to information and obligations of public authorities. Section 4 deals with obligations of public authorities to maintain the records and publish and disseminate the information in the manner provided. The effect of the provisions of section 4 of the Act is that Information which promotes transparency and accountability in the working of every public authority and disclosure of which may also help in containing or discouraging corruption. As such a duty has been cast on public authorities to publish a set of information regularly to meet the information needs of the citizens. It has been observed that if proactive disclosures by the public authorities are adequate as prescribed in the Act, the number of RTI applications filed will be reduced.

3. Looking into relevance and importance of suo motu disclosure, Department of Personnel & Training has issued detailed guidelines on implementation of suo motu disclosure under section 4 of RTI Act 2005 vide Office Memorandum No.1/6/2011-IR dated 15th April, 2013. The said guidelines have four chapters viz:-

- (i) Suo motu disclosure of more items under section 4
- (ii) Guidelines for digital publication of proactive disclosure under section 4
- (iii) Guidelines for certain clauses of Section 4(1) (b) such as Section 4(i) (b) (iii), 4(i)(b)(xi) 4(1)(b) xiv etc. to make suo motu disclosures more effective
- (iv) Compliance with provisions of suo motu disclosure

4. Regarding compliance mechanism, DOPT OM dated 15 April 2013 stipulates as under:-

- (i) Each public authority shall ensure that these guidelines are fully operationalized within the specified time limit.
- (ii) The Action Taken Report (ATR) on the compliance of these guidelines should be sent to the Department of Personnel & Training (DOPT) and Central Information Commission (CIC).
- (iii) Each public authority should get its proactive disclosure package audited through third party every year.
- (iv) Third party audit of the suo motu disclosure should cover compliance with the proactive disclosures prescribed in the guidelines Section 4 of the RTI Act including adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed.

5. Such audit should be done annually and should be communicated to the Central Information Commission (CIC) and published on the website of the public authority concerned. All public authorities are required to proactively disclose the names of the third party auditors on their websites. DOPT has issued reminders for compliance

with the requirement for conducting third party audit vide its reminders dated 10th December, 2013 and 22nd September, 2015

6. In this background ISTM has conducted the third party audit of Insolvency and Bankruptcy Board of India (IBBI) and the data collected, analysed and recommendations are given in subsequent Chapters.

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CHAPTER-1

INTRODUCTION

1.1. The proactive disclosure of information by each public authority relating to its functions as prescribed under the Right to Information Act has been emphasized as the primary duty of the public authorities without waiting for the citizens to file RTI application seeking information. In accordance with this, a large category of information has been prescribed in section 4(1)(b)(c) and (d) to be disclosed suo motu. There are 16 specific categories of information which are mentioned in section 4(1)(b) and each of those categories contains various items making it elaborate and exhaustive. The 17th item under section 4(1)(b) mentions that such other information as may be prescribed also needs to be disclosed suo motu. The seventeen categories of information mentioned in section 4(1)(b) are as under:-

- (i) the particulars of the organization, its functions and duties;
- (ii) the powers and duties of the officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers; and
- (xvii) such other information as may be prescribed; and thereafter update these publications every year;

1.2. Sections 4(1)(c) and 4(1)(d) of the RTI Act mandate as under:

- (i) Publish all relevant facts while formulating important policies or announcing the decisions which affect public; and
- (ii) Provide reasons for its administrative or quasi-judicial decisions to affected persons.

1.3. Sections 4(2), 4(3) and 4(4) prescribe the method of dissemination of information.

1.4. After promulgation of the RTI Act, large volumes of information has been put in public domain by public authorities. However, the quality and quantity of the information disclosed has been criticized by the Civil Society and other stake holders as it leaves a

lot more to desire. To augment the quality and quantity of information to be put in public domain, DoPT came out with the guidelines for implementation of suo motu disclosure under section 4 of the RTI Act vide its OM No.16/2011-IR dated 15th April 2013. Salient features of these guidelines are re-produced below:-

1.4.1. Guidelines on suo motu disclosure under section 4 of the RTI Act

1.4.1.1. Suo motu disclosure of more items under section (4)

Sub section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub section 4(1) to provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the public authorities may proactively disclose the following items also under the suo motu disclosure provisions of section 4:-

(i) Information related to Procurement

Information relating to procurement made by public authorities including publication of notice / tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods / services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information discloseable as per Ministry of Finance, Department of Expenditure's OM No.10/1/2011-PPC dated 30th November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and OM No.10/3/2012-PPC dated 30th March, 2012 on implementation of comprehensive end-to-end-procurement should be disclosed under section 4. At present the limit is fixed at Rs.10.00 Lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar / NCCF, only award details need to be published. However, information about procurement which fall within the purview of section 8 of the RTI Act would be exempted.

(ii) Public Private Partnership

If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the public authority entering into the PPP contract / concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements, operation, maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1)(j) of the RTI Act would not be disclosed suo motu. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under PPP project may also be disclosed in a periodic manner alongwith the purpose of making such payment.

(iii) Transfer Policy and Transfer Orders

Transfer policy for different grades/cadres of employees serving in public authority should be proactively disclosed. All transfer orders should be publicized through the web site or in any other manner listed in section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in views over integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

(iv) RTI Applications

All public authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by public authorities with search facility based on key words. RTI applications

and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

(v) CAG & PAC paras

Public authorities may proactively disclose the CAG & PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issue of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under section 8 of the RTI Act would be exempted.

(vi) Citizen Charter

Citizens Charter prepared by the Ministry / Department, as part of the Result Framework Documents of the department / organization should be proactively disclosed and bi-annually report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

(vii) Discretionary and Non-discretionary grants

All discretionary / non-discretionary grants / allocation to State governments / NGOs / other institutions by Ministry / Department should be placed on the website of the Ministry / Department concerned. Annual accounts of all legal entities who are provided grants by public authorities should be made available through publication, directly or indirectly on the public authority's web site. Disclosures would be subject to provisions of section 8 to 11 of the RTI Act.

(viii) Foreign Tours of PM/Ministers

A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries / Departments.

Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website. As per DoPT's OM No.1/8/2012-IR dated 11.9.2012, public authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary and above to the Government of India and Heads of Departments, since 1st January, 2012. The disclosure may be updated once every quarter.

Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

1.5. Guidelines for digital publication of proactive disclosure under section 4

1.5.1. Section 4 lays down that information should be provided through many mediums depending upon the level of the public authority and the recipient of information (for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through internet. There is need for clear guidelines for web-based publication of information of disclosure.

1.5.2. The Department of Information Technology has been working on setting of technical standards for government web sites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed. While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, in its guidelines

available on www.egovstandards.gov.in/sites/default/files/GOI_Web_Guidelines.pdf. The following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner:-

- (a) It should be the endeavor of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Services Bill, 2012' under formulation in Government of India would provide the necessary impetus;
- (b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/ services provided by the public authorities to citizens;
- (c) Orders of the public authority should be uploaded on the website immediately after they have been issued;
- (d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens;
- (e) Websites should have detailed directory of key contacts, details of officials of the public authority;
- (f) It is obligatory under section 4(1)(b)(xiv) of the RTI Act for every public authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not;
- (g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself;
- (h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra

Pradesh) or formalization of government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure;

- (i) Information must be presented from a user's perspective, which may require rearranging it, simplifying it etc. However, documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning;
- (j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to;
- (k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualization techniques. Such, visual representation of information/data can give insights that may remain largely hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/video recordings etc. may be useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of NREGA worksite, for instance, may tell much more than what words can. All such different media and forms should be used for proactive disclosure; and
- (l) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the last updated date/month/year (DD/MM/YY).

1.6. Guidelines for certain clauses of section 4(1)(b) to make disclosure more Effective

1.6.1. The elements of information listed in the various sub-clauses of section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers

and functions of its employees, the norms that disclose its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

1.6.2. Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:-

1.6.2.1. Guidelines for section 4(1)(b)(iii)- “the procedure followed in the decision-making processes, including channels of supervision and accountability”.

All departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every public authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or other rules which give details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in these manuals. These descriptions constitute the elements of decision making processes in general.

Additionally, in the routine work of governance, government functionaries are required to make decision in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down

procedure for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a public authority, are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

In view of the above, the DoPT guidelines vide OM No. 1/6/2011/-IR dated 16th April, 2013 gives the following details for decision making processes:

- (a) Every public authority should specifically identify the major outputs / tangible results / services / goods, applicable, that it is responsible for providing to the public or to whosoever is the client of the public authority;
- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy;
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision making must also be spelt out next to the flowchart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision making has occurred in order to grant greater autonomy to public authorities, such procedures must also be clearly explained;
- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the public authority's mandate under the AOB read with the TOB; and
- (e) In the event of a public authority altering an existing decision-making processor adopting an entirely new process, such changes must be

explained in simple language in order to enable people to easily understand the changes made.

1.6.2.2. Guidelines for section 4(1) (b) (iv)- “the norms set by it for the discharge of its functions”

Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

Citizen charters, which are mandatory, for each central Ministry /Department/Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All public authorities should proactively disclose the following:-

- (a) Defining the services and goods that the particular public authority/office provide directly (or indirectly through any other agency/contractor);
- (b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the public authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (on line), wherever available, should be given;
- (c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the good and services;

- (d) Defining the quantitative and tangible parameters, (weight, size, frequency etc.) and timelines that are applicable to the goods and services that are accessible to the public;
- (e) Defining the qualitative and quantitative outcomes that each public authority / office plans to achieve through the goods and services that it was obligated to provide; and
- (f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

1.6.2.3. Guidelines for section 4(1)(b)(xi)-“the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”

The public authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view of the technical nature of the government budgets, it is essential that Ministries / Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables etc;
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model;
- (c) Fund released to various autonomous organizations / statutory organizations / attached offices / Public Sector Enterprises / Societies / NGOs / Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through

links from the websites of the department. If a subsidiary does not have a website, then the budgets and 12 monthly expenditure reports of such subsidiary authority may be uploaded on the website of the principal public authority; and

- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

1.6.2.4. Guidelines for section 4(1)(b)(xiv)-details in respect of information, available to or held by it, reduced in an electronic form

On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under section 4(1) (a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For example, the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records /files/information that are exempted under section 8.

The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure

(and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division / section / unit office where the record is normally held; name of the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

CHAPTER-2

PROCEDURE ADOPTED

2.1. At the outset the consultancy team critically examined the existing and available literature on the subject including following documents:-

- (a) Section 4(1)(b), 4(1)(c), 4(1)(d) & 4(2), 4(3) & 4(4) of the RTI Act
- (b) DoPT OM No.1/6/2011-IR dated 15th April, 2013, OM No. 1/34/2013-IR dated 29th June, 2015 and OM No.1/34/2013 dated 16th March, 2016
- (c) Previous studies conducted by ISTM for audit of suo motu disclosure of various Public Authorities.
- (d) Study conducted by Basic Management Services (BMS) training participants in the year 2007 for generating parameters for suo motu disclosure under section 4(1)(b) (c) and (d) of the RTI Act;
- (e) Third party audit of Department of Personnel and Training, Govt of India, conducted by Indian Institute of Public Management in, 2014;
- (f) Third party audit of National Institute of Wind Energy, Ministry of New and Renewable Energy, Govt of India, conducted by Institute of Secretariat Training and Management, Govt of India in August, 2015;
- (g) Third party audit of Department of Industry Policy & Promotion, Ministry of Commerce & Industry, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in May, 2016;
- (h) Third party audit of National Bureau of Plant Genetic Resources, Ministry of Commerce & Industry, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in May, 2016;
- (i) Third party audit of Ministry of Home Affairs, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in May, 2016;
- (j) Third party audit of Ministry of Road Transport & Highways, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in July, 2016;

- (k) Third party audit of Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in September, 2016;
- (l) Third party audit of Bharatiya Nabhikiya Vidyut Nigam Limited (BHAVINI), Department of Atomic Energy, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in December, 2016;
- (m) Third party audit of Indian Institute of Technology, Delhi (IIT-Delhi) conducted by Institute of Secretariat Training and Management, Govt. of India in February, 2017;
- (n) Third party audit of Indian Space Research Organisation, Department of Space, Government of India conducted by Institute of Secretariat Training and Management, Government of India in May, 2017; and
- (o) Third party audit of Central Administrative Tribunal, Principal Bench, conducted by Institute of Secretariat Training and Management, Govt. of India in April, 2018
- (p) Third party audit of Kamrajhar Port Limit, Ennore, Chennai, conducted by Institute of Secretariat Training and Management, Govt. of India in January, 2019
- (q) Third party audit of National Institute of Wind Energy, Chennai, conducted by Institute of Secretariat Training and Management, Govt. of India in June, 2019
- (r) Third party audit of Artificial Limbs Manufacturing Corporation of India, Kanpur conducted by Institute of Secretariat Training and Management, Govt. of India in September, 2019

2.2. After examining the available literature listed above, the study team developed an exhaustive check list of laying down parameters on the requirement of proactive / suo motu disclosure by the public authorities. Section 4(1) (b), (c), (d) and other related information can be grouped under six categories; namely,

- (i) Organisation and functions,

- (ii) Budget and programmes,
- (iii) Publicity and public interface,
- (iv) E. governance,
- (v) Information as prescribed and
- (vi) Information disclosed on one's own initiative.

Each of the categories are further divided into 114 sub parameters. Copy of the format is placed at **Annexure-1**.

2.3. After the initial application of the check list on the website of Insolvency and Bankruptcy Board of India (IBBI), it was considered necessary to visit the organization and discuss with the officials there about their current disclosure and the areas requiring improvement. Accordingly, Shri Vadali Rambabu, Joint Director and Shri Mahabir Singh Kasana, External Consultant visited IBBI on 8th August, 2019 and discussed in detail the suo motu disclosure currently being done by IBBI and the areas for further improvement with Dr. Anuradha Guru, Chief General Manager (CGM) and her team of officers. Copy of the preliminary audit checklist was handed over to the officers of the IBBI to enable them to do the needful improvements of their suo moto disclosures.

2.5. Subsequently, the data was collected and analyzed and appropriate conclusions drawn to identify the areas for improvement. The subsequent chapters of the report provide the analysis of data and conclusion / recommendations of the committee.

CHAPTER-3

DATA COLLECTED

(Subsequent to improvements received from Insolvency and
Bankruptcy Board of India)

Name of the public authority being audited	Insolvency and Bankruptcy Board of India
Website	https://www.ibbi.gov.in/

1. Organisation and Functions

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met /partially met/not met – Not applicable will be treated as fully met / partially met)
1.1	Particulars of its organization, functions and duties [Section 4(1)(b)(i)]	(i) Name and address of the Organization (ii) Head of the organization (iii) Vision, Mission and Key objectives (iv) Function and duties (v) Organization Chart (vi) Any other details- the genesis, inception, formation of the department and the HoDs from time to time as well as the committees / Commissions constituted from time to time have been dealt	Detailed information with reference to the name and address of the organization, head of the organization, its vision and mission and key objectives, functions and duties including organization chart, genesis of the organization/ formation of the IBBI is available.

1.2	Power and duties of its officers and employees [Section 4(1)(b)(ii)]	(i) Powers and duties of officers (administrative, financial and judicial)	All details about Powers and duties of officers and the employees have now been uploaded by IBBI on their website at https://ibbi.gov.in/about/senior-officers . Initially the details of twelve top functionaries were available but of the officers and staff below them was not available. However, on suggestion the IBBI has updated the information.
		(ii) Power and duties of other employees	
		(iii) Rules / orders under which powers and duty are derived and Exercised	
		(iv) Work allocation	
1.3	Procedure followed in decision making process [Section 4(1)(b)(iii)]	(i) Process of decision making Identify key decision making points	Subsequent to our discussion with IBBI it was informed that the required information have been updated and is available at https://ibbi.gov.in/about&https://ibbi.gov.in/uploads/DOP%20booklet%20final.pdf The audit team has visited the said websites. It is observed that information regarding key matters dealt by IBBI and the level of authority for its disposal has been indicated. However, the process of insolvency proceedings has not been indicated. IBBI need to prepare Standard Operating Procedure (SOP) from the Acts and Rules available on the subject in a synoptic form and upload the same to meet the information needs of the citizens.
		(ii) Final decision making authority	
		(iii) Related provisions, acts, rules etc.	
		(iv) Time limit for taking a decision, if any	
		(v) Channels of supervision and accountability	

1.4	Norms for discharge of functions [Section 4(1)(b)(iv)]	(i) Nature of functions/ services offered	It is observed that various Acts, Rules, Regulations, Circulars on the subject have been uploaded, which is a desirable disclosure. However, from the point of view of a common citizen it is necessary that an SOP may be developed keeping in view the nature of functions / services offered /time lines and norms thereon. In other words the SOP needs to cover answers to 5Ws and 1H keeping in view a common citizen.
		(ii) Norms / standards for functions / service delivery	
		(iii) Process by which these services can be accessed	
		(iv) Time-limit for achieving the targets	
		(v) Process of redress of grievances	Process of grievance redressal of external and internal stakeholders including that of functionaries of the IBBI and composition of ICC has now been worked out and uploaded at https://ibbi.gov.in/uploads/faqs/RTI Manual New.pdf . However, organisation policy about prevention of sexual harassment at workplace also need be developed and disclosed.
1.5	Rules, regulations, instructions manuals and records for discharging functions [Section 4(1)(b)(v)]	(i) Title and nature of the record/ manual/ instruction.	Information regarding title and nature of the record/ manual/ instruction, rules, regulations, instructions manuals and records is available.
		(ii) List of Rules, regulations, instructions manuals and records.	
		(iii) Acts/Rules manuals etc.	
		(iv) Transfer policy and transfer orders	Not applicable as there are no branches / benches of IBBI.
1.6	Categories of documents held by	(i) Categories of documents	The various categories of documents held by the

	the authority under its control [Section 4(1)(b)(vi)]	(ii) Custodian of documents/categories	organisation has been disclosed at https://ibbi.gov.in/uploads/faqs/RTI_Manual_New.pdf . However, details of custodians also need be indicated.
1.7	Boards, Councils, Committees and other Bodies constituted as part of the Public Authority [Section 4(1)(b)(viii)]	(i) Name of Boards, Council, Committee etc. (ii) Composition (iii) Dates from which constituted (iv) Term/Tenure (v) Powers and functions (vi) Whether their meetings are open to the public? (vii) Whether the minutes of the meetings are open to the public? (viii) Place where the minutes if open to the public are available?	Information regarding Boards, Council, Committee etc. is available. The details of Board meetings of IBBI are at the link: https://ibbi.gov.in/about/board-meetings Many of the Board agenda carry minutes/discussions of the meetings of various working Groups and Advisory Groups. These are placed on website.
1.8	Directory of Officers and employees [Section 4(1)(b)(ix)]	(i) Name and designation (ii) Telephone, fax and email ID	The information as suggested by the audit team of all functionaries has now been updated and available at: https://ibbi.gov.in/about/senior-officers
1.9	Monthly remuneration received by officers & employees including system of compensation [Section 4(1)(b)(x)]	(i) List of employees with Gross monthly remuneration.	IBBI informed that required details are now available on https://ibbi.gov.in/about https://ibbi.gov.in/uploads/Data_regarding_pay_scale.pdf The audit team has scanned the said website. However, it is observed that employee wise monthly remuneration has not been provided. The information made available is in broad terms. It need to be reduced to employees specific.

		(ii) System of compensation as provided in its regulations	Not mentioned. In case anything available that needs to be indicated.
1.10	Name, designation and other particulars of public information officers [Section 4(1)(b)(xvi)]	(i) Name and designation of the public information officer (PIO), Assistant Public Information(s) & Appellate Authority (ii) Address, telephone numbers and email ID of each designated official.	The details have been provided on the website at: https://ibbi.gov.in/home/rti
1.11	Programmes to advance understanding of RTI (Section 26)	(i) Educational programmes (ii) Efforts to encourage public authority to participate in these programmes (iii) Training of CPIO / APIO (iv) Update & publish guidelines on RTI by the Public Authorities concerned	No such information was initially available. However, it is now informed by IBBI that a programme on "Understanding RTI" has been organised on 15 th May, 2019 for all the officers and employees of the Board. However, such programs need to be organized periodically to ensure that the knowledge and skills of handling RTI is updated. As regard training of CPIO / First Appellate Authority / APIOs IBBI may be consider deputing them to the programmes organized by ISTM or other training providers. The required information is available.
1.12	Transfer policy and transfer orders [F No. 1/6/2011-IR dt. 15.4.2013]		Not applicable as there are no branches / benches of IBBI.

2. Budget and Programme

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/ partially met/not met – Not applicable will be treated as fully met / partially met)
2.1	Budget allocated to each agency including all plans, proposed expenditure and reports on disbursements made etc. [Section 4(1)(b)(xi)]	(i) Total Budget for the public authority (ii) Budget for each agency and plan & programmes (iii) Proposed expenditures (iv) Revised budget for each agency, if any (v) Report on disbursements made and place where the related reports are available	Not available. IBBI has informed that the budget will form part of ANNUAL REPORT, which is yet to be tabled in the Parliament. AR 2016-17 is available on the website.
2.2	Foreign and domestic tours (F No. 1/8/2012-IR dt. 11.9.2012)	(i) Budget (ii) Foreign and domestic Tours by ministers and officials of the rank of Joint Secretary to the government and above, as well as the heads of the Department. a. Places visited b. The period of visit c. The number of members in the official delegation d. Expenditure on the visit	Not available, the same need be disclosed.
		(iii) information related to procurements a. notice / tender enquires, and corrigenda if any thereon, b. details of the bids awarded comprising the names of the	Not available. The same need be disclosed.

		<p>suppliers of goods / services being procured,</p> <p>c. the works contracts concluded – in any such combination of the above – and</p> <p>d. the rate/rates and the total amount at which such procurement or works contract is to be executed</p>	
2.3	<p>Manner of execution of subsidy programme</p> <p>[Section 4(1)(b)(xii)]</p>	<p>(i) Name of the programme of activity</p> <p>(ii) Objective of the programme</p> <p>(iii) Procedure to avail benefits</p> <p>(iv) Duration of the programme / scheme</p> <p>(v) Physical and financial targets of the programme</p> <p>(vi) Nature/scale of subsidy / amount allotted</p> <p>(vii) Eligibility criteria for grant of subsidy</p> <p>(viii) Details of beneficiaries of subsidy programme (number, profile etc)</p>	Not applicable
2.4	<p>Discretionary and non-discretionary grants [F No. 1/6/2011-IR dt. 15.4.2013]</p>	<p>(i) Discretionary and non-discretionary grants / allocations to State Govt / NGOs / other institutions</p> <p>(ii) Annual accounts of all legal entities who are provided grants by public authorities</p>	<p>Not applicable</p> <p>Not applicable</p>
2.5	<p>Particulars of recipients of concessions,</p>	<p>(i) Concessions, permits or authorizations granted by public</p>	Not applicable.

	permits of authorizations granted by the public authority [Section 4(1)(b)(xii)]	authority (ii) For each concessions, permit or authorization granted a. Eligibility criteria b. Procedure for getting the concession / grant and / or permits of authorizations c. Name and address of the recipients given concessions / permits or authorisations d. Date of award of concessions / permits of authorizations.	
2.6	CAG & PAC paras [F No. 1/6/2011-IR dt. 15.4.2013]	CAG and PAC paras and the action taken reports (ATRs) after these have been laid on the table of both houses of the parliament	Annual Accounts for 2016-17 are provided on website available at: https://ibbi.gov.in/uploads/publication/8f00b5e9c56c9c94e3070f894deae6f8.pdf However, information relating to subsequent years also need to be uploaded.

3. Publicity and Public interface

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met / partially met /not met – Not applicable will be treated as fully met / partially met)
3.1	Particulars for any arrangement for consultation with or representation by the members of the public in relation to the	Arrangement for consultation with or representation by the members of the public (i) Relevant Acts, Rules, Forms and other documents which are	It is observed that inbuilt mechanism for feedback on rules, regulations and general comments from the citizens is available on the website.

<p>formulation of policy or implementation thereof</p> <p>[Section 4(1)(b)(vii)]</p> <p>[F No. 1/6/2011-IR dt. 15.4.2013]</p>	<p>normally accessed by citizens</p>	
	<p>(ii) Arrangements for consultation with or representation by</p> <p>a. Members of the public in policy formulation / policy implementation</p> <p>b. Day & time allotted for visitors</p> <p>c. Contact details of Information & Facilitation Counter (IFC) to provide publications frequently sought by RTI applicants</p>	
	<p>Public-private partnerships (PPP):</p> <p>(i) Details of Special Purpose Vehicle (SPV), if any</p>	Not applicable
	<p>(ii) Detailed project reports (DPRs)</p>	Not applicable
	<p>(iii) Concession agreements.</p>	Not applicable
	<p>(iv) Operation and maintenance manuals</p>	Not applicable
	<p>(v) Other documents generated as part of the implementation of the PPP</p>	Not applicable
	<p>(vi) Information relating to fees, tolls, or the other kinds of revenues that may be collected under authorisation from the government</p>	Not applicable
	<p>(vii) Information relating to outputs and outcomes</p>	Not applicable
	<p>(viii) The process of the selection of the private sector party (concessionaire etc.)</p>	Not applicable

		(ix) All payment made under the PPP project	Not applicable
3.2	Are the details of policies / decisions, which affect public, informed to them [Section 4(1)(c)]	<p>Publish all relevant facts while formulating important policies or announcing decisions which affect public to make the process more interactive;</p> <p>(i) Policy decisions/legislations taken in the previous one year</p> <p>(ii) Outline the Public consultation process</p> <p>(iii) Outline the arrangement for consultation before formulation of policy</p>	Required information has been published on their website.
3.3	Dissemination of information widely and in such form and manner which is easily accessible to the public [Section 4(3)]	<p>Use of the most effective means of communication</p> <p>(i) Internet (website)</p>	Detailed information is available on their website.
3.4	Form of accessibility of information manual / Handbook [Section 4(1)(b)]	<p>Information manual/handbook available in</p> <p>(i) Electronic format</p> <p>(ii) Printed format</p>	<p>Detailed information is available on their website</p>
3.5	Whether information manual / handbook available free of cost or not [Section 4(1)(b)]	<p>List of materials available</p> <p>(i) Free of cost</p> <p>(ii) At a reasonable cost of the medium</p>	<p>It is informed by IBBI that being a new organisation, Handbooks are not available. However, quarterly newsletters provide updated information about the developments in IBBI and Insolvency Law as a whole are available at: https://ibbi.gov.in/publication</p> <p>It is suggested that IBBI may in due course of time prepare handbook and make it available on their website.</p>

4. E. Governance

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met / partially met / not met – Not applicable will be treated as fully met / partially met)
4.1	Language in which Information Manual/ Handbook Available [F No. 1/6/2011-IR dt. 15.4.2013]	<div>(i) English</div> <div>(ii) Vernacular / Local Language</div>	<p>It was observed that the information on the website is available in English only and IBBI was advised to upload the same in vernacular / local language also.</p> <p>Now IBBI has informed that it has initiated providing information in Hindi. As part of the same, Hindi version of the Code has been translated and placed on the website available at: https://ibbi.gov.in/uploads/legalframework/2019-10-04-121849-g0lxd-cbe325236039013682f4ad50be62eece.pdf</p> <p>It is suggested that all the information available on their website also need be uploaded in vernacular / local languages also to facilitate information needs of the citizens.</p>
4.2	When was the information Manual/ Handbook last updated? [F No. 1/6/2011-IR dt. 15.4.2013]	Last date of Annual updation	<p>It has been informed by IBBI that it being a new organisation, Handbooks are not available. However, quarterly newsletters provide updated information. Also, IBBI's website is updated almost every day and available at: https://ibbi.gov.in/publication</p> <p>As already mentioned the handbook need to be prepared by IBBI.</p>

4.3	Information available in electronic form [Section 4(1)(b)(xiv)]	(i) Details of information available in electronic form	Newsletter, speeches, reports, interview, articles, study material, press release, media coverage, videos, judgements of the higher judiciary and other legal forums is available.
		(ii) Name / title of the document / record / other information	Required information is available on home page.
		(iii) Location where available	
4.4	Particulars of facilities available to citizen for obtaining information [Section 4(1)(b)(xv)]	(i) Name & location of the facility	It is observed that the information available at https://ibbi.gov.in/contact-us contains address, contact no. and working hours of IBBI. However, it is advisable that information about Facilitation Centre / Reception where citizens can contact for obtaining information may also be disclosed and working hours of this facility also need be disclosed.
		(ii) Details of information made available	
		(iii) Working hours of the facility	
		(iv) Contact person & contact details (Phone, fax email)	
4.5	Such other information as may be prescribed under section 4(1)(b)(xvii)	(i) Grievance redressal mechanism	Process of grievance redressal of external and internal stakeholders including that of functionaries of the IBBI and composition of ICC has now been worked out and uploaded at https://ibbi.gov.in/uploads/faqs/RTI Manual New.pdf . However, organisation policy about prevention of sexual harassment at workplace also need be developed and disclosed.
		(ii) Details of applications received under RTI and information provided	The statistical details have been provided on the website available at: https://ibbi.gov.in/uploads/faqs/MIS%20of%20RTI%20and%20Appeal-%20Jan2019%20to%20Aug2019

			<p><u>9.pdf</u></p> <p>However, it is advisable that RTI applications / appeals are classified as per the subject matters and their responses also need be uploaded.</p>
		(iii) List of completed schemes / projects / programmes	Not applicable.
		(iv) List of schemes / projects / programme underway	Not applicable.
		(v) Details of all contracts entered into including name of the contractor amount of contract and period of completion of contract	Not Available. Need be disclosed.
		(vi) Annual Report	The Annual Report for 2016-17 is available on the website. However, subsequent Annual Reports also need be disclosed.
		(vii) Frequently Asked Questions (FAQs)	The information is available at: https://ibbi.gov.in/faqs
		(viii) Any other information such as	<p>Not Available. IBBI has informed that work is in progress.</p> <p>It is suggested that the required documents may be prepared on priority and uploaded.</p>
		(a) Citizen's Charter	
		(b) Result Framework Document (RFD)	
		(c) Six monthly reports on the performance against the benchmarks set in the Citizen's Charter	
4.6	Receipt & Disposal of RTI applications & appeals	(i) Details of applications received and disposed	The statistical details have been provided on the website

	[F No. 1/6/2011-IR dt. 15.4.2013]	(ii) Details of appeals received and orders issued	available at: https://ibbi.gov.in/uploads/faqs/MIS%20of%20RTI%20and%20Appeal-%20Jan2019%20to%20Aug2019.pdf However, it is advisable that RTI applications / appeals are classified as per the subject matters and their responses also need be uploaded.
4.7	Replies to questions asked in the parliament [Section 4(1)(d)(2)]	Details of questions asked and replies given	IBBI has informed that Parliament Questions are not answered by IBBI directly. IBBI provides information to MCA to respond to Parliament Questions. It is suggested that Parliament Questions relating to IBBI and their responses need be uploaded.

5. Information as may be prescribed

S. No.	Item	Details of disclosure	Remarks / Reference Points (Fully met / partially met / not met – Not applicable will be treated as fully met / partially met)
5.1	Such other information as may be prescribed [F No. 1/2/2016-IR dt. 17.8.2016, F No. 1/6/2011-IR dt. 15.4.2013]	(i) Name & details of (a) Current CPIOs & FAAs (b) Earlier CPIOs/FAAs from 1.1.2015	Details of current CPIO & FAA is available. However, their email IDs may also be indicated at the place where there designation as PIO /FAA is mentioned. Same information for link CPIO / FAA may also be shown. Details of earlier CPIO /FAA if any, may also be disclosed.
		(ii) Details of third party audit of voluntary disclosure (a) Dates of audit	Not available as this is the first third party audit.

		carried out (b) Report of the audit carried out	
		(iii) Appointment of Nodal Officers not below the rank of Joint Secretary / Additional HoD (a) Date of appointment (b) Name & Designation of the officers	Not available.
		(iv) Consultancy committee of key stake holders for advice on suo motu disclosure (a) Dates from which constituted (b) Name & Designation of the officers	Not available.
		(v) Committee of PIOs / FAAs with rich experience in RTI to identify frequently sought information under RTI (a) Dates from which constituted (b) Name & Designation of the officers	Not available. IBBI has informed that the work is under process. It is suggested that details of the required information made available on priority.

6. Information disclosed on own initiative

S. No.	Item	Details of disclosure	Remarks / Reference Points (Fully met / partially met / not met – Not applicable will be treated as fully met / partially met)
6.1	Items / information disclosed so that public have minimum resort to use of RTI Act to obtain information.		The document with the relevant information is updated on the website and is available at: https://ibbi.gov.in/uploads/faqs/RTI_Manual_New.pdf

6.2	Guidelines for Indian Government Websites (GIGW) is followed (released in February, 2009 and included in the Central Secretariat Manual of Office Procedures (CSMOP) by Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievance and Pensions, Govt. of India)	(i) Whether STQC certification obtained and its validity. (ii) Does the website show the certificate on the website?	Not available.	
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CHAPTER-4

ANALYSIS OF DATA COLLECTED

The observations drawn on the basis of analysis on respective areas of the data collected through the questionnaire and one meeting held with the Officers of Insolvency and Bankruptcy Board of India in the month of August, 2019, are as given below:-

4.1 Particulars of its organizations, functions and duties (Section 4(1) (b)(i))

Detailed information with reference to the name and address of the organization, head of the organization, its vision and mission and key objectives, functions and duties including organization chart, genesis of the organization / formation of the IBBI is available.

4.2 Powers & Duties of its officers & employees (Section 4(1) (b) (ii))

All details about Powers and duties of officers and the employees have now been uploaded by IBBI on their website at <https://ibbi.gov.in/about/senior-officers>. Initially the details of twelve top functionaries were available but of the officers and staff below them was not available. However, on suggestion the IBBI has updated the information.

Information regarding rules / orders under which IBBI draw its powers and duties are available on its website.

Details regarding Work allocation are now made available at <https://ibbi.gov.in/about/senior-officers> based on our initial input to the organization.

4.3 Procedure followed in the decision making process (Section 4(1)(b) (iii))

Subsequent to our discussion with IBBI it was informed that the required information have been updated and is available at <https://ibbi.gov.in/about&https://ibbi.gov.in/uploads/DOP%20booklet%20final.pdf>

The audit team has visited the said websites. It is observed that information regarding key matters dealt by IBBI and the level of authority for its disposal has been indicated. However, the process of insolvency proceedings has not been indicated. IBBI need to prepare Standard Operating Procedure (SOP) from the Acts and Rules available on the subject in a synoptic form and upload the same to meet the information needs of the citizens.

4.4 Norms for discharge of functions (Section 4(1) (b)(iv))

It is observed that various Acts, Rules, Regulations, Circulars on the subject have been uploaded, which is a desirable disclosure. However, from the point of view of a common citizen it is necessary that an SOP may be developed keeping in view the nature of functions / services offered /time lines and norms thereon. In other words the SOP needs to cover answers to 5Ws and 1H keeping in view a common citizen.

Process of grievance redressal of external and internal stakeholders including that of functionaries of the IBBI and composition of ICC has now been worked out and uploaded at https://ibbi.gov.in/uploads/faqs/RTI_Manual_New.pdf.

However, organisation policy about prevention of sexual harassment at workplace also need be developed and disclosed.

4.5 Rules, regulations, instructions, manuals and records (for discharging function- (Section 4(1) (b) (v))

Information regarding title and nature of the record / manual / instruction, rules, regulations, instructions manuals and records is available.

4.6 Categories of documents held by the authority under its control (Section 4(1)(b)(vi))

The various categories of documents held by the organisation has been disclosed at https://ibbi.gov.in/uploads/faqs/RTI_Manual_New.pdf .However, details of custodians also need be indicated.

4.7 Boards, Councils, Committees and other Bodies constituted as part of the public authority functioning (Section 4 (1) (b) (viii))

Information regarding Boards, Council and Committee etc. is available. The details of Board meetings of IBBI are at the link: <https://ibbi.gov.in/about/board-meetings>

Many of the Board agenda carry minutes/discussions of the meetings of various working Groups and Advisory Groups. These are placed on website.

4.8 Directory of officers and employees (Section 4(1) (b) (ix))

The information as suggested by the audit team of all functionaries has now been updated and available at: <https://ibbi.gov.in/about/senior-officers>

4.9 Monthly remuneration received by officers & employees including system of compensation (Section 4(1) (b) (x))

IBBI informed that required details are now available on <https://ibbi.gov.in/about> & https://ibbi.gov.in/uploads/Data_regarding_pay_scale.pdf

The audit team has scanned the said website. However, it is observed that employee wise monthly remuneration has not been provided. The information made available is in broad terms. It need to be reduced to employees specific.

System of compensation as provided in the regulations is not mentioned. In case anything available that needs to be indicated.

4.10 The names, designation and other particulars of the PIOs (Section 4(1) (xvi))

The details have been provided on the website at: <https://ibbi.gov.in/home/rti>

4.11 Programmes to advance understanding of RTI (Section 26)

No such information was initially available. However, it is now informed by IBBI that a programme on “Understanding RTI” has been organised on 15th May, 2019 for all

the officers and employees of the Board. However, such programs need to be organized periodically to ensure that the knowledge and skills of handling RTI is updated.

As regard training of CPIO / First Appellate Authority / APIOs IBBI may be consider deputing them to the programmes organized by ISTM or other training providers.

4.12 Transfer policy and transfer orders

Not applicable as there are no branches / benches of IBBI.

4.13 Budget allocated to each agency including all plans, proposed expenditure and reports on disbursements made etc. (Section 4(1)(b)(xi))

Not available. IBBI has informed that the budget will form part of Annual Report, which is yet to be tabled in the Parliament. Annual Report of 2016-17 is available on the website. Annual Reports of subsequent years need be uploaded.

4.14 Foreign and domestic tours

Not available, the same need be disclosed.

4.15 Information related to procurements

Not available, the same need be disclosed.

4.16 Manner of execution of subsidy programmes (Section 4(1)(b) (xii))

Not applicable to Insolvency and Bankruptcy Board of India.

4.17 Discretionary and non-discretionary grants

Not applicable to Insolvency and Bankruptcy Board of India.

4.18 Particulars of recipients of concessions, permits or authorizations granted by the public authority (Section 4(1)(b)(xii))

Not applicable to Insolvency and Bankruptcy Board of India.

4.19 CAG & PAC paras

Annual Accounts for 2016-17 are provided on website available at: <https://ibbi.gov.in/uploads/publication/8f00b5e9c56c9c94e3070f894deae6f8.pdf>. However, information relating to subsequent years also need to be uploaded.

4.20 Particulars for any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation thereof

It is observed that inbuilt mechanism for feedback on rules, regulations and general comments from the citizens is available on the website.

4.21 Public-private partnerships (PPP)

Not applicable to Insolvency and Bankruptcy Board of India.

4.22 Are the details of policies / decisions, which affect public, informed to them

All required information is available.

4.23 Dissemination of information widely and in such form and manner which is easily accessible to the public (Section 4 (3))

Detailed information is available on their website.

4.24 Form of accessibility of information manual / Handbook

Detailed information is available on their website. It is informed by IBBI that being a new organisation, Handbooks are not available. However, quarterly newsletters provide updated information about the developments in IBBI and Insolvency Law as a whole are available at: <https://ibbi.gov.in/publication>.

It is suggested that IBBI may in due course of time prepare handbook and make it available on their website.

4.25 Language in which Information Manual / Handbook Available

It was observed that the information on the website is available in English only and IBBI was advised to upload the same in vernacular / local language also.

Now IBBI has informed that it has initiated providing information in Hindi. As part of the same, Hindi version of the Code has been translated and placed on the website available at: <https://ibbi.gov.in/uploads/legalframework/2019-10-04-121849-g0lxd-cbe325236039013682f4ad50be62eece.pdf>

It is suggested that all the information available on their website also need be uploaded in vernacular / local languages also to facilitate information needs of the citizens.

4.26 When was the information Manual/ Handbook last updated?

It has been informed by IBBI that it being a new organisation, Handbooks are not available. However, quarterly newsletters provide updated information. Also, IBBI's website is updated almost every day and available at: <https://ibbi.gov.in/publication>
As already mentioned the handbook need to be prepared by IBBI.

4.27 Information available in electronic form

Newsletter, speeches, reports, interview, articles, study material, press release, media coverage, videos, judgements of the higher judiciary and other legal forums is available in the electronic form on the website of IBBI.

4.28 Particulars of facilities available to citizen for obtaining information

It is observed that the information available at <https://ibbi.gov.in/contact-us> contains address, contact no. and working hours of IBBI. However, it is advisable that information about Facilitation Centre / Reception where citizens can contact for

obtaining information may also be disclosed and working hours of this facility also need be disclosed.

4.29 Such other information as may be prescribed under section

Process of grievance redressal of external and internal stakeholders including that of functionaries of the IBBI and composition of ICC has now been worked out and uploaded at https://ibbi.gov.in/uploads/faqs/RTI_Manual_New.pdf.

However, organisation policy about prevention of sexual harassment at workplace also need be developed and disclosed.

4.30 Receipt & Disposal of RTI applications & appeals

The statistical details have been provided on the website available at: <https://ibbi.gov.in/uploads/faqs/MIS%20of%20RTI%20and%20Appeal-%20Jan2019%20to%20Aug2019.pdf>

However, it is advisable that RTI applications / appeals are classified as per the subject matters and their responses also need be uploaded.

4.31 Replies to questions asked in the parliament

IBBI has informed that Parliament Questions are not answered by IBBI directly. IBBI provides information to MCA to respond to Parliament Questions.

It is suggested that Parliament Questions relating to IBBI and their responses need be uploaded.

4.32 Such other information as may be prescribed

- Details of current CPIO and FAA is available. However, their email IDs may also be indicated at the place where there designation as PIO /FAA is mentioned. Same information for link CPIO / FAA may also be shown. Details of earlier CPIO /FAA if any, may also be disclosed.

- Information regarding appointment of Nodal Officer is not available. IBBI may disclose the same.
- Information regarding consultancy committee of key stakeholders and committee of PIOs and FAAs with rich experience in RTI, to identify frequently sought information is not available. IBBI may disclose the details of the required information on priority.

4.33 Information disclosed on own initiative

The document with the relevant information is updated on the website and is available at: https://ibbi.gov.in/uploads/faqs/RTI_Manual_New.pdf

4.34 Guidelines for Indian Government Websites (GIGW) released in February, 2009 and included in the Central Secretariat Manual of Office Procedures (CSMOP) by Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievance and Pensions, Govt. of India are being followed or not

Details regarding STQC certification obtained and its validity are not available on the website. The same needs to be obtained and disclosed.

CHAPTER-5

CONCLUSION AND RECOMMENDATIONS

5.1 A perusal of the website of Insolvency and Bankruptcy Board of India indicates that a substantial amount of information is available. However, there is scope for improvement in terms of both quality and quantity of information in certain areas. Therefore, to make the website more user friendly and citizen centric, the following conclusion/observations may be considered for implementation.

- a. IBBI need to prepare Standard Operating Procedure (SOP) from the Acts and Rules available on the subject in a synoptic form and upload the same to meet the information needs of the citizens.
- b. Organisation policy about prevention of sexual harassment at workplace also need be developed and disclosed.
- c. The details of the custodians of the various categories of documents held by the organisation need be indicated.
- d. The employee wise monthly remuneration and also System of compensation if any be made available.
- e. Training programmes on RTI need to be organized periodically to ensure that the knowledge and skills of handling RTI is updated.
- f. As regard training of CPIO / First Appellate Authority / APIOs IBBI may be consider deputing them to the programmes organized by ISTM or other training providers.
- g. Information regarding Foreign and domestic tours and also relating to procurement need be disclosed.
- h. Details of Annual Accounts for year subsequent to 2016-17 need be uploaded.
- i. Manual / Handbook relating to the functions of IBBI may be prepared and disclosed on the website.
- j. All the information available on the website of IBBI need also be disclosed in vernacular / local languages. To facilitate meeting the information needs of the citizens.

- k. Information about facilitation centre / reception where citizens can contact for obtaining information about IBBI may also be disclosed and also working hours of this facility need be indicated.
- l. It is advisable that RTI applications / appeals are classified as per the subject matters and their responses also need be uploaded.
- m. IBBI may prepare citizen charter and upload it on their website. Similarly, six monthly reports on the performance against the benchmarks set in the citizen's charter may also be disclosed.
- n. Parliament Questions relating to IBBI and their responses need be uploaded.
- o. Email IDs of CPIO and FAA may be indicated at the place where there designation as PIO /FAA is mentioned. Same information for link CPIO / FAA may also be shown. Details of earlier CPIO /FAA if any, may also be disclosed.
- p. Information regarding appointment of Nodal Officer may be disclosed.
- q. Information regarding consultancy committee of key stakeholders and committee of PIOs and FAAs with rich experience in RTI, to identify frequently sought information may be disclosed.
- r. Details regarding STQC certification obtained and its validity as per the guidelines for Indian Government websites needs to be obtained if not yet obtained and disclosed on the website.

ANNEXURE-1

A Framework for Transparency Audit

Name of the public authority being audited :	
Website	

The RTI Act under section 4 provides a comprehensive framework for promoting openness in the functioning of the public authorities.

While section 4 (1)(a) provides a general guideline for record management, so that the information could be easily stored and retained, the sub-sections b, c and d of Section 4 relate to the organizational objects and functions. Sub-sections (b), (c) and (d) of Section 4 of the RTI Act and other related information can be grouped under six categories; namely, 1. Organisation and function, 2. Budget and programmes, 3. Publicity and public interface, 4.E. governance, 5.Information as prescribed and 6. Information disclosed on own initiative

1. Organisation and Function

S.No.	Item	Details of disclosure	Remarks/Reference Points (Fully met/partially met/not met – Not applicable will be treated as fully met / partially met)
1.1	Particulars of its organization, functions and duties [Section4(1)(b)(i)]	(i) Name and address of the Organization	
		(ii) Head of the organization	
		(iii) Vision, Mission and Key objectives	
		(iv) Function and duties	
		(v) Organization Chart	
		(vi) Any other details- the genesis, inception, formation of the department and the HoDs from time to time as well as the committees/ commissions constituted from time to time have been dealt	
1.2	Power and duties of its officers and employees [Section	(i) Powers and duties of officers (administrative, financial and judicial)	
		(ii) Power and duties of other employees	

	4(1)(b)(iii)]	(iii) Rules / orders under which powers and duty are derived and Exercised		
		(iv) Work allocation		
1.3	Procedure followed in decision making process [Section 4(1)(b)(iii)]	(i) Process of decision making Identify key decision making points		
		(ii) Final decision making authority		
		(iii) Related provisions, acts, rules etc.		
		(iv) Time limit for taking a decision, if any		
		(v) Channels of supervision and accountability		
1.4	Norms for discharge of functions [Section 4(1)(b)(iv)]	(i) Nature of functions/ services offered		
		(ii) Norms / standards for functions / service delivery		
		(iii) Process by which these services can be accessed		
		(iv) Time-limit for achieving the targets		
		(v) Process of redress of grievances		
1.5	Rules, regulations, instructions manuals and records for discharging functions [Section 4(1)(b)(v)]	(i) Title and nature of the manual/ instruction /rules etc.		
		(ii) List of Rules, regulations, instructions manuals and records.		
		(iii) Acts/Rules manuals etc.		
		(iv) Transfer policy and transfer orders		
1.6	Categories of documents held by the authority under its control [Section 4(1)(b)(vi)]	(i) Categories of documents		
		(ii) Custodian of documents/categories		
1.7	Boards, Councils, Committees and other Bodies constituted as part of the Public Authority [Section 4(1)(b)(viii)]	(i) Name of Boards, Council, Committee etc.		
		(ii) Composition		
		(iii) Dates from which constituted		
		(iv) Term/Tenure		
		(v) Powers and functions		
		(vi) Whether their meetings are open to the public?		

		(vii) Whether the minutes of the meetings are open to the public?	
		(viii) Place where the minutes if open to the public are available?	
1.8	Directory of Officers and employees [Section 4(1)(b)(ix)]	(i) Name and designation	
		(ii) Telephone, fax and email ID	
1.9	Monthly remuneration received by officers & employees including system of compensation [Section 4(1)(b)(x)]	(i) List of employees with Gross monthly remuneration.	
		(ii) System of compensation as provided in its regulations	
1.10	Name, designation and other particulars of public information officers [Section 4(1)(b)(xvi)]	(i) Name and designation of the public information officer (PIO), Assistant Public Information(s) & Appellate Authority	
		(ii) Address, telephone numbers and email ID of each designated official.	
1.11	Programmes to advance understanding of RTI (Section 26)	(i) Educational programmes	
		(ii) Efforts to encourage public authority to participate in these programmes	
		(iii) Training of CPIO/APIO	
		(iv) Update & publish guidelines on RTI by the public authorities concerned	
1.12	Transfer policy and transfer orders [F No. 1/6/2011-IR dt. 15.4.2013]		

2. Budget and Programme

S.No.	Item	Details of disclosure	Remarks/Reference Points (Fully met/partially met/not met – Not applicable will be treated as fully met / partially met)
2.1	Budget allocated to each agency including all plans, proposed expenditure and reports on disbursements made etc. [Section 4(1)(b)(xi)]	(i) Total Budget for the public authority (ii) Budget for each agency and plan & programmes (iii) Proposed expenditures (iv) Revised budget for each agency, if any (v) Report on disbursements made and place where the related reports are available	
2.2	Foreign and domestic tours (F No. 1/8/2012-IR dt. 1.9.2012)	(i) Budget (ii) Foreign and domestic Tours by ministers and officials of the rank of Joint Secretary to the government and above, as well as the heads of the Department. (iii) Places visited (iv) The period of visit (v) The number of members in the official delegation (vi) Expenditure on the visit	
2.3	Information related to procurements	(i) Notice / tender enquires, and corrigenda if any thereon, (ii) Details of the bids awarded comprising the names of the suppliers of goods/services being procured, (iii) The works contracts concluded – in any such combination of the above – and the rate / rates and the total amount at which such procurement or works contract is to be executed	
2.4	Manner of execution of subsidy programme [Section 4(1)(b)(xii)]	(i) Name of the programme of activity (ii) Objective of the programme (iii) Procedure to avail benefits (iv) Duration of the programme / scheme (v) Physical and financial targets of the programme	

		(vi) Nature / scale of subsidy / amount allotted	
		(vii) Eligibility criteria for grant of subsidy	
		(viii) Details of beneficiaries of subsidy programme (number, profile etc)	
2.5	Discretionary and non-discretionary grants [F No. 1/6/2011-IR dt. 15.4.2013]	(i) Discretionary and non-discretionary grants / allocations to State Govt. / NGOs / other institutions	
		(ii) Annual accounts of all legal entities who are provided grants by public authorities	
2.6	Particulars of recipients of concessions, permits of authorizations granted by the public authority [Section 4(1)(b)(xii)]	(i) Concessions, permits or authorizations granted by public authority (ii) For each concessions, permit or authorization granted a) Eligibility criteria b) Procedure for getting the concession / grant and / or permits of authorizations c) Name and address of the recipients given concessions / permits or authorisations d) Date of award of concessions / permits of authorizations.	
2.7	CAG & PAC paras [F No. 1/6/2011-IR dt. 15.4.2013]	CAG and PAC paras and the action taken reports (ATRs) after these have been laid on the table of both houses of the parliament	

3. Publicity and Public interface

S.No.	Item	Details of disclosure	Remarks/Reference Points (Fully met/partially met/not met – Not applicable will be treated as fully met / partially met)
3.1	Particulars for any arrangement for consultation with or representation	(i) Arrangement for consultation with or representation by the members of the public (ii) Relevant Acts, Rules, Forms and other documents which are normally accessed by citizens	

	by the members of the public in relation to the formulation of policy or implementation thereof [Section 4 (1) (b) (ii)] [F No. 1/6/2011-IR dt. 15.4.2013]	(iii) Arrangements for consultation with or representation by a) Members of the public in policy formulation / policy implementation b) Day & time allotted for visitors c) Contact details of Information & Facilitation Counter (IFC) to provide publications frequently sought by RTI applicants		
		(iv) Public-private partnerships (PPP): Details of Special Purpose Vehicle (SPV), if any		
		(v) Detailed project reports (DPRs)		
		(vi) Concession agreements.		
		(vii) Operation and maintenance manuals		
		(viii) Other documents generated as part of the implementation of the PPP		
		(ix) Information relating to fees, tolls, or the other kinds of revenues that may be collected under authorisation from the government		
		(x) Information relating to outputs and outcomes		
		(xi) The process of the selection of the private sector party (concessionaire etc.)		
		(xii) All payment made under the PPP project		
3.2	Are the details of policies / decisions, which affect public, informed to them [Section 4(1)(c)]	(i) Publish all relevant facts while formulating important policies or announcing decisions which affect public to make the process more interactive; (ii) Policy decisions / legislations taken in the previous one year (iii) Outline the Public consultation process (iv) Outline the arrangement for consultation before formulation of policy		

3.3	Dissemination of information widely and in such form and manner which is easily accessible to the public [Section 4(3)]	Use of the most effective means of communication a) Internet (website)	
3.4	Form of accessibility of information manual / Handbook [Section 4(1)(b)]	Information manual/handbook available in a) Electronic format b) Printed format	
3.5	Whether information manual / handbook available free of cost or not [Section 4(1)(b)]	List of materials available a) Free of cost b) At a reasonable cost of the medium	

4. E. Governance

S.No.	Item	Details of disclosure	Remarks/Reference Points (Fully met/partially met/not met – Not applicable will be treated as fully met / partially met)
4.1	Language in which information Manual / Handbook Available [F No. 1/6/2011-IR dt. 15.4.2013]	(i) English (ii) Vernacular / Local Language	
4.2	When was the information Manual / Handbook last updated? [F No. 1/6/2011-IR dt. 15.4.2013]	Last date of Annual updation	
4.3	Information available in electronic form [Section 4(1)(b)]	(i) Details of information available in electronic form (ii) Name / title of the document/ record / other information	

	(xiv)]	(iii) Location where available		
4.4	Particulars of facilities available to citizen for obtaining information [Section 4(1)(b)(xv)]	(i) Name & location of the facility		
		(ii) Details of information made available		
		(iii) Working hours of the facility		
		(iv) Contact person & contact details (Phone, fax email)		
4.5	Such other information as may be prescribed under Section 4(1)(b)(xvii)	(i) Grievance redressal mechanism		
		(ii) Details of applications received under RTI and information provided		
		(iii) List of completed schemes / projects / programmes		
		(iv) List of schemes / projects / programme underway		
		(v) Details of all contracts entered into including name of the contractor amount of contract and period of completion of contract		
		(vi) Annual Report		
		(vii) Frequently Asked Questions (FAQs)		
		(ix) Any other information such as a) Citizen's Charter		
		b) Result Framework Document (RFD)		
		c) Six monthly reports on the performance against the benchmarks set in the Citizen's Charter		
4.6	Receipt & Disposal of RTI applications & appeals [F No. 1/6/2011-IR dt. 15.4.2013]	(i) Details of applications received and disposed		
		(ii) Details of appeals received and orders issued		
4.7	Replies to questions asked in the parliament [Section 4(1)(d)(2)]	Details of questions asked and replies given		

5. Information as may be prescribed

S.No.	Item	Details of disclosure	Remarks/Reference Points (Fully met/partially met/not met – Not applicable will be treated as fully met / partially met)
5.1	Such other information as may be prescribed [F No. 1/2/2016-IR dt. 17.8.2016, F No. 1/6/2011-IR dt. 15.4.2013]	(i) Name & details of a) Current CPIOs & FAAs b) Earlier CPIOs / FAAs from 1.1.2015	
		(ii) Details of third party audit of voluntary disclosure a) Dates of audit carried out b) Report of the audit carried out	
		(iii) Appointment of Nodal Officers not below the rank of Joint Secretary / Additional HoD a) Date of appointment b) Name & Designation of the officers	
		(iv) Consultancy committee of key stake holders for advice on suo motu disclosure a) Dates from which constituted b) Name & Designation of the officers	
		(v) Committee of PIOs / FAAs with rich experience in RTI to identify frequently sought information under RTI a) Dates from which constituted b) Name & Designation of the officers	

6. Information disclosed on own initiative

S.No.	Item	Details of disclosure	Remarks/Reference Points (Fully met/partially met/not met – Not applicable will be treated as fully met / partially met)
6.1	Items / information disclosed so		

	that public have minimum resort to use of RTI Act to obtain information.			
6.2	Guidelines for Indian Government Websites (GIGW) is followed (released in February, 2009 and included in the Central Secretariat Manual of Office Procedures (CSMOP) by Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievance and Pensions, Govt. of India)	(i) Whether STQC certification obtained and its validity. (ii) Does the website show the certificate on the website?		

ANNEXURE-2

Extracts of Section 4(1)(b)(c) and (d) of RTI Act, 2005

4.(1) Every public authority shall

- b)** Publish within one hundred and twenty days from the enactment of this Act,-
- (i)** the particulars of its organization, functions and duties;
 - (ii)** the powers and duties of its officers and employees;
 - (iii)** the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv)** the norms set by it for the discharge of its functions;
 - (v)** the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions
 - (vi)** a statement of the categories of documents that are held by it or under its control;
 - (vii)** the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii)** a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix)** a directory of its officers and employees;
 - (x)** the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi)** the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii)** the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers;
 - (xvii) such other information as may be prescribed; and thereafter update these publications every year;
- c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

ANNEXURE-3

DoPT OM No.1/6/2011-IR dated 15th April, 2013 regarding implementation of suo motu disclosure under section 4 of RTI Act, 2005-Issue of guidelines regarding

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by public authorities on a suo motu or proactive basis. Section 4(2) and section 4(3) prescribe the method of dissemination of this information. The purpose of suo motu disclosures under section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the public authorities more transparent and also to reduce the need for filing individual RTI application.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the section 4 of the RTI Act is partly due to the fact that certain provisions of this section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, Government of India constituted a Task Force on suo motu disclosure under the RTI Act, 2005 in May 2011 which included representative of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for suo motu or proactive disclosure as given in section 4 of the RTI Act, 2005. Based on the report of the Task Force, the Government have decided to issue guidelines for suo motu disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries / Departments are on:-

- i. Suo motu disclosure of more items under section 4.

- ii. Guidelines for digital publication of proactive disclosure under section
- iii. Detailing of section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
- iv. Compliance mechanism for suo motu disclosure (proactive disclosure) under the RTI Act, 2005.

5. The above guidelines are enclosed. However, it may be kept in mind that proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible and disclosures should be kept up to date. The disclosure of information may be made keeping in mind the provisions of section 8 to 11 of the RTI Act.

6. Central Government Ministries' / Departments should undertake suo motu disclosure and ensure compliance based on these guidelines.

7. The enclosed guidelines may be brought to the notice of all for compliance.

Sd/-

(Manoj Joshi)

Joint Secretary

Tele: 23093668

- 1. All the Ministries / Departments of the Government of India
- 2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission
- 3. Central Information Commission
- 4. Staff Selection Commission, CGO Complex, New Delhi
- 5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Enclosure to DoPT OM No.1/6/2011-IR dated 15th April, 2013- regarding guidelines on suo motu disclosure under section 4 of the RTI Act

1.0 Suo motu disclosure of more items under section (4)

Sub section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub section 4(1) to provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that the public take minimum recourse to the use of the Act to obtain information. Accordingly, the public authorities may proactively disclose the following items under the suo motu disclosure provisions of section 4.

1.1 Information related to Procurement

1.1.1 Information relating to procurement made by public authorities including publication of notice / tender enquiries, corrigenda thereon, and details of bid awards detailing with the name of the supplier of goods / services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information discloseable as per Ministry of Finance, Department of Expenditure's OM No.10/1/2011-PPC dated 30th November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and OM No.10/3/2012-PPC dated 30th March, 2012 on implementation of comprehensive end-to-end e-procurement should be disclosed under section 4. At present the limit is fixed at Rs.10.00 Lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar / NCCF, only award details need to be published. However, information about procurement which fall within the purview of section 8 of the RTI Act would be exempt.

1.2 Public Private Partnerships

1.2.1 If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the public authority entering into the PPP contract / concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed

project reports, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1) (j) of the RTI Act would not be disclosed suo motu. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

1.3 Transfer Policy and Transfer Orders

1.3.1 Transfer policy for different grades / cadres of employees serving in public authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under section 8 of the Act. These instructions would not apply to security and intelligence organization under the second schedule of the RTI Act.

1.4 RTI Applications

1.4.1 All public authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by public authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed as they do not serve any public interest.

1.5 CAG & PAC paras

1.5.1 Public authorities may proactively disclose the CAG&PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the Houses of the Parliament. However, CAG paras dealing with information about the issues of

sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under section 8 of the RTI Act would be exempt.

1.6 Citizen Charter

1.6.1 Citizens Charter prepared by the Ministry / Department, as part of the Result Framework Documents of the department / organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

1.7 Discretionary and Non-discretionary grants

1.7.1 All discretionary / non-discretionary grants / allocation to state governments / NGOs / other institutions by Ministry / Department should be placed on the website of the Ministry / Department concerned. Annual Accounts of all legal entities who are provided grants by public authorities should be made available through publication, directly or indirectly on the public authority's website. Disclosures would be subject to provisions of section 8 to 11 of the RTI Act.

1.8 Foreign Tours of PM/Ministers

1.8.1 A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries / Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

1.8.2 As per DoPT's OM No.1/8/2012-IR dated 11/9/2012, public authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st January, 2012. The disclosures may be updated once in every quarter.

1.8.3 Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total

cost of such travel undertaken Exemptions under section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

2.0 Guidelines for digital publication of proactive disclosure under section 4

2.1 Section 4 lays down that information should be provided through many media depending upon the level of the public authority and the recipient of information (for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through internet. There is need for more clear guidelines for web-based publication of information of disclosure.

2.2 The Department of Information Technology has been working on setting up technical standards for government websites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed, while adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that disclosures through websites are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

- (a) It should be the endeavour of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
- (b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements / services provided by the public authorities to citizens.

- (c) Orders of the public authority should be uploaded on the website immediately after they have been issued.
- (d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.
- (e) Websites should have detailed directory of key contacts, details of officials of the public authority.
- (f) It is obligatory under section 4(1)(b)(xiv) of the RTI Act for every public authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- (g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- (h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- (i) Information must be presented from a user's perspective, which may require rearranging it, simplifying it etc. However, originally documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- (j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- (k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs.

Information / data can, for instance, be presented in powerful visual ways using visualization techniques. Such, visual representation of information / data can give insights that may remain largely hidden in a textual or tabular presentation of data. In some contexts, pictures and audio / video recordings etc. may be useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- (I) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY).

3.0 Guidelines for certain clauses of section 4(1)(b) to make disclosure more effective

3.1 The elements of information listed in the various sub-clauses of section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

3.2 Considering that disclosure in regard to certain sub-clauses has been relatively weak, detailed guidelines for four sub-clauses are given below:

3.3 Guidelines for section 4(1)(b)(iii)- "the procedure followed in the decision-making processes, including channels of supervision and accountability"

3.3.1 All departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are

clearly laid down in the AOB. The manner of disposal of matters assigned to each Department / Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of scheme and development programme which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every public authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. Their descriptions constitute the elements of decision making processes in general.

3.3.2 Additionally, in the routine work of governance, government functionaries are required to make decision in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedure for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a public authority, are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

3.3.3 In view of the above, the guidelines for detailing the decision making processes are as follows:

- (a) Every public authority should specifically identify the major outputs / tangible results / services / goods, applicable, that it is responsible for providing to the public or to whosoever is the client of the public authority

- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank / grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision making has occurred in order to grant greater autonomy to public authorities, such procedures must also be clearly explained.
- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the public authority's mandate under the AOB read with the TOB.
- (e) In the event of a public authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

3.4 Guidelines for section 4(1) (b)(iv)- “the norms set by it for the discharge of its functions”

3.4.1 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

3.4.2 Citizen charters, which are mandatory, for each central Ministry / Department / Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

3.4.3 Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All public authorities should proactively disclose the following:-

- (a) Defining the services and goods that the particular public authority / office provides directly (or indirectly through any other agency / contractor)
- (b) Detailing and describing the processes by which the public can access and / or receive the goods and services that they are entitled to, from the public authority/ office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (online), wherever available, should be given.
- (c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.
- (d) Defining the quantitative and tangible parameters, (weight, size, frequency etc.) and timelines that are applicable to the goods and services that are accessible to the public.
- (e) Defining the qualitative and quantitative outcomes that each public authority / office plans to achieve through the goods and services that it was obligated to provide.
- (f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery / implementation and who is responsible for supervision).

3.5 Guidelines for section 4(1)(b)(xi)-“the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”

3.5.1 The public authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view the technical nature of the government budgets, it is essential that Ministries / Departments prepare simplified versions of their

budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs, tables. etc.

- (b) Outcome budget being prepared by Ministries / Departments of Government of India should be prominently displayed and be used as basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting, being followed in Karnataka, is a useful model.
- (c) Fund released to various autonomous organizations / statutory organizations / attached offices / Public Sector Enterprises / Societies / NGOs / Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the websites of the department. If a subsidiary does not have a website, then the budgets and expenditure reports of such subsidiary authority may be uploaded on the website of the principal public authority.
- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes, Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

3.6 Guidelines for section 4(1)(b)(xiv)-details in respect of information, available to or held by it, reduced in an electronic form

3.6.1 On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under section 4(1) (a) of the RTI Act in a periodic manner, on the other, it provides people clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For

example, the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

3.6.2 Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records / files / information that are exempted under section 8. The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division / section / unit office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

4.0 Compliance with provisions of suo motu (proactive) disclosure under the RTI Act

4.1 Each Ministry / public authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.

4.2 Proactive as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries / public authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan / non-plan funds of that department may be utilized.

4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link to the DoPT and Central Information Commission soon after the expiry of the initial period of 6 months.

4.4 Each Ministry / public authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The

audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All public authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries / public authorities should utilize their plan / non plan funds.

4.5 The Central Information Commission should examine the third-party audit reports for each Ministry / public authority and offer advice / recommendations to the concerned Ministries / public authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries / public authorities each year with regard to adequacy of items included as well compliance of the Ministry / public authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

5.0 Nodal Officer

5.1 Each Central Ministry / public authority should appoint a senior officer not below the rank of Joint Secretary and not below rank of Additional HoD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry / Department of the HoD of the attached office, as the case may be. Nodal Officers of Ministry / Department and HoD separately should also ensure that the formation below the Ministry / Department / Attached Office also disclose the information as per the proactive disclosure guidelines.

6.0 Annual Reports of Parliament / Legislatures

6.1 Government has issued directions to all Ministries / Departments to include a chapter on RTI Act in their Annual Reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry / Department.

ANNEXURE-4

K. R. SAJI KUMAR I.L.S.
Executive Director



सत्यमेव जयते

के.आर.सजीकुमार आई एल एस
कार्यकारी निदेशक

भारतीय दिवाला और शोधन अक्षमता-बोर्ड Insolvency and Bankruptcy Board of India

D.O. No. RP-13014/1/2019/810

Dated: 03rd April, 2019

New Dr. H. Khurana,

The Insolvency and Bankruptcy Board of India (IBBI) was established on 1st October, 2016 under the Insolvency and Bankruptcy Code, 2016 (Code). It is a key pillar of the ecosystem responsible for the implementation of the Code, that consolidates and amends the laws relating to reorganization and insolvency resolution of corporate persons, partnership firms and individuals, in a time bound manner for maximization of the value of assets of such persons, to promote entrepreneurship, availability of credit and balance the interests of all the stakeholders.

2. The IBBI has been evolving as an organization, to meet the professional demands of today's industry, service providers and professionals. Being a public authority as defined in the Right to Information (RTI) Act, 2005, the IBBI is committed to proactively provide more information to the citizens of India in the public domain. In this respect, a progressive institutional mechanism has been evolved by the Board, since its inception, and streamlined processes for the receipt, disposal and monitoring of the RTI Applications/ Appeals have been developed.

3. As per Department of Personnel and Training's (DoPT) Guidelines on *suo motu* disclosure dated 15th April, 2013, we are required to have a "Third Party Audit of the Proactive Disclosures under the RTI Act, 2005" conducted for the IBBI to assess the organisation's compliance with the provisions of the RTI Act. In this regard, it is requested that ISTM may conduct this audit for IBBI.

4. Further, ISTM is also requested to organize a two-hour Training Session on various facets of the RTI Act to help develop the professional competence of the individual officers of the Board. Through the Audit and training we propose to enhance our understanding of the RTI Act. We hope that your esteemed Institute will be able to guide us in the matter.

5. In this regard, Dr. Anuradha Guru, Chief General Manager, who is also the CPIO for the organisation would get in touch with concerned officers of the ISTM to take these matters forward.

Yours sincerely,

With regards,

(K. R. Saji Kumar)

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