

Right to Information Act, 2005

The Government of India enacted the Right to Information Act, 2005 (<http://rti.gov.in/rtiact.asp>) which came into effect from October 12, 2005. The right to information includes an access to the information which is held by or under the control of any public authority and includes the right to inspect the work, document, records, taking notes, extracts or certified copies of documents / records and certified samples of the materials and obtaining information which is also stored in electronic form. The Right to Information Act, 2005 under Sections 8 and 9 exempts certain categories of information from disclosures. The Act also provides for appointment of a Chief Public Information Officer to deal with requests for information.

IBBI's Obligation under the Act

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

The Information which is Exempt from Disclosure

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

- Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence
- Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- Information received in confidence from foreign Government;
- Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

- Information which would impede the process of investigation or apprehension or prosecution of offenders;
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.

IBBI Website

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

1. Acts/Rules/Regulations/Circulars/Notifications/Guidelines
2. Information relating to Insolvency Professionals, Insolvency Professional Agencies, Insolvency Professional Entities, Information Utilities, Registered Valuer Organisations and Registered Valuers.
3. Information relating to Orders of the Hon'ble Supreme Court of India, High Courts, NCLTs, NCLAT, DRTs, DRAT, IBBI and IPA/RVO
4. About IBBI
5. Speeches, Reports, Articles, Interviews and Videos
6. Press Releases and Media Coverage
7. Events- Past and Upcoming
8. Governing Board Meetings of IBBI and Agenda & Decisions of the Board
9. Quarterly Newsletter of IBBI
10. Information relating to Limited Insolvency Examination, National Insolvency Examination and Valuation Examination.
11. Public announcements relating to Corporate insolvency resolution process/Voluntary liquidation process/Liquidation process
12. Engagement with Academia- Essay competition and Internship with IBBI
13. Information on Workshops organized for Insolvency Professionals

Important Links on the website of IBBI:

- [Preamble](#)
- [About IBBI- Board and Powers & Functions of the Board](#)
- [IBBI Governing Board](#)
- [Board Meetings](#)

- [Organisational Structure](#)
- [Senior Officers](#)
- [Disciplinary Committee](#)
- [IBBI Advisory Committees](#)
- [IBBI Technical Committee](#)
- [Legal Framework](#)
- [Orders](#)
- [Publications](#)
- [Press Releases](#)
- [Limited Insolvency Examination](#)
- [Valuation Examination](#)

Making an Application under the Right to Information Act, 2005

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

How do I send my application?

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

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

Where do I send my request?

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

Central Public Information Officer

Ms. Anuradha Guru

Chief General Manager

Insolvency and Bankruptcy Board of India,

7th Floor, Mayur Bhawan,

Shankar Market,

Connaught Place, New Delhi-110001

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

How long will IBBI take to provide information?

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

Will I have to pay to get the information?

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

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

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

- Rs. 50/- per diskette or floppy; and

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

At what stage will I have to pay this cost?

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

When will I get the information?

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

Do I have a right to appeal?

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

To Whom should I address my appeal to?

You can address the appeal to:

First Appellate Authority

Dr. Navrang Saini

Whole Time Member

Insolvency and Bankruptcy Board of India

7th Floor Mayur Bhawan,

Shankar Market

Connaught Place, New Delhi 110001

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

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