

GUIDANCE FOR APPLICANTS

SECOND APPEAL TO THE COMMISSION (section 19 of the RTI Act)

1.1 Section 19 of the Right to Information Act, 2005 read with Rule 8 of the Right to Information Rules, 2012 framed under the Act provides that any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal may file an appeal to the Central Information Commission in the prescribed format within the specified time. **No fee is to be submitted with the second appeal.** The format is given below:

Format of Appeal (see rule 8)

1. Name and address of the appellant
2. Name and address of the Central Public Information Officer to whom the application was addressed
3. Name and address of the Central Public Information Officer who gave reply to the Application
4. Name and address of the First Appellate Authority who decided the First Appeal
5. Particulars of the application
6. Particulars of the order(s) including number, if any against which the appeal is preferred
7. Brief facts leading to the appeal
8. Prayer or relief sought
9. Grounds for the prayer or relief
10. Any other information relevant to the appeal
11. Verification/authentication by the appellant

DOCUMENTS TO BE ATTACHED

1.2 Rule 8 provides that the following documents, duly authenticated and verified by the appellant are required to be filed with the appeal, namely:-

- (i) a copy of the application submitted to the Central Public Information Officer;
- (ii) a copy of the reply received, if any, from the Central Public Information Officer;
- (iii) a copy of the appeal made to the First Appellate Authority;
- (iv) a copy of the Order received, if any, from the First Appellate Authority;
- (v) copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) an index of the documents referred to in the appeal.

CONDONATION OF DELAY

1.3 Section 19 (3) prescribes the limitation period of ninety days for filing second appeal in the Commission from the receipt of order of the First Appellate Authority. If the appeal is filed after the limitation period of ninety days, an application showing sufficient cause for condoning the delay in filing an appeal is also to be filed.

PREMATURE APPEAL

1.4 If the appeal to the Commission is filed –

- (i) without filing a first appeal before the First Appellate Authority against a decision or no response of the CPIO; or
- (ii) without waiting for forty five days from the date of filing the first appeal,

then such second appeal being premature as per rule 10 (2) will not be considered and returned to the appellant, who may file an appeal after availing himself of all the remedies under the Act.

COMPLAINT TO THE COMMISSION (section 18 of the RTI Act)

1.5 A complaint may be filed before the Commission on the grounds mentioned in section 18 of the RTI Act, 2005. The Commission is empowered to initiate an inquiry into the complaint if it is satisfied that there are reasonable grounds to do so. Certain powers of a civil court have been conferred on the Commission while making an inquiry into a matter.

1.6 The Act and the Rules are silent on the format for filing a complaint, documents to be filed with it or the manner of disposal of a complaint. However, it is expected that the complaint should clearly disclose the grounds/reasons for filing the same. To process the complaint, it would be desirable that at least copies of the following self-attested documents accompany the complaint:-

- (i) the application submitted to the Central Public Information Officer;
- (ii) the reply received, if any, from the Central Public Information Officer; and
- (iii) other documents referred to and relied upon in the complaint.

No fee is to be submitted with the complaint.