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# How to File First Appeal under RTI

First Appeal is the statutory remedy available to the RTI Applicant, when there is no response from the Public Information Officer within stipulated time limit or the decision of PIO is not satisfactory or the PIO offered / supplied incorrect / misleading information or demanded exorbitant further fee etc. The First Appeal is required to be filed under [Section-19\(1\) of RTI Act](#).

## Who can file First Appeal?

1. A person who submitted an RTI Application and aggrieved by no response or unsatisfactory reply or incorrect information.
2. Third Party or parties whom the information sought relates to or has been supplied and treated as Confidential.

## Finding First Appellate Authority

1. First Appeal should be filed before the designated First Appellate Authority (FAA), who is an officer higher in rank than PIO.
2. Details of First Appellate Authority shall be included in PIO's decision letter itself. When there is no response / decision from PIO, it is better to search website (RTI link) of the public authority for FAA details.
3. Details of FAA can also be obtained through telephone from the office of public authority. Alternatively, if the office of PIO is nearer to applicant, he can visit PIO's office, where details of PIO / FAA can be gathered from RTI Notice Board.
4. In case, the applicant is not able to get details or address of FAA, applicant can address First Appeal as "The First Appellate Authority under RTI, Office of ....., and send it to the address of PIO.
5. First Appeal can also be submitted to APIO for onward submission to FAA.

## Situations for filing First Appeals and prescribed Time Limits

Sl	Situations for filing First Appeal	Time limit for filing First Appeal
1.	PIO did not respond within 30 days from receipt of RTI Application in his office.	After 30 (+7 days for postal transit time) but within 60 days from the date of receipt of RTI Application at PIO's Office.
2.	RTI Application submitted through APIO but PIO did not respond within 30 days from receipt of RTI Application in PIO's office.	After 35 (+7 days for postal transit time) but within 60 days from the date of receipt of RTI Application at PIO's Office.
3.	RTI Application transferred by the original public authority to another public authority (PIO) but transferee PIO did not respond within 30 days from receipt of Application.	After 30 (+7 days for postal transit time) but within 60 days from the date of receipt of RTI Application at transferee PIO's Office.

Sl	Situations for filing First Appeal	Time limit for filing First Appeal
4.	PIO issued notice to third party under section-11(1), but not decided the application within 40 days from receipt of application at his office.	After 40 (+7 days for postal transit time) but within 70 days from the date of receipt of RTI Application at PIO's Office.
5.	PIO's decision under Section-11(3)	Within 30 days from the date of receipt of PIO's decision.
6.	PIO responded but Applicant is not satisfied with decision of PIO or fee demanded is exorbitant or incorrect, incomplete information is supplied etc.	Within 30 days from the date of receipt of decision of PIO by Applicant.

## What to write in an Appeal?

- **Brief facts:** Narrate brief facts leading to first appeal e.g
  - Filing of RTI Application before PIO and its date
  - What information was/were sought,
  - PIO's decision or deemed denial,
  - what information was/were supplied and
  - what was not supplied or why aggrieved.
- **Grounds for appeal:** These are logical reasons indicating how and why PIO erred in his decision. At the same time, provisions of rules supporting applicant's stand or correct course of action expected from PIO and the reason to buttress such action should be written clearly. Each such point should be written as a separate ground.
- **Personal Hearing:** FAA is required to grant personal hearing to Appellant in compliance of *principles of natural justice*. Appellant desirous to be heard by FAA shall mention it at the end of appeal. In case attending such hearing is not convenient to Appellant, he may not include such request in his appeal. It is not mandatory to appear for First Appeal hearings.
- **Prayers :** Appellant must clearly indicate the decision required to be given by FAA. Few of such prayers are -
  - condone the delay in submission of appeal;
  - grant personal hearing before deciding the appeal;
  - direct the PIO to supply information within 10 days from the date of decision of the appeal;
  - direct the PIO to supply information free of cost, since PIO failed to supply information within 30 days;
  - direct PIO to supply full and correct information; direct PIO to supply certified copies of information;
  - record and supply reasons for upholding the decision of PIO and rejecting the prayers of the appellant etc. etc.
- **Sign the Appeal** at right bottom with date.
- **Appeal Fee & Format**
  - There is no fee and specific format for first appeal to Public Authorities under Central Government.
  - However, there is prescribed fee and format for First Appeals in certain states. Before you draft first appeal to states, please check RTI Rules of respective State for First Appeal fee, its mode of payment as well as prescribed format of appeal (if any).
- **Documents to be attached with first appeal:**
  - self attested photo copy of RTI Application,
  - self attested copy of PIO's reply (if any),
  - any other document(s) supporting the grounds and pleadings in appeal.
  - *Self-attested* means, at the bottom of photo copy, write 'Attested' and below that put full

signature.

- **Submit First Appeal** by Speed Post or Registered Post AD. Check delivery status through India Post website and take a printout of delivered status and keep on record. [India Post - Track Consignments](#)
- You can deliver personally also, but **it is always better to mail all your RTI related communications by registered post AD or by Speed Post**. Never use Courier services for submitting RTI documents.
- When you send more than one First Appeal on a day, please ensure to put different date on each of them, in order to distinguish response of FAA on each of them.
- **Preserve one set** of appeal with its enclosures, Original postal receipt and AD receipt or Speed Post delivery status print out in one bunch/folder.

## Sample Facts and Grounds for First Appeal

### Brief facts of the case

I have preferred Application dt: ..... under section-6(1) read with Sec-3 of the Right to Information Act, 2005, before The SPIO & ..... .. and demanded the following information.

(1) .....

(2) .....

(3) .....

Copy of RTI Application is attached as **Annexure-A** to this appeal.

**In case of No response:** The said Application was received and acknowledged by the office of PIO on ..... As per Section-7(1) of the RTI Act, the PIO is required to decide RTI application within 30 days from the date of its receipt. However, the PIO did not decide the application within the stipulated time.

OR

**In case of Exorbitant Fee:** The SPIO decided the said RTI Application in terms of Section-7(1) of Act and communicated further Fee for providing information vide communication dt: ..... . SPIO demanded Application fee of Rs. 7980 for 798 cases and Rs. 4788 towards document charges for 798 pages. The Fee demanded by SPIO is unreasonable and in total contravention of the proviso under Section-7(5), which stipulates that the fee prescribed under Sub-Section(1) of Section-6 and sub-section(1) and (5) of Section-7 shall be reasonable. The Fee thus prescribed is Rs.10 per RTI Application and Rs.2 per page of A4 information.

OR

**In case of denial:** The applicant demanded 3 counts of the information. CPIO denied information with regard to item no.1 i.e. certified copy of Caste certificate submitted by Mr.Xyz at the time of appointment, under the plea that the information is personal in nature and shall invade the privacy of the employee concerned. This contention is totally wrong. PIO failed to cogently arrive at a conclusion as how the document submitted in response to recruitment notice, which culminated in the appointment of the employee, is personal information. The decision of PIO is malafide and not supported by reasoning.

## Grounds of appeal

**In case of No response:** The total time available for PIO to supply information is 30 days in terms of Section-7(1) read with s.7(3)(a) of the Act. However, the PIO neither communicated his decision on my RTI Application nor supplied information within stipulated time limit of 30 days. No response on the part of PIO is a deemed denial of information in terms of S.7(2) of RTI Act, 2005.

OR

**In case of exorbitant Fee:** What I have sought from the SPIO is the list of persons enlisted under Section-79 A/B of KLR Act from 2010 to 2013. Such an information is required to be maintained by the Public Authority in compliance of the Land Reforms Act. Therefore the list showing information in 3 counts was required to be offered by SPIO. Instead, he made an unreasonable and illegal demand of Application Fee and further fee with malafide intention to discourage the Applicant from obtaining the information from your Public Authority. SPIO treated each person listed under Sec-79 A/B of KLR Act as a case of separate RTI Application and demanded Application Fee of Rs.10/-. Subject matter of RTI application dt: ..... is only one and asked three counts of information on same subject. Therefore there is no question of treating each case falling under Section-79 A/B of the Karnataka Land Reforms Act, as separate RTI Application. There is no basis for SPIO to demand Application Fee of Rs. 10/- for each of the 798 cases falling under Sec-79 A/B of KLR Act, which information is available and ready for supplying to the Applicant. SPIO has failed to give reasons for treating each of the 798 cases enlisted in KLR Act as a Separate RTI Application for demanding Application Fee of Rs.7980/-. As there is only one RTI Application seeking 3 counts of information on single subject, SPIO erred in asking applicant to remit Rs.7980 towards Application Fee. The ADDITIONAL application fee demanded by SPIO is illegal, unreasonable and with malafide intention to discourage this applicant from obtaining the information.

OR

**In case of denial:** The caste certificate was submitted by the employee to the recruitment authority, much before his employment in the public authority, which became part of his service record after appointment. Recruitment is a public activity, which involves participation and interest of large number of aspirants. Caste certificate in question is not a document created during the service period of the employee, and therefore not a matter between the employer and employee, but related to public activity of recruitment and hence provisions of Section-8(1)(j) is not attracted in claiming exemption. Exemption can be claimed under sec-8(1)(j) only with respect to those information which relates to personal information, the disclosure of which has no relationship to any public activity or interest. However, in the present case, the disclosure has direct relationship to the recruitment which was and is a public activity and hence PIO erred in claiming exemption under Section-8(1)(j) purportedly considering that disclosure of Caste Certificate shall invade privacy of the employee. In view of this, the exemption claimed by PIO is wrong. The information sought is not qualified for any exemption. Therefore, caste certificate is required to be supplied to the appellant.

**Free of charge:** PIO failed to supply information within 30 days and hence the applicant is entitled to receive information free of charge in terms of Sec-7(6) of the Act.

**Personal hearing:** Applicant may be heard personally by this Appellate Authority before deciding the appeal.

## Prayer

1. direct SPIO to supply information as sought vide my RTI Application dt: ....., free of cost, within a period of 10 days from the decision of this Appeal.
2. in the eventuality of this Appellate Authority arriving at a decision other than what is stated above(1), the PIO be put to strict proof in terms of Section-19(5) of RTI Act, specifically that the demand of Rs.7890/- towards Application Fee and Rs. 4788 towards 798 pages of information is within the frame work of RTI Act, 2005 and the Rules framed thereunder and this Hon'ble Appellate Authority may further be pleased to record and supply to this Appellant in terms of Section-19(5) of the Act, such proof produced to the subjective satisfaction of this Appellate Authority, which cogently led this Appellate Authority to arrive at a decision other than ordering to supply information free-of-cost as mandated under Sec-19(5) r/w Sec-4(1)(d) of the Act.
3. the present appeal be disposed off by this Hon'ble Appellate Authority within 30 days of its receipt as provided under Section-19(6) of the Act;

## Sample downloads

- 1st Appeal on the ground of no response i.e. deemed refusal<sup>1)</sup>

- [Twitter](#)
- [Facebook](#)
- [Google+](#)
- [LinkedIn](#)
- [Tumblr](#)
- [Reddit](#)
- [StumbleUpon](#)
- [Telegram](#)
- [Email](#)

- [RTI Forms](#)
  - [RTI Application Forms](#)
    - [RTI Application for Commencement Certificate](#)
    - [RTI Application for Competitive Examination Marks](#)
    - [RTI Application for Complaint Status](#)
    - [RTI Application for EPF transfer Status](#)
    - [RTI Application for EPF Withdrawal Status](#)
    - [RTI Application for Examination Paper](#)
    - [RTI Application for FIR](#)
    - [RTI Application for Gram Panchayat](#)
    - [RTI Application for Grievances Status](#)
    - [RTI Application Hindi Format](#)
    - [RTI Application for Illegal Construction](#)
    - [RTI Application for Income Tax Refund](#)
    - [RTI Application for IRCTC refund](#)
    - [RTI Application for LPG Refill Delay](#)
    - [RTI Application for Marksheet Verification](#)
    - [RTI Application for Missing File or Record](#)
    - [RTI Application for MPLAD Funds](#)

- RTI Application for Occupancy Certificate
- RTI Application for Land Records
- RTI Application for Ownership of Vehicle
- RTI Application for Passport Delay
- RTI Application for Pension
- RTI Application for Ration Card Delay
- RTI Application for RC Book Delay
- RTI Application for Road Works
- RTI Application for Foreign Tour Details
- RTI Application on Issues referred by MP
- RTI Form in Marathi
- RTI Application for Scholarship Delay
- RTI Application for Scholarship
- RTI Application for obtaining Service Records of Government Employee
- Suggested RTI Samples
- RTI Application for Tender Documents
- RTI Application for Toll Collection
- How to Fill RTI Application Form
- How to locate Public Information Officer under RTI
- When to supply information free of Cost?
- What are the Penalty and Compensation
- Procedure for Inspection
- Where You cannot get Information
- Who can ask for information under Right to Information?
- First Appeal
  - How to File First Appeal under RTI
- Second Appeal
  - How to file Second Appeal under RTI
  - How to file a Complaint to CIC
- What is Right to Information
- Fundamental Facts about RTI
- Time Limits under Right to Information Act 2005

~~LINKBACK:closed~~

1)

General first Appeal for deemed Refusal of Information

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