

Table of Contents

How to file Second Appeal under RTI

1

Appeal

1

How to file Second Appeal

3

Guidelines to fill Second Appeal

3

Download the Template for filing Second Appeal

4

FAQ on Second Appeal

4

Website format

7

How to file Second Appeal under RTI

[Second, Appeal, Guide](#)

Anybody who is unhappy or dissatisfied with the decision of the First Appellate Authority can file Second Appeal to the Information Commission at the Centre or respective States. You need to send your appeal to the relevant Information Commission in writing.

For issues related to Central Government public authorities, you need to send your appeal to the Central Information Commission. For matters related to State Government public authorities, send your appeal to concerned State Information Commission.



The Commission has powers to adjudicate an appeal filed under section 19 (3) of the RTI Act and order for providing the requested information when the same has not been provided at the level of Central Public Information Officer (CPIO) or the First Appellate Authority. The section 19 is given below:

Appeal

Section 19(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

- require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—
- by providing access to information, if so requested, in a particular form;
- by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
- by publishing certain information or categories of information;
- by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
- by enhancing the provision of training on the right to information for its officials;
- by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
- require the public authority to compensate the complainant for any loss or other detriment suffered;
- impose any of the penalties provided under this Act;
- reject the application.

(9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

How to file Second Appeal

A second appeal or a complaint can be filed electronically on [CIC Website](#) online along with the requisite documents as per RTI Rules, 2012. The documents must be duly signed/ self-attested/ verified before scanning and attaching with the appeal or complaint being filed.

Guidelines to fill Second Appeal

A second appeal against the decision of the First Appellate Authority may be filed before this Commission within 90 (ninety) days from the date on which the decision should have been made by the FAA or was actually received.

The following documents are to be submitted along with second appeal:-

1. a copy of the application submitted to the Central Public Information Officer;
2. a copy of the reply received, if any, from the Central Public Information Officer;
3. a copy of the appeal made to the First Appellate Authority;
4. a copy of the Order received, if any, from the First Appellate Authority;
5. copies of other documents relied upon by the appellant and referred to in his appeal; and
6. an index of the documents referred to in the appeal.

Kindly follow these guidelines for filling Second Appeal at Central Information Commission under [Right to Information Act 2005](#).

1. Fill in the above appeal/complaint form, index and chronological order of progress. If you are filing appeal remove 'complaint/complainant' words. If complaint is being filed, cut words "second appeal/appellant"
2. Get it typed in double space.
3. Get one photocopy of:
 1. Original application under RTI with its enclosures
 2. First appeal with its enclosures
 3. Bank demand draft/pay slip/postal order/cash receipt used for paying filing fee of Rs.10/- and other charges
 4. Copy of demand letter of CPIO for charges if any
 5. Postal proof of mailing original application and first appeal
 6. Postal AD slips/official acknowledgement received from CPIO and FAA
 7. Decisions of CPIO and FAA if received
4. Arrange all papers as per index and then serially number all papers on right hand side top corner. This is one original set of second appeal/complaint.
5. Prepare additional four sets as above by photocopying.
6. Sign each page of appeal, index and chronology chart [all five sets].
7. Self attest all the photocopies by signing under the word "Attested"
8. Send one set by speed/regd ad/UPC post to each of CPIO and FAA and attach photocopy of proof of mailing to the original, extra copy of second appeal/complaint and your copy after filling details in index/chronology chart.
9. Mail original set and one extra copy of set by registered AD to the commission at the following address: The Registrar, CENTRAL INFORMATION COMMISSION II floor, August Kranti Bhavan, Bhikaji Kama Place, NEW DELHI 110066
10. Avoid courier services.

11. Retain one set for your record and reference, with proof of mailing and AD received from CIC/CPIO/FAA for having received second appeal/complaint.
12. If postal AD card is not received or acknowledgement letter is not received from CIC within 15 days of mailing, it is better to send by speed post copy of only second appeal/complaint [without enclosures] with a request to trace the same at CIC. Photocopy of regd post receipt may also be mailed to CIC.

Along with this Article kindly find the following in .pdf format:

- Dummy form for filling second appeal
- Index of Appeal/Complaint
- Chronological Chart of RTI Application
- Guidelines of filing Second Appeal/Complaint with the Central Information Commission.

Download the Template for filing Second Appeal

- [Filing Second Appeal to CIC](#)

FAQ on Second Appeal

The Central Information Commission (CIC) has released a set of FAQs regarding filing of Second Appeals and Complaints with it.

Second Appeal under RTI

@rtiwiki

#righttoinformation

1. What is the format of 2nd Appeal before the Commission?

The Format content of 2nd Appeal is given in Rule 3 of the CIC (Appeal Procedure) Rules, 2005; every appeal must accompany the documents listed in Rule 4 of the said Rules.

2. In case of 2nd Appeal, how many copies need to be filed and whether advance copies have to be served to FAA and CPIO?

Only one copy of the appeal is to be filed with the Commission. An advance copy of the 2nd Appeal needs to be served separately on the FAA and CPIO and the declaration to this effect is to be mentioned in the index of the documents referred to in Rule 4(iii) of the said Rules.

3. Can appeal/complaint be submitted without any format? Can an appeal be filed through e-mail?

As per the CIC (Appeal Procedure) Rules, 2005, the appeal needs to be filed in the prescribed format as given in Appeal Procedure Rules, 2005. However, there is no format for filing of complaint.

Nevertheless, in view of the Rule 7(2) of the CIC (Appeal Procedure) Rules, 2005, it is advisable that all relevant documents, with an index of the documents be filed along with the contents of the complaint.

An appeal to the Commission cannot be filed through e-mail. However, it can be filed electronically on www.cic.gov.in online but will be heard only after the receipt of the verification in original as per Rule 3(viii) of the CIC (Appeal Procedure) Rules, 2005.

4. Can an appeal to the Central Information Commission be filed without first going to the FAA?

An appeal to the Central Information Commission is required to be filed as per Section 19 (3) of the RTI Act against the decision of First Appellate Authority and, therefore, can be filed only after the decision of FAA or after stipulated time limit for such decision by FAA, as per provisions under Section 19(3) of the RTI Act.

5. Circumstances in which a complaint can be filed directly to the Commission and what should be the contents?

The circumstances under which a complaint can be filed directly to the Commission are enumerated in Section 18(1)(a) to Section 18(1)(f) of the RTI Act. These have been further elaborated by Hon'ble Supreme Court in S.L.P. (C) Nos. 32768-32769/2010 dated 12.12.2011.

6. Can a complaint be filed through e-mail?

A complaint cannot be filed through e-mail. However, it can be filed online on www.cic.gov.in including the contents as mentioned in FAQ 5.

7. Can a complaint be filed if there is no reply from the CPIO/FAA?

A complaint can be filed to the Commission if there is no reply from the Public Authority as per Section 18 © and 18(e) of the RTI Act.

8. Can an appeal/complaint filed through e-mail, be processed/action taken without getting hard copies?

An appeal/complaint cannot be filed through e-mail. However, they can be filed online on www.cic.gov.in. The appeals, however, will be heard only on receipt of the verification in original as per Section 3 (viii) of CIC (Appeal Procedure) Rules, 2005. In complaint cases, verification is to be submitted as per Rule 14 and Rule 15 of Civil Procedure Code.

9. Can an appeal/complaint be sent by post and receipt obtained?

An appeal/complaint can be sent by post and status of the diarization of appeal/complaint can be seen on www.cic.gov.in, after 15 days of being posted.

10. Within how many days of receipt of decision of the FAA, can an appeal/complaint be filed in the Commission?

2nd Appeal can be filed within the time limit prescribed under Section 19(3) of the RTI Act i.e. 90 days from FAA's decision. The complaint needs to be filed within a reasonable period of time.

11. Number, size and format of attachment(s) with appeal/complaint filed on line?

1. 5 attachments [RTI application, CPIO's reply, 1st Appeal, FAA's order, second appeal/complaint].
2. Every attachment should not exceed individually 2 MB in size.
3. PDF, JPG & GIF files can be uploaded as attachments.

12. Is compliance with Rule 3 (viii) of CIC (Appeal Procedure Rules), 2005 regarding verification by the appellant in case of online appeal mandatory?

It is mandatory for the Registry to receive verification from the Appellant before the hearing commences. The Registry will ensure receipt of the verification, even if processed, before the case is put up for hearing.

13. What should be the language of the Appeal/Complaint and accompanying documents?

All correspondence to the Commission should be made either in Hindi or in English. If by any chance, the information seeker wants to send anything written in any other language, it shall be his duty to provide a translation of that text either in Hindi or in English.

14. What is the Format & documents required for filing First Appeal before the First Appellate Authority, CIC?

For hearing the first appeal, the FAA can adopt the CIC (Appeal Procedure) Rules, 2005.

15. Whether First Appeal can be filed through e-mail?

The first appeal cannot be filed through e-mail. However, it can be filed online on www.cic.gov.in.

16. Can a complaint lie with the Commission merely on the ground that the website of the public authority has not uploaded disclosures suo motu under section 4(1)(b) of the Act, in view of first part of Section 18 (1)(f)?

The Full Bench of the Commission has issued a directive dated 15.11.2010 under Section 19(8) (a) to the public authorities for time-bound implementation of Section 4 obligations under the RTI Act. Any violation of this directive will be dealt with by the Commission under [Section 18\(1\)\(b\) of the Act](#).

Website format

Online Appeal

Do you have RTI Registration Number? ☐ Yes ☒ No

Ministry/Department Details

Ministry Name* --Select--
Department Name* --Select--
Public Authority* --Select--

Applicant's Particulars

Name of Applicant* Enter Text
Gender **Male** ☐ **Female** ☐
Country* India
Address*
State/UT* --Select--
District* --Select--
Name of City Town/Village* Enter Text
Pin Code Enter Text
Mobile No.* Enter Text
Telephone No. Enter Text
Email ID* Enter Text

Details of Application

RTI Request Filled on (Date)*
Copy of RTI Application (Only PDF)* Choose file No file chosen

CPIO Details

CPIO name* Enter Text
CPIO Address*

Response of Central Public Information Officer (CPIO)

Nature of Response of CPIO --Select--
Remarks

Details of First Appeal

First Appeal Filed on (Date)*
Copy of First Appeal (Only PDF)* Choose file No file chosen

First Appellate Authority Details

FAA Name* Enter Text
FAA Address Details*

Files in namespace guide:applicant:second-appeal

Name	Size	Date
screen_shot_2017-07-27_at_8.35.29_am.png	156 KB	2017/07/27 03:06
second_appeal_under_rti.png	174.4 KB	2018/06/23 03:32
second-appeal-rti.jpg	752.8 KB	2017/07/27 02:58
complain_to_cic.png	92.4 KB	2018/06/23 04:11

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