



**Central Information Commission**  
Room No. 105, Ground Floor, Baba Gangnath Marg,  
Munirka, Near Old JNU Campus, New Delhi - 110 067

No. CIC/CR-1/2017/0007 (pt.2)

Date 14.06.2018

## **OFFICE ORDER**

**Subject:** Directions to be followed while doing registration of Second appeal and Complaint.

The Commission in its meeting held on 05.06.2018 has decided to issue the following directions for registration of Second Appeal and Complaint by the Central Registry as prescribed under Rule 8 and 9 of the RTI Rules, 2012:

### **Registration of the Second Appeal**

(1) Second Appeal shall be registered under Section 19 of the RTI Act, 2005 on submission of the mandatory documents and fulfillment of the conditions by the Appellant, as mentioned below:

- The second Appeal must be duly signed and addressed to the Commission
- Copy of the RTI application submitted to the Central Public Information Officer
- Copy of the first appeal made to the First Appellate Authority
- RTI, First Appeal and Second Appeal should be related to each other
- Above three documents must be legible
- Above three documents must be in Hindi / English or the appellant shall provide a translated version in Hindi / English.
- All the documents should be duly authenticated and verified by the Appellant.

(2) The mandatory time period for filing the Second Appeal:

- Second Appeal shall be registered if it is filed within 90 days from the date on which the First Appellate Authority's decision was actually received by the Appellant or after 90 days from expiry of 45 days of filing of First Appeal in cases where no reply is received. For registration beyond the mandatory time periods, the Second Appeal must be accompanied by a request for the condonation of delay.

### **Registration of Complaint**

(3) Complaint under Section 18 of the RTI Act, 2005 shall be registered on submission of the mandatory documents and fulfillment of the conditions by the Complainant, as mentioned below:

- Complaint must be duly signed and addressed to the Commission
- Copy of the RTI application submitted / could not be submitted to the CPIO
- RTI and Complaint should be related to each other
- Above two documents must be legible
- Above two documents must be in Hindi / English or the Complainant should have provide a translated version in Hindi / English
- Complaint filed without filing the RTI application should be put up to the concerned Information Commissioner for orders on the registration of the case.
- All the documents shall be duly authenticated and verified by the Complainant.

(1) The mandatory time period for filing Complaint:

- Complainant may file a Complaint at any time after refusal of acceptance of RTI application or on receipt of incomplete or unsatisfactory reply from the CPIO. However, Complainant cannot file a Complaint before expiry of 30 days (35 days in case of transfer of RTI application to the other Public Authority) from the date of filing the RTI application where no reply is received from the CPIO.

(2) During scrutiny of Complaint, if it is found that the Complainant has requested for the information along with the imposition of the penalty, the Complaint should be registered as Second Appeal, provided first appeal had been filed by the Complainant. However, if the first appeal has not been filed, the person concerned may be asked to file first appeal before filing second appeal.

In a case, where the Applicant files a Complaint u/s 18 of the RTI Act, 2005 asking only for imposition of penalty on the CPIO and has also filed a First Appeal, a Complaint should be registered only on expiry of a period of 45 days from the date of filing the First Appeal or immediately on receipt of an order of the First Appellate Authority.

**Second Appeal/Complaint shall not be registered if any of the following condition exists**

- If the Second Appeal / Complaint has already been registered by the Commission with same RTI. **(Duplicate case)**
- Body mentioned as a Public Authority in the Second Appeal / Complaint is not registered with the Commission as Public Authority and justification for declaring the body as a Public Authority has not been given by the Appellant / Complainant.
- Second Appeal / Complaint relate to State Information Commission, in such case Second Appeal / Complaint should be sent to the concerned State Information Commission.
- Second Appeal / Complaint relates to multiple RTI Application / CPIO's replies / First Appeals, in such cases Second Appeal / Complaint should be returned along with all the documents.

The Deputy Registrar concerned is directed to invariably adhere to the above directions.

  
(Piyush Agarwal)  
Registrar

To:  
Deputy Registrars (Central Registry)

Copy to:

1. PPS to CIC
2. PPS to ICs
3. PS to Secretary/Addl. Secretary
4. JS (Admin)/ JS (Law)/JS (M&R) / JS (P&B)
5. RTI Cell / All DRs / Dak Section / Library / Record Room
6. NIC Section for uploading the Order on CIC Website.