

Section 4 (1)(b)(iii)

Procedure followed in the decision-making process including channels of supervision and accountability:

1. Any person aggrieved by an order passed by the First Appellate Authority falling under jurisdiction of Central Govt/UTs/Delhi Govt.; or due to non-disposal of the first appeal pertaining to the said authorities, even after lapse of 45 days of filing it, may file a Second Appeal before Central Information Commission, in the format given in the Appendix to Rule 8 of RTI Rules, 2012, which for ready reference is also reproduced here under:

FORMAT OF SECOND APPEAL AS PER RULE 8 OF RTI RULES, 2012

- i. Name and address of the appellant
 - ii. Name and address of the Central Public Information Officer to whom the application was addressed
 - iii. Name and address of the Central Public Information Officer who gave reply to the Application
 - iv. Name and address of the First Appellate Authority who decided the First Appeal
 - v. Particulars of the application
 - vi. Particulars of the order(s) including number, if any, against which the appeal is preferred
 - vii. Brief facts leading to the appeal
 - viii. Prayer or relief sought
 - ix. Grounds for the prayer or relief
 - x. Any other information relevant to the appeal
 - xi. Verification/authentication by the appellant
2. **The following documents are to be submitted along with the Second Appeal filed under Section 19 of the RTI Act, 2005:**
- 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.
3. **A Complaint can be filed under Section 18 of RTI Act, 2005 by any person,**
- (a) who has been unable to submit a request to a Central Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or senior officer specified in sub-section (1) of section 19 to the Central Information Commission;
 - (b) who has been refused access to any information or records requested under this Act;
 - (c) who has not been given a response to a request for information or access to information within the time limits specified under this Act;

- (d) who has been required to pay an amount of fee which he or she considers unreasonable; and
- (e) who believes that he or she has been given incomplete, misleading or false information under this Act.
- (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

4. The following documents are to be submitted along with the Complaint submitted under Section 18 of RTI Act, 2005:

- 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, if any, 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 complainant and referred to in his complaint; and
- vi. an index of the documents referred to in the complaint.

5. Only one copy of second Appeal/Complaint addressed to the Commission along with legible copies of the requisite documents, as mentioned above is to be submitted to the Commission.

6. No fee is required to be paid along with the Second Appeal/Complaint.

7. Application for Second Appeal/Complaint can be submitted through post or by hand at Dak Counter (Room No. 109), Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 or online using the designated link available on the website of the Commission, i.e. <https://dsscic.nic.in/online-appeal-application/onlineappealapplication> for filing second appeal and <https://dsscic.nic.in/online-complaint-application/onlinecomplaintapplication> for filing complaint.

8. As a citizen centric initiative, the Commission eased the process of online filing of Second Appeals through the website of the Commission. In the new procedure appellants need to select radio button "Do you have details of RTI appeal/First Appeal Registration No." Yes or No. In case, 'Yes' is selected, the appellants need to fill First Appeal registration no., email id (given at the time of First Appeal) end date of filing of First Appeal. On filing up of above details, all documents (RTI application, CPIO Reply, First Appeal and Order of the First Appeal) will be auto fetched by the system through rtionline Portal. Appellants are advised to verify all auto fetched documents and details. Appellants are also required to fill other details in the form and press submit button. In case, 'No' radio button is selected, appellants need to upload all the required documents and fill the prescribed form and press submit button.

9. 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. But there is no time limit for filing a Complaint. However, a Complaint should be filed within a reasonable period, as soon as a cause of action in the matter has arisen.

10. Process of handling of a complaint or second appeal in the Commission. -

- i. After the receipt of a complaint or appeal, it is given a dak registration number. Consequent to said registration, the applicant gets information about registration of his/her appeal/complaint through an SMS and email provided he/she has mentioned his/her mobile no. & email id in the appeal/complaint. For any query, applicant must quote this registration number.
- ii. After classification of complaint or second appeal:
 - a) if the appeal/complaint is found in order, the same is registered and given a case number. After registration, it is sent to respective registries as per allocation of work. The applicant gets information about said registration through an SMS and email provided he/she has mentioned his/her mobile no. & email id in the appeal/complaint.
 - b) if the appeal/complaint is found deficient of requisite documents, it is returned pointing out the deficiencies through a Facilitation Memo, asking the appellant/complainant to remove the deficiencies and resubmit the same.
- iii. If the appeal is submitted prematurely i.e. either without filing a first appeal before the concerned First Appellate Authority or without waiting for a period of 45 days given for disposal of it to the First Appellate Authority; in such cases it is returned as premature.

11. The second appeals/complaints filed in the Commission under the RTI Act are disposed as expeditiously as possible.

12. After hearing of the cases by the Chief Information Commissioner or Information Commissioner concerned, a formal order is passed. A copy of said order is uploaded on the website of the Commission (<https://cic.gov.in/decision>) and hard copy, duly authenticated by the concerned Deputy Registrar, is provided free of cost to the appellant/complainant and the CPIO concerned.