

# Diploma/Certificate on RTI

## DRTI/CRTI 101&102

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**DRTI/CRTI 101**  
**Background and Introduction of RTI**

- **Genesis of Right to Information**
- **Public Authorities**
- **Duties and Responsibilities of Public Information Officers (PIO)**
- **Disposal of Information requests**

# Genesis of Right to Information

- Article 21 of the Indian constitution gives the right to life to all the citizens which implicitly gives the right to information.
- Article 19 (1) (a) gives all the citizens freedom of speech and expression which also covered 'right to know'. In which right to know about working of the government also included.

- Hence the question arises about the need of separate enactment of 'Right to Information' Act and about its purpose.
- Right to information is not limited to 'Right to Know' about the governance. Expression 'Right to Information' is more meaningful and comprehensive
- It ensures greater and effective access to information about the government's activity at all the levels

**(S.P. Gupta and others v. President of India and others, AIR 1981. SC.)**

- Hence for implementation of the right to information there is need of a legislation which promoted transparency and accountability in the working of public authorities.
- Being the largest democracy in the world right to information is a pivotal tool of a participatory democracy.
- Without adequate and firm information citizens cannot choose their representatives whose are honest and save their democratic rights. Hence cannot exercise their right as citizen.
- The Act is legislated to provide to set up the machinery to implement the right to information for citizens.

- Article 21 and article 19(1) (a) of the Indian constitution implicitly gives the right to information. But there is no such machinery setup under government which provided information held by public authority.
- The public authority is not obliged under any such law to provide information to seeking citizens.
- There is no legal obligation on public authority for providing information and also no sanction for denying.

- Besides implicitly guaranteed by the constitution, in India the free flow of information is severely restricted.
- Some legislative framework like Official Secret Act, 1923 etc. included many provisions of restrictive legislation.



- After independence the continuation of old framework of bureaucracy prevalent the culture of secrecy and arrogance.
- Bureaucracy is not intend to serve the people and remain maintain a distance from the common people.
- Due to low literacy rate in India the people are not aware of their rights
- In this situation the RTI puts power directly into the hands of the common people.
- It becomes a powerful tool against the prevailing corruption in India.

## **Object of the Right to Information**

Right to Information Act, 2005 says,

“An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto”.

❖ *setting out the practical regime of “right to information”*

- It is the primary objective of the Act.
- It is well settled through the many precedents by the SC and HC, that ‘Right to Know’ is a fundamental right

- But in practical, how to gather the information about the policies and working of the government is not known and creating ambiguous situation and is a difficult task for the common people
- Therefore in order to provide systematic and concrete mechanism to avail all kind of information with reasonable restriction, Parliament of India enacted “Right to Information Act, 2005”.

❖ *‘to secure access to information under the control of public authorities’*

Public authorities includes all governmental organizations and NGO's those are substantially financed by the government and also the private bodies which can be accessed by a public authority under any other law for the time being in force.

The purpose of the Act to provide direct access to the information under the control of every public authorities and indirectly access to those information regarding private bodies which is held by that public authorities.

*‘to promote transparency and accountability’*

- Whereas secrecy enhance suspicion and corruption the openness and dissemination of information promotes transparency and accountability in working of any organization and authority.
- Act imposes duty on the public authorities to held and maintain the information and provide access all the information specified in the section 4(b) by applying suo moto
- The sole purpose of the Act to eradicate any type of corruption in government offices and make aware people through the dissemination of information.
- The information also can admit as evidence in any legal procedure  
(Section4, RTI Act, 2005)

## ❖ *‘the constitution of a Central Information Commission and State Information Commissions’*

- To ensure the accountability of Public Information Officer and timely disposal of information to the applicant the Act make the provision to constitute Central Information Commission at the center and State Information Commission at the state level.
- If a PIO without any reasonable cause fails to receive an request for information, with malafide intent denies a request for information or gives incorrect , incomplete or misleading information knowingly, the applicant can file a direct complaint to the Central or State Information Commission.

- The citizen can file Second Appeal and complain in such Commissions without any fee.
- The status of Chief Commissioners and other Commissioners are same as the Chief and other Election Commissioners respectively. Thus providing proper remedy with objectivity.



*‘for matters connected therewith or incidental thereto’*

- Right to Information is the only Act that provide controlling power in the hand of citizens and public authorities are obliged to provide the information which is directly or indirectly connected to them and not explicitly exempted from disclosure by the Act.
- It is also provided by the Act that, if seeking information is not belongs to particular Public Authority, in such case, that Public Authority instead of rejection, is obliged to transfer to the relevant Public Authority.
- Hence securing the only purpose of the Act i.e. uninterrupted flow of information towards the citizens.

## **Definition of ‘Right To Information’**

According to Section 2 (f), “information” means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force

Whereas, “record” includes-

(i) Any document, manuscript and file;

(ii) Any microfilm, microfiche and facsimile copy of a document;

(iii) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(iv) Any other material produced by a computer or any other device;

**Section 2(i), RTI Act, 2005**

“right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

(i) inspection of work, documents, records;

(i) taking notes, extracts or certified copies of documents or records;

(i) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in computer or in any other device

**Section 2(j), RTI Act, 2005**

In the light of above definitions, definition of ‘Right to Information’ comprehensively included:

- A citizen has a right to obtain any- records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body, from any public authority, which is held by a public authority or which is held under its control.
- A citizen has a right to see a work document or record closely, carefully and purposefully.

- A citizen has a right noting down certain information from the documents inspected.
- A citizen has a right to take samples from the material being purchased or used by the Public Authorities.
- A citizen has a right to obtained information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in computer or in any other device.
- A citizen has **no** right to obtained information from other than public authority i.e. from private body, institution or organization including NGO's which are self-financed.

However it is not included in the definition but noteworthy to mention here, that:

- The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens.
- Under the Act only such information is required to be supplied, which already exists and is held by the public authority or held under the control of the public authority.
- Right to information is not absolute. Section 8 and 9 provided the provisions about the information which are exempted for disclosure.

## Summary

- Right to information is the fundamental right of every citizen
- Right to information is implicitly guaranteed by the constitution
- The Act is a big step towards making the citizens informed about the activities of the Government
- The act provided a machinery setup for access to information held by and under the control of every public authority.
- The term information include records, documents, memos, e-mails, opinions, advices, press releases, contracts, reports, papers, samples, models, and any other material produced by a computer or any other device;
- Information relating to any private body which can be accessed by a public authority under any other law for the time being in force, is also accessible.



- Right to information also covers inspection of records, documents etc. Taking notes from them and also taking certified samples of material.
- Every public authority is obliged under the provisions of Act to provide information on request whether written or by electronics means, except which are explicitly prohibited by the act.
- There is also provision of penalty for not providing information to the requester.
- Central information Commission is to be constituted under Central Government and State Information Commission are to be constituted in every state

- RTI puts power directly into the hands of the common people. It becomes a powerful tool against the prevailing corruption in India.
- The Act ensure that the records are duly catalogued and indexed in such a manner and form that it may facilitate the right to information.
- After the end of each year, Commission, are required to prepare reports on the implementation of the provisions of the Act during that year.

## **Preparation of the Information application**

There is no such prescribed format to write an application for seeking information under Right to Information, But you should try to provide some of the basic information to the PIO so that they may provide you desired information within time.

Applicant shall provide his particulars clearly in the information application so that the concerned PIO may provide information accordingly. Applicant may provide as following-

- The applicant may address to PIO or APIO and if possible specify the department/name of the office, address from where he is seeking information.
- The name of the applicant.
- The address of the applicant.
- The particulars of the desired information.
- Whether the photocopy of the document is required or inspection will be conducted by the applicant.
- Particulars of the deposited fee or if belongs to BPL category provide proof for the same.
- Signatures of the applicant and date of the application.

## **Provisions of fee in the Right to Information Act, 2005**

According to Section 6(1) of the Right to Information Act, 2005, A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-

- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
- (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

## **Rules in the State of Uttarakhand prescribed for fee and Costs**

In the State of Uttarakhand, Right to Information Rules 2013 have been framed and following fee and costs have been prescribed,-

- A request for obtaining information under sub- section (1) of section 6 shall be accompanied by an application fee of rupees 10 by way of cash against proper receipt or by non-judicial stamp paper or treasury challan or demand draft or bankers cheque or Indian Postal Order payable to the Public Information Officer or Assistant Public Information Officer of the concern Public Authority.

- For providing the information under sub section (3) of section 7, the fee shall be charged by way of cash against proper receipt or by non-judicial stamp paper or treasury challan or demand draft or bankers cheque or Indian Postal Order payable to the Public Information Officer of the Public Authority at the following rates:-

- Rupees two for each page ( in A4 or A3 size paper) created or copied; and actual charges or cost price of a copy in larger size paper;
- For inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour ( or fraction thereof)
- Actual cost or price for samples or models.
- But no fee shall be charged from the person of below poverty line.



For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against proper receipt or by non judicial stamp paper or treasury challan or demand draft or bankers cheque or Indian Postal Order payable to the Public Information Officer of the Public Authority at the following rates:-

- For information provided in C.D./D.V.D. rupees twenty per C.D./D.V.D; and
- For information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

# **PUBLIC AUTHORITY**

## **PUBLIC AUTHORITY: MEANING AND SCOPE**

- The Right to Information Act, 2005 empowers the citizens to access information under the control of public authorities.
- Thus what constitutes a public authority under this Act becomes extremely important.
- Though the Act defines public authorities, this definition has been a contentious issue ever since the RTI Act came into force.
- The answer to the question “who is a public authority?” sets the boundaries of the scope of the RTI Act and the transparency regime in the country.

- Section 3 of the Right to Information Act confers a right on every citizen to seek information from the government or public authorities within India.
- Thus a citizen of India of any age, gender, religion, place, caste or creed may seek information held either by the public authority or under the control of the public authority.
- It implies that a company, corporation, co-operative society or incorporated body does not come under the purview of Section 3.

- The expression “public authority” has been defined by Halsbury’s Law Dictionary as a person or administrative body entrusted with the functions to perform for the benefit of the public and not for private profit.
- It has been explained by the Supreme Court of India as a body which has public or statutory duties to perform and which performs the duties and carries out its transactions for the benefit of public. Such an authority may make a profit for the public benefit (Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi, AIR 1975 SC 133).

Section 2(h) of the Right to Information Act defines the expression “public authority”. It means any authority or body or institution of self-government that is established or constituted:

a) by or under the Constitution;

b) by any other law made by the Parliament;

c) by any other law made by the State Legislature;

d) by notification issued or order made by the appropriate government.

It includes any:

- i. Body owned, controlled or substantially financed
  
- i. Non-Government organisation substantially financed, directly or indirectly by the funds provided by the appropriate government

Thus the right to information is available only against public authority and not an individual.

Further the government machinery from which the information is sought must be a body or authority or institution of self-government and should be substantially financed by the government.



# **DUTIES AND RESPONSIBILITIES OF PUBLIC INFORMATION OFFICER**

- A Public Information Officer of a “public authority” plays a pivotal role in making the right of citizens to information a reality.
- It is, therefore, essential for a Public Information Officer to study the Act carefully and understand its provisions correctly.
- The Right to Information Act casts specific duties and responsibilities on the Public Information Officer and makes him liable for penalty in case of default

## **Duties and Responsibilities of PIO**

- To deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information
- To check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) family exempt from such fee

➤ In response to requests from persons seeking information on payment of prescribed fee, to provide information held by or under the control of the public authority that includes permitting inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts from computers;

- To provide information on payment of prescribed fee “as expeditiously as possible”,-- in any case within a maximum of thirty days of the receipt of the request,--- or reject the request for any of the reasons specified in Sections 8 and 9;
- To provide assistance to enable access to the information to any information-seeker who is sensorily disabled;
- To answer the RTI application compulsorily within a time period of 48 hours of the receipt of the request, where the information sought for concerns the life or liberty of a person;
- To take into consideration the representation made by a third party under Section 11 before providing any information pertaining to such third party;

- Not to deny to any person seeking RTI, information which cannot be denied to any member of Parliament or State legislature
- To give reason for not providing with the complete documents demanded, if out of various information sought, only a few are being answered by PIO
- To communicate to the person making the request for information the reasons for rejection of such request, the period within which an appeal against such rejection may be preferred and the particulars of the appellate authority.

# **Disposal of Information requests**

## **Which information is to be provided / supplied under the Act:**

It is noteworthy that under the Act a Public Information Officer is required to provide /supply only such information that already exists and is held by or under the control of the public authority.

The Public Information Officer is not supposed “to create” information; or “to interpret” information; or “to solve the problems” raised by the applicants; or “to furnish replies to hypothetical questions”.



## **In Which Form Information is to be provided-**

If you apply for any information under the RTI Act, the Act requires that such information needs to be provided in the form in which it is sought.

For instance, if the information is sought in the form of photocopy, it shall be provided in the form of photocopy.

If it is sought in the form of a CD, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs,- it shall be provided in that form

provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to CD, diskettes etc. and so on

## **Ensuring Payment of Required Fee or Exempted Status-**

On receiving the application, the Public Information Officer is required to check whether the applicant has made the payment of application fee or whether the applicant is a person belonging to a Below Poverty Line (BPL) family.

If application is not accompanied by the prescribed fee or the BPL Certificate, it cannot be treated as an application under the RTI Act.

The Act however requires that Public Information Officer should sympathetically consider even applications containing neither a proof of fee-paid nor any BPL

## **Time Period for Supply of Information:-**

The Public Information Officer should supply the information within 30 days of the receipt of the request.

Where the information sought for concerns the life or liberty of a person, the same should be provided within 48 hours of the receipt of the request.

If request for information is received through the APIO, the information may be provided within 35 days of receipt of application by the APIO in normal course and 48 hours plus 5 days in case the information sought concerns the life or liberty of a person.

**DRTI/CRTI 102**  
**Application of RTI**

## **Information Exempt from Disclosure**

- It is the fundamental right of every human to seek information.
- Secrecy has been the most common feature of bureaucratic culture. So far as it can, bureaucratic administration 'hides its knowledge and actions from criticism....the concept of the official secret is the specific invention of bureaucracy .
- The result has emerged as Official Secret Act, 1923

- The right to information act makes citizens part of the decision-making process and makes government responsive and also strengthen the foundation of democracy.
- Right to freedom of expression is a fundamental right and all other rights depends upon it.
- But this right is not absolute and so with the right to information.

- These exemptions from disclosure of information should not go beyond the restriction provided under Article 19(2) of the constitution.
- The right to information is not absolute
- Not all information that the government generates will or should not be given out to the public as if such sensitive information is released to the public they might actually cause serious harm to more important interests.



## **Section 8. Exemptions from Disclosure of Information**

**Section 8 of Right to Information Act says –**

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with foreign state or lead to incitement of an offence

(b) information, has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute the contempt of court;

- (c) information, the disclosure of which would cause a breach of privilege of parliament or state Legislation;
- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of the third party, by the disclosure of the commercial confidence, trade secrets or intellectual property unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

- (e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (f) Information, received in confidence from any foreign Government;

(g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) Information, which would impede the process of investigation or apprehension or prosecution of the offenders;

(i) cabinet papers including records of deliberations of the council of ministers, Secretaries and other officers:

Provided that the decisions of the Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public information Officer or appellate authority as the case maybe is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information not denied to the Parliament or a State Legislature shall not be denied to the any person

**Section 9 of the RTI Act says,**

“Without prejudice to the provision of section 8, a Central Public Information Officer or State Public Information Officer, as the case may be may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.”

Any information which copyright not subsisting in the state, cannot be provided in any circumstances.

The organizations, exempted under right to Information Act

**Section 24 of the RTI Act says,**

“(1) nothing containing in this Act shall apply to the intelligence and security organizations specified in the second schedule, being organizations established by the central government or any information furnished by such organizations to the Government:



Providing that the information pertaining to the allegations of corruption and human right violations shall not be excluded under this sub section:

Provided further that in case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of receipt of request.”

**Under the second schedule of the RTI Act, following 25 organizations are exempted:**

1. Intelligence Bureau
2. Research and Analysis Wing of the Cabinet Secretariat
3. Directorate of Intelligence Bureau
4. Central Economic Intelligence Bureau
5. Directorate of Enforcement
6. Narcotics Control Bureau
7. Aviation Research Centre
8. Special Frontier Force
9. Border Security Force
10. Central Reserve Police Force
11. Indo-Tibetan Border Police

12. Central Industrial Security Force
13. National Security Guards
14. Assam Rifles
15. Sashastra Seema Bal
16. Directorate of Income-Tax (Investigation)
17. National technical Research Organization
18. Financial Intelligence Unit, India
19. Special Protection Group
20. Defense Research and Development Organization
21. Border Road Development Board
22. National Security Council Secretariat
23. Central Bureau of Investigation
24. National Investigation Agency
25. National Intelligence Grid

# **Composition, Functions and Powers of Information Commission**

➤ The Central Information Commission (CIC), under this Act, shall consist of one Chief Information Commissioner, who will head the Commission, and such number of Central Information Commissioners, as may be deemed necessary, but not exceeding ten.

➤ On 26th October 2005, Mr. Wajahat Habibullah became India's first Chief Information Commissioner. At present (as on 1 Jan. 2019) Shri Sudhir Bhargava is Chief Information Commissioner.

➤ Similarly, this Act also provides for mandatory constitution of State Information Commissions at State level as a designated authority to receive and inquire into a complaint from any person.

➤ The State Information Commission, under this Act, shall consist of one State Chief Information Commissioner, who will head the Commission, and such number of State Information Commissioners, as may be deemed necessary, but not exceeding ten.

## **Powers and Functions of Information Commission**

(1) Section 18 of the RTI Act, 2005 provides for powers and functions of both Central/State Information Commissions. It shall be the duty of the Central Information Commission or State Information Commission as the case may be to receive and inquire into a complaint from any person on following grounds:

(a) Who has not been able to submit an information request because a Public Information Officer (PIO) has not been appointed.

(b) Whose application of information is refused by PIO or whose application of Appeal is refused or not forwarded by PIO to the Central Public Information Officer or State Public Information Officer or senior officer or the Central Information Commission or the State Information Commission, as the case may be.



(c) Who has been refused access to any information requested under this Act

(d) Who has received no response to his/her information request within the specified time limits fixed by law.

(e) Who thinks the fees charged is unreasonable.

(f) Who thinks information given is incomplete or false or misleading; and

(g) Any other matter relating to obtaining information under this law.

(2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof

(3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) Summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things.
- (b) Requiring the discovery and inspection of documents.
- (c) Receiving evidence on affidavit.
- (d) Requisitioning any public record or copies thereof from any court or office.

- (e) Issuing summons for examination of witnesses or documents; and
- (f) Any other matter, which may be prescribed.

(4) The Central Information Commission or the State Information Commission also has the power that during inquiry of any complaint under this Act, it may examine any record which is under the control of the public authority, and no such record may be withheld from it on any ground.

# **Appellate Authorities**

After receiving the information from the Public Information Officer the applicant may be fully satisfied with the obtained information or he may be partially satisfied and in some cases applicant is totally dissatisfied with the information received or some cases the information is never given to the applicant and it is against the spirit of the Right to Information Act, 2005.

- In The Right to Information Act, 2005 provisions of first appeal and second appeal have been given in section 19 of the Act.
- There are two types of appeals provided in the Act that can be preferred by the applicant.
- The first one is the first appeal under section 19 (1) of the Act.
- It is a departmental appeal that is to be filed in the concerned department and the appellate officer is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be..

After feeling aggrieved from the order of the first appellate officer or in case of non compliance of its order applicant can prefer a second appeal under section 19(3) before The Central Information Commission or State Information Commission as the case may be.

There is specified time limit to file first appeal or second appeal but relaxation can be given by condoning the delay by the appellate authorities.



## **First 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 30 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 the 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.

Section 19(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

Second appeal under RTI is the highest appeal under RTI Act,2005.

Section 19(3) of the RTI Act provides to citizen right to Second Appeal before Central Information Commission or State Information Commission, as the case may be, against the order on First Appeal.

Anybody who is dissatisfied with the decision of the First Appellate Authority can file Second Appeal to the Information Commission at the Centre or respective States

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

and for the matters related to State Government public authorities, send your appeal to concerned State Information Commission.

Section 19(3) of the Right to Information Act, 2005 provides that a second appeal against the decision under sub-section (1) shall lie within 90 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:

## Procedure at a Glance

Step 1 – RTI Application + Fee (according to eligibility) to PIO/APIO

Step 2 – Replied by Public Officer within stipulated time (48 hours/30 days/35days/40 days as the case may be)

Step 3 – First Appellate Authority under section 19(1)  
(Apply within 30 days from the date of receiving order)

Step 4 – First Appellate Authority order within 30 days

Step 5 – Second Appeal: SIC/CIC under section 19(3) [within 90 days]

Step 6 – Date of Hearing: SIC/CIC to both parties

Step 7 – Hearing Held on: Final hearing (Opportunity to both parties)

Step 8 – Order of the Commission passed u/s 19 or 20 (Final Order)



Step 9 – No Appeal to High Court (Only Writ Application may be filed)

Step 10 – No Appeal to Supreme Court (Only Special Leave under Article 136)

# **Role of Government and Right to Information**

## **Appropriate Government to prepare Programmes**

Section 26 of the RTI Act, 2005, provides that the appropriate government has to organize various educational programmes and camps to educate the public in particular the disadvantage communities, as to how to exercise their rights contemplated under this Act.

The government has educate the people by all means at its commands and also has to give training to Central and State Public Information Officers for the purpose of educating the people.

**Thanks**