

[To be published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extra-ordinary dated the 28th October, 2005]

**Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel and Training)**  
New Delhi dated 28th October, 2005

**Notification**

GSR.....(E).\_ In exercise of the powers conferred by clauses (e) and (f) of sub-section (2) of section 27 of the Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following rules, namely:-

**1. Short title and commencement.-** (1) These rules may be called the Central Information Commission (Appeal Procedure) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions -** In these rules, unless the context otherwise requires,-

(a) "Act" means the Right to Information Act, 2005;

(b) "section" means section of the Act;

(c) "Commission" means the Central Information Commission;

(d) words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in that Act.

**3. Contents of appeal.-** An appeal to the Commission shall contain the following information, namely :-

(i) name and address of the appellant;

(ii) name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;

(iii) particulars of the order including number, if any, against which the appeal is preferred;

(iv) brief facts leading to the appeal

(v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;

(vi) prayer or relief sought;

(vii) grounds for the prayer or relief;

(viii) verification by the appellant; and

(ix) any other information which the Commission may deem necessary for deciding the appeal.

**4. Documents to accompany appeal.-** Every appeal made to the Commission shall be accompanied by the following documents, namely :-  
(i) self-attested copies of the Orders or documents against which the appeal is being preferred;  
(ii) copies of documents relied upon by the appellant and referred to in the appeal; and  
(iii) an index of the documents referred to in the appeal.

**5. Procedure in deciding appeal.-** In deciding the appeal the Commission may,-  
(i) hear oral or written evidence on oath or on affidavit from concerned or interested person;  
(ii) peruse or inspect documents, public records or copies thereof;  
(iii) inquire through authorised officer further details or facts;  
(iv) hear Central Public Information Officer, Central Assistant Public Information Officer or such Senior Officer who decide the first appeal, or such person against whom the complaint is made, as the case may be;  
(v) hear third party; and  
(vi) receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party.

**6. Service of notice by Commission.-** Notice to be issued by the Commission may be served in any of the following modes, namely :-  
(i) service by the party itself;  
(ii) by hand delivery (dasti) through Process Server;  
(iii) by registered post with acknowledgement due; or  
(iv) through Head of office or Department.

**7. Personal presence of the appellant or complainant.-** (1) The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least seven clear days before that date.  
(2) The appellant or the complainant, as the case may be, may at his discretion at the time of hearing of the appeal or complaint by the Commission be present in person or through his duly authorised representative or may opt not to be present.  
(3) Where the Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, then, the Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.  
(4) The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his

points and the person representing him may not be a legal practitioner.

**8. Order of the Commission.-** Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.

[F.No. 1/4/2005-IR]

(T.Jacob)

Joint Secretary to the Government of India

**CENTRAL INFORMATION COMMISSION  
CIRCULAR No. 2/2006**

It has been noticed that many applicants are submitting their applications/ appeals in the Commission without following the provisions of the RTI Act. Unless these are complaints where specific relief has been sought, all such appeals whose contents are not as per rule 3 of Central Information Commission (Appeal Procedures) Rules, 2005 or whose documents have not been properly indexed and self attested as per Rule 4 of the Central Information Commission (Appeal Procedures) Rules, 2005, these may be returned after obtaining the orders of the senior most officer attached to the unit of the Information Commissioner. This issues with the approval of Chief Information Commissioner.

**( P. K. Gera )**

**Joint Secretary & Registrar**

**CENTRAL INFORMATION COMMISSION  
CIRCULAR No. 1**

The Commission has been receiving complaints and appeals under Section 18 and 19 of the Right to Information Act, 2005 respectively. Appellants/ complainants have been submitting these in a single copy. Due to limited resources of the Commission, it has been found difficult to photocopy them in a large number for sending them to the respondents as well as to the Information Commissioners and Chief Information Commissioner. The Commission has decided that all appellants and complainants may be requested to submit 5 copies of their complaints/appeals before it is taken up for enquiry or hearing.

Chief Information Commissioner exercising powers conferred under Section 12 (4) of the Right to Information Act, 2005 has approved that upon receiving complaint/appeal, within three days, if complainant/appellant has not submitted adequate number of copies, he/she may be requested to file 5 copies of complaints/appeals or deposit photocopying fees as per RTI Fee and Cost Rules before these are taken up further for necessary action in the Commission. Although inadequate number of copies will not in itself warrant rejection. In case, these are not received in four weeks of receipt, the case may be taken up for further processing in the Commission. Data Entry Operators may use telephone/email for contacting appellant/complainant and make a request for sending five copies of their complaints/appeals to the Commission.

**( P. K. Gera )**  
**Joint Secretary & Registrar**

**Procedure followed in the Appeals and Complaints under RTI Act, 2005:-**

The Commission receives the Complaints under Section 18 of the RTI Act. The Complaint is placed before the appropriate Information Commissioner(IC) who has been allocated the Ministry, whose Central Public Information Officer (CPIO) has been complained against. The IC may order an inquiry as he/she deems fit. Generally IC may seek comments of the Public authority against which complaint has been received and take a suitable decision as per the provisions of the Act. The Commission receives appeals against the orders of CPIO under the Section 19 of the RTI Act. This is placed before the competent Commissioner who along with the Companion Information Commissioner disposes the appeal as per CIC (Appeal Procedure) Rules 2005. Since the presumption is to make public all information unless exempted under the Act, the Commission has decided to hear first the CPIO, so that unless the Commission agrees with the CPIO, the appellant need not be bothered with personal presence. In any case the appellant will be invited to present his/ her case if he/she desires at every hearing but the appellant need not present in the first hearing when the Commission will give the CPIO an opportunity to state his/ her case on the appeal memo received in the Commission. If the Commission sees merit in the CPIO's arguments in denying information sought, the appellant will be given an opportunity to present his case in person or through any person appointed in this regard before the Commission for a final decision.[source-CIC publication u/s 4]