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How to file a Complaint to CIC

complaint

RTI Act confers right to access to information held by a Public Authority on all Citizens. The Act also prescribes remedy, when such a right is denied to a citizen.

When an applicant do not receive a decision on his RTI Request within 30 days or is aggrieved by the decision, applicant can prefer an Appeal under Section-19(1) and further appeal under section-19(3) before the Information Commission within time limit. In such an appeal, the applicant can seek relief to supply information by PIO.

What is the difference between a Complaint and Appeal

A second appeal under section 19 (3) of the Act is filed against an order of the FAA in a public authority or when the FAA does not make a decision within the specified time. A complaint under section 18 of the Act may be filed directly on the grounds mentioned in sub-section (1) of this section. The main difference between a complaint and a second appeal is that in the case of an appeal, this Commission may pass orders directing the CPIO to provide the requested information to the appellant in appropriate cases whereas such orders cannot be passed while dealing with a complaint.



In which cases complaint can be filed

Section 18 (1) provides for making complaints to the Information Commission in the following circumstances:

1. When an appellant is unable to submit her RTI application since no PIO or APIO are appointed, or they refuse to take the RTI application.
2. When information is denied by the PIO.
3. When information has not been provided in the time limit provided.
4. Where fee in excess of that specified in the rules is being charged.
5. When an appellant has been given incomplete, misleading or false information.
6. Any other matter like noncompliance of Section 4.

For 2) and 3) above a provision for a first appeal is also there as per Section 19. These cases apply to the first appeal under [section 19](#) since it applies to both non-decisions and any decision of a PIO.

Most Commissions do not entertain an appeal in this matter until the first appeal has been made.

Hence, it would be a good practice for appellants to file complaints to the Commission for matters covered by 1), 4), 5) and 6) and file first appeals for 2) and 3).

When an applicant is denied access to information by various reasons specified in Section-18(1), Applicant can file a Complaint directly before the Information Commission.

Under the complaint proceedings, the Information Commission cannot direct PIO to supply information, but can only conduct an inquiry and impose a penalty on PIO or recommend disciplinary action against PIO, for the reasons as enumerated under Sec-20.

When an information is denied without any reasonable cause, the applicant is entitled to invoke both the remedies - Second Appeal as well as Complaint. Sections 18 and 19 of the Act serve two different purposes and lay down two different procedures and they provide two different remedies. One cannot be a substitute for the other.

When to file a Complaint

[RTI Act Section 18](#) states that:

18 (1) Subject to the provisions of this Act, 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, -

- who has been **unable to submit a request** to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, 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 State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;
- who has been **refused access to any information** requested under this Act;
- who has not been given a response to a request for information or access to **information within the time limit** specified under this Act;
- who has been required to pay an **amount of fee which he or she considers unreasonable**;
- who believes that he or she has **been given incomplete, misleading or false information** under this Act; and

- in respect of any other matter relating to requesting or obtaining access to records under this Act.

Complaint Guidelines

The Commission has decided to issue the following guidelines for registration of Complaint as prescribed under Rule 8 and 9 of the RTI Rules, 2012:

Documents required for registration of Complaint

1. Complaint duly signed and addressed to the Commission
2. Copy of the RTI application submitted to the CPIO or the RTI application which could not be submitted
3. RTI and Complaint shall be related to each other
4. Above two documents must be legible
5. Above two documents must be in Hindi/English or provide a translated version in Hindi /English

Other documents required for proper presentation of a complaint, if available

1. Copy of reply received from the CPIO
2. Copy of the order received from the First Appellate Authority
3. Copies of other documents relied upon by the Complainant and referred to in his Complaint
4. An index of the documents
5. All the documents shall be duly authenticated and verified by the Complainant

The mandatory time period for filing Complaint:

1. The complaint can be filed immediately if CPIO of Public Authority refuses to accept RTI Application as per RTI Act 2005.
2. After receipt of the reply to RTI application or thirty days after the filing of RTI application and if no reply received
3. After receipt of reply from First Appellate Authority or forty-five days after filing of First appeal, if the Complainant had chosen to file first appeal and no reply had been received.

Registration of Complaint as second appeal

1. During scrutiny of Complaint, if it is found that Complainant has requested for the information along with the imposition of penalty, the complaint would be registered as Second Appeal, provided first appeal had been filed by the Complainant.

Complaint will not be registered if any of the following condition exists

1. If the Complaint has already been registered by the Commission with same RTI(Duplicate Case)
2. Body mentioned as a Public Authority in the 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 Complainant
3. Complaint relates to State information Commission. In such a case, the Complaint shall be sent to the concerned State Information Commission.
4. Complaint relates to multiple RTI application /CPIO's replies /First Appeals. In such cases the Complaint shall be returned along with all the documents.

In case of offline Appeal/Complaint filed by the applicant, he/she will be informed by the dealing official whether the same prima facie fulfils the requirements for its registration.

Additional guidelines for facilitating disposal of the case:

1. If the complaint is being filed without submission of RTI application to the Public Authority , the reasons of non -submission of RTI application should be mentioned
2. The complainant should mention the specific sub- section of [section 18 of RTI Act](#) under which the complaint is being filed .
3. Provide a copy of proof of submission of copy of complaint to the Public authority, if available
4. If the complaint is made on the ground that information concerning life or liberty was not given within 48 hours as per proviso to Section 7 (1), it should contain reasons for considering the information requested as concerning the life or liberty
5. To give reasons for considering a body as Public authority, if the ground of complaint is that the concerned body was not considering itself to be Public authority

Is a complainant or an appellant entitled to priority in hearing cases?

The complaints and second appeals filed in this Commission under the RTI Act are taken up for hearing in chronological order. However, the Commission in a particular matter may decide to accord

precedence depending on the facts and circumstances of the case.

Generally how much time is taken by the Commission in deciding a complaint/appeal?

Receipt of second appeals/complaints is a continuous process and they are disposed of as expeditiously as possible. The complaint/appeal is taken up as per its turn. A priority hearing is accorded in a particular case or class of cases as per orders of the Chief IC/IC concerned. A complete list of pending cases of the Chief IC/ each IC is available on the website of the Commission. Cause List indicating the date of hearing of the cases is also available on the website of the Commission.

Can a second appeal or a complaint be filed in this Commission electronically?

Yes, a second appeal or a complaint can be filed electronically on www.cic.gov.in 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.

Can a complaint be filed directly before this Commission? If yes, the grounds on which a complaint may be filed?

Yes, a complaint may be filed directly in this Commission under section 18 of the RTI Act, by a 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 the 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 subsection (1) of section 19 or this Commission;

(b) who has been refused access to any information requested under this Act;

© who has not been given a response to a request for information or access to information within the time limit specified under this Act;

(d) who has been required to pay an amount of fee which he or she considers unreasonable;

(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

Help in Filing Complaint:

** For additional help kindly see FAQ, Supreme Court / High Courts orders Contact the Help desk at 011-26767500 Email: fdesk-cic@gov.in for assistance in filing a complaint.

- [Twitter](#)
- [Facebook](#)
- [Google+](#)
- [LinkedIn](#)
- [Tumblr](#)
- [Reddit](#)
- [StumbleUpon](#)
- [Telegram](#)
- [Email](#)

- [RTI Forms](#)
 - [RTI Application Forms](#)
 - [RTI Application for Commencement Certificate](#)
 - [RTI Application for Competitive Examination Marks](#)
 - [RTI Application for Complaint Status](#)
 - [RTI Application for EPF transfer Status](#)
 - [RTI Application for EPF Withdrawal Status](#)
 - [RTI Application for Examination Paper](#)
 - [RTI Application for FIR](#)
 - [RTI Application for Gram Panchayat](#)
 - [RTI Application for Grievances Status](#)
 - [RTI Application Hindi Format](#)
 - [RTI Application for Illegal Construction](#)
 - [RTI Application for Income Tax Refund](#)
 - [RTI Application for IRCTC refund](#)
 - [RTI Application for LPG Refill Delay](#)
 - [RTI Application for Marksheet Verification](#)
 - [RTI Application for Missing File or Record](#)
 - [RTI Application for MPLAD Funds](#)
 - [RTI Application for Occupancy Certificate](#)
 - [RTI Application for Land Records](#)
 - [RTI Application for Ownership of Vehicle](#)
 - [RTI Application for Passport Delay](#)
 - [RTI Application for Pension](#)
 - [RTI Application for Ration Card Delay](#)
 - [RTI Application for RC Book Delay](#)
 - [RTI Application for Road Works](#)
 - [RTI Application for Foreign Tour Details](#)
 - [RTI Application on Issues referred by MP](#)

- RTI Form in Marathi
- RTI Application for Scholarship Delay
- RTI Application for Scholarship
- RTI Application for obtaining Service Records of Government Employee
- Suggested RTI Samples
- RTI Application for Tender Documents
- RTI Application for Toll Collection
- How to Fill RTI Application Form
- How to locate Public Information Officer under RTI
- When to supply information free of Cost?
- What are the Penalty and Compensation
- Procedure for Inspection
- Where You cannot get Information
- Who can ask for information under Right to Information?
- First Appeal
 - How to File First Appeal under RTI
- Second Appeal
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 - How to file a Complaint to CIC
- What is Right to Information
- Fundamental Facts about RTI
- Time Limits under Right to Information Act 2005

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