

Government of Odisha
Information & Public Relations Department

No. RTI-27/11.....13806/OPR

Date.....3.12.11

From

Shri Nikunja K. Sundaray, IAS
Commissioner-cum-Secretary to Govt. &
Nodal Officer, RTI, Odisha

To

**Principal Secretaries/ Commissioner-cum-Secretaries/ Special
Secretaries of all Govt. Departments.**

Sub: - Issue of Comprehensive Guideline for 1st Appellate Authorities- Direction of Odisha Information Commission passed in the Complaint Case No.389/2009 thereto.

Madam/ Sir,

In exercise of the powers vested under Section-25 (5) of the RTI Act, 2005, the Odisha Information Commission has directed the Nodal Department to issue a comprehensive Guideline to the Public Authorities in order to ensure a timely adjudication of appeal petitions as per provisions of the Act. Accordingly, following guideline has been prepared for 1st Appellate Authorities on the basis of provisions of the RTI Act, 2005 and Rules & Operational Guideline framed there under.

**Comprehensive Guideline for 1st Appellate Authority (FAA) under
RTI Act, 2005**

Officers senior in rank to the Public Information Officers (PIOs)* available within a Public Authority are appointed as 1st Appellate Authority for hearing appeals arising out of the decisions of the PIO as envisaged under section-19(1) of RTI Act, 2005.

2. The 1st Appellate Authority shall ensure that every appeal must be in Form-D as prescribed in Odisha RTI Rules, 2005 and has to be

accompanied by appeal fee as prescribed in Odisha RTI (Amendment) Rules, 2006.

3. The 1st Appellate Authority shall scrutinize the appeal memorandum and if it is in order shall admit the appeal for hearing. He/she may admit an appeal within 30 days from the receipt of the decision from the PIO and even after the expiry of the period of 30 days being satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
4. The 1st Appellate Authority shall intimate the appellant the date to which hearing is fixed, call for the records from the PIO for scrutiny and instruct the PIO to be present at the hearing. The 1st Appellate Authority needs to dispose of the appeal within 30 days from the date of receipt of appeal. This period can be extended up to 45 days for reasons to be recorded in writing.
5. Each 1st Appellate Authority will maintain an Appeal Register as prescribed in the Operational Guideline in 2005 by the Nodal Department. (Available at www.rti.orissa.gov.in)

Appeal Register

Sl. No. of Appeal	Name of the Appellant	Date of Receipt of the Appeal	Amount of Court fee Attached	Date of providing opportunity to the Requester	Due date of Disposal	Final date of Disposal	Reason for delay, if any
1	2	3	4	5	6	7	8

You are, therefore, requested to kindly intimate this Guideline to the 1st Appellate Authority of your Department and other Public Authorities under your Administrative Control.

Yours faithfully,

Nikunja K Sundaray
(Nikunja K. Sundaray) 02/12/11

Commissioner-cum-Secretary to Govt.

Memo No. 13807/1&PR

Date 3.12.11

Copy forwarded to the Registrar, Odisha Information Commission, B-1, Toshali Bhaban, Satya Nagar, Bhubaneswar for kind information of Hon'ble Commission with reference to the direction passed in the Complaint Case No. 389/2009.

Director, I&PR

Memo No. 13808/9PR

Date 3.12.11

Copy forwarded to Member, Board of Revenue/ all Revenue Divisional Commissioners/ all Collectors/ all HoDs for kind information and similar action.

Director, I&PR

Memo No. 13809/9PR

Date 3.12.11

Copy forwarded to Luminous Infoways, the Content Service Provider of RTI CMM with a request to publish this guideline in the RTI Portal of Govt. of Odisha.

Director, I&PR