

BOOKLET ON

**DUTIES AND RESPONSIBILITIES
OF
FIRST APPELLATE AUTHORITY**

**PUBLISHED BY:
MEGHALAYA STATE INFORMATION COMMISSION**

PREFACE

The Right to Information Act, 2005, stands as a landmark legislation in India's democratic framework, empowering citizens to seek transparency and accountability from public authorities. Central to the effective implementation of this Act is the role of the First Appellate Authority (FAA)—a vital link in the grievance redressal mechanism established under the RTI framework.

This document, titled "Duties and Responsibilities of the First Appellate Authority", seeks to provide a comprehensive understanding of the statutory duties, procedural functions, and ethical obligations entrusted to the FAA. It outlines the legal provisions governing the appellate process, the scope of the authority's powers, and the standards of fairness and diligence expected in handling appeals from information seekers.

The preface also acknowledges that the effectiveness of the RTI regime depends not only on the proactive role of Public Information Officers but also on the impartial and judicious functioning of the First Appellate Authority. By ensuring timely and reasoned decisions, the FAA reinforces citizens' faith in public administration and strengthens participatory governance.

This work aims to serve as a guiding reference for officers designated as First Appellate Authorities, as well as for scholars and citizens who wish to understand the internal dynamics of the RTI appeal process. Through this, it is hoped that transparency, accountability, and the right to know will continue to be upheld as foundational principles of good governance in India.

Meghalaya State Information Commission

Section-2: Important Definitions:

(f) “information” means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, log books, 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.

Note:-

- (1) As per the Office Memorandum of the Government of India No.1/20/2009-IR, dated 23.06.2009, clarifies that file noting can be disclosed except file noting containing information exempted from disclosure under Section 8 of the Act.
- (2) As per the Office Memorandum of the Government of India No.10/2/2008-IR, dated 12.06.2008 and No.10/2/2008/IR dated 01.06.2009, the definition of “information” does not include answering to the Questions such as “Why”.
- (3) Office Memorandum of the Government of India No.10/2/2008-IR dated 10.07.2008, material available with a public authority is to be provided in the same form as it exists; it is not for the public authority to research on behalf of the citizen, deduce inferences and provide information.

(h) “public authority” means any authority or body or institution of self-government established or constituted –

- a) by or under the constitution
- b) by any other law made by Parliament:
- c) by any other law made by State Legislature;
- d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

Note:- If any question arises as to whether an organization is a public authority, the party concerned shall have to present evidence regarding the same.

(i) “record” includes –

- (a) any document, manuscript and file;
- (b) any microfilm, microfiche and facsimile copy of a document;

(c) any reproduction of image or images embodied in such microfilm and

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

(j) “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, record;

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

(iii) 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 print outs where such information is stored in a computer or in any other device;

(n) “third party” means a person other than the citizen making a request for information and includes a public authority.

Section-3: Subject to provisions of the RTI Act, All citizens have the right to information.

Section-4: Obligations/Proactive Disclosure of information by the public authorities:

1. As mentioned in Section – 4 (1) (b) of the Right to Information Act – 2005, every Public Authority has to self-publish 17 types of information related to their Public Authority.
2. Proactive Disclosure under sub-section-4 (1)(b) of the Public Authority shall be given to the citizens free of cost or at a price to be decided or at the cost of printing. This information should be published, so far as possible, in an electronic form in an easily accessible manner on the website of the Public Authority.
3. If the Proactive Disclosure is published on the website of the Public Authority or in any other way, the applicant has to obtain a copy of the information at his own expense.

Section-6: Points to be kept in mind while submitting an application seeking information:

1. The application has to be sent to the Public Information Officer of the concerned Public Authority as per prescribed specimen RTI Application Form at Annexure I under the Meghalaya Right to Information Rules, 2025 Notified vide Notification No.PER.54/2024/101, dated 27.06.2025. Application can also be made on plain paper with the details mentioned in specified form.
2. The application may be made in English, Khasi or Garo language.
3. The application should be sent in person or through post or electronic means (if online facility is available).

4. The application shall be made with the prescribed fee Rs.10/- as per Meghalaya Right to Information Rules, 2025.

(1) Any citizen can make an online information request to a public authority in the State of Meghalaya on the State Government's online portal megrti.gov.in/onlineerti. Information about applying (User Manual) and Frequently Asked Questions (FAQs) are provided on the said portal.

5. As per the Notification No. Per 54/2024/101, dated 27.06.2025, individuals falling under below poverty line (BPL) are exempted from application fees, a copy of the BPL certificate issued by the competent authority must be submitted; a BPL ration card will not be considered valid.

6. The information has to be sought with specific details of information required and clarifying the specific duration of the information required.

Note:- (1) As per the notification of Per & AR(A) Department No. Per 54/2024/101, dated 27.06.2025, the applicant shall apply by providing specific details of the required information as per the provisions of Section 6 (1) of the Act. As per the provisions of Section 7 (9) of the Act, the request for information should be made in such a manner that does not disproportionately divert the resources of the public authority.

7. If it is not possible to make such application in writing for any reason, the assistance of the Public Information

Officer can be sought. The Public Information Officer shall provide reasonable assistance in giving it a written form.

Note:- As per the Office Memorandum of the Government of India No.4/9/2008-IR dated 24.06.2008 individuals seeking information under the Right to Information Act should be treated courteously and provided with necessary guidance and assistance.

8. The Public Information Officer shall provide assistance for inspecting records to a person who is sensorily disabled.
9. Except the details required to contact the applicant, the reason for seeking information or any other personal details shall not be demanded.
10. When the Public Information Officer deems it necessary to ascertain the applicant's citizenship, he may do so subject to compliance with the time limit.
11. If the information sought by the applicant is held by another public authority or is related to the functions of another public authority, the application shall be transferred to that public authority within a maximum of 5 (five) days from the date of receipt of the application, and the applicant shall be informed accordingly.

As per the Office Memorandum of the Government of India No.10/2/2008-IR dated 12.06.2008

- (1) When the information does not relate to one specific public authority, the case of transfer of application under sub-section (3) of Section 6 of the Act does not arise. Sub-section (3) refers to 'another public authority'; not 'another public authorities'. It is important to note the use of the singular form in the Act in the context.
- (2) If, even after making sufficient efforts to find out which public authority the requested information relates to, it cannot be found, the applicant shall be informed accordingly.
- (3) When some of the information is available with that public authority and the remaining information relates to another public authority, the Public Information Officer shall provide the information available with them to the applicant and transfer a copy of the application to the another concerned public authority and the applicant shall be informed accordingly.
- (4) When some of the information was available with that public authority and the remaining information is distributed among more than one public authority, the Public Information Officer of the public authority receiving the application shall provide the information related to himself and advise the applicant to make separate applications to the concerned public authorities for the remaining information.

(5) The Public Information Officer shall provide only the information that exists and is available with him or under his control. Creating information is outside the purview of the Act for a public authority. The act of collecting information, some part of which is available with more than one public authority, will be considered equivalent to creating information, and it is not necessary to do so.

(6) When the applicant applies to obtain information related to another state government or union territory, the Public Information Officer of the public authority receiving the application shall inform the applicant that the information sought can be obtained from the administration of that State Government/Union Territory. In such a case, there is no need to transfer the application to the concerned State Government/Union Territory administration.

Section-7: Regarding disposal of application

1. Upon receipt of an application, the applicant shall be informed to pay the prescribed copy fee as early as possible, within 30 days.
2. When an application is rejected for any of the reasons specified in Sections 8, 9 and 24, the applicant shall be informed within 30 days.

3. When information related to the life or liberty of a person is sought, the information shall be provided within 48 hours.
4. The period between the date on which the applicant is informed about the copy fee and the payment of the fee shall be excluded from the calculation of the 30-day period for providing information by the Public Information Officer.
5. While calculating the fees and charges to be paid for the information sought the Public Information Officer shall take into account Section 7 of the Meghalaya Right to Information Rules – 2025. The PIO must calculate the total fee payable in accordance with the above provisions.

A written intimation/notice must be sent to the applicant clearly showing the breakdown of charges number of pages x rate per page, inspection charges, electronic media cost, etc.

The final payable amount must be transparent, with a calculation sheet attached to the intimation.

The period between the intimation of fees and the applicant's payment shall not be counted in the 30-day statutory period for providing information.

6. After making application, when the Public Information Officer asks to pay the prescribed copy fee within the 30-day time limit, it shall be paid. After payment of the fee, the Public Information Officer shall be informed accordingly.

7. No fee shall be charged from persons below the poverty line.
8. After the period of 30 days from the date of receipt of the application, the information shall be provided to the applicant free of cost.
9. When the applicant requests information of a third party and the Public Information Officer has sought the submission of the third party regarding the disclosure of information, the Public Information Officer shall take into consideration the representation made by the third party under Section 11 and take a decision.
10. The Public Information Officer shall take a period of 40 days for giving a decision/reply where the submission of the third party requested.
11. When the Public Information Officer provides information to the applicant or rejects the application, the reasons for it, the time limit for the first appeal, and the details of the first appellate authority shall be informed.
12. Generally, an information should be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record.

Note:- A person desiring to obtain information shall apply in the prescribed Application Form at Annexure I under the

Meghalaya Right to Information Rules, 2025. Upon receipt of such an application, all Public Information Officers shall take the following action regarding the decision on the application:

- (i) In applications where specific details of the information required are not mentioned as per Section 6(1) of the Act is not mentioned, the applicant shall be asked to re-apply with specific details of the information required and the application shall be disposed of.

However, if information related to Pro-active disclosure is sought, such information shall be provided and if such information has been published, the applicant shall be informed of its specific web link. The applicant shall have the right of first appeal regarding the decision of the Public Information Officer.

- (ii) Where the applicant sought information by mentioning specific details of the information and a specific time period as per Section 6(1) of the Act providing such information would disproportionately divert the resources (manpower and other resources) of the public authority, then to avoid unnecessary payment of prescribed copy fees by the applicant and to avoid disproportionate use of the resources, the following action shall be taken for providing information, keeping in mind the provisions of Section 8, Section 9, Section 10 and Section 24 of the Act;

- I. The Public Information Officer shall ask the applicant for self-inspection of the record of the

obtainable information, keeping in mind the provisions of Section 8, Section 9, Section 10 and Section 24 of the Act, as early as possible from the date of receipt of the application in Annexure I.

- II. The applicant shall inform the Public Information Officer in writing about the specific information required after self inspection of the record.
- III. After the Public Information Officer is informed in writing about the specific information required by the applicant, the Public Information Officer shall inform the applicant to pay the copy fee for the information required.
- IV. After the copy fee is paid by the applicant, the Public Information Officer shall be informed accordingly.
- V. After being informed of the payment of the copy fee, the Public Information Officer shall provide the information that can be provided.
- VI. This entire procedure shall be completed within the 30-day time limit specified in the Act.

Sections-8, 9, 10 and 24: Matters exempted from disclosure of information:

1. Information that would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relations

with a foreign State or lead to incitement of an offense.

2. Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.
3. Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.
4. Information including commercial confidence, trade secrets of intellectual property, the disclosure of which would harm the competitive position of a third party, unless the larger public interest warrants the disclosure of such information.
5. Information available for a person in his fiduciary relationship, unless the larger public interest warrants the disclosure of such information.
6. Information received in confidence from a foreign Government.
7. 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.
8. Information which would impede the process of investigation or apprehension or prosecution of offenders.
9. Cabinet papers including records of deliberations of

the Council of Ministers, Secretaries, and other officers shall not be provided. However, after the decisions of the Council of Ministers have been taken and the matter has been concluded, the information relating to it shall be provided.

10. Information which relate to personal life of an individual, unless the larger public interest warrants the disclosure of such information.

Section-9.

Information, the disclosure of which would cause an infringement of copyright held by any person other than the State.

Section-10

Information of a record, which can reasonably be separated from any part, which is exempted from disclosure shall be provided.

Section-24

Intelligence and security organizations specified by the Central/State Government are exempted from disclosure of information, except for information relating to allegations of corruption and human rights violations.

Section-11: Regarding information relating to a third party:

1. Where the requested information relates to a third party or has been supplied by a third party and that third party

has treated it as confidential, the Public Information Officer shall, within 5 (five) days of receipt of the applications, obtain the opinion of the third party in writing regarding the disclosure of such information.

2. The third party shall be given 10 days to make a written or oral submission.
3. After receiving the response/opinion from the third party, the Public Information Officer shall consider the larger public interest and after taking a decision regarding providing the information, shall inform the applicant and the third party accordingly.
4. The third party shall have the right to file first appeal and second appeal.

Section-19: Points to be kept in mind while deciding the first appeal:

1. If the Public Information Officer has not informed the decision within 30- day time limit or if dissatisfied with the decision, the first appeal shall be filed before the appointed/First Appellate Authority mentioned in the reply of the Public Information Officer within 30 days after the expiry of such period or from the receipt of the decision.
2. However, if the applicant could not file an appeal within the 30-day limit for sufficient reasons, the appeal may be accepted after the expiry of the 30-day period with appropriate reasons.

3. It shall be verified whether the proceedings under Section-11 have been conducted by the Public Information Officer.
4. If a third party is aggrieved by the decision of the Public Information Officer, the concerned third party shall file the first appeal within 30 days of the decision of the Public Information Officer.
5. It is not necessary for the applicant to remain present at the time of hearing of the first appeal. If he is not present and/or submit a written representation, it shall be taken into consideration and a decision shall be made regarding the information provided/replied on the requested information.
6. The first appeal should be decided within 30 days of receiving the first appeal and in no case later than 45 days, by recording reasons in writing instead of issuing formal orders. Such an order should be detailed (speaking) and logical. It is not enough that justice has been done, but it should appear that justice have been done. The order should be sent to the applicant and the Public Information Officer.
7. The First Appellate Authority shall ensure that the decision of the first appeal is implemented.

Note:- The First Appellate Authority shall follow the procedure suggested in the Office Memorandum of the Government of India No.10/23/2007-IR, dated 09.07.2007 regarding the disposal of the first appeal. If

the Public Information Officer does not comply with the order of the Appellate Authority, the Appellate Authority shall bring the matter to the notice of the competent authority for suitable action against the Public Information Officer. Such competent authority shall take necessary action to ensure the implementation of the provisions of the Right to Information Act.

8. Before the hearing of the Information Commission, a detailed report on the action taken by them, along with relevant documents and evidence, shall be sent to the Information Commission in the prescribed format.
9. The First Appellate Authority shall remain present before the Commission at the hearing of the second appeal with all relevant details on the action taken by them and the associated record.
10. It shall be ensured that the final decision made by the Information Commission is complied with within the time limit.

Section-20: Provisions regarding Penalty Disciplinary Action:

If, while deciding a complaint or appeal, the Information Commission is of the opinion that:

- the application has been refused without any reasonable cause, or
- information has not been provided within the

30-day time limit, or

- the Application Form at Annexure I under the Meghalaya Right to Information Rules, 2025 has been rejected malafidely, or
- knowingly provided false, incomplete and misleading information, or
- the requested information has been destroyed, or
- any obstruction has been caused in providing information.

Then the information Commission has the power to impose a penalty of Rs.250/- per day to the Public Information Officer from the date of receipt of the Application Form at Annexure I under the Meghalaya Right to Information Rules, 2025 or from the date information is not provided within the time limit, up to a maximum of Rs. 25,000/-, and to recommend disciplinary action against him.

Section-24: List of Public Authorities Exempted from Providing Information (Under Meghalaya State Government):

1. Criminal Investigation Department (CID), Meghalaya Police.
2. Economic Offences Wing (EOW), Meghalaya Police.

3. Anti Corruption Branch, Meghalaya Police.
4. Special Force – 10 (Commando Battalion), Meghalaya.
5. Indian Reserve Battalions, Meghalaya.
6. Meghalaya Police Battalions.
7. Crime Branch Police Station, Eastern Range.
8. Crime Branch Police Station, Western Range.
9. Meghalaya Police Radio Organization.
10. Anti-infiltration Directorate/Border.
11. Offices of the Law and Order/DIG Ranges.
12. Confidential Branch of Meghalaya Police Headquarters.
13. Special Branch (SB), Meghalaya/District Special Branch (DSB).
14. Directorate of Forensic Sciences, Meghalaya, Shillong.
15. Anti-Terror Squad, Meghalaya Police, Shillong.

Important Web links:

<http://megsic.gov.in>

megrti.gov.in

dopt.gov.in

