Santanu Demuhuri vs University Grants Commission on 18 January, 2019

Central Information Commission
,
Baba Gangnath Marg, Munirka
, New Delhi - 110067
/ Second Appeal No.(s):- CIC/UGCOM/A/2017/158895-BJ
CIC/UGCOM/A/2018/104763-BJ

Mr. Santanu Demuhuri

.... /Ap

VERSUS

CPIO,
Under Secretary
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi - 110002

... /Resp

Date of Hearing : 26.11.2018, 17.01.2019
Date of Decision : 29.11.2018, 18.01.2019

ORDER

RTI I - File No. CIC/UGCOM/A/2017/158895-BJ Date of RTI application 26.03.2017 CPIO's response 18.04.2017 Date of the First Appeal 10.05.2017 First Appellate Authority's response 18.05.2017 Date of diarised receipt of Appeal by the Commission 24.08.2017 FACTS:

The Appellant vide his RTI application sought inspection of his answer scripts with respect to his graduation degree of B.Sc (H) Forensic Science for 2014 to 2017 batch, Amity University, Noida on the following subjects:-

a) Wild Life Forensics (5th Semester)

b) Forensic Practical V (5th Semester)

c) Forensic Evidence Management (5th Semester)

d) Personal Identification (4th Semester) The CPIO, vide its reply dated 18.04.2017 transferred the RTI application to the Registrar, Amity University, Noida under Section 6(3) of RTI Act, 2005 for necessary action. Dissatisfied by the response, the Appellant approached the FAA. The FAA, vide its order dated 18.05.2017 stated that relevant reply as per the provisions of the RTI Act, 2005 had already been issued by

the CPIO.

RTI II - File No. CIC/UGCOM/A/2018/104763-BJ Date of RTI application 08.08.2017 CPIO's response 30.08.2017 Date of the First Appeal 16.11.2017 First Appellate Authority's response 08.12.2017 Date of diarised receipt of Appeal by the Commission 23.01.2018 FACTS:

The Appellant vide his RTI application sought inspection of his answer scripts with respect to 6th Semester of B.Sc (H) Forensic Science on the following subjects:-

a) Social Communication (BC302),

b) Wounds and its Medico-Legal Aspects (FSIC312),

c) Forensic Practical VI (FSIC313),

d) Stress and Coping Strategies (BS302),

e) Security Documents and Bank Notes (FSIC315),

f) Quality Management and Accreditation in Forensic Science (FSIC322) The CPIO, vide its reply dated 30.08.2017 transferred the RTI application to the Registrar, Amity University, Noida under Section 6(3) of RTI Act, 2005 for necessary action. Dissatisfied by the response, the Appellant approached the FAA. The FAA, vide its order dated 06.12.2017 requested the Appellant to provide a copy of his letter.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Mr. Santanu Demuhuri in person;

Respondent: Mrs. Kundla Mahajan, US and Mr. Lokesh Kumar Jangra, SO;

The Appellant reiterated the contents of the RTI applications and stated that inspection of his answer sheets had not been offered, till date. The Respondent present during the hearing submitted that they had already forwarded both the RTI applications to the concerned authority i.e. Amity University, Noida with the direction to supply information directly to the Applicant. Therefore, there is nothing pending at their end.

During the hearing, the Appellant handed over a reply received by him from the Amity University vide letter dated 27.04.2017 wherein it was informed that since

their University was a private unaided one, they do not come under the definition of "Public Authority" as defined in the RTI Act, 2005. It was further informed that the matter was sub-judice and hence no information could be provided.

The Commission was in receipt of a forwarding letter dated 22.11.2018 from the Respondent (University Grants Commission) wherein it was requested to the Registrar, Amity University, Noida to immediately provide the information sought by the Applicant as per the provisions of the RTI Act, 2005 failing which it would be held responsible for violation of the various provisions of the RTI Act, 2005. It was further submitted that in case any penalty would be proposed for non-supply of information by the Commission, it would be the sole responsibility of the University.

Having heard both the parties, the Commission at the outset observed that the issue of access of his own answer sheet by a candidate had been long settled. The Hon'ble Supreme Court in the matter of CBSE and Anr. v. Aditya Bandopadhyay and Ors. SLP(C) NO. 7526/2009 observed that every examinee will have the right to access his evaluated answer-books, by either inspecting them or taking certified copies thereof unless the same was exempted under Section 8 (1) (e) of the RTI Act, 2005. The relevant observations made in the judgement are as under:

"11. The definition of 'information' in section 2(f) of the RTI Act refers to any material in any form which includes records, documents, opinions, papers among several other enumerated items. The term 'record' is defined in section 2(i) of the said Act as including any document, manuscript or file among others. When a candidate participates in an examination and writes his answers in an answer-book and submits it to the examining body for evaluation and declaration of the result, the answer-book is a document or record. When the answer-book is evaluated by an examiner appointed by the examining body, the evaluated answer-book becomes a record containing the 'opinion' of the examiner. Therefore the evaluated answer-book is also an 'information' under the RTI Act."

It was furthermore stated in para 14 of the above mentioned judgement "The examining bodies contend that the evaluated answer-books are exempted from disclosure under section 8(1)(e) of the RTI Act, as they are 'information' held in its fiduciary relationship. They fairly conceded that evaluated answer-books will not fall under any other exemptions in sub section (1) of section 8. Every examinee will have the right to access his evaluated answer-books, by either inspecting them or take certified copies thereof, unless the evaluated answer-books are found to be exempted under section 8(1)(e) of the RTI Act."

The aforesaid decision of the Hon'ble Supreme Court of India CBSE and Anr. V. Aditya Bandopadhyay was further relied in the decision pronounced on 16.08.2016 by the Hon'ble Supreme Court of India in Kumar Shanu and Anr. V. CBSE in I.A. No. 01/2016 in Contempt Petition No. 9837/2016 Civil Appeal NO.6454/2011.

Moreover, the Hon'ble High Court of Delhi in the matter of SBI vs. Mohd. Sahjahan LPA 714/2010 dated 09.05.2017 had held as under:

> 11. In the case in hand, the examiner has returned the answer books to the SBI after completion of the examination. In the light of the principles laid down in Central Board of Secondary Education v Aditya Bandopadhyay the examining body (the SBI in this case) does not hold the evaluated answer sheets (in the written exam) or the assessment sheet of the interview in a fiduciary relationship, qua the examiner/member of the interview board.

Moreover, the Commission also observed that in a recent decision in CIC/UODEL/A/2017/140992-BJ+ CIC/UODEL/A/2017/603074-BJ dated 18.06.2018 it had held that the student was entitled to inspection of his/ her answer sheet. The said decision was also challenged before the Hon'ble High Court of Delhi in the matter of the University of Delhi vs. Shri Mohit Kumar Gupta and Anr in W.P.(C) 9993/2018 dated 24.09.2018, wherein the Court while fixing the next date of hearing in the matter on 30.01.2019 held as under:

> "It is clarified that this Court has not stayed the impugned order dated 18.06.2018 and inspection of the evaluated answer sheet shall be provided to the respondent no. 1 as directed. The question whether a student had any right to seek inspection of his/ her answer sheet will be considered on the next date."

Furthermore, in a recent decision in the matter of Mradul Mishra vs. Chairman, U.P. Public Service Commission and Ors., Civil Appeal No. 6723 of 2018 (Arising Out of SLP No. 33006 of 2017) dated 16.07.2018, the Hon'ble Supreme Court of India had while deciding the issue as to whether the Appellant is entitled to see the answer sheets of the examination in which he participated, held as under:

> "14. In our opinion, permitting a candidate to inspect the answer sheet does not involve any public interest nor does it affect the efficient operation of the Government. There are issues of confidentiality and disclosure of sensitive information that may arise, but those have already been taken care of in the case of Aditya Bandopadhyay where it has categorically been held that the identity of the examiner cannot be disclosed for reasons of confidentiality.
>
> 15. That being the position, we have no doubt that the Appellant is entitled to inspect the answer sheets. Accordingly, we direct the Respondent - U.P. Public Service Commission to fix the date, time and place where the Appellant can come and inspect the answer sheet within four weeks."

Moreover in a recent matter before the Apex Court in Kumar Shanu and Anr. vs CBSE in Contempt Petition (Civil) No. 1255/2018 in Civil Appeal No. 6454/2011 dated 29.10.2018, the CBSE in its affidavit dated 24.10.2018 had stated that "for furnishing photocopies of the answer sheets fee as per the provisions of the Right to Information Act, 2005 and Rules is being charged whereas if

re-verification/ re-valuation/ re-totalling/ re-checking of the answer sheets/ scripts alongwith the photocopies thereof is sought fee as per the CBSE Regulations is charged."

The Commission also felt that issue under consideration involved Larger Public Interest affecting the fate of all the students who wish to obtain information regarding their answer sheet/ marks obtained by them which would understandably have a bearing on their future career prospects which in turn would ostensibly affect their right to life and livelihood. Hence allowing inspection of their own answer sheet to the students ought to be allowed as per the provisions of the RTI Act, 2005.

The Constitution Bench of the Hon'ble Supreme Court of India in the landmark judgement of Olga Tellis and Ors. vs. Bombay Municipal Corporation 1985 SCR Supl. (2) 51 dated 10.07.1985 while recognising right to livelihood as being facet of the right to life enshrined under Article 21 held as under:

> "Upon that assumption, the question which we have to consider is whether the right to life includes the right to livelihood. We see only one answer to that question, namely, that it does. The sweep of the right to life conferred by Article 21 is wide and far reaching. It does not mean merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of the death sentence, except according to procedure established by law. That is but one aspect of the right to life. An equally important facet of that right is the right to livelihood because, no person can live without the means of living, that is, the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live. And yet, such deprivation would not have tobe in accordance with the procedure established by law, if the right to livelihood is not regarded as a part of the right to life. That, which alone makes it possible to live, leave aside what makes life livable, must be deemed to be an integral component of the right to life. Deprive a person of his right to livelihood and you shall have deprived him of his life."

INTERIM DECISION:

> Keeping in view the facts of the case and the submissions made by both the parties and in the interest of natural justice and in accordance with Section 19 (4) of the RTI Act, 2005, the Commission directs the Respondent to inform the Registrar, Amity University to be present during the next hearing either in person or through its duly authorised representative so as to enable it to defend or present its case before the Commission.
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> The Dy. Registrar, CIC is instructed to fix a short date of hearing in the matter.

Note: The Dy. Registrar vide its notice dated 27.12.2018 fixed 17.01.2019 as the next date of hearing in the matter HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Mr. Santanu Demuhuri through VC;

Respondent: Mr. Lokesh Kumar Jangra, SO, UGC, Mr. Pankaj Gandna, Assistant, UGC, Mr. Rajan Chawla, Legal Advisor, Amity University, Dr. B. L. Arya, Registrar, Amity University and Mr. Manish Rohatgi, Legal Officer, Amity University;

Resuming the hearing in the matter, the representative of Amity University filed the written submission primarily objecting to the said University qualifying under the definition of Public Authority as per the provisions of Section 2 (h) of the RTI Act, 2005. In its detailed submissions with 06 annexures, it was vehemently argued that they were not the Public Authority and therefore were not answerable in respect of the provisions of the RTI Act, 2005. He made special reference to the decision of High Court Lucknow Bench in case No. 7803 of 2011 wherein in a similar order passed by the State Information Commission dated 14.02.2011 directing them to file replies under the provisions of the RTI Act, 2005, the said decision of the SIC was stayed during the pendency of the writ petition. In its detailed submission a reference was drawn to Section 2 (h) of the RTI Act, 2005, decision of the High Court in the aforesaid case and its reply to UGC and the Appellant clearly enumerating their inability to furnish information as the said University was not qualified as per the relevant provisions of the RTI Act, 2005. Consistently it was maintained that in exercise of its powers conferred under clause 6 (3) (b)

(viii) of Statutes of Amity University, UP, certain policy guidelines for document retention were framed as per which records of examination including answer scripts were retained for a limited period of 06 months after declaration of results whereafter such records were weeded out.

Therefore, it was argued that prima-facie they were not the rightful Respondents to be requested to appear in RTI matters. The UGC representatives on the other hand referred to a circular issued by MHRD dated 08.11.2018 instructing the Vice Chancellors of all Private Universities to comply with the provisions of the RTI Act, 2005 as "deemed to be universities" like other universities established under a Union or a State Law were covered under the RTI Act, 2005. The representative of Amity University feigned ignorance of this circular. The UGC representative was also not aware whether the said circular was widely circulated and pasted on its website. It was nonetheless submitted that the copies of the same had been dispatched to all the private universities. It was instructed that the Respondent (Amity University) be provided a copy of the same. The Amity University representative desired to present its written submission latest by 18.01.2019 morning.

The Commission drew the attention of the Respondents to the decision of SC in Civil Appeal No. 6723 of 2018 (Arising out of SLP (C) No. 33006 of 2017) dated 16.07.2018 as also Contempt Petition (Civil) No. 1255/ 2018 in Civil Appeal No. 6454/ 2011 dated 29.10.2018 and the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003. The Respondent (UGC) appeared to be ignorant of the above rulings and submitted that the said matter was handled by another Division and therefore expressed his inability to comment on the same. The Respondent (Amity) submitted that the aforementioned decisions of the Apex Court were not applicable in the present matter.

The Appellant consistently argued that for his future career prospects, he should have been provided a copy of the answer scripts in accordance with the directions of the SC and the denial of the same jeopardized his career opportunities. He also recalled a circular issued by the UGC directing the private universities to retain examination records of students for a period of 05 years. On being questioned if he had approached the Court of Law for denial of basic information in respect of his examination results, he denied the same and stated that at the first instance he was trying to seek the details before approaching any judicial forum. The Amity University however denied receipt of any such circular from UGC and emphasized that they complied with their own regulations which were in public domain.

Subsequent to the hearing the Commission was in receipt of an additional written submission dated 18.01.2019 wherein while re-iterating their earlier written submission, it was stated that Amity University Uttar Pradesh (AUUP) had already weeded out the answer sheet as per its policy and that they were fully competent and autonomous to frame such a policy and there was no restriction placed by the UGC in that regard. With regard to the submission of UGC that it had issued a letter dated 08.11.2018 to all private universities, it was stated that as admitted by the University the said letter was not uploaded on its website and was provided to the representative of the University for the first time during the hearing. It was further submitted that the said letter dealt with the applicability of the provisions of the RTI Act on the "deemed universities" and had no bearing on the appeal which pertained to issue of the applicability of the provisions of the RTI Act, 2005 on AUUP which was a self financed unaided State Private University. Thus, there was no occasion for the AUUP to challenge the said letter since "deemed university" and a "private university" stood on absolutely different footing as to their legal character and status. Moreover, the communication issued by the UGC could not be considered as relevant for the purpose of interpreting the provisions of the RTI Act, 2005 particularly when the High Court of Allahabad bench at Lucknow was ceased of the said issue and had already passed an interim order of stay in favour of AUUP. With regard to the applicability of the provisions of the UGC (Establishment of Maintenance of Standards in Private Universities) Regulations, 2003, it was stated that the same pertained to powers of UGC to seek information from the universities for the purpose of inspection. However, in the above matter the UGC had never sought such information under the said powers. The UGC had in fact vide its communications, transferred the RTI applications filed by the applicant to AUUP under the provisions of RTI Act, i.e., purportedly from one public authority to other for supply of information under the RTI Act. While re-iterating their submission regarding the lack of seriousness on the part of the Appellant in desiring the information, it was prayed to close the Appeal proceedings against the AUUP.

Having heard both the parties and on perusal of the available records, the Commission made a specific reference to the definition of information as per Section 2(f) which includes within the purview of the Act, the information relating to any private body that can be accessed by a public authority under any other law for the time being in force. A reference was drawn to the judgment pronounced by the Hon'ble Supreme Court of India in Thalappam Ser. Co-operative Bank Ltd. v. State of Kerala and Ors. Civil Appeal No. 9017 of 2013 dated 07.10.2103, wherein in para 52 it was stated that apart from the information as is available, under section 2 (f), information could be gathered from the society to the extent permitted by law. But the demand should have a statutory backing A reference can also be made to the decision of the Hon'ble Supreme Court of India in Reserve Bank of India v. Jayantilal N. Mistry and Ors., dated 16.12.2015, wherein interpreting section 2(f) of the RTI Act, 2005, the following was held in para 67 "From reading of the above section it can be inferred that the Legislature's intent was to make available to the general public such information which had been obtained by the public authorities from the private body. Had it been the case where only information related to public authorities was to be provided, the Legislature would not have included the word "private body". As in this case, the RBI is liable to provide information regarding inspection report and other documents to the general public." In this context, the Commission draws reference to the observations made by the Hon'ble Delhi High Court in WRIT PETITION (CIVIL) NO. 7265 OF 2007 (Date of Decision : 25th September, 2009) wherein the Court has clarified the definition of "information under Section 2(f) of the RTI Act,2005 and held as under:

> 8. "Information as defined in Section 2(f) means details or material available with the public authority. The later portion of Section 2(f) expands the definition to include details or material which can be accessed under any other law from others. The two definitions have to be read harmoniously. The term □held by or under the control of any public authority in Section 2(j) of the RTI Act has to be read in a manner that it effectuates and is in harmony with the definition of the term □information as defined in Section 2(f). The said expression used in Section 2(j) of the RTI Act should not be read in a manner that it negates or nullifies definition of the term □information in Section 2(f) of the RTI Act. It is well settled that an interpretation which renders another provision or part thereof redundant or superfluous should be avoided. Information as defined in Section 2(f) of the RTI Act includes in its ambit, the information relating to any private body which can be accessed by public authority under any law for the time being in force. Therefore, if a public authority has a right and is entitled to access information from a private body, under any other law, it is □information as defined in Section 2(f) of the RTI Act. The term □held by the or under the control of the public authority used in Section 2(j) of the RTI Act will include information which the public authority is entitled to access under any other law from a private body.
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> 13. Information available with the public authority falls within section 2(f) of the RTI Act. The last part of section 2 (f) broadens the scope of the term information' to include information which is not available, but can be accessed by the public authority from a private authority. Such information relating to a private body should

> be accessible to the public authority under any other law. Therefore, section 2(f) of the RTI Act requires examination of the relevant statute or law, as broadly understood, under which a public authority can access information from a private body. If law or statute permits and allows the public authority to access the information relating to a private body, it will fall within the four corners of Section 2(f) of the RTI Act."

In the present instance, the Commission referred to the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003. The relevant provisions of the Regulations are mentioned as under:

> "3.7 A private university shall provide all the relevant information relating to the first degree and post-graduate degree/ diploma programme (s) including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students, to the UGC on a proforma prescribed by the UGC prior to starting of these programmes.
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> 3.8. The UGC on detailed examination of the information made available as well as the representations and grievances received by it from the students as well as concerned public relating to the deficiencies of the proposed programme(s) not conforming to various UGC Regulations, shall inform the concerned university about any shortcomings in respect of conformity to relevant regulations, for rectification. The university shall offer the programme(s) only after necessary rectification.
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> 3.9. The admission procedure and fixation of fees shall be in accordance with the norms/guidelines prescribed by the UGC and other concerned statutory bodies.
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> 4. Inspection The UGC may cause periodic inspection of the private university and its offcampus centre(s), study centre(s), off-shore campus(es) etc. offering its programmes. For this purpose, the UGC may call for all relevant information from the concerned private university, as provided in the UGC (Returns of Information by Universities) Rules, 1979 as amended from time to time."

The abovementioned regulation elucidates that the UGC possesses regulatory powers over Private Universities. In this context the decision of the Hon'ble High Court of Delhi in the matter of WP (C) No. 12388/2018 and CAV 1056/2018 and CM Appls 48059 dated 20.11.2018 can be cited wherein it was held as under:

> "14. Thus, it is settled that an interpretation which renders another provision or part thereof redundant or superfluous should be avoided. Information as defined in Section 2
>
> (f) of the RTI Act includes in its ambit, the information relating to any private body which can be assessed by public authority under any law for the time being inforce.

> Therefore, if a public authority has a right and is entitled to access information from a private body, under any other law, it is „information as defined in Section 2 (f) of the RTI Act. Thus, it is obligation on the public authority to get the information from the private body and furnish the same to the applicant.
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> 15. Under Section 12 of the TRI Act, 1997, the petitioners has power to call for any information, conduct investigations, etc., where, the authority considers it expedient so to do, it may by order in writing. It cannot be said that the petitioner has no power to call information from the private body i.e. Vodafone India. Admittedly, the petitioner authority is regulating the services in India.
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> 16. It is not in dispute that the petitioner has sought information from the Vodafone Authority which was denied on the ground that it is a private body and it does not come under the purview of RTI Act, 2005, thus, the respondent/applicant cannot be left remediless in view of the powers of the petitioner.
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> 17. Since the service provider i.e. Vodafone has not furnished the information sought by the respondent, then the said respondent approached the TRAI for the said purpose.

Though, it is the case of the petitioner that the information sought by the respondent in his RTI application is not available in their record, therefore the respondent can seek the information from the service provider under Regulations, 2012 and the same may be furnished to the respondent, but I find no substance in the submissions of the petitioner."

Moreover in the context of seeking own answersheets by an information seeker, the Commission re-iterated the judgement of the Hon'ble Supreme Court in the matter of CBSE and Anr. v. Aditya Bandopadhyay and Ors. SLP(C) NO. 7526/2009 observed that every examinee will have the right to access his evaluated answer-books, by either inspecting them or taking certified copies thereof unless the same was exempted under Section 8 (1) (e) of the RTI Act, 2005.

The aforesaid decision of the Hon'ble Supreme Court of India CBSE and Anr. V. Aditya Bandopadhyay was further relied in the decision pronounced on 16.08.2016 by the Hon'ble Supreme Court of India in Kumar Shanu and Anr. V. CBSE in I.A. No. 01/2016 in Contempt Petition No. 9837/2016 Civil Appeal NO.6454/2011.

Moreover, the Hon'ble High Court of Delhi in the matter of SBI vs. Mohd. Sahjahan LPA 714/2010 dated 09.05.2017 had held as under:

11. In the case in hand, the examiner has returned the answer books to the SBI after completion of the examination. In the light of the principles laid down in Central Board of Secondary Education v Aditya Bandopadhyay the examining body (the SBI in this case) does not hold the evaluated answer sheets (in the written exam) or the assessment sheet of the interview in a fiduciary relationship, qua the examiner/member of the interview board.

Moreover, the Commission also observed that in a recent decision in CIC/UODEL/A/2017/140992-BJ+ CIC/UODEL/A/2017/603074-BJ dated 18.06.2018 it had held that the student was entitled to inspection of his/ her answer sheet. The said decision was also challenged before the Hon'ble High Court of Delhi in the matter of the University of Delhi vs. Shri Mohit Kumar Gupta and Anr in W.P.(C) 9993/2018 dated 24.09.2018, wherein the Court while fixing the next date of hearing in the matter on 30.01.2019 held as under:

> "It is clarified that this Court has not stayed the impugned order dated 18.06.2018 and inspection of the evaluated answer sheet shall be provided to the respondent no. 1 as directed. The question whether a student had any right to seek inspection of his/ her answer sheet will be considered on the next date."

Furthermore, in a recent decision in the matter of Mradul Mishra vs. Chairman, U.P. Public Service Commission and Ors., Civil Appeal No. 6723 of 2018 (Arising Out of SLP No. 33006 of 2017) dated 16.07.2018, the Hon'ble Supreme Court of India had while deciding the issue as to whether the Appellant is entitled to see the answer sheets of the examination in which he participated, held as under:

> "14. In our opinion, permitting a candidate to inspect the answer sheet does not involve any public interest nor does it affect the efficient operation of the Government. There are issues of confidentiality and disclosure of sensitive information that may arise, but those have already been taken care of in the case of Aditya Bandopadhyay where it has categorically been held that the identity of the examiner cannot be disclosed for reasons of confidentiality.
>
> 15. That being the position, we have no doubt that the Appellant is entitled to inspect the answer sheets. Accordingly, we direct the Respondent - U.P. Public Service Commission to fix the date, time and place where the Appellant can come and inspect the answer sheet within four weeks."

Moreover in a recent matter before the Apex Court in Kumar Shanu and Anr. vs CBSE in Contempt Petition (Civil) No. 1255/2018 in Civil Appeal No. 6454/2011 dated 29.10.2018, the CBSE in its affidavit dated 24.10.2018 had stated that "for furnishing photocopies of the answer sheets fee as per the provisions of the Right to Information Act, 2005 and Rules is being charged whereas if re-verification/ re-valuation/ re-totalling/ re-checking of the answer sheets/ scripts alongwith the photocopies thereof is sought fee as per the CBSE Regulations is charged."

FINAL DECISION:

> Keeping in view the facts and the submissions made by all the parties and in the light of the spirit of the aforesaid decision of Hon'ble SC relating to the seeking his own answer sheets by an information seeker, the Commission directs the UGC and AUUP to provide the information sought by student / Appellant forthwith and not later than 15 days from the date of receipt of this order. In case the information was not

available with AUUP, the UGC should secure an affidavit to be furnished to the Appellant so that he could approach an appropriate judicial forum. The UGC is also directed to evolve a robust and effective mechanism for monitoring its regulations especially concerning the private / deemed to be Universities so that the career of the students does not get jeopardized in any manner.

Bimal Julka ( )
Information Commissioner ( )

Authenticated true copy
( )

K.L. Das (. .)
Dy. Registrar (i -)
011-26182598/ kl.das@nic.in
/ Date: 18.01.2019

Copy to:

1- The Secretary, D/o Higher Education, M/o HRD, 127-C, Shastri Bhawan, New Delhi - 110001.

2- The Secretary, University Grants Commission, Bahadur Shah Zafar Marg, ITO, Metro Gate No. 3, New Delhi-110002.

3- The Vice-Chancellor, Amity University, Sector-125, Noida, Uttar Pradesh- 201313.