

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File No: CIC/UODEL/A/2025/641908

RISHABH MISHRA

.....अपीलकर्ता/Appellant

VERSUS
बनाम

THE CPIO
UNIVERSITY OF DELHI,
RTI CELL, DELHI -110007

....प्रतिवादीगण /Respondent

Date of Hearing : 03/09/2026
Date of Decision : 03/09/2026

INFORMATION COMMISSIONER : Sudha Rani Relangi

Relevant facts emerging from appeal:

RTI application filed on : 07/06/2025
CPIO replied on : 07/07/2025
First appeal filed on : 12/07/2025
First Appellate Authority's order : 05/08/2025
2nd Appeal dated : Nil

Information sought:

1. The Appellant filed an RTI application dated 07/06/2025 seeking the following information:

“Right to Information Application Subject: Application under the Right to Information Act, 2005 seeking information regarding the evaluation criteria, protocol, and step-wise procedure adopted for the assessment of law semester examination answer scripts. Respected Sir/Madam, I,

respectfully, submit this application under Section 6(1) of the Right to Information Act, 2005, seeking specific information concerning the rules, guidelines, practices, and procedural standards adopted for the evaluation of answer scripts in the law semester examinations. The below mentioned information is being sought for 3 year LLB semester exams, both odd and even semesters, held in Faculty of Law, University of Delhi.

Information Sought 1. Certified copies of all rules, guidelines, circulars, manuals, orders, or any other instructions (written or oral, if recorded or documented) issued by the University/Institution or any competent authority, which lay down the criteria, process, or protocol for the evaluation of answer scripts of law semester examinations. 2. Whether there exists any model answers, marking scheme, sample evaluated copies, scoring rubrics, or other documentation meant to assist or guide evaluators during the evaluation process. If such material exists, kindly furnish certified copies for the past two academic years (2023–2024 and 2024–2025). Additionally, if there is any weightage scheme regarding the use of case law, legal principles, statutory provisions, structure (e.g., IRAC), or word limits, kindly provide complete details of the same. 3. A comprehensive, step-by-step account of the procedure followed for evaluation of answer scripts, including: - Whether the script is checked by a single examiner or undergoes multiple levels of evaluation, such as moderation, re-checking, or quality control. - Whether the identity of the student is anonymized during evaluation. - Whether there exists any mechanism for standardization to reduce examiner-based subjectivity or variation. - The designations or roles of personnel involved in each stage of the evaluation process. 4. Whether the University/Institution conducts any training, briefing, orientation, or instructional sessions for evaluators before or during the evaluation process. If yes, kindly provide: - The agenda or content of such sessions - The mode of communication (oral, written, email, etc.) - The names/designations of resource persons - Dates of such sessions in the past two academic years 5. Whether any moderation, review, or quality control mechanism is in place to ensure uniformity in assessment, including but not limited to: - Double evaluation or cross-evaluation - Random auditing or sampling of evaluated scripts - Peer reviews or review by a board/committee - Any standardised score calibration or oversight mechanism 6. Kindly provide a copy of the marking or grading scheme, if any, that defines how marks are distributed per question or for specific elements of a good answer—such as relevance, accuracy, application of legal provisions, case laws, reasoning, formatting, and word limit. If no such written document exists, please indicate whether

any informal standard is in place. 7. Whether the institution has adopted digital/on screen evaluation, either partially or fully, in the law semester examinations. If so, please provide the procedure, manual, or software protocol used, and indicate how this process differs from physical/manual checking, if at all. 8. If any of the aforementioned documents, instructions, or procedures do not exist, kindly provide a categorical and certified statement to that effect. Further, in such cases, I seek disclosure of any and all existing practices, communications, directives, verbal instructions, customs, or unwritten methods—formal or informal—used to maintain uniformity, fairness, or standardisation in the evaluation of answer scripts. 9. If the university/institution does not hold the requested information but it is held by or under the control of another public authority, kindly transfer the relevant part of this application under Section 6(3) of the RTI Act, 2005 and notify the undersigned accordingly. 10. Kindly ensure that the information is provided in a point-wise manner corresponding to each query raised. A general reference to voluminous regulations or ordinances without specific extracts or explanations shall not constitute a complete or meaningful reply under the RTI Act.”

2. The CPIO furnished a reply to the Appellant on 07/07/2025 stating as under:

“Sir,

This has reference to the above original application, which has been numbered as 2771 of 2025 as specified in the subject cited above. The applicant is required to quote the original application number in all future correspondence for proper correlation of the documents.

The information sought by the applicant endorsed to the Joint Registrar (Examinations) of the University, who are the deemed PIOs under section 5(4) & 5(5) of the Act.

Any relevant input is yet to be received from the Joint Registrar (Examinations), the concerned deemed PIO as per section 5(4) of the RTI Act. The matter is being further pursued with the Joint Registrar (Examinations). The applicant may contact the Joint Registrar (Examinations) on telephone no. 011-27667811 (E-mail id - so_coord@exam1.du.ac.in/rti.coord@exam1.du.ac.in) in this regard.”

3. Aggrieved by the decision of the CPIO, the Appellant filed a First Appeal dated 12/07/2025. The FAA vide its order dated 05/08/2025, stating as under-

"1. The Original Application, the First Appeal and the reply of the CPIO have been perused in this matter.

2. On perusal of the records, it has been noticed that the CPIO has responded to the OA vide decision dated 07.07.2025 with a direction to the Joint Registrar (Examinations) to provide the relevant information to the applicant.

3. On perusal of the first appeal, it has been observed that the appellant has not yet received the information requested in the OA. Therefore, Joint Registrar (Examinations) is required to provide the relevant disclosable information as per relevant provisions of the Act directly to the appellant under intimation to the Information Section within two weeks from the date of receipt of this Order."

4. Challenging the non-compliance of FAA's order, Appellant is before the Commission with the instant Second Appeal.

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Shri Rishabh Mishra present through audio conference.

Respondent: Shri Inder Mohan Gupta, AR/ CPIO along with Shri Rakesh Hasija, AR, FMS (the then CPIO), Delhi University present in person.

5. A written statement dated 02.09.2026 filed by the CPIO is taken on record.

6. Appellant did not turn up for hearing despite service of notice. However, for the convenience of Appellant, the Commission connected the Appellant on audio call. Upon being contacted on call, the Appellant stated that he is aggrieved by the fact that CPIO of Respondent Public Authority is in the habit of denying the information in vague terms as is done in the instant matter. In this regard, the Appellant sought intervention of the Commission.

7. CPIO submits that in compliance of FAA's order a point-wise reply along with relevant available inputs has been provided to the Appellant through email on 08.09.2025 such as notice dated 16.04.2025 and it was also informed to the Appellant that answer scripts are evaluated as per the broad scheme of marking and instructions given in the question paper, along with necessary instructions by the coordinator/ head examiner to the examiners for maintaining the uniformity in the marking scheme. No formal documentation of the meeting is endorsed to the examination branch of the University. CPIO

added that looking into the contents of RTI application, it can be seen that majority of queries raised by the Appellant are in the form of seeking clarifications which is not in conformity to Section 2(f) of the RTI Act, 2005. However, even otherwise the evaluation process and its related information is confidential in nature which are held in the University in fiduciary capacity and cannot be disclosed under the RTI Act, 2005. Lastly, the CPIO expressed his willingness to file a revised written statement by justifying denial of request of Appellant regarding information of evaluation process followed by the University.

Decision:

8. The Commission has carefully considered the submissions of the parties and perused the material available on record. It is noted that, pursuant to the order of the First Appellate Authority, the CPIO furnished a point-wise response to the Appellant vide email dated 08.09.2025 and also provided certain available records, including the notification dated 16.04.2025. The CPIO further explained the broad procedure followed for evaluation of answer scripts, stating that the scripts are evaluated in accordance with the marking scheme and instructions contained in the question paper and that the Coordinator/Head Examiner issues necessary instructions to the examiners to maintain uniformity in evaluation. As regards the contention of the CPIO that several queries raised by the Appellant are in the nature of seeking clarification or explanation, the Commission observes that Section 2(f) of the RTI Act, 2005 contemplates disclosure of material or information which is held by or under the control of the public authority. The CPIO is not required to create information, give an opinion, interpret records, or furnish explanations which are not available on the record. Therefore, to the extent the Appellant has sought reasons, justification, opinion or clarification regarding the manner in which evaluation was undertaken, such queries would not, by themselves, fall within the statutory definition of "information" under Section 2(f) of the Act.

9. However, the above principle cannot be extended to deny access to existing records merely because such records relate to the examination or evaluation process. Where the information sought consists of identifiable records maintained by the public authority, such as prescribed marking schemes, written instructions issued to examiners, notices, circulars, guidelines, records of decisions, or other documents relating to the evaluation

procedure, the same constitute information within the meaning of Section 2(f), subject to any specific exemption under Section 8 or Section 9 of the RTI Act.

10. In the present case, the CPIO has stated that the evaluation is carried out in accordance with the broad marking scheme and instructions contained in the question paper and that further instructions are issued by the Coordinator/Head Examiner for maintaining uniformity. The CPIO has also stated that no formal documentation of the meetings is endorsed to or maintained by the Examination Branch. Insofar as no such record exists or is maintained by the University, the CPIO cannot be directed to create or furnish a record which is admittedly not available. Nevertheless, the CPIO ought to clearly identify and disclose the records which are actually available and which correspond to the information sought by the Appellant, subject to permissible exemptions under the Act.

11. The further submission of the CPIO that the evaluation process and related information are confidential and are held by the University in a fiduciary capacity also requires consideration. The mere description of information as “confidential” does not, by itself, constitute a valid ground for denial under the RTI Act. Any denial of information must be traceable to one of the exemptions specifically provided under Section 8 or Section 9 of the Act. Likewise, the exemption under Section 8(1)(e) relating to information available to a person in his fiduciary relationship cannot be invoked mechanically; the public authority is required to establish the existence of such a fiduciary relationship in respect of the particular information sought and demonstrate how the statutory exemption applies.

12. Considering the given facts of the present case, the Commission finds that the CPIO has substantially responded to the Appellant and has furnished the available information in compliance with the FAA’s directions. However, the justification for withholding information relating to the evaluation process has not been adequately articulated with reference to the specific exemption clause of the RTI Act, 2005. A general assertion of confidentiality or fiduciary capacity cannot substitute the statutory requirement of demonstrating the applicability of an exemption.

13. The Commission, therefore, considers it appropriate to direct the CPIO to file a detailed written statement duly signed and dated before the Commission, specifically identifying each item of information relating to the evaluation process which has been denied or withheld, the reason for such

denial, and the precise provision of the RTI Act, 2005 under which the exemption is claimed. In particular, where reliance is placed upon Section 8(1)(e) of the RTI Act, 2005, the CPIO shall explain the nature of the alleged fiduciary relationship and how the information sought falls within the scope of that exemption. The CPIO shall also clarify whether any severable portion of the information can be disclosed in terms of Section 10 of the RTI Act.

14. Accordingly, the CPIO is directed to file a revised written statement before the Commission, duly signed and dated, justifying the denial of the remaining information relating to the evaluation process with reference to the specific provisions of the RTI Act, 2005. This direction shall be complied by the CPIO within **two weeks** from the date of receipt of this order.

15. With the aforesaid observations and directions, **the present Second Appeal is disposed of.**

Sd/-

Sudha Rani Relangi(सुधा रानी रेलंगी)
Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

(Anil Kumar Mehta)

Dy. Registrar
011- 26767500
Date

Shri RISHABH MISHRA