IN THE MATTER OF THE COMPLAINT PETITION UNDER SECTION 18 R/W SECTION 25(5) OF THE RTI ACT DATED 11-12-2024 BEFORE THE HON'BLE STATE INFORMATION COMMISSION

C. No. [redacted]

To

The Hon'ble Tamil Nadu State Information Commissioner,
No 19, Government Form Village,
Pernpet, Chennai – 600 035

From Petitioner

[redacted]

COMPLIANCE SUBMISSION ON WHY THE COMPLAINT IS MAINTAINABLE

The humble submission of this Petitioner is as follows:

1. Two complaints with regard to the matter were sent to the State Information Commission and numbered as **C No.** [redacted] received at your office [redacted] **2024 (Document No. 1)**

2. Both pertain to the same subject matter with just a few papers missed in the first complaint and thus the accurate set of the complaint is in [redacted] and hence request that the matter be heard together with reliance placed on the petition version in [redacted] for better redressal of the Complaint.

3. The Petitioner prays the Hon'ble Commission to read the contents of this Compliance Submission along with the Original Petitions.

[redacted]

4. Considering that this is a **subject matter of proviso under Section 7(1)** (of RTI Act), the Information Commission was reached out directly for faster and authentic intervention in the matter. The act by being silent on the appeal in such cases allows for a beneficial interpretation in urgent cases.

5. The complaint is a complaint under provisions of **Section 18** and hence differentiates itself from an appeal in **Section 19** which requires that a request be made to the Public Information Officer and First Appellate Authority before preferring a Second Appeal.

6. The Complaint is made under Sections - **Section 18(1)(f)** and **Section 18(2)** of the RTI Act which reads as follows:

> *"18. Powers and functions of Information Commissions. -*
> *(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commision, as the case may be,* ***to receive and inquire into a complaint*** *from any person –*
> ..... ***(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.***
> *(2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof."*

7. The Complaint is primarily regarding **non-disclosure of the *Model Answer Key*** which is **used in evaluation** of the Answer sheets of the students of Dr Tamil Nadu Ambedkar Law University (TNDALU). This information is vital to the students since it is associated with their life and livelihood guaranteed under Article 21 of the Constitution of India and proviso of Section 7(1). The information is hence critical and **qualifies for mandatory disclosure under Section 4(1)(b)(iii)** as it is a *procedure in the decision-making process* (Semester exam **evaluation process**) – with which the answer sheets of the students are valued and the students evaluated in the University. Such procedures and norms which are deciding in nature are *to be (shall) disclosed within 120 days from the enactment of this (RTI) Act* and as per Section 4(2) *shall* be released...

[redacted]

"... suo motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information."

8. The appropriate sections have been highlighted and attached in **Document No. 2** for easy reference.

9. In Kishan Chand Jain Vs Union of India & Ors, the Hon'ble Supreme Court observes

*"**24.** Apart from the obligation of monitoring and reporting, the Central and State Information Commissioners are also given the power to recommend steps which the public authority ought to take in implementing the Act. **Sub-Section (5) of Section 25** is in the following terms:*

"(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity."

*..... **27.** The Writ Petition (C) No. 990 of 2021 is disposed of with the direction to the Central Information Commission and the State Information Commissions to ensure proper implementation of the mandate of Section 4 of the Act, by following the directions as indicated above."*

Thus, the Information Commission, the Apex Court observes has to ensure proper implementation of the mandate of Section 4 of the Act. **(Document No. 3)**

10. As per section 2(f) of the RTI Act, information includes ... "models". Hence in this case, the ***Model Answer Key*** which is required by a larger public (students) to decide if they need to apply for revaluation or retotalling is a vital ***"information"***. Hence it is reasonable to disclose such key information namely ***Model Answer Key*** for each of the exams Suo motu and periodically in the ***public forum including internet*** for their ***easy access that too with minimum resort*** as suggested in **sections 4(2) and 4(3).**

[redacted]

11. **Section 4(4)** requires that all such materials under mandatory disclosure shall be available in electronic format with the Central Information Commission and the State Information Commission.

Section 15(4) of the RTI Act gives powers to the State Information Commissioner, *"The general superintendence, direction and management of the affairs of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised and done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act."*

12. In **Document No.4 and Document No. 5**, the **RTI Application** received by TNDALU on **22-02-2025 and 05-03-2025** seeking the Model Answer Keys has been attached. Considering that the sought information has been sought not only under **proviso of Section 7(1)** but also under **Section 4(1)(b)(iii)**, the information was not published on the website even partly (applying severability) by the Public Authority without the prescribed Application fee in RTI and the same was returned. The next RTI application with the same request and with the prescribed fee court stamp was received by TNDALU but the Petitioner did not receive any response from the University. The copy of RTI application and postal receipt are attached for your reference in **Document No.5**.
The Petitioner prays the Hon'ble State Information Commission to consider the same as well and under **Section 19(8)(a)(i) and 19(8)(a)(iii)** and the requirement of first appeal be dispensed with considering that it is an RTI application under **proviso of Section 7(1)** of the RTI Act.

In the light of the several provisions available under RTI Act and the verdict in Kishan Chand Jain Vs Union of India & Ors , the complaint on non-disclosure of the **"Model Answer Keys"** by the Tamil Nadu Dr Ambedkar Law University (TNDALU) **which qualifies for mandatory disclosure under Section 4(1)(b)(iii) is maintainable** and it is within the power of the State Information Commission to pass the necessary directions to the Public Authority to take steps to disclose this information at regular intervals, in a periodic manner for the

benefit and welfare of its students whose very life and livelihood are dependent on it.

If the discretion of an evaluator gives some additional marks to students, it may be a forgivable mistake. However, if a deserving student fails to clear a qualifying exam due to a lacking in such evaluation process, the students are put to irreparable loss and hardship. Their entire life and livelihood are affected by such lacking. Hence, the Petitioner humbly prays the Hon'ble State Information Commission to admit this complaint and to pass necessary orders

A. to consider this petition in an emergent or urgent manner considering that it is a subject matter of proviso under Section 7(1)
B. to direct the Public Authority for mandatory disclosure of "Model Answer Keys" central to the evaluation process going forward and periodically after each semester exam including on the internet/website.
C. To direct at a wider level to all public educational institutions to disclose such **"Model Answer Keys"** and
D. Any other related orders as found appropriate and necessary for the benefit of the young students.

[redacted]

([redacted])

PETITIONER

LIST OF DOCUMENTS

SNo	Date	Document Name	Page Range
1	13/12/2024 & 16/12/2024	Complaint Petitions [redacted] returned for Compliance (Original)	
2	17/05/2021	RTI Act with important sections highlighted (Copy)	
3	17/08/2023	Kishan Chand Jain v. Union of India & ors. (SC) (Copy)	
4	22/02/2025	Returned RTI seeking "Model Answer Keys" (Copy)	
5	05/03/2025	RTI and postal receipt (Copy)	

[redacted]

PETITIONER

12/12/2024

From

[redacted]

To
The State Information Commissioner,
The Tamil Nadu State Information Commission
Block No.19, Government Farm Village
Panepet, Nandanam
Chennai- 600 035
Ph 9900213043

Respected Sir,

Sub: Papers missed in pursuance to Complaint Petition under section 18(1) and section 18(2) of the RTI Act send yesterday vide consignment no. [redacted]

Attached:

1. Complete set of complaint petition papers (original)

I had sent a Complaint Petition under Section 18(1) and Section 18(2) of the RTI Act yesterday on non-disclosure in matters listed under Section 4(1)(b)(iii) and Section 4(2) with regard to The Tamil Nadu Dr. Ambedkar Law University (TNDALU) semester examinations (SOEL and affiliated institutions). Some papers related got missed out accidentally and hence I am sending an original copy of the same again for your perusal.

I apologize and humbly request you to consider this original complaint petition and pass the necessary orders with regard to the same.

I run this Trust working primarily with children and students and publishing such vital information is key and critical to the lives of the students who study in these institutions. Such simple disclosures without having the need to file an RTI application can go a long way in building an impartial and equal society. Not only this institution, any other institution and its students for that matter will benefit from orders in this matter.

I hence pray the Hon'ble Commissioner to make a beneficial interpretation of the Act for the benefit of thousands of students who are struggling to understand these procedures.

I will look forward to your positive action on this complaint petition, Sir.

Yours Faithfully,

[redacted]

BEFORE THE TAMIL NADU INFORMATION COMMISSION

Complaint Petition – U/S 18(1) and 18(2) of the Right to Information Act, 2005

Details of Petitioner	
Name*	[redacted]
Father /Husband /Guardian Name *	
Mobile Number* (Mandatory)	
Email	
Gender	
Date of Birth & Age	
Country	
State	
District	
Address *	
Pin Code	

I. Details of petition under section 6(1) of the Right to Information Act

1	Date of petition to PIO under sec 6(1)	**Not Applicable. This is regarding Violation of Proactive mandatory disclosure required u/s 4(1)(b)(iii) of the RTI Act 2005**
2	Details of PIO	Public Information Officer, The Tamil Nadu Dr. Ambedkar Law University, "Poompozhil", No: 5, Dr. D.G.S. Dinakaran Salai, Chennai - 600 028. Telephone Number: 044 - 24610813. Email: tndalupublicinfo@gmail.com
3	Details of Appellate Authority	The Registrar, The Tamil Nadu Dr. Ambedkar Law University, "Poompozhil", No: 5, Dr. D.G.S. Dinakaran Salai, Chennai - 600 028. Telephone Number: 044-2461 0813. Email: registrar@tndalu.ac.in
3	Copy of Petition under sec 6(1) to be enclosed	Not Applicable

II Details of Complaint Petition under Section 18(1) & 18(2) of the Right to Information Act.

1	Reasons for preferring Complaint under section 18(1) and section 18(2)	18(1)(f) In respect of any other matter relating to requesting or obtaining access to records under this Act. 18(2) Where the CIC or SIC, as the case may be is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

[redacted]

2	Grounds of the Complaint if necessary (Grievance)	1. Section 4(1)(b)(iii) of RTI Act 2005 states that the Public Authorities are obligated to publish and publish widely, "The procedure followed in decision making process, including channels of supervision and accountability". Section 4(2) of RTI Act 2005 further states that "it should be the endeavour of every public authority to take steps in accordance with Section 4(1)(b) to provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information." However, the Law University **does not publish the question paper and Model answer keys for its semester examinations on its official website.** 2. The semester examination marks are further used in grant of admission to other Master Degree programs in Law and hence fair and equal procedures in evaluation of answersheets are critical to ensuring equality under Article 14 and can affect the livelihood of a student as under Article 21 of the constitution. Fair procedures in evaluation of answersheets required a model answer key. 3. There have been frequent RTI applications and controversies reported in media (attached) related to answer sheets, evaluation and re-evaluation thus raising concerns in transparency and accountability of such procedures. Accountability and fairness is thus hugely compromised due to non-publishing of the Model answer keys used by the faculties for correcting the answer papers of semester examinations. 4. It is also not possible for the students to accurately evaluate their answer script xerox receive upon application and decide if they need to apply for revaluation. 5. For any institution, to ensure accountability and equality in procedures, such procedures must be transparent and disclosed to the general public. 6. Publishing such information will also serve as a very useful guidance for future students to prepare for these examinations effectively.

[redacted]

		7. Another related prayer is with respect to recognising answer sheets of even the "passed" papers as "information" which requires mandatory disclosure on Xexox application/RTI application by candidates. Presently, only "failed" answer sheets can be requested on University Xerox Application.

IV PRAYERS

1. To direct and require publishing the question paper and model answer key suo motu by the public authority from time to time along with proper notification on dates of publishing, aligning the dates appropriately for effective use by students who may need to apply for revaluation.
2. To make available even "passed" answer scripts available on request by student via prescribed university application or RTI by recognizing it as "information" which requires mandatory disclosure upon request.

V Details of Hearing mode

1	Mode of Inquiry	1. Virtual 2. Direct	1

Verification

I, [redacted], the complainant herein, do hereby declare that the details and particulars furnished above are true and correct to the best of my knowledge and belief and I have not suppressed any material fact.

I have not preferred any Complaint Petition previously to the Commission on the same issues raised in this regard. (Previous Consignment No [redacted] carried the same petition but had some papers missed out. Hence request you to consider this present complaint petition.)

Place : Coimbatore
Date : [redacted]

[redacted]

*Signature of the Complainant

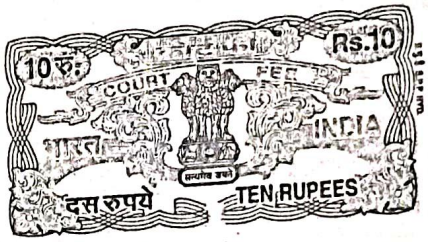
Application under the Right to Information Act, 2005

Name of the Applicant: [redacted]

Date of Application: 03-03-2025

Address and Contact of Applicant:

[redacted]



Details of Information sought:

Certified true copies of following documents:

(1) All Model Answer Keys used for correcting answer scripts to TNDALU Semester Exams in 2024 – May and November 2024

(2) Details of total number of candidates, category wise including visually challenged, SC/ST, MBC, OBC, etc. and pass percentage in each of these semester exams

(3) Link to TNDALU website page where it is planned to be published or reasons for non-publishing of such information

Reason sought:

For the well-being of the under privileged law students. It will help them prepare more efficiently in future and also validate against their present answer script. It will also put at rest all the doubts surrounding evaluation and standards of the esteemed University.

As applicable, kindly provide me with the details of the total number of pages and cost and complete address & contact of the Accounts Officer of the Public Authority to whom the payments have to be sent and the modes of payments possible.

Also, in case of rejection, please reject with reason each of the requested data and provide the rest of the data available.

The information sought concerns the life/liberty of students (persons) u/s 7 of the RTI Act and also qualifies for disclosure u/s 4(1)(b). We are a registered public charitable trust and hence we apply on behalf of the aggrieved.

It is our humble request to maintain all communications in writing and by post only since we are based in Coimbatore.

Best Regards,

[redacted]

APPLICANT

Details of Public Information Officer:

The Public Information Officer,
The Tamil Nadu Dr. Ambedkar Law University,
"Poompozhil", No: 5, Dr. D.G.S. Dinakaran Salai,
Chennai - 600 028.
Telephone Number: 044 - 24641212.
Email: tndalupublicinfo@gmail.com

भारतीय डाक

[redacted]

Amt:27.50,Tax:4.50,Amt.Paid:30.00(Cash)