

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

File No: CIC/UODEL/A/2025/625408

Vicky

....अपीलकर्ता/Appellant

VERSUS

बनाम

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

....प्रतिवादीगण /Respondent

Date of Hearing : 15.06.2026

Date of Decision : 15.06.2026

INFORMATION COMMISSIONER : Sudha Rani Relangi

Relevant facts emerging from appeal:

RTI application filed on : 11.03.2025

CPIO replied on : 09.04.2025

First appeal filed on : 22.04.2025

First Appellate Authority's order : 14.05.2025

2nd Appeal dated : 03.06.2025

Information sought:

1. The Appellant filed an RTI application dated 11.03.2025 seeking the following information:

"For the last 5 years (2024, 2023, 2022, 2021, 2020), please provide the following:

1) How many foreigners applied and how many foreigners got the admission?

2) Out of these foreigners who got the admission, how many had OCI card (Overseas Citizenship of India)?

3) Out of these OCI cardholders, how many opted to apply as foreigners and how many opted to apply as Indian Citizens (using their OCI card benefit)?”

2. The CPIO furnished a reply to the Appellant on 09.04.2025 stating as under:

“This has reference to the above original application, which has been numbered as 739 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 was endorsed to the Dean (Foreign Students Registry) of the University, who is the deemed PIO under section 5(4) & 5(5) of the Act.

Any relevant input is yet to be received from the Dean (Foreign Students Registry), the concerned deemed PIO as per section 5(4) of the RTI Act. The matter is being pursued further with the Dean (Foreign Students Registry). The applicant may contact the Dean (Foreign Students Registry) on telephone no. 011-27666756 or via email id -- fsr@admin.du.ac.in in this regard.”

3. Aggrieved by the decision of the CPIO, the Appellant filed a First Appeal dated 22.04.2025. The FAA vide its order dated 14.05.2025, 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 09.04.2025 on the basis of the input received from the concerned deemed PIO in this matter with a direction to the Dean (Foreign Student's Registry) to consider the OA and provide relevant input as per relevant provisions of the Act which has not yet been complied.

3. Therefore, Dean (Foreign Student's Registry) is required to comply with the decision of the CPIO within two weeks from the date of receipt of this Order.”

4. Aggrieved with 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: Represented by Ms. Sanjukta Basu, Advocate present in person.

Respondent: Shri Inder Mohan Gupta, CPIO along with Shri Rakesh Hasija, AR (FMS) and Shri Piyush B. Chaudhary, Deputy Dean, FSR, DU present in person.

5. A written statement dated 08.06.2026 filed by the CPIO is taken on record.

6. Ld. counsel for the Appellant at the outset stated that Appellant is satisfied with the information provided against point No. 1 of the RTI application in question. Ld. counsel for the Appellant narrated the genesis of instant Appeal being the benefits of OCI (Overseas Citizenship of India) card availed by the foreign students while taking admission in the Delhi University by uploading their OCI cards. Ld. counsel for the Appellant apprised the Bench that while applying for courses in Delhi University there in an option in the admission form for foreign students to get admission under this category by submitting either the foreign passport or by giving the OCI card, this itself is a fact that information must exist with the CPIO, however, they expressed their inability to part with this information to the Appellant. In this regard, Appellant's counsel urged the Commission that Respondent Public Authority may be directed to maintain such data to enable the citizen to access such information in future for better understanding of the provisions of Citizenship Amendment Act.

7. CPIO stated that Appellant has sought information about the statistics of foreign students' admission in Delhi University, regarding which the inputs so received from the Deputy Dean, Foreign Student Registry which was awaited at the relevant time was intimated to the Appellant. Further, upon receipt of hearing notice from the Commission and in compliance of FAA's order, an updated point-wise reply has been provided to the Appellant through written statement by informing as under -

"Query 1:

For the last year (2024, 2023, 2022, 2021, 2020), please provide the following:

How many foreign applied and how many foreigners got the admission?

S. No.	Academic Year	No. of Foreign Students admitted	No. of Foreign applicants (approx.)
1.	2024-2025	696	9874
2.	2023-2024	621	6125
3.	2022-2023	637	7620
4.	2021-2022	610	3165

5.	2020-2021	557	2691
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Query 2 & 3:

Out of these foreigners who got the admission how many had OCI card (Overseas citizenship of India)? Out of these OCI cardholders, how many opted to apply as foreigners and how many opted to apply as Indian Citizens (using their OCI card benefit)?

Answer 2 & 3:

As per the past the foreign applicants were admitted on the basis of the foreign passport only, no separate data was maintained for the OCI/PIO card holder."

8. CPIO summed up his arguments by stating that statistics of foreign students took admission in relevant years has been provided to the Appellant, while regarding the foreign students who took admission through OCI cards could not be made available to the Appellant as such data are not maintained separately by the University.

Decision:

9. Heard the arguments advanced by the parties.

10. On going through the facts of this Appeal, the Commission observes that the core contention raised by the Appellant in the instant Appeal was non-receipt number/statistics of foreign students who got admission through OCI cards, from the CPIO despite having records against point No. 2 and 3 of RTI application. On the other hand, it was explained by the CPIO that as per the past records the foreign applicants got admission on the basis of the foreign passport only, therefore, no separate data was maintained for the OCI/PIO card holder. Accordingly, the CPIO expresses his inability to provide such statistics of foreign students which are not maintained in their office records separately.

11. As far as RTI application in question is concerned, the Commission finds no infirmity in the submission of the Respondent intimating the fact that no separate data of foreign students who got admitted by submitting OCI cards are maintained. This reply of the CPIO is found to be within the confines of the provisions of the RTI Act, 2005. The Commission also notes that the CPIO can only provide such information as is held in the office record, and as a matter of fact, he is not obligated to create information under the mandate of RTI Act, 2005. The Commission places reliance on a judgement passed by the Hon'ble High Court of Delhi dated 04.12.2014 in the case of ***The Registrar, Supreme***

Court of India vs. Commodore Lokesh K. Batra and Ors. [W.P.(C) No. 6634/2011], wherein the Court has held as under:

“11. Insofar as the question of disclosing information that is not available with the public authority is concerned, the law is now well settled that the Act does not enjoin a public authority to create, collect or collate information that is not available with it. There is no obligation on a public authority to process any information in order to create further information as is sought by an applicant.....”

12. However, considering the issue flagged by the counsel appearing for the Appellant regarding non-maintenance of records of foreign students admitted through OCI cards despite being a part of records of Delhi University is a matter of concern for all the foreign students and therefore, may be considered for ensuring transparency in the working system calls for action to be taken hereafter by the University in the larger interest. The Commission, deems it expedient, **as per Section 25(5) of the RTI Act, 2005**, to recommend directing the Respondent Public Authority to give effect to the provisions of Section 4 of the RTI Act on the subject issue from now onwards by facilitating the requisite information regarding number of foreign students getting admission through OCI cards and its related information to be kept in Public domain as a step towards proactive disclosure under the RTI Act, 2005 through its website. This step will also relieve the Public Authority of the burden of RTI Applications been filed on this issue.

13. In pursuance of the aforesaid recommendation, a copy of this order be placed before the Vice Chancellor, Delhi University, for considering the recommendations of the Commission given at para 12 above, so as to ensure that the public have minimum resort to the use of this RTI Act, 2005 by taking effective steps for its implementation and for promoting conformity, accordingly. A compliance report of the recommendation be filed before the Commission through CPIO within **six weeks** from the date of receipt of this order.

The Appeal is disposed of accordingly.

Sd/-

Sudha Rani Relangi(सुधा रानी रेलंगी)

Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

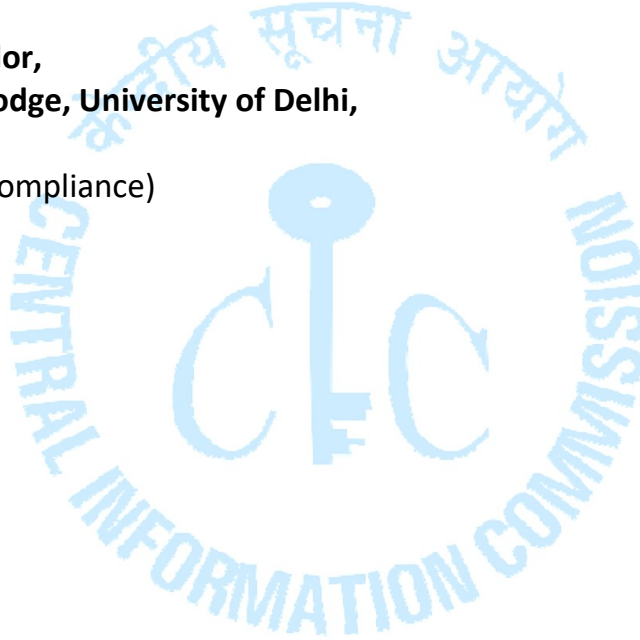
(Anil Kumar Mehta)

Dy. Registrar
011- 26767500
Date

Copy to:

**The Vice Chancellor,
O/o. Vice Legal Lodge, University of Delhi,
DELHI -110007
(--for due compliance)**

Shri Vicky



Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

1. It is recommended to improve upon following provision(s) of suo-motu disclosure in compliance with clause (b) of sub-section(1) of section 4 of the RTI Act, 2005:

(i) the procedure followed in the decision of supervision and accountability.