

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

File No: CIC/ASUVR/A/2025/657621

Ahmed Shakir

.....अपीलकर्ता/Appellant

VERSUS

बनाम

THE CPIO
ASSAM UNIVERSITY,
RTI CELL, SILCHAR, ASSAM-788011

....प्रतिवादीगण /Respondent

Date of Hearing : 06.07.2026
Date of Decision : 06.07.2026

INFORMATION COMMISSIONER : Sudha Rani Relangi

Relevant facts emerging from appeal:

RTI application filed on : 21.11.2025
CPIO replied on : 01.12.2025
First appeal filed on : 04.12.2025
First Appellate Authority's order : 17.12.2025
2nd Appeal dated : Nil

Information sought:

1. The Appellant filed an RTI application dated 21.11.2025 seeking the following information:

"Respected Sir I request a photocopy of my answer script for FYUG 2nd Sem Exam 2025 for Paper Code PHPDSM151 My Name is Ahmed Shakir and Roll No is 022524-010190615 and Reg No 2024003431 4 I have paid the fee and uploaded documents Thank You"

2. The CPIO furnished a reply to the Appellant on 01.12.2025 stating as under:

"This is with reference to your request registered vide Registration number ASUVR/R/E/25/00162

Additional payment of Rs. 1000 is required for your RTI application.

Please log on to <https://rtionline.gov.in> to check the status of your request."

3. Aggrieved by the decision of the CPIO, the Appellant filed a First Appeal dated 04.12.2025. The FAA vide its order dated 17.12.2025, stating as under-

"With reference to the above, this is to inform you that Assam University being an autonomous body has fixed a charge of Rs. 1000/-per answer script The script can be provided only on payment of requisite fees."

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

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Shri Ahmad Shakir along with Shri Asim Akram, Advocate present through video conference.

Respondent: Dr. S K Nath, Professor/ CPIO present through video conference.

5. Written statement filed by the Appellant and the CPIO is taken on record.

6. Ld. Counsel for the Appellant while narrating the factual background of the matter stated that the Appellant is a student enrolled at Patharkandi College, which is affiliated with Assam University, Silchar (a Central University established under the Central Universities Act, 2009). On 20.11.2025, the Respondent declared the results of the FYUG Even Semester (2nd Semester) examinations. The Appellant obtained 35 out of 70 marks in the Philosophy (DSM 151) paper. Being dissatisfied with the evaluation and seeking to verify the marking, the Appellant decided to inspect his evaluated answer script. On 21.11.2025, the Appellant filed an RTI application seeking a certified photocopy of his evaluated answer script for the Philosophy (DSM 151) paper. The CPIO issued a reply on 01.12.2025 demanding a fixed institutional charge

of Rs. 1,000/- as a requisite fee to provide the copy of the answer script. The CPIO did not cite any statutory provision under the RTI Rules, 2012, to justify this demand. The decision of the CPIO was upheld by the FAA while disposing the First Appeal. Hence, this Second Appeal has been filed by the Appellant before the CIC. Ld. Counsel for the Appellant contended that the demand of Rs. 1,000/- is in direct violation of Rule 4(a) of the RTI Rules, 2012. The Respondent is a Central University established under the Central Universities Act, 2009, and is indisputably a "public authority" under Section 2(h) of the Act. Consequently, the Respondent is strictly bound by the Right to Information (Regulation of Fee and Cost) Rules, 2012. 9. Rule 4(a) of the Right to Information Rules, 2012, explicitly prescribes the fee structure for providing information under Section 7(1) of the Act, limiting the charge to "rupees two for each page (in A4 or A3 size paper) created or copied." There is no statutory provision within the Act or the Rules that permits a public authority to a fixed institutional charge of Rs. 1,000/- for an answer script. Ld. Counsel for Appellant further contended that the RTI Act overrides internal university Regulations by virtue of Section 22, the Respondent's contention that its status as an "autonomous body" permits it to fix a fee of Rs. 1,000/- is legally untenable. Section 22 of the Act contains an explicit non-obstante clause: "The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act." Any internal notification, guideline, or ordinance issued by Assam University under the Central Universities Act, 2009, constitutes an "instrument having effect by virtue of any law." By operation of Section 22, such internal guidelines are void to the extent of their inconsistency with the fee structure prescribed under the Right to Information Rules, 2012. For the sake of arguments, Ld. Counsel for the Appellant relied upon the judgement of Hon'ble Supreme Court in CBSE & Anr. v. Aditya Bandopadhyay & Ors. (Civil Appeal No. 6454 of 2011), wherein it was held that an evaluated answer book constitutes "information" under Section 2(f) of the Act, as it contains the opinion of the examiner. Ld. Counsel for the Appellant argued that the principle of independent avenues established in ICAI V. PARAS JAIN (Civil Appeal No. 5665/2014), the Hon'ble Supreme Court held that the existence of an institutional mechanism for obtaining answer sheets and the statutory route under the Act are independent and not mutually exclusive. The Hon'ble Court ruled that if a candidate chooses to seek information under the

provisions of the Act, the public authority is bound to charge fees strictly in accordance with the Right to Information Rules, 2012, and cannot enforce its internal guidelines to demand higher fees. Further, in *Alka Matoria v. Maharaja Ganga Singh University & Ors.* (AIR 2013 Raj 126), the Division Bench of the Hon'ble Rajasthan High Court dealt with an identical facts-in-issue where a university demanded a fee of Rs. 1,000/- for providing a copy of an answer book. The Hon'ble High Court quashed the regulation, observing: "Charging of fees of Rs. 1,000/- for providing copy of answer-book, in the ultimate analysis, appears to be an ill-intended attempt on the part of the respondent-University to somehow discourage the students from seeking certified copies of their answer-books... the respondent-University cannot make any such regulation that could stand at conflict with such rules." The Special Leave Petition (C) No. 014126/2013 filed against the said judgment was dismissed in limine by the Hon'ble Supreme Court, thereby affirming that charging Rs. 1,000/- is highly unreasonable, starkly conflicts with the statutory rules, and is legally impermissible. In the light of his arguments, Ld. Counsel for the Appellant prayed the Commission to direct the CPIO to provide relevant sought information strictly as per the provisions of RTI Act, 2005 and RTI Rules, 2012.

7. The CPIO reiterated the contents of his initial reply and FAA's order by stating that Assam University is an autonomous body which can establish its own Rules. Further, a fee of Rs. 1, 000/- has been requested from the Appellant as per the Assam University Notification No. AUK-202/8/2004 dated 18.06.2023. CPIO stated that Appellant has sought similar information by filing RTI applications on previous occasion and paid the requisite fees without any protest. It was the plea of CPIO as he being the part of university is obligated to follow the Rules and bye laws of university; therefore, it was duly communicated to the Appellant as a part of procedure followed in disclosure of evaluated answer scripts to the students. However, CPIO agreed to abide by the directions of the Commission.

Decision:

8. Heard the arguments advanced by the parties at length.

9. The Commission, after perusal of the facts and circumstance as discussed above observes that the core issue raised by the Appellant in the instant Appeal was demand of additional fees of Rs. 1,000/- by the CPIO as per Assam University Rules which is contrary to the provisions of the RTI Act, 2005. Per contra, it was the version of CPIO that that Assam University is an

autonomous body which can establish its own Rules. Further, a fee of Rs. 1,000/- has been requested from the Appellant as per the Assam University Notification No. AUK-202/8/2004 dated 18.06.2023. CPIO stated that Appellant has sought similar information by filing RTI applications on previous occasions and paid the requisite fees without any protest. It was the plea of CPIO as he being the part of University is obligated to follow the Rules and bye laws of University; therefore, it was duly communicated to the Appellant as a part of procedure followed in disclosure of evaluated answer scripts to the students.

10. At the outset, the Commission agrees with the submissions of the Appellant that demand of additional fees of Rs. 1,000/- by the CPIO for evaluated answer scripts of Appellant when the information has been sought under the RTI Act, 2005 is not within the confines of the RTI Act and the RTI Rules, 2012 made thereunder. The CPIO although advised the Appellant to obtain copy of documents as per the procedure prescribed by Assam University Notification No. AUK-202/8/2004 dated 18.06.2023, however, under RTI Act, 2005, it is not permissible to take umbrage of any other rules and regulations for supplying the information or stipulating the fees for supply of copy of documents which is inconsistent with the provisions of the RTI Act, 2005 and the Rules made thereunder. It is noteworthy that when any Rules/Bye Laws are found inconsistent with the RTI Act, 2005 then the non-obstante clause of Section 22 becomes operative which provides as under:

*“22. **Act to have overriding effect**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”*

11. Further, the Commission also finds weightage in the case law cited by the Appellant of the Apex Court in the matter of **ICSI Vs Paras Jain, Civil Appeal No. 5665/2014**, dated 11.04.2019 wherein it was held as under-

"12. Be that as it may, Guideline no.3 of the appellant does not take away from Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be

sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines." (Emphasis Supplied)

Adverting to aforesaid ratio, the CPIO is under obligation to provide copy of answer scripts sought for under the RTI Act by charging photocopying charges strictly as per the RTI Rules, 2012. Thus, the CPIO is hereby cautioned to exercise due diligence in future while replying to such RTI Applications. (Emphasis supplied)

12. In light of aforesaid observations, this Second Appeal is allowed and the impugned decision of the Respondent is set aside. In the given circumstances, the Commission finds it just and reasonable to direct the CPIO to provide the Appellant's own answer script for FYUG 2nd semester exam 2025 for paper code PHPDSM151 M, free of cost. This direction shall be complied by the CPIO within **two weeks** from the date of receipt of this order under due intimation to the Commission.

The Appeal is disposed of accordingly.

Sd/-

Sudha Rani Relangi(सुधा रानी रेलंगी)

Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

(Anil Kumar Mehta)

Dy. Registrar

011- 26767500

Date

Shri Ahmed Shakir