



Forget RTI, it's varsity raj

State universities are blatantly disregarding provisions of the RTI Act and misleading students, finds out **Sowmya Sivakumar**

Despite a decade of right to information regime in Rajasthan, state-run universities are resorting to every trick in the book to keep their systems away from public scrutiny.

Six months after the Supreme Court upheld that answer sheets should be shown to students under the Right to Information Act (RTI), 2005 and missives from the Rajasthan High Court and Information Commission, both Rajasthan University and the Rajasthan Technical University, Kota, are yet to throw answer sheets open to students.

The pretext is that an amendment of Ordinance 157 of the RU, which prohibits showing answer sheets to anyone, is called for, and this has to go through layers of protocol.

"We have submitted a proposal to the state government and board (of management) on the rules and regulations with respect to showing answer sheets. We will be taking it up in the meeting in March," said RP Yadav, Vice-Chancellor of RTU. Incidentally, he had also made similar public statements about taking up the issue in the Board meeting in October last year, but no such issue was discussed.

"This [varsity's pretext] is a total

sham as the Supreme Court's ruling comes into immediate effect. In any case, the RTI Act (section 22) clearly states that it has overriding effect over any other law in force and hence does not require any amendments or considerations of any sort. The state government has made RTI rules and they just have to be followed by all state-run universities too," said Divya Jyoti Jaipuria, advocate from Human Rights Law Network, who had successfully argued the Supreme Court case against the Central Board of Secondary Education (CBSE) and an array of educational institutions and public service commissions.

In its meeting in 2010, the Rajasthan University's academic council passed a resolution to amend Ordinance 157 and charge students Rs500 for inspection of answer sheets and an additional Rs500 for taking photocopies. But the resolution was referred back to the Council by the Board and never took effect. "We have now framed new guidelines and it will be considered in the next Academic Council meeting," said Nishkam Divakar, Registrar, Rajasthan University.

Meanwhile, the fate of 800 RTI applications asking for inspection/photocopies of answer sheets in the RTU last year and an unknown number in the RU hangs fire.



...the implementation of the judgment of the Hon'ble Supreme Court cannot wait the leisurely meeting of the Board of Management of the Rajasthan Technical University. The enunciation of law by the Hon'ble Supreme Court is law effective immediately and its implementation cannot be postponed on one ground and another. If the Board of Management is inclined to determine a procedure for inspection of answer-sheet in compliance with the judgment of the Hon'ble Supreme Court aforesaid, it is for the Board of Management to call for an immediate meeting for settling such procedure.

— Extract from judgment (December 23, 2011) of Justice Alok Sharma in the case of Geetansh Gulati vs RTU, Kota, Rajasthan High Court.



Split in action & word

Even after SC's August judgment, the HC judgment specifically in the Abhishek Jain vs RTU case in Dec 2011, and RIC's directions to show Jain his answer sheets, the RTU filed a review petition in the HC and Information Commission in Feb 2012.

RTU seeking a review in the court goes against its promises of showing answer sheets to students.

In Sept, 2011, RTU in reply to an RTI application wrote that students cannot be shown answer sheets according to RU's ordinance 157-A-16.

Nothing official about rules governing BTech

Sowmya Sivakumar

What are the ordinances governing the Bachelors of Technology (B.Tech.) degree course of the state's largest technical university - the Rajasthan Technical University (RTU), Kota? Six years after the university was set up as a dedicated engineering and professional varsity, separate from the University of Rajasthan, conflicting information furnished in two RTI applications seems to confuse rather than clarify this to university students and public at large.

In a reply, dated December 1, 2011, to an RTI application asking to provide certified copies of the B.Tech ordinances, the RTU informed that "the ordinances were under consideration". However, in a reply to another RTI application on the same question 20 days later, the RTU replied, "no such ordinances have been passed". A similar question raised in an RTI application filed in January this year has not received a reply at all.

When asked why the varsity was giving conflicting answers, Vice-Chancellor RP Yadav said, "As of now we are following the Rajasthan University ordinances and there are no separate

ordinances for B.Tech. However, a number of changes to the entire Conduct Rules are under consideration, including matters with regard to award of degree, number of attempts given to students, format of exam forms, enrollment, reevaluation rules and showing of answer sheets to students."

The RTU, however, is silent in its reply to the RTI application asking for a copy of the document showing that RTU is following the RU ordinances.

RTU site does not give information on B.Tech ordinances, but has specific links to MTech, MBA, MCA ordinances

Significantly, the website of RTU (<http://www.rtu.ac.in/academics/academics.php>) does not provide any information on the B.Tech ordinances, but specific links to MTech, MBA and MCA ordinances are available.

Unlike the Rajasthan University, it also does not carry the minutes of its board of management or academic council meetings on its website.

This stands in violation of Section 4 of the RTI Act, 2005, which clearly calls for suo-moto public disclosure of its entire working including rules, regulations, instructions, categories of documents held, minutes of meetings by its boards, councils or committees, details of employees and so on by every public authority.

A STUDENT'S CASE

How RTU's wrong on all counts

The purportedly "missing" answer sheets of Abhishek Jain, a 2006-BTech student of RTU and the institute's "inability" to provide it to him despite the Supreme Court, High Court and RIC orders has come under the scanner.

The RTU, taking a cue from the Rajasthan University's system of destroying answer sheets calls for an open tender once a year to destroy old answer sheets. "The weeding out is usually done once a year in March-April for exams conducted and results declared until then in that academic year," confirmed RP Yadav, Vice-Chancellor, RTU.

Abhishek Jain's results were declared only on May 31, 2011. So his answer sheet would be weeded out only this March. Then how can RTU claim that his answer sheets cannot be found?

Moreover, he filed an application to see the answer sheet in June 2011 itself under the RTI Act.

Firstly, destruction of records which is the subject matter of any dispute or proceeding is not permissible, opined Divya Jyoti Jaipuria. "Besides this, destruction of any information which is the subject matter of an RTI request calls for penalty by the State (or Central) Information Commission, according to Section 20(1) of the RTI Act," he added.

So in every way, RTU stands in gross violation of the law and attracts punishment.

Interestingly, the RTU showed four answer sheets to another RTU student in January 2012, for exams she had appeared in 2009-10 - a year earlier. Apparently, these have still not been weeded out!

CASE TIMELINE

June 2010

He appeared in the exam (Annual Back for subject Mathematics-2).

March 8, 2011

Result declared, but candidate's was not declared. When RTU was contacted, Jain was told that the answer sheet had been misplaced. The institute asked him to submit a photocopy of his attendance sheet from the examination centre.

June 2011

Finally, marksheets was declared and candidate came to know he had failed again. This is the only pending paper and Jain has passed 41 of 42 papers.

June 27, 2011

Candidate files RTI application, but is denied information quoting Ordinance 157-A-16.

Second appeal

Jain went up to second appeal in Rajasthan Information Commission and simultaneously filed writ in the Rajasthan High Court, Jaipur.

Dec 16, 2011

High Court orders Rajasthan Technical University to show Jain's answer sheet within a month's time.

Jan 3, 2012

Rajasthan Information Commission asks RTU to show answer sheet in 10 days.

Feb 3, 2012

RTU exam controller invites Jain for "compromise" saying answer sheet is in the dump. Says HC can't give him relief so he better choose the compromise - will conduct special exam for him and declare result in 7 days but before that he has to give it in writing that he withdraws his case from HC and RIC. Candidate rejects compromise offer.

Feb, 2012

Candidate files complaint filed in RIC (awaiting hearing) and contempt petition in High Court (awaiting for hearing). RTU goes for review petition in HC.

Letters to the editor



Idols gone wrong

This is in reference to "Witnesses trash Saif's self-defence plea", appearing on February 25. I never expected this kind of behaviour from a respected celebrity. They are considered to be idols for the country, and their committing

such actions sends a bad message to the country. The media should, however, leave this matter to be sorted out amongst themselves, and shine the light on other, more important news.

—Payal Bhuchhada
Development in the skirts

This is in reference to 'Fast-track redevelopment' appearing on February 25. CM Chavan's single-window approvals have gone for a toss. Being a victim of a redevelopment project, I feel Anna's anti-corruption fight is playing with the lives of bureaucrats. Most of the redevelopment projects are pending for want of

approvals from numerous sanctioning authorities. Developers are taking undue advantage of the delay at the cost of hapless tenants. There should be clarity in the rules or it is merely a cosmetic application. No wonder, that the government is losing a colossal amount of its revenue to stamp duty and registrations.

—Deepak Chikramane

II

This is in reference to the story, 'Fast-track redevelopment' appearing on February 25. This was a very interesting article brought to the forefront by your newspaper. The various projects started by the state government, so

many years ago, have not finished yet. However, they continue starting other projects and wasting money in estimating incorrect plans. There is no clear guidance about the projects. I think they should stop planning new projects and start completing the earlier ones. This will ensure that their money is spent on the right plans. The government always claims that they supply money for projects; then why do the projects not meet deadlines?

—Payal Bhuchhada

Political tug-of-war

I write in reference to your story "Miffed Gadkari dares Yeddy to quit party", appear-



ing on February 25. It is amusing to note that the irrepressible Yeddyurappa, who is obsessed with the chief minister's chair in Karnataka, has issued one more ultimatum to his party high command to ask the present chief minister, Dayanand Gowda, to step down and reinstate

him in his place. This political tug-of-war is becoming glaring, and making a mockery of the rule of law in a democratic set-up. It is intriguing as to why the President of the second biggest party in the country, should continue to issue counter-statements, instead of expelling the rebel who has been tarnishing the image of the party for several months now!

—V Subramanyan,

N-stir is undesirable

This is in reference to "Row over PM remark on NGOs & N-stir", appearing on February 25. I would absolutely favour

Manmohan Singh's allegations against foreign NGOs. In fact, the US would never want India's growth in terms of nuclear expansion, seeing how they are so worried about Iran's nuclear programme. But it is even more upsetting that Indian activists are hindering the county's growth by protesting the installation of the atomic energy plant in Kudankulam. The plant is expected to provide respite from the power shortage problem in Tamil Nadu, which would better the people's well-being. It would be unreasonable to use the Fukushima disaster as the reason for protest.

—Javed Shaikh