

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
**Tel: +91-11-26161796**

**Decision No. CIC/SG/C/2009/001088/5392**  
**Complaint No. CIC/SG/C/2009/001088**

**Relevant Facts emerging from the Complaint:**

Complainant : Mr. Rajeev Kumar  
R/o B-26, IIT Campus  
Kharagpur, W.B. - 721302

Respondent : Mr. D. Boro  
Public Information Officer &  
Asst. Registrar (SA)  
**Indian Institute of Technology – Guwahati**  
Guwahati – 781039 (Assam)

RTI application filed on : 15/06/2009  
PIO's reply : No reply given  
Complaint received on : 27/07/2009  
Notice issued by Commission on : 30/07/2009  
PIO's reply : 13/08/2009  
Date of Notice of hearing : 07/10/2009  
Date of Hearing : 06/11/2009

**Background:**

The Complainant filed a RTI Application on 15/06/2009. As he did not receive a reply, he sent a Complaint dated 18/07/2009 to the Commission which was registered as CIC/SG/C/2009/001088. He received a reply dated 13/07/2009 from the PIO on 20/07/2009. In this reply the PIO's reply to all queries was that as the JEE 2009 admission process was still going on, they could respond to the Complainant's queries. He further informed the Complainant to get in touch with him after 01/08/2009.

After receiving this reply, the Complainant informed the Commission that he was withdrawing the Complaint as he was approaching the First Appellate Authority. In his communication, however, he noted that the PIO had not provided any information. He filed a First Appeal on 20/07/2009. He received additional information from the PIO on 13/08/2009 as follows:

Sl.	Information Sought	Reply of the PIO dated 13/08/2009
1	Cut-off marks for each of the three individuals, namely, mathematics, physics and chemistry, along with the aggregate cut-off marks in each of the category of students.	Already published in the JEE website of all IITs.
2.	Cut-off marks used in the extended merit list (EML) for each of the three individual subjects, namely, mathematics, physics and chemistry along with the aggregate cut-off	

	marks in each of the category of students.	
3.	An affirmation that the procedure to arrive at the above cut-off marks is the same as the published one in JEE 2009 information brochure.	
4.	Number of total candidates who (i) submitted their applications, (ii) appeared in both paper 1 and paper 2, and whose (iii) result was announced, in each of the category of students.	Total number of candidates appeared in both the papers and whose result was announced is 384977 (GE: 232334, OG: 104042; SC: 36117 and ST: 1248)
5.	A CD containing marks (in each individual subjects), AIR and EML rank (if any), and personal details including registration no. name, category, sex, date of birth, parent's name, address, email-address, telephone no. and PIN of all students who appeared in both papers of JEE 2009.	Exempted under Clause 8(1)(j) of RTI Act 2005.
6.	A copy of the counseling brochure 2009.	Already published in the JEE website of all IITs.
7.	Detailed procedure of admitting students through second round of admission.	The detailed procedure for admitting students through the second round of admission is available in the Counselling Brochure of JEE-2009, which has been made available in JEE website.
8.	Model answers for all the questions in paper I and paper II along with the marking scheme.	Already published in the JEE website off all IITs.
9.	Minutes of the meeting which decided against the common practice of issuing hard copy of the performance card to the candidates.	There was never any decision against issuing hard-copy of the performance card to the candidate through JEE websites was proposed to the joint admission board (JAB) in its meeting held on August 31, 2008 which the JAB approved.
10.	Minutes of the meeting which decided against the common practice of making the counseling brochure public through the JEE web-site.	There was never any decision against making the counseling brochure public through JEE website.

### Ground for Complaint:

The Complainant vide his letter dated 30/08/2009 informed the Commission that he had received some of the information from the JEE web site and from the PIO's reply dated 13/08/2009. He had however not received response to **Query No. 5**. He referred to a previous decision of the Commission CIC/OK/A/2008/01279/SG/0831 dated 02/01/2009 in which the PIO, IIT Kharagpur was directed to provide identical information of another JEE. He further stated that with the supply of information many serious irregularities in the selection list had surfaced by which many hundreds/thousands of candidates were affected.

The Complainant has mentioned in his letter dated 18/07/2009 to the Commission that the information that he has sought has been provided to him with regard to other JEEs previously through orders of the CIC, RTI Applications or from the JEE website.

**Relevant Facts emerging during Hearing:**

The following were present:

Complainant: Mr. Rajeev Kumar;

Respondent: Mr. B.K.Sharma on behalf of Mr. D. Boro PIO & Asst. Registrar (SA);

The Appellant wanted details of the examination results of JEE-2009. The Respondents had provided the data with only some of the fields and severed some of the data using Section 10 of the RTI Act. The Respondents claims exemption under Section 8(1)(j) for severing the fields. The Commission looked at the two data bases which are required by the Appellant. The Appellant wants the data in the electronic form with the following fields:

- 1- Registration number.
- 2- Name.
- 3- Gender.
- 4- Category.
- 5- Sub-category.
- 6- Parents name.
- 7- Pin communication.
- 8- Marks in Mathematics, Physics and Chemistry & over all mark.

The Respondent states, “the above list contains several fields including registration number, name and parents name which are personal information of the candidates and should not be revealed to the third party.”

Personal details like mobile phone numbers and email addresses would certainly fall in the category of information, the disclosure of which could be considered an invasion on the privacy of an individual. However, the Commission rules that merely giving the name of the person and the pin code with the marks obtained cannot be considered as an invasion of the privacy of an individual, which is covered under Section 8(1) (j) of the RTI Act. In view of this, this information would be provided to the Appellant. Hence the Commission directs that the database will be given with all the fields mentioned above. The Respondent states that they would also like to the give the information in Access Database alongwith a PDF file with security protection for the PDF file.

**Decision:**

The Complaint is allowed.

The PIO is directed to give the information on a CD as directed above to the Appellant before 25 November 2009.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**06 November 2009**

*(For any further correspondence in this matter, mention the file no. mentioned above) (RM+ ShG)*