

# CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

**Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)**

Information Commissioner

**CIC/SA/C/2015/000275**

**Adjunct Order**

**Arvind Kejriwal (Applicant)**

**in**

**Neeraj Saxena V. District Election Officer, GNCTD**

**Complainant : Neeraj Saxena**

**Respondent : District Election Officer**

**Date of hearing : 28.04.2016**

**Date of Decision : 29.4.2016**

## **Parties Present:**

1. Complainant is present with Mr. Sanjeev Gupta. Mr. Mohan Lal, AERO, Mr. V. K. Bajaj, HC represented public authority DEO, and Mr. Rishikesh Kumar, Mohd. Irshad, Advocates, represented Mr Arvind Kejriwal.
2. During the course of hearing, Mr. Arvind Kejriwal, Chief Minister of GNCTD made a written submission in which he requested the Commission to order Delhi University to facilitate disclosure of information about education degree of PM, Mr. Narendra Modi. He also alleged that the Commission did not allow the disclosure of the information

about the degree of Mr. Narendra Modi. He has also attached a clipping of Times of India newspaper which reported briefly the decision of CIC while disposing of a second appeal in the matter of Hans Raj Jain vs. Delhi University.

3. In Hans Raj Jain v. Delhi University, CIC/SA//2014/001424, Mr. Hans Raj filed a **complaint** (not second appeal) against Delhi University for not furnishing the information sought, within time.
4. In that complaint case the CPIO of Delhi University explained that the admission details are generally available based on the roll no. of candidates. The information sought is too general as the complainant wanted to know details of all candidates bearing name starting with letters M(Modi) and N(Narendra). The CPIO represented that it will be very difficult to search with the starting letters of the names. Even with the full name Narendra, it may not be possible to secure the details especially when there no mention of specific roll number along with the year-number in which degree was allotted. Same was informed to the appellant. The FAA also confirmed the answer of the PIO. He approached the Commission in complaint seeking imposition of penalty on First Appellate Authority for delaying hearing of first appeal. But there is no provision under RTI to penalize the First Appellate Authority. Information sought could not be provided because no specific admission number or degree number was given, which is required to trace the position of the degree out of lakhs of external candidates in 1978. The complainant was not insisting on penalty against PIO. Even if he sought penalty against PIO, it was not a fit case to do so. As per law, the CIC cannot impose penalty on First Appellate Authority. Hence it was rejected. In a complaint information is neither demanded nor furnished.

5. In this second appeal the main issue was supply of information about transportation request of Electoral Photo Identity Card (EPIC) of Mr Arvind Kejriwal. The Commission thought it is reasonable to give opportunity to Mr Kejriwal to express his views on possibility of holding position of a legislator and Legislature Party as public authority under RTI Act. He has expressed no objection for disclosing the information about him as contained in records. But he was silent on the main part of the notice, for which his representatives were given some more time.
6. Meanwhile, in the response, Mr Kejriwal raised a demand for information about Prime Minister Narendra Modi's educational qualifications referring to Hans Raj Jain case, in which complaint about information of Mr Modi's graduation was a subject matter. He stated that while CIC wanted Mr Kejriwal's information to be given, CIC was obstructing the information about degrees of Mr. Modi, the Prime Minister. He expressed surprise over this and also doubted objectivity of the Commission.
7. Hence, the Commission considers the response of Mr Kejriwal, the Chief Minister of Delhi, as application under RTI in his capacity as a citizen.
8. The educational qualifications related information about public authority or public servant or political leader occupying constitutional position is not hit by any exception under Section 8 of RTI Act. It cannot be stated as personal or private information also. In fact, the information about educational degrees of Prime Minister is already in public domain. It is a matter of profuse reporting in print, electronic and social media. In an interview to a senior journalist, Mr Rajiv Shukla, Mr Narendra Modi explained that he completed High School and on the advice of an elderly personality he obtained degree and PG through external examinations without stepping into the colleges. (Clip relating

to education, <https://www.youtube.com/watch?v=yaDp8UPjeVU> (full interview [https://www.youtube.com/watch?v=shyXSvQW4\\_w](https://www.youtube.com/watch?v=shyXSvQW4_w)).

9. This generated lot of curiosity among the people, who expressed their feelings in various social media and newspaper websites in the form of comments. The curiosity cannot be equated with public interest. Just because the public is interested in it, it does not mean that it is in public interest. There is no educational qualification prescribed for contesting any electoral position under law. The election to Lok Sabha or Prime Ministership cannot be questioned on the point of educational qualification. Where there is a prescribed educational qualification for a position, and its existence was doubted, its disclosure will be in public interest. That is not the point in this case.

10. Here I would like to recall the comment of my father, Freedom Fighter, Late M. S. Acharya, when Telugu University wanted his educational qualifications as part of bio-data to draft a citation to present Telugu Pratibha Puraskaram to him for being an eminent Telugu Journalist. When asked what did you study? he took pride in saying: "I studied 'Raghu Vamsha' and 'Megha Dootha', 'Kumara Sambhava' of Maha Kavi Kalidas". I said 'they are not degrees offered by universities'. "So what, they give better education than many degrees awarded by Universities". His citation had finally referred to those Mahakavyas as his qualifications.

11. During Constituent Assembly Debates, Mr. H.V. Kamath noted the extent of illiteracy in the country and the dangers it presented, and expressed regret that the franchise *itself* had not been restricted on grounds of literacy.

Alladi Krishnaswamy Ayyar noted: "*More than any other provision in the Constitution. I should think the boldest step taken by this Assembly is in the matter*

*of universal adult suffrage with a belief in the common man and in his power to shape the future of the country.”*

*Subsequently, during the final debates on 23rd November 1949, he observed that “in spite of the ignorance and illiteracy of the large mass of the Indian people, the Assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the well-being, the standard of life, the comfort and the decent living of the common man. The principle of adult suffrage was adopted in no lighthearted mood but with the full realisation of its implications. If democracy is to be broad based and the system of governments that is to function is to have the ultimate sanction of the people as a whole, in a country where the large mass of the people are illiterate and the people owning property are so few, the introduction of any property or educational qualifications for the exercise of the franchise would be a negation of the principles of democracy... This Assembly deserves to be congratulated on adopting the principle of adult suffrage and it may be stated that never before in the history of the world has such an experiment been so boldly undertaken.”*

Not prescribing the educational (degree based) qualification for contesting electoral offices is one of the great features of Indian Democracy. What needed is education not degrees.

12. However, when a citizen holding the position of Chief Ministership wants to know the degree related information of the Prime Minister, it will be proper to disclose.
13. Hence, the Commission requires the PMO to provide specific number and year of the degree and PG degree to the Delhi University and the Gujrat University offices

so that it will be easy for them to search and provide any documents relating to it. The Commission directs the PIOs of Delhi University and Gujarat University, Ahmadabad to make best possible search for the information regarding degrees in the name of "Mr. Narendra Damodar Modi" in the year 1978 (Graduation in DU) and 1983 (Post Graduation in GU) and provide it to the appellant Mr Kejriwal, as soon as possible. (The time limit is not prescribed keeping in view the difficulty in searching without specific number).

(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

(Babu Lal)  
Deputy Registrar

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