

**OFFICE OF THE FIRST APPELLATE AUTHORITY
FILM AND TELEVISION INSTITUTE OF INDIA
LAW COLLEGE ROAD, PUNE – 411 004
Tel. 020-25580006 (O)**

No.FTII/RTI/FAA/4(11)/2022

Date : 22.12.2022

**IN THE MATTER OF : I.D. NO.91
FATIP/A/E/22/00025**

**Shri Indranil Bhattacharya
V/s
CPIO/ Administrative Officer
FTII, Pune**

Appellant

Respondent

ORDER

Date of RTI Application	- 24.09.2022
Date of RTI Reply	- 07.10.2022
Date of RTI Appeal	- 09.11.2022

1. This order shall dispose of the appeal filed by Shri Indranil Bhattacharya in respect of ID No.91.
2. The appellant in his Original RTI application dated 24.09.2022 had sought following information:
3. A letter (attached) was sent to Mr Shekhar Kapur, Disciplinary Authority, on April 6, 2021. The letter was also carbon copied to Registrar, FTII. The letter urged for revision of subsistence allowance for Indranil Bhattacharya as per applicable rules:
 1. The PIO (FTII) is requested to furnish all official remarks, file notings, comments, observations, electronic correspondences such as WhatsApp messages, emails etc, by the Disciplinary Authority, as well as by the Director (FTII), Registrar (FTII) and Administrative Officer, FTII or any other official pertaining to the above letter to the Disciplinary Authority.
 2. Copies of response to this latter dated April 6, 2021 from Prof Indranil Bhattacharya, if any, may be furnished. Response to the applicant pertaining to the above letter may have been lost by the postal department.
 3. If no response was given kindly furnish the reason for no response as noted on file.
 4. If no revision of subsistence allowance was approved, kindly furnish all the observations pertaining to the decision as noted on official file. Copy of the letter is attached. For electronic communication digital screen grabs or paper print outs may be furnished. regards Indranil Bhattacharya



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4. This first appeal challenges the order dated October 4, 2022, by Shri Subhash Dekate, PIO, FTII on the ground that the order is misleading, incorrect, mischievous and attempts to suppress the dissemination of bonafide information as defined under RTI Act. My detailed and reasoned arguments regarding the perversity of Mr Dekate's order in matter FATIP/R/E/22/00046 are as follows:

1. Shri Dekate has wrongly sought recourse to Section 8(1)h of the RTI Act 2005 to deny the information to this applicant. Let us see what Section 8(1)h of the RTI Act 2005 says. The said section states that "information which would impede the process of investigation or apprehension or prosecution of offenders" may be denied. Mr Dekate has not specified which investigation is currently going on or whether the office he represents is authorized to carry out any criminal investigation. His use of 8(1)(h) is non-specific and absurd. There is a strong possibility that no investigation is going on and the PIO is lying on oath.
2. It could, however, be assumed that Mr Dekate is referring to a Disciplinary Inquiry against the applicant initiated by his office in December 2019. As per his sworn affidavit in Bombay High Court (dated April 18, 2022) Registrar, FTII, Mr Sayyid Rabeehashmi has said that the Disciplinary Inquiry on the applicant is over and has also added that the "most of the charges have been proved." So, even if Mr. Dekate was referring to the Disciplinary Inquiry as "investigation" – the same disciplinary inquiry was complete, and its results are already with Mr Dekate's Office. Registrar, FTII, in the same affidavit, has also sought permission from the Hon'ble court to impose punishment on the applicant. Mr Rabeehashmi's reference to inquiry is on Page 94 of his affidavit.
Since the Inquiry is over there is no impediment to sharing the documents. It is evident that Mr Dekate is guilty of false deposition in a legal matter. It is also amply clear that Section 8(1)(h) is deliberately misapplied to hide an act of omission and commission.
3. Moreover, the applicant has sought orders and approvals on his own subsistence allowance. If an order of suspension as well as substance allowance, as well as approvals were shared even during an ongoing inquiry there is no reason that similar orders could not be sent now, pursuant to a RTI query. This is utterly shocking and criminally perjurious.
4. The First Appellate Authority (FAA) is urged to take notice of the dubious reasoning used to deny information by the PIO. The FAA is also requested to allow the information to be supplied to the applicant.
5. The FAA is further requested to impose exemplary penalty.

4. PIO has furnished the reply as per available records and the First Appellate Authority upholds the decisions of the PIO.

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The appeal is therefore disposed of.

If you are not satisfied with the information provided, you may file an appeal before **Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi – 110 066** within the stipulated time.

Sd/-
(Sayyid Rabeehashmi)
Registrar
First Appellate Authority

Shri Indranil Bhattacharya
Flat 4, Type V, FTII Residential Colony,
MIT College Road,
Kothrud,
Pune – 411 038.

Copy to :

1. CPIO/ Administrative Officer, FTII.
2. In-charge Multi Media, FTII with a request to upload the order on the FTII website.


(Sayyid Rabeehashmi)
Registrar
First Appellate Authority