

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/07/2021

Date : 03.08.2021

IN THE MATTER OF : I.D. NO.61  
FATIP/A/E/21/00011

Shri Indranil Bhattacharya Appellant

V/s

PIO/Admin Officer  
FTII, Pune

Respondent

**ORDER**

Date of RTI Application - 07.06.2021  
Date of RTI Reply - 08.07.2021  
Date of RTI Appeal - 12.07.2021

1. This order shall dispose off the appeal filed by Shri Indranil Bhattacharya in respect of ID No.61.
2. The appellant in his Original RTI application dated 07.06.2021 had sought various documents/information as at serial No.1 to 7 of his application. The PIO sent a reply through his letter dated 08.07.2021.
3. The PIO had mentioned in his reply dated 08.07.2021 that the matter of disciplinary case including suspension etc. is already in High Court. The matter being subjudice, information cannot be provided at present'.
4. The Appellant has made the present appeal disputing on the reply given by the PIO in respect of information as in serial No. 1 to 7 pertaining to the review of suspension. The information inter alia pertains to composition to Review Committees to review the suspension, dates of the review committee meetings etc. has been denied in complete disregard and utter and brazen violation of the RTI Act as mentioned by the appellant.
5. The appellant also contends that "Section 8 (1) b says that information could be denied based only when "information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court". The information sought by the appellant is not forbidden by any express order of a Court. PIO is knowingly avoiding furnishing the information related to livelihood of the applicant. He also mentioned that orders of the Hon'ble CIC (Decision No.CIC/WB/A/2008/00838/SG/1777) which FTII must consider while arriving at a decision. The legal precedence cited below is clear and information cannot be denied on the matter above citing "subjudice" without referring to specific information and the relevant order of the High Court which forbids the disclosure of the information sought by the appellant. This is vital for the rule of law and transparency expected of public functionaries. In this order Hon'ble IC Shri Shailesh Gandhi referring 8 (1) b of the RTI Act has clearly

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stated. The FAA in his quasi-judicial function in this context is responsible for uploading the rule of law. "This clause does not cover subjudice matters, and unless an exemption is specifically mentioned, information cannot be denied. Disclosing information on matters which are subjudice does not constitute contempt of Court, unless there is a specific order forbidding its disclosure. I respectfully have to disagree with the earlier decision cited by the appellant since it is per incuriam. This Commission has clearly laid out that a matter being subjudice cannot be used as a reason for denying information under the RTI Act.

This is exactly why order by the PIO is perverse. Such a misleading order by a public functionary has a far-fetched response in diluting the purpose and spirit of the law of the land. Given this mischievous and malafide response, requested to allow the dissemination of information sought and impose exemplary penalty on the PIO so that such intentional distortions of the law does not take place in the future."

6. I have examined the case thoroughly and found that since the above information is indeed part of High Court matter and cannot be disclosed to the appellant, the PIO's invocation of matter is subjudice before Hon'ble High Court matter stands.
7. In view of the above, the decision taken by the PIO on this matter is hereby upheld by the undersigned.

The appeal is therefore disposed off accordingly.

If the appellant is not satisfied with the information provided, he 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

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

  
(Sayyid Rabeehashmi)  
Registrar  
First Appellate Authority