

**OFFICE OF THE FIRST APPELLATE AUTHORITY
FILM AND TELEVISION INSTITUTE OF INDIA
LAW COLLEGE ROAD, PUNE - 411 004
Tel. 25433360 (O)**

No.FTII/Reg/RTI/3/2018

Date : 26.03.2018

IN THE MATTER OF : I.D. NO.10

Shri Shaikh Atikh Rashid

Appellant

V/s

**PIO/Administrative Officer
FTII, Pune**

Respondent

ORDER

Date of RTI Application - 02.01.2018

Date of first RTI Reply - 01.02.2018

Date of RTI Appeal - 27.02.2018

Date of Disposal of Appeal - 26.02.2018

This order shall dispose off the appeal filed by Shri Shaikh Atikh Rashid in respect of I.D. No.10.

1. Shri Shaikh Atikh Rashid, appellant expressed his inability to attend the hearing.
2. Present Shri S.K. Dekate, PIO/Administrative Officer

The appellant had in his RTI application dated 2nd January, 2018 sought the following details:

1. Annual Reports (mandatory under section 21) of the Internal Complaints Committee (ICC) or Vishakha Committee at FTII since 2008 till date
2. Inquiry conducted/complaint made/statement recorded in case of alleged harassment of (then) Film Direction first year student against editing faulty in 2008
3. Details of all the cases registered with ICC since January 2015 till date giving details of a) the nature of complaint b) name and designation of the accused person c) finding and recommendations of the inquiry conducted by ICC and d)punitive action taken, if any.

The CPIO in his reply dated 01.02.2018 stated that as per Section 16 of Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal), Act, 2013, the information cannot be disclosed.

The appellant contends that by denying a journalist the permission to inspect the ICC's annual reports which will give a journalist a peek into how the ICC have been functioning (time taken to take cognisance of the complaint, time taken for conduction of inquiry and recommendation of the penalty, how the cases were disposed off), the CPIO has actually cemented the disbelief raised by the female students in the FTII administration for protection of their dignity.

Section 16 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 reads as:

Section 16 - Prohibition of publication or making known contents of complaint and inquiry proceedings Notwithstanding anything contained in the Right to Information Act, 2005(22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be **published, communicated or made known to the public, press and media in any manner:**

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

As noted in the decision by the Central Information Commission in the matter of **Chandrakant H Goyal vs Western Railway Mumbai on 9 November, 2017**, that the real intent behind the provision which operates as a rider to the Right to Information is to exclude public, press and media from sourcing any information under the RTI Act.

The intention of Section 16 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act as also noted **in the matter of Sushma Rani Tirkey v. PIO, Council of Scientific & Industrial Research (CIC/CSIRD/A/2016/306867) before the CIC** is

"...The information pertaining to workplace sexual harassment shall not be subject to the provisions of the Right to Information Act, 2005 only to the extent that it should not be disclosed to the public, press and media in any manner.

... 3 ...

This is done in order to secure privacy, security and dignity of the complainant. The information should not find way to media which might sensationalize the sensitive issue of suffering of a woman and the harassment would be multiplied and hence the identity and addresses of the complainant, respondent witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC/LCC and the action taken are concerned are protected from media..."

The appellant in the current case is a member of the media. The CPIO has highlighted that the appellant had on 4.1.2016 filed an RTI application seeking details of each and every complaint pertaining to sexual harassment/harassment of female (students, staffers, interns) that was raised at the Institute in each of last seven years (January 2008 to January 2016). The information was provided to him vide FTII's letter No.F-23014/8/2016-Est. dated 20.02.2016.

In light of the foregoing, since the appellant is **neither a complainant nor a respondent, but a member of media**, inquiry details of specific complaints, details of cases registered can not be provided to the applicant.

However, the CPIO is directed to share only the quantitative details contained in the available Annual Reports like the number of complaints received, disposed off, pending for more than 90 days etc. provided that the name, address, identity or any other particulars which may lead to the identification of aggrieved woman and witnesses are not disclosed. The appeal is therefore disposed off.

Ordered accordingly.

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.

Varun Bhardwaj 26/3/18

(Varun Bhardwaj)

Registrar

First Appellate Authority

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Copy to :

1. PIO/Administrative Officer, FTII, Pune
2. Incharge Multi Media, FTII with a request to upload the order on the FTII website.

Varun Bhardwaj 26/3/18

(Varun Bhardwaj)

Registrar

First Appellate Authority