

**PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
PRASAR BHARATI SECRETARIAT
PRASAR BHARATI HOUSE
COPERNICUS MARG NEW DELHI-110001**

File No. R-5/011/125/2021/RTI

Dated: 25.03.2022

Sub: CIC's order dated 17.12.2021 passed in the matter titled Sh. Vijay Keerthi Vs CPIO, PB.

Please find enclosed a copy of CIC's decision passed on 17.12.2021 in the matter of Sh. Vijay Keerthi Vs DDA, DG: DD, New Delhi. The decision of the Information Commissioner is reproduced below:-

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that the instant matter is a complaint filed under Section 18 of the RTI Act. Hence, the only adjudication required to be made by the Commission is to determine if the information has been denied with a mala fide intention or unreasonable cause to the information seeker. The Commission relies on one judgment of Hon'ble Supreme Court in "Chief Information Commissioner & Anr. Vs. State of Manipur & Anr." bearing CIVIL APPEAL NOs.10787-10788 OF 2011 decided on 12.12.2011 has held as under:-

"Therefore, the procedure contemplated under Section 18 and Section 19 of the said Act is substantially different. The nature of the power under Section 18 is supervisory in character whereas the procedure under Section 19 is an appellate procedure and a person who is aggrieved by refusal in receiving the information which he has sought for can only seek redress in the manner provided in the statute, namely, by following the procedure under Section 19. This Court is, therefore, of the opinion that Section 7 read with Section 19 provides a complete statutory mechanism to a person who is aggrieved by refusal to receive information. Such person has to get the information by following the aforesaid statutory provisions. The contention of the appellant that information can be accessed through Section 18 is contrary to the express provision of Section 19 of the Act. It is well known, when a procedure is laid down statutorily and there is no challenge to the said statutory procedure the Court should not, in the name of interpretation, lay down a procedure which is contrary to the express statutory provision. It is a time honored principle as early as from the decision in Taylor v. Taylor [(1876) 1 Ch. D. 426] that, there statute provides for something to be done in a particular manner it can be done in that manner alone and all other modes of performance are necessarily forbidden. "

Be that as it may, the Commission finds that although an appropriate reply has already been provided by the Respondent, yet the same bears considerable delay. Therefore the Commission admonishes the concerned CPIO for not providing any reply to the Appellant within the stipulated time-frame as mandated in the RTI Act. The Commission sternly cautions the Respondent public authority that in future, they shall ensure that replies to the RTI Applications shall be provided within the mandated time-frame as specified in the provisions of the RTI Act.

Contd... 2..

In view of the above above, all the CPIOs are directed to ensure that the reply to the RTI application may be sent to the applicant within the due date i.e. within 30 days and to adhere to the timelines prescribed for furnishing the reply to RTI.

Similarly, the First Appellate Authority may also adhere to the timelines and decides the First Appeal in time prescribed in the RTI Act, 2005. The respective CPIO may submit the file along with draft order two days before the last date for disposing the appeal.

This may be complied strictly by all the CPIOs/FAAs.

Encls. As above.



(Anjani Kumar)

Dy. Director General & CPIO

To:

1. The CPIO (Zonal/Field), (By name Sh. Deepak Joshi, DDG) DG:AIR, All India Radio, Akashwani Bhawan New Delhi.
2. The CPIO (Zonal/Field), (By name Sh. Mukesh Kumar Garhwal, DDG) DG:DD, Doordarshan Bhawan, Mandi House, New Delhi.
3. The CPIO, DD News
4. The CPIO, NSD, DG:AIR
5. The CPIO, CCW
6. The CPIO, PBS (By name Sh. Rajeev Malhotra, DD), Copernicus Marg, New Delhi.
7. The CPIO, DG:AIR, (By name : Sh. Upendra Nath Singh, DD) All India Radio Akashwani Bhawan, New Delhi.
8. The CPIO (By name Sh. Ashesh Kumar) DG:DD, Doordarshan Bhawan, Mandi House, New Delhi.

Copy for information to:

1. The First Appellate Authority, PB (By name: Shri Shankar Dhar), Akashwani Bhawan, Sansad Marg, New Delhi.
2. The First Appellate Authority, DD News.
3. The First Appellate Authority, NSD AIR.
4. The First Appellate Authority, CCW.

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DD(RTV)

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

उप महा.नि./सी.जी.आर.ओ./कें.ले.सू.अधि. कार्यालय
DDG/CGR/O/CPIO's Office
आयरी संख्या/Dy. No. 578
दिनांक/Date 07/01/22

शिकायत संख्या / Complaint No. CIC/PBSEC/C/2020/100025

In the matter of:

Vijaykeerthi

... शिकायतकर्ता/Complainant

अंजनी कुमार / Anjani Kumar
उप महानिदेशक / Dy. Director General

VERSUS
बनाम

CPIO,
/Dy. Director Admn Prasar Bharati
Directorate General,
Doordarshan, Copernicus Marg,
New Delhi- 110001

... प्रतिवादीगण /Respondent

Relevant dates emerging from the Complaint:

| | | |
|---------------------------------|---|------------|
| RTI Application filed on | : | 08.08.2019 |
| CPIO replied on | : | 23.10.2019 |
| First Appeal filed on | : | 16.11.2019 |
| First Appellate Authority order | : | 25.11.2019 |
| Complaint received on | : | 01.01.2020 |
| Date of Hearing | : | 17.12.2021 |

The following were present:

Complainant: Shri Vijaykeerthi, participated in the hearing through audio conferencing upon being contacted on his telephone.

Respondent: Shri Raman Kumar, Director (Global outreach), participated in the hearing in person.

Raman
07/01/2022
Sh. Raman

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ORDER**Information Sought:**

The Complainant filed RTI application dated 08.08.2019 seeking information on the following sixteen points:

PLEASE DISCLOSE SUO MOTU, FURNISH AND SEND THE SPECIFIC RELEVANT INFORMATION SOUGHT AND REQUIRED TO THE APPLICANT IN LARGER NATIONAL GOOD AND PUBLIC INTEREST. (All verified, attested and certified copies only to be furnished please).

NOTE: "INFORMATION PERTAINING AND CLOSELY RELATED TO ENTRENCHED GOVERNMENT CORRUPTION AND INFORMATION WHICH CAN NOT BE DENIED TO THE PARLIAMENT OR STATE LEGISLATURE SHALL NOT BE DENIED TO ANY PERSON AS WELL, THE EMERGING ISSUES IN THE RTI APPLICATION, RECORD KEEPING AND SUO MOTU DISCLOSURE OF INFORMATION ENHANCES PROPRIETY, PROBITY, CREDIBILITY, RELIABILITY, TRANSPARENCY AND ACCOUNTABILITY OF THE PUBLIC TRUST INSTITUTION, ORGANISATION AND THE PUBLIC AUTHORITY UNDER THE UNION OF INDIA AS SUCH THE INFORMATION SOUGHT AND REQUIRED SHALL BE FURNISHED TO THE APPLICANT IN THE LARGER NATIONAL GOOD AND PUBLIC INTEREST TO PROTECT AND SAFEGUARD THE SACROSANCT INTEGRITY OF ALL THE PUBLIC TRUST INSTITUTIONS FROM RAMPANT CORRUPTION TERRORISM ACTIVITIES PREVALENT AND PRACTICED TO UNDERMINE THE REPUBLIC OF INDIA AT ALL LEVELS BY THE GOVERNMENT FUNCTIONARIES, PUBLIC ADMINISTRATION OFFICIALS AND AUTHORITIES FUNCTIONING UNDER THE UNION OF INDIA DEVASTATED AND FAILED TO SERVE THE PEOPLE OF INDIA HONESTLY".

1). Disclose suo motu, provide and furnish the entire certified copies only of all the related files, noting and drafting pertaining to the ABU International Dance Festival 2019, organised and managed by Ms. SUPRIYA SAHU, Director General, Doordarshan in Hotel Taj Man Singh (TAJ PALACE), New Delhi in the month of February 2019.

2). Disclose suo motu, provide and furnish the entire certified copies only of all the hotels booked with specific room numbers and list of occupant persons stayed with their specific individual names, designations and purpose of occupying the hotel rooms by them with entire particulars for the purpose of ABU International Dance Festival 2019, organised and managed by Ms. SUPRIYA SAHU, Director General, Doordarshan in the month of February 2019.

3). Disclose suo motu, provide and furnish the entire certified copies only the total financial expenditures incurred and statements of money transactions carried out to conduct ASIA-PACIFIC BROADCASTING UNION (ABU) International Dance Festival 2019 and all the related bills, invoices, vouchers and payments of money paid, made and done to all the hotels for stay and food, persons, firms, companies engaged and involved for the ABU event and all other beneficiaries for various purposes engaged in the said ABU International Dance Festival 2019, conducted at Hotel Taj Man Singh (TAJ PALACE), New Delhi in the month of

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February 2019 as organised and managed by Ms. SUPRIYA SAHU, Director General, Doordarshan.

4). Disclose suo motu, provide and furnish the entire certified copies only of all the financial, monetary and capital funds approvals and sanctions obtained from Ministry of Information and Broadcasting (MIB) and any other Government authorities to spend CRORES of rupees from the national exchequer to promote, benefit and profit in any manner for the use of private entity ASIA-PACIFIC BROADCASTING UNION (ABU) interest in Republic of India a foreign private enterprise based and operated in KUALA LUMPUR, MALAYSIA for that purpose alone the money is spent and financial expenditures incurred from public exchequer by Ms. SUPRIYA SAHU together with all other associated officials. Disclose the names with designations of all those office bearers of DOORDARSHAN and PRASAR BHARATI (BCI) involved and indulged in spending the accounted and unaccounted money appropriated, doled out and misappropriated for vested interest purpose, personal enrichment, money laundering and corrupt motives of the ABU dance festival.

5). Disclose suo motu, provide and furnish the entire certified copies only the complete entire file noting and drafting pertain to the event management advisors, artists, companies, firms, hiring and booking of hotels, NABM Hostels in Delhi and Hyderabad were involved and engaged in the ABU dance festival and Broadcast Conclave events conducted, managed and organised by Ms. SUPRIYA SAHU in New Delhi and Hyderabad.

6). Disclose suo motu, provide and furnish the entire certified copies only on the files in which proposals and approvals obtained for the premeditated International Broadcast Conclave held in Hyderabad was conducted for the personal motives and private enrichment interest of Ms. SUPRIYA SAHU and thereby summoned the staff members and officials on WhatsApp group in an unauthorised manner for the said event.

7). Disclose suo motu, provide and furnish the entire certified copies only the financial rules, regulation, policy matters and administrative provisions of Government of India and Prasar Bharati (BCI) under which circumstance a private entity ABU has / had been funded to use the public exchequer money for the purpose and interest of ABU dance festival event conducted by the Doordarshan

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authorities and managed by Ms. SUPRIYA SAHU in the month of February 2019 in New Delhi at Taj Palace.

8). Disclose suo motu, provide and furnish the entire certified copies only that, total number of times Ms. SUPRIYA SAHU, DG, DD had visited abroad for the purpose and interest of ABU a private entity engagements / schedules and affix / attach an overall / particular financial expenditures statements incurred from national exchequer to enrich and promote the private entity ABU interest at the cost of we the people of India by Ms. SUPRIYA SAHU, so furnish all her air travel expenses, hotel stay bills expenses and invoices of all other kinds claimed officially by her while engaged with the ABU interest activities in her individual special capacity and most importantly furnish the permission granted and sanction accorded by all the concerned authorities to her to travel and tour abroad to engage suo motu in all such activities with the ABU interest so far.

9). Disclose suo motu, provide and furnish the entire certified copies only the trips and tours undertaken outside Delhi region jurisdiction including foreign and overseas trips and tours embarked by Ms. SUPRIYA SAHU since she assumed the office of Doordarshan as Director General in her personal capacity as well as her official capacity, further furnish her hotel stay and food bills with all other expenditures statements as she incurred and claimed from exchequer while she travelled abroad and outside the Delhi region jurisdiction since she became Director General of Doordarshan along with all the authenticated communications and informations shared, placed and recorded on official files of all such matters of tours and travels conducted and undertaken by her with or without approvals and sanctions obtained by her from the appropriate authorities to travel abroad and outside Delhi region Jurisdiction must be furnished in larger national and public interest to the RTI applicant.

10). Disclose suo motu, provide and furnish the entire certified copies only that, all the official personals names with their designations travelled along with Ms. SUPRIYA SAHU for the trips and tours undertaken outside Delhi region jurisdiction including foreign and overseas trips and tours embarked by Ms. SUPRIYA SAHU since she assumed the office of Doordarshan as Director General in her personal capacity as well as her official capacity and further furnish all their hotel stay and food bills with all other expenditures statements as they incurred and claimed together or individually from exchequer while they all have travelled abroad and outside the Delhi region jurisdiction since she became Director General of Doordarshan, per se send all the informations and

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communications concurrently authenticated, shared, placed and recorded on official files of all such matters of tours and travels conducted and undertaken by herself together with her official and unofficial accomplice with or without approvals and sanctions obtained for herself and her accomplice from the appropriate authorities to travel abroad and outside Delhi region Jurisdiction must be furnished in larger national and public interest.

11). Disclose suo motu, provide and furnish the entire certified copies only that details of all the officials and non-officials names with designations are / were working as OSD / OSD's to Ms. SUPRIYA SAHU since she became Director General, Doordarshan and furnish all those OSD / OSD's selected appointment letters issued by the appropriate Government authorities with prescribed rules and regulations to appoint OSD / OSD's to Ms. SUPRIYA SAHU as per her interest.

12). Disclose suo motu, provide and furnish the entire certified copies only that, the time and duration Ms. SUPRIYA SAHU was shown and glorified on television screen during the live event of ABU International dance festival telecast held at TAJ PALACE, New Delhi, in the month of February 2019.

13). Disclose suo motu, provide and furnish the entire certified copies only that the payments of money paid to the artists performed in the ABU International dance festival event from the exchequer with all the specific beneficiaries names with their erudite qualification to participate in the ABU event held in TAJ PALACE in the month of February 2019 and further furnish all the applicable clause of DD artists fee structure prescribed as per the eligibility of artists and as approved by the Government authorities financial rules and regulations of payments can be made to artists perform on Doordarshan channels.

14). Disclose suo motu, provide and furnish the entire certified copies only that the ABU entity / ABU private enterprise assisted Doordarshan and Prasar Bharati in the development of broadcasting in the republic of India so far and as well Doordarshan and Prasar Bharati Broadcasting service network around the world to promote and advance the Doordarshan and Prasar Bharati broadcast service network, as such furnish only the authentic documents records of all the ABU arrangements and engagements legally signed between all the parties of ABU with DOORDARSHAN and PRASAR BHARATI authorities up to now and further furnish all the financial benefits and monetary gain statements obtained and

acquired by ABU for assisting Doordarshan and Prasar Bharati so far at the cost and expense of national exchequer.

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15). Disclose suo motu, provide and furnish the entire certified copies only that the number of complaints and petition received for inquiry, investigation and prosecution against and pertaining to the "ABU DANCE FESTIVAL" managed and conducted by Ms. SUPRIYA SAHU in the office of the President of India, in the office of the Prime minister of India, in the office of the Ministry of Information and Broadcasting, in the office of the Central Vigilance Commission, in the office of the Central Bureau of Investigation, in the office of the LOKPAL, in the office of / secretariat / chairman / CEO of Prasar Bharati and in the office of Doordarshan must be furnished and provided at all cost to the RTI applicant in the larger national good and public interest to stamp out rampant corruption terrorism activities prevalent and practiced obnoxiously to undermine the republic of India.

16). Communicate and supply the entire file moment of this RTI application passed through the concerned official and public authorities responsible in furnishing the entire complete, correct, proper and legible information to the applicant without causing any kind of corrupt retribution, perjury, travesty, bias, prejudice, delay, failure, concealment, evasive, repressive, suppressed, reprobated and demented reply / response for the information sought and required from all the concerned public authorities in the interest of justice and equity to serve larger national good and public interest in a reliable, transparent, credible, accountable, truthful and honourable manner to the nation and citizens of the republic please.

Dr. Sanjay Kumar, Dy. Director Admn. & CPIO, Prasar Bharti, New Delhi vide letter dated 23.10.2019, denied information to the Complainant as under:

| Question | Answer |
|----------|--|
| 1 to 16 | The requisite information required by you is voluminous. Therefore, in pursuance of Para 2(j)(i)(ii) of RTI Act, 2005, you are requested to visit this Directorate and inspect the requisite information, with prior appointment from the undersigned. |

Being dissatisfied, the appellant filed a **First Appeal** dated 16.11.2019, wherein the First Appellate Authority vide order dated 25.11.2019, informed the Complainant as under:

This has with reference to your RTI Appeal dated 16.11.2019 received on 21.11.2019 on the subject cited above.

2. In this connection, it is informed that the reply has already been sent by the concerned CPIO vide this Directorate's communication of even number dated 23.10.2019. (copy enclosed). Being the FAA, I have also examined the reply furnished by CPIO i.e. "requisite information required by you is voluminous. Therefore, in pursuance of Para 2(j)(i)(ii) of RTI Act, 2005, you are requested to visit this Directorate and inspect the requisite information, with prior appointment from the undersigned", and the said reply is correct.

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Grounds for Complaint:

The Complainant filed a Complaint u/s 18 of the RTI Act on the ground of unsatisfactory reply furnished by the Respondent.

Submissions made by Complainant and Respondent during Hearing:

The Complainant submitted that he has not received the relevant information as sought in the instant RTI Application.

The Respondent submitted that as the information sought by the Complainant in the instant RTI Application is voluminous in nature, they have given a reply to the Complainant stating the above reason, vide letter dated 23.10.2019. He further submitted thereafter, after filing the instant Complaint before the Commission, they have given relevant and permissible information as per the provisions of RTI Act, to the Complainant vide letter dated 17.03.2020.

Upon being queried by the Commission whether the Complainant has received the averred letter dated 17.03.2020, the Complainant replied in positive.

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during the hearing, the Commission observes that the instant matter is a complaint filed under Section 18 of the RTI Act. Hence, the only adjudication required to be made by the Commission is to determine if the information has been denied with a *mala fide* intention or unreasonable cause to the information seeker. The Commission relies on one judgment of Hon'ble Supreme Court in "**Chief Information Commissioner & Anr. Vs. State of Manipur & Anr.**" bearing CIVIL APPEAL NOs.10787-10788 OF 2011 decided on 12.12.2011 has held as under:-

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"Therefore, the procedure contemplated under Section 18 and Section 19 of the said Act is substantially different. The nature of the power under Section 18 is supervisory in character whereas the procedure under Section 19 is an appellate procedure and a person who is aggrieved by refusal in receiving the information which he has sought for can only seek redress in the manner provided in the statute, namely, by following the procedure under Section 19. This Court is, therefore, of the opinion that Section 7 read with Section 19 provides a complete statutory mechanism to a person who is aggrieved by refusal to receive information. Such person has to get the information by following the aforesaid statutory provisions. The contention of the appellant that information can be accessed through Section 18 is contrary to the express provision of Section 19 of the Act. It is well known when a procedure is laid down statutorily and there is no challenge to the said statutory procedure the Court should not, in the name of interpretation, lay down a procedure which is contrary to the express statutory provision. It is a time honoured principle as early as from the decision in Taylor v. Taylor [(1876) 1 Ch. D. 426] that where statute provides for something to be done in a particular manner it can be done in that manner alone and all other modes of performance are necessarily forbidden."

Be that as it may, the Commission finds that although an appropriate reply has already been provided by the Respondent, yet the same bears considerable delay. Therefore the Commission admonishes the concerned CPIO for not providing any reply to the Appellant within the stipulated time-frame as mandated in the RTI Act. The Commission sternly cautions the Respondent public authority that in future, they shall ensure that replies to the RTI Applications shall be provided within the mandated time-frame as specified in the provisions of the RTI Act.

With the above observations, the Complaint is disposed of.

Copy of the decision be provided free of cost to the parties.

The complaint, hereby, stands disposed of.

Amita

Amita Pandove (अमिता पांडव)

Information Commissioner (सूचना आयुक्त)

दिनांक / Date : 17.12.2021



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Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)

B. S. Kasana (बी. एस. कसाना)

Dy. Registrar (उप-पंजीयक)

011-26105027Addresses of the parties:

1. The First Appellate Authority (FAA)
/Dy. Director General (Admn)
Prasar Bharati Directorate General,
Doordarshan, New Delhi 110001
- ✓ 2. The Central Public Information Officer (CPIO)
/Dy. Director Admn Prasar Bharati
Directorate General, Doordarshan,
Copernicus Marg, New Delhi- 110001
3. Mr. Vijaykeerthi
H.C. No- 1201, E-23, 3rd Cross,
First Block, Hal III Stage,
New Thippasandra Post, Bangalore-560075