

**CENTRAL INFORMATION COMMISSION**  
**Club Building, Opposite Ber Sarai Market,**  
**Old JNU Campus, New Delhi - 110067.**  
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**Decision No.CIC/SG/A/2010/000197/7132**  
**Appeal No. CIC/SG/A/2010/000197**

**Appellant** : Mr. Mahesh Kumar Gupta  
CC-4, NIT Campus,  
NIT Kurukshetra-136119.

**Respondent** : Mr. G. R. Samantaray  
Public Information Officer & Dy. Registrar  
**National Institute of Technology**  
Kurukshetra-136119.

**RTI application filed on** : 30/11/2009  
**PIO replied** : 16/12/2009  
**First Appeal filed on** : 02/12/2009  
**First Appellate Authority order** : 01/01/2010  
**Second Appeal Received on** : 21/01/2010  
**Notice of Hearing Sent on** : 09/02/2010  
**Hearing Held on** : 09/03/2010

**Information sought:**

1. Certified readable copy of the complete noting of the Chairman, BOG NIT Kurukshetra through which he has directed the Director, NIT Kurukshetra to place a detailed report about the conduct of Sh. Mahesh Kumar Gupta, Lecturer, Mechanical Engineering Department, NIT Kurukshetra, in the next meeting of the BOG for taking disciplinary action against him. The next BOG meeting is expected in the 2<sup>nd</sup> week of December, 2009.
2. Copy of the document which drove the Chairman, BOG NIT Kurukshetra to issue such directions to the Director, NIT Kurukshetra.
3. Specific clause of the Service rules application to the employees of NIT Kurukshetra using which the Chairman, BOG NIT Kurukshetra issued such direction to the Director, NIT Kurukshetra.
4. Certified copy of the official correspondence (Letter/fax/e-mail) between the Director, NIT Kurukshetra and the Chairman, BOG NIT Kurukshetra in the period between the last meeting of the BOG NIT Kurukshetra held to till date.
5. Certified copy of the official correspondence between the Registrar, NIT Kurukshetra and the Chairman, BOG NIT Kurukshetra in the period between the last meeting of the BOG NIT Kurukshetra held to till date.

**Reply of PIO:**

“It is to inform you that the information sought at Sr. No. 1 to 5 is not available.”

**Grounds for First Appeal:**

Non-compliance of Section 7 (1) of the RTI Act 2005 since the CPIO has not provided the requested information within forty-eight (48) hours as per provision in the RTI Act, 2005.”

**Order of the First Appellate Authority:**

“I fully agree with the CPIO that the information sought do not come under the category of “information concerned to life or liberty of a person”. Further, the reply of the application dated 30/11/2009 has also been given by the CPIO well before the time.”

**Grounds for Second Appeal:**

Appellant is not satisfied with the FAA’s order.

**Relevant Facts emerging during Hearing:**

The following were present:

**Appellant:** Mr. Mahesh Kumar Gupta;

**Respondent:** Mr. G. R. Samantaray, Public Information Officer & Dy. Registrar;  
Mr. Shyam Singh Chhokar, Advocate (NIT Kurukshetra);

The Appellant has moved this RTI application claiming that since he was likely to be suspended the information should be provided within 48 hours as per the provisions of Section 7(1) of the RTI Act. The possibility of suspension to service is certainly cannot be considered as a matter affecting life and liberty and applicants must use this provision with responsibility.

Proviso of Section 7(1) states that *where the information sought concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request*. This provision has to be applied only in exceptional cases and the norm is that information should be provided within thirty days from the receiving date. Whether the information sought concerns the life or liberty of a person has to be carefully scrutinized and only in a very limited number of cases this ground can be relied upon. The government machinery is not designed in a way that responses to all RTI Applications can be given within forty-eight hours. A broad interpretation of ‘life or liberty’ would result in a substantial diversion of manpower and resources towards replying to RTI Applications which would be unjustified. Parliament has made a very special exception for cases involving ‘life or liberty’ so that it would be used only when an imminent threat to life or liberty is involved.

The life or liberty provision can be applied only in cases where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. Liberty of a person is threatened if she or he is going to be incarcerated or has already been incarcerated and the disclosure of the information may change that situation. If the disclosure of the information would obviate the danger then it may be considered under the proviso of Section 7(1). The imminent danger has to be demonstrably proven. The Commission is well aware of the fact that when a citizen exercises his or her fundamental right to information, the information disclosed may assist him or her to lead a *better life*. But in all such cases, the proviso of Section 7(1) cannot be invoked unless imminent danger to life or liberty can be proven.

The Commission decides that a matter of imminent suspension cannot be considered as a thread to life and liberty.

The PIO has on 16/12/2009 informed the Appellant that the information is not available. What was sought was communications between officers within the Institute and the Chairman of Board of Governors. It is very peculiar plea to take that communications amongst officers of the Institution and with the Chairman of Board of Governors are not available in the Institute. The PIO has shown the Commission evidence that he had sought the assistance of Registrar and Establishment Section. The PIO shows that both of these claimed that information was not with

them. On questioning the Respondent closely about the secret of where these documents could have been they admitted that documents relating to query -1 & 2 were received by them on 11/02/2010 from the office of the Registrar. The PIO claims that in December when he gave the statement that the records were not available, the documents were with the Chairman of Board of Governors. The Appellant points out that the meeting of the Board of Governor was held on 29/12/2009 when this matter was discussed. Hence he contends that when the First Appellate Authority gave the decision on 01/01/2010 the documents which he had sought had been discussed in the meeting of Board of Governors. It appears that very peculiar claim has been made that papers with the Chairman of Board of Governors are not available in the Institute and hence cannot be provided. The Institute must improve its system to ensure that such half truths are not offered. The Appellant has also shown that the front side of page 68 has been given to him and the printing on the rear side or the next page has been missed. The PIO is directed to provide this to the Appellant.

The PIO has taken the same plea which he had taken earlier for query-4 & 5 that no records are available. It is entirely possible going by his admission about the misleading reply given on query-1 & 2 earlier that the records may be available with the Director or the Chairman of Board of Governors. In view of this the PIO is directed to send a letter to the Director, Chairman of the Board of Governors and all heads of Department and the Registrar asking them to provide him copies of any official correspondence between the Director and Chairman, Board of Governors or Registrar and Chairman Board of Governors during the period 12/10/2009 to 30/11/2009. If any of these surfaced these should be send to the Appellant. The PIO states that he understood the query as being related to the matter relating to query-1 & 2. He is directed to ensure that any communication between the functionaries mentioned during that period of any subject shall be provided to the Appellant.

**Decision:**

The appeal is allowed.

The PIO is directed to give the information as directed above to the Appellant before 30 March 2010.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**12 March 2010**

*(In any correspondence on this decision, mention the complete decision number.)<sup>(AK)</sup>*