

ജീവൻ സ്വാതന്ത്ര്യം എന്നിവയുമായി ബന്ധപ്പെട്ട വിവരങ്ങൾ 48 മണിക്കൂറിനകം ലഭിക്കുവാൻ അപേക്ഷകന് അവകാശമുണ്ട്. എന്നാൽ ഈ വിവരങ്ങൾ അടിയന്തിരമായി ലഭിച്ചില്ലെങ്കിൽ ജീവൻ സ്വാതന്ത്ര്യം എന്നിവയുമായി ബന്ധപ്പെട്ട് ആഘാതം ഉണ്ടാവും എന്ന് പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസറെ ബോധ്യപ്പെടുത്താനുള്ള ബാധ്യത അപേക്ഷകനുണ്ട്

Proviso of Section 7(1) states that *where the information sought concerns the life and 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 and 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 and 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 and liberty' so that it would be used only when an imminent threat to life or liberty is involved.

The life and liberty provision can be applied only in cases where there is an imminent danger to the life and 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 and liberty can be proven.

The Commission has perused the RTI Application filed by the Complainant and has come to the conclusion that non-disclosure will not lead to an imminent threat to life or liberty of the Complainant. However, the Complainant may approach the appropriate First Appellate Authority or the Commission if he is aggrieved by the response sent by the PIO, DU within thirty days from the date of receiving the RTI Application.

### **Decision:**

The Complaint is dismissed.

The Complainant must wait for thirty days from the date on which the RTI Application was received by the PIO, DU before approaching the appropriate First Appellate Authority or the Commission.

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, 2005.

**Shailesh Gandhi**  
Information Commissioner  
3 September 2009