

महत्वपूर्ण

संख्या- मु0स0 10/43-2-2014

प्रेषक,

जावेद उस्मानी,  
मुख्य सचिव,  
उत्तर प्रदेश शासन।

सेवा में,

- 1- समस्त प्रमुख सचिव/सचिव, उ0प्र0 शासन।
- 2- समस्त विभागाध्यक्ष/कार्यालयाध्यक्ष, उ0प्र0।
- 3- समस्त मण्डलायुक्त/जिलाधिकारी, उ0प्र0।

प्रशासनिक सुधार अनुभाग-2

लखनऊ :: दिनांक 17 फरवरी, 2014

**विषय:-** मा0 उच्च न्यायालय कोलकाता में दायर रिट याचिका संख्या-33290 /2013 श्री अविषेक गोयनका बनाम यूनियन आफ इण्डिया में पारित निर्णय दिनांक 20-11-2013 का अनुपालन।

महोदय,

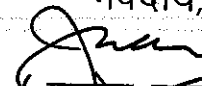
उपर्युक्त विषयक निदेशक, कार्मिक, प्रशिक्षण विभाग, लोक शिकायत एवं पेंशन मंत्रालय, भारत सरकार, नार्थ ब्लॉक, नई दिल्ली-11001 के पत्र संख्या-1/31/2013-आई0आर0, दिनांक 08 जनवरी, 2014 (प्रति संलग्न)के साथ संलग्न मा0 उच्च न्यायालय कोलकाता के निर्णय दिनांक 20-11-2013 का अवलोकन करें।

2- भारत सरकार के उक्त पत्र दिनांक 08-01-2014 द्वारा सूचना का अधिकार अधिनियम, 2005 से सन्बन्धित आवेदकों के व्यक्तिगत विवरण के सन्बन्ध में मा0 उच्च न्यायालय कोलकाता द्वारा पारित निर्णय दिनांक 20-11-2013 को परिचालित कराने की अपेक्षा की गयी है।

उपर्युक्त के परिप्रेक्ष्य में मुझे यह कहने का निदेश हुआ है कि मा0 उच्च न्यायालय कोलकाता के सन्दर्भित निर्णय दिनांक 20-11-2013 का अनुपालन सुनिश्चित करें।

संलग्नक-यथोपरि

भवदीय,

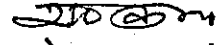
  
(जावेद उस्मानी)  
मुख्य सचिव।

संख्या-मु0स0 10(1)/43-2-2014, तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- सचिव/निदेशक, कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय, लोक शिकायत विभाग एवं प्रशिक्षण, भारत सरकार, नार्थ ब्लॉक, नई दिल्ली-11001 को उनके पत्र संख्या-1/31/2013-आई0आर0, दिनांक 08 जनवरी, 2014 के क्रम में सूचनार्थ।
- 2- निजी सचिव, मुख्य सचिव, उ0प्र0 शासन।
- 3- निदेशक, सूचना एवं जनसम्पर्क विभाग, उ0प्र0 लखनऊ।
- 4- संयुक्त निदेशक, प्रशासनिक सुधार निदेशालय, उ0प्र0 लखनऊ।
- 5- सचिव, राज्य सूचना आयोग उत्तर प्रदेश, इन्दिरा भवन लखनऊ।
- 6- जनसूचना अधिकारी, प्रशासनिक सुधार अनुभाग-1/2 उ0प्र0 शासन।
- 7- गार्ड पत्रावली।

आज्ञा से,

  
( राकेश कुमार )  
संयुक्त सचिव।

North Block, New Delhi,

Dated the 8<sup>th</sup> January, 2014

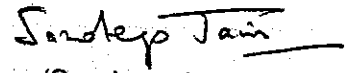
**OFFICE MEMORANDUM**


Subject : Order dated 20.11.2013 of the High Court of Kolkata in Writ Petition No. 33290 of 2013 in the case of Mr. Avishek Goenka Vs Union of India regarding personal details of RTI applicants - circulation of.

10 80 9210 सुधार

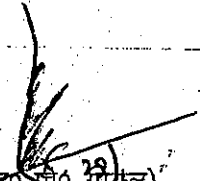
In compliance of the directions of the Hon'ble High Court of Kolkata in its said order, a copy of the judgement (order) is enclosed herewith for appropriate action.

2. This may be brought to the notice of all concerned.

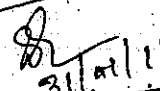
  
(Sandeep Jain)  
Director  
Tele: 23092755

  
28.1.14.  
(जावेद उस्मानी)  
मुख्य सचिव,  
उत्तर प्रदेश शासन  
1201/PS/AP/14  
J.S. AR.

1. All Ministries / Departments of the Government of India
2. Union Public Service Commission / Lok Sabha Sectt./ Rajya Saha Sectt. / Cabinet Sectt. / Central Vigilance Commission / President's Secretariat / Vice President's Sectt. / Prime Minister's Office / Planning Commission / Election Commission
3. Central Information Commission / State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/Sections/Department of Personnel & Training, the Department of Administrative Reforms and Department of Pension & Pensioners' Welfare.

  
(प्रमोद सिंह गोस्वामी)  
प्रमुख सचिव,  
कार्यक्रम कार्यन्वयन, समय-ग्राम विकास,  
वाहय सहकारिता परियोजना विभाग,  
प्रशासनिक सुधार एवं लोक सेवा प्रबन्धन  
उत्तर प्रदेश शासन।  
अजय शर्मा  
U.S.  
30.01.14

Copy to: Chief Secretaries of all the States/UTs.

(राकेश कुमार)  
संगठित सचिव,  
प्रशासनिक सुधार विभाग,  
उत्तर प्रदेश शासन।  
01/01/14  
क. सं. 2/सुधार/रकेश क  
  
31/01/14  
(भवेश रंजन)  
अनुसचिव  
प्रशासनिक सुधार विभाग,  
उत्तर प्रदेश शासन

Mr. Avishek Goenka .... petitioner (in person).

Mr. Asish Kumar Roy, .  
Ms. Gargi Mukherjee .... For the respondents.

The petitioner is appearing in person.

The writ petitioner claiming to be an activist in the field of right to information, has approached us by filing the present writ petition with the prayer, the authority should not insist upon the detailed address of the applicant as and when any application is made under the Right to Information Act. He apprehends, the interested parties would cause a threat to the activist and in fact there had been past incidents of unnatural deaths of activist in the field, presumably by the interested persons having vested interest to conceal the information that is asked for by the activist.

The petitioner submits, the authority may not insist upon the detailed address particularly when the applicant would provide a particular post box number that would automatically conceal their identity to the public at large.

We have considered the relevant provisions of the statute. Section 6(2) of the Right to Information Act, 2005 would clearly provide, an applicant making request for information **shall not be** required to give any reason for requesting the information or any other **personal details** except those that may be necessary for contacting him.

Looking to the said provision, we find logic in the submission of the petitioner. When the legislature thought it fit, the applicant need not disclose any personal detail, the authority should not insist upon his

detailed whereabouts particularly when post box number is provided for that would establish contact with him and the authority.

In case, the authority would find any difficulty with the post box number, they may insist upon personal details. However, in such case, it would be the solemn duty of the authority to hide such information and particularly from their website so that people at large would not know of the details.

We thus dispose of this writ petition by making the observations as above. The Secretary, Ministry of Personnel should circulate the copy of this order to all concerned so that the authority can take appropriate measure to hide information with regard to personal details of the activist to avoid any harassment by the persons having vested interest.

The writ petition is disposed of without any order as to costs.

Urgent certified copy of this order, if applied for, be given to the parties, on priority basis.

*( Banerjee, Acting Chief Justice )*

*( Debangsu Basak, J. )*