प्रेषक,

जावेद उस्मानी,
"मुख्य सचिव,
उत्तर प्रदेश शासन।"

सेवा में,

1- समस्त प्रमुख सचिव/सचिव, उ0प्र0 शासन।
2- समस्त विभागाध्यक्ष/कार्यालयाध्यक्ष, उ0प्र0।
3- समस्त मण्डलाध्यक्ष/जिला अधिकारी, उ0प्र0।

प्रशासनिक सुधार अनुबंध-2   लखनऊ :: दिनांक 17 फरवरी, 2014

विषय:- माननी उच्च न्यायालय कोलकाता में दायर रिट साचिबका संख्या-33290/2013 श्री अधिकार गोयनका बनाम यूनियन आफ इंडिया में पारित निर्णय दिनांक 20-11-2013 का अनुपलन।

महोदय,

उपरुपुक्त विषयक निदेशक, कार्मिक, प्रशिक्षण विभाग, लोक शिकायत एवं पेशन मंत्रालय, भारत सरकार, नार्थ ब्लाक, नई दिल्ली-11001 के पत्र संख्या-1/31/2013-आई0आर0, दिनांक 08 जनवरी, 2014 (प्रति संलग्न)के साथ संलग्न माननी 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 सन्दर्भित आवेदकों के व्यक्तिगत विवरण के सन्दर्भ में माननी उच्च न्यायालय कोलकाता द्वारा पारित निर्णय दिनांक 20-11-2013 को परीक्षण करने की अपेक्षा की गयी है।

उपरुपुक्त के परिप्रेक्ष्य में मूझे यह कहने का निदेश हुआ है कि माननी उच्च न्यायालय कोलकाता के सन्दर्भ में निर्णय दिनांक 20-11-2013 का अनुपलन चुनिनिचित करें।

संलग्नक-यथोपरि

भवदीय,

(जावेद उस्मानी)
"मुख्य सचिव।"
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यार्थी हेतु प्रेषितः
1- सचिव/निदेशक, कार्मिक, लोक शिकायत तथा पेशन मंत्रालय, लोक
शिकायत विभाग एवं प्रशिक्षण, भारत सरकार, नार्थ ब्लाक, नई दिल्ली-11001
को उनके पत्र संख्या-1/31/2013-आई0आई0, डिनांक 08 जनवरी, 2014
के कम 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, इंदिरा भवन लखनऊ।
6- जनसूचना अधिकारी, प्रशासनिक सुधार अनुभाग-1/2 उ0प्र0 शासन।
7- गार्ड पत्रावली।

आज्ञा से,
(राकेश कुमार)
संयुक्त सचिव।
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.

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

1. All Ministries / Departments of the Government of India
2. Union Public Service Commission / Lok Sabha Sectt./ Rajya Sabha 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.
6. All Officers/Desks/Sections/Department of Personnel & Training, the Department of Administrative Reforms and Department of Pension & Pensioners’ Welfare.

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

(Debansu Basak, J.)