വിവരാവകാശ അപേക്ഷകരുടെ personal details രഹസ്യമായി സൂക്ഷിക്കാൻ പബ്ലിക് അതോറിറ്റിക്ക് ബാധ്യതയുണ്ട്

No. 1/31/2013-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi,

Dated the 8th 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.

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

(Sandeep Jain)
Director
Tele: 23092755

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 Commision
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 Administraive Reforms and Department of Pension & Pensioners'Welfare.

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

10 20.11.2013 **W.P. 33290(W) of 2013**

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.)