

Government of Odisha  
Information & Public Relations Department

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9/12  
P.L. Sharma  
20.1.14

RTI-05/2014/IPR 773

Date 21-1-14

From

Shri P.K. Jena, IAS  
Principal Secretary to Government &  
Nodal Officer, RTI, Odisha

To

All Principal Secretaries/ Commissioner-cum-Secretaries/ Spl. Secretaries of  
Government Departments

Sub:- Protection of interest of whistleblowers of RTI- Order dated 20.11.2013 of  
the Hon'ble High Court, Kolkata in Writ Petition No. 33290 of 2013.

Ref:- Office Memorandum No. 1/31/2013-IR, Dated 8<sup>th</sup> January, 2014 of DoPT,  
Government of India.


Madam/ Sir,

In inviting a reference to the subject cited above, it is intimated that in a  
landmark judgement the Hon'ble High Court, Kolkata in Writ Petition No-33290 of  
2013 in the case of Mr. Abhishek Goenka Vs Union of India have laid stress on the  
Section-6(2) of the RTI Act, 2005. The Court have observed,

*"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."*

2. In view of this, a copy of aforementioned order is enclosed for appropriate  
action at your end. This may kindly be brought to the notice of all concerned.

Yours faithfully,

  
(P.K. Jena)

Principal Secretary to Government &  
Nodal Officer, RTI, Odisha

Encl: As above



Memo No. 774 Date. 21-1-14

Copy forwarded Director, Ministry of Personal Grievance & Pensions, Department of Personnel & Training, Government of India, North Block, New Delhi for kind information with reference to Office Memorandum No. 1/31/2013-IR, Dated 8<sup>th</sup> January, 2014.

Director, I&PR

Memo No. 775 Date. 21-1-14

Copy alongwith **Court Order** forwarded to Member Board of Revenue / All RDCs / All HoDs / All Collector and District Magistrates for information and similar action.

Director, I&PR

Memo No. 776 Date. 21-1-14

Copy alongwith **Court Order** forwarded to Secretary, OLA / Secretary to Governor/ Registrar, High Court of Orissa for kind information.

Director, I&PR

Memo No. 777 Date. 21-1-14

Copy alongwith **Court Order** forwarded to Secretary to Odisha Information Commission/ OSD to Chief Secretary for information.

Director, I&PR

Memo No. 778 Date. 21-1-14

Copy alongwith **Court Order** forwarded to CSP to RTI Portal with a request to publish it in the RTI Portal of Government of Odisha.

Director, I&PR



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ns 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.)*