

IN THE SUPREME COURT OF INDIA
INHERENT AND PLENARY JURISDICTION
CONTEMPT PETITION (CIVIL) D. No. 36812 OF 2024
IN THE MATTER OF:

ANUJ NAKADE

...Petitioner

Versus

DR. POONAM MALAKONDAIAH & OTHERS.

...Respondents

INDEX

Sl. No.	Particulars	Page Nos.
1.	COUNTER AFFIDAVIT BEHALF OF THE RESPONDENT NO. 14 STATE OF BIHAR GENERAL ADMINISTRATION DEPARTMENT	1-12

ADVOCATE FOR THE RESPONDENTS: SAMIR ALI KHAN

Code : XXXXXXXXXX

FILED ON 18.10.2024

CONTACT NO. XXXXXXXXXX

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IN THE SUPREME COURT OF INDIA
INHERENT AND PLENARY JURISDICTION

CONTEMPT PETITION (C) Diary No. 36812 of 2024

IN THE MATTER OF:

ANUJ NAKADE

...PETITIONER

Vs.

DR. POONAM MALAKONDAIAH & OTHERS

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT No. 14

i.e. DR. B. RAJENDRA, GOVERNMENT OF BIHAR, PRINCIPAL SECRETARY, GENERAL ADMINISTRATION DEPARTMENT, MAIN SECRETARIAT, PATNA-800015.



I, B. Rajender, S/o B. Ganga Ram, aged about 56 years, posted as Principal Secretary presently at General Administration Department, Bihar, Patna do hereby solemnly affirm and state on oath as under follows:

1. That I am working on the above-mentioned post and well conversant with the facts and circumstances of the case as derived from the official records.

2. I have gone through the contents of the Petition under reply, I have understood the same and at the very outset the deponent herein denies the same unless expressly accepted.

3. That before offering any comment to file show cause in the instant contempt petition, it is humbly and respectfully submitted that the Hon'ble Supreme Court had heard the writ petition (civil) No. 1040 of 2019 on March, 20, 2023 and being pleased passed its order/direction, which is as follows: -

"1 In view of the orders which have been passed in Writ Petition (Civil) No 1325 of 2020, there shall be a direction to all the State governments/Union Territories to set up and operationalize online web portals so that information sought under the Right to



17

Information Act 2005 is made available in respect of all public authorities falling within their jurisdiction.

This exercise shall be completed within a period of three months from the date of this order.

2 The Petition is accordingly disposed of."

4. That in compliance of the aforesaid order/direction of this Hon'ble Court, the State of Bihar has itself taken the instant issue with all seriousness that it deserves and keeping in view of the gravity of the issue, the information call Centre has been established and aforesaid "Jankari Call Centre" is functional since 29.01.2007.
5. That moreover, the modal agency of "Jankari Porta" and also "Jankari Call Centre", Bihar State Electronics Development Corporation Ltd. had informed earlier regarding latest status of total applications received related to information and its disposal which was found satisfactory.
6. That so far the matter regarding the further development is concerned in this regard, it is further most humbly and respectfully submitted that since November, 2009 Jankari Portal is running in the State i.e. prior to order and judgment passed by the Hon'ble Apex Court in Civil Writ petition (civil) No. 1040 of 2019.
7. That in this regard, it is further submitted that the main crux of the contempt petition is that even among those status and UTS who have set up RTI portals either prior to or following this Hon'ble Court's direction the petitioner found a significant number of public authorities missing from the portals to this end, the petitioner identified a few critical public authority and verified their presence across the RTI portals that as per the petitioner the following key authorities to be either completely or largely unavailable from the RTI portals such as:
 - A. Government Department: - District Magistrate, Police Commissionerate and Police Stations.
 - B. Autonomous Bodies: - State Human Rights Commissions, Pollution Control Boards, Electricity Regulatory Commission and Education Boards.
 - C. Municipal bodies at Urban and Rural level ; and
 - D. Public Sector under taking (PSUs)

8. That in this context, it is further most humbly submitted that so far as the matter of the State of Bihar is concerned, the State of Bihar



17/10/2024

2

has been providing on line plat form for RTI known as Jankari Portal since November, 2009 second version of Jankari portal was made live in October, 2021.

However, Jankari Portal has following two interfaces and functionalities :- i.e.

Sl. No.	Interface	Available functionality
1	Citizen	Online RTI application First Appeal, Second Appeal Status tracking
2	Government Department	Das board Application download Respond to application

9. That not only that to process RTI applications and appeals, presently following authorities have been on boarded on the portal:-

- (i) Government Department- 45
- (ii) Director General of Police- 1
- (iii) Autonomous Bodies (State Human Right Commissions, Pollution Control Boards, Electricity Regulatory Commissions and Education Boards-8
- (iv) PSU/Board/other Government institutions- 17
- (v) Commissionaires- 9
- (vi) District Magistrate Office-38
- (vii) Superintendent of Police- 40

Total 158 authorities.

10. With reference to GAD letter No. 14907 dated 19.09.2024, BSEDC is working on RFP for Re-design, re-development & maintenance of Jaankari 2.2 Project with the functionality to map/onboard all field level offices and respective PIO's of the state. Accordingly, a draft RFP for next Gen Jaankari 2.0 has been prepared with following functionalities.

Phase 1 Deliverable :

- o Re-design & re-development of Jaankari Web portal and Mobile app
- o Interface for departmental users, PIOs login, reply/respond, status update etc



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- o Mapping of all offices and its PIOs
- o Integration with payment gateway and SMS/eMail gateway
- o Security audit through a Cert-in empanelled agency
- o Training and capacity building
- o Application maintenance and support for 3 years from date of Go-live

Phase 2 Deliverable :

- o Gen AI chatbot for the RTI Application services, facility to answer frequent queries to Citizen and departments and given quick links regarding the queries or navigate to FAQs as per the raised queries
- o AI driven scheme eligibility engine/integrated information portal for schemes and policies
- o Interactive Dashboard for Efficient monitoring of RTI Applications
- o Personal Assistant system to segregate & forwarding of RTI Applications
- o AI-based data analytics platform for analysing the data trends smart search capabilities, smart notifications and tracking of Applications and Appeals raised by Citizen
- o AI-powered intelligent fraud detection system to identify and flag fraudulent requests raised by Citizen by analysing the data pattern of Application and Appeals raised by Citizen.

That for completion of above mentioned process at least one and half months would be taken in tender process and after that at least four months time will be needed to come to the finality of this process.

11. That thus it is crystal clear that the State Government of Bihar ab-initio trying their best to smooth functioning of the portals under the RTI. Hence, the petitioner allegations as made by him in the contempt petition does not apply in the matter of the State Government of Bihar.
12. Moreover, Bihar State Electronics Development Corporation Ltd.(BSEDC) is the Agency of Bihar Government, whenever, the said agency requires fund in this regard, the State Government makes available sufficient budget for smooth functioning in the matter.
13. That therefore, the Hon'ble Lordship is prayed to graciously be pleased to consider the instant show cause in prevailing circumstances of the case. For which the answering opposite party



4

shall be grateful and shall ever pray. As such the State Government is ab-initio trying its best to get it update.

14. However, inconvenience caused to the Hon'ble Lordship is deeply regretted.
15. That the deponent craves leave of this Hon'ble Court to file further affidavits/documents/applications if and when required.
16. That no new facts, which were not pleaded before the Courts below, have been pleaded in this Affidavit.

B. Rajender
17.10.2024
DEPONENT

VERIFICATION:

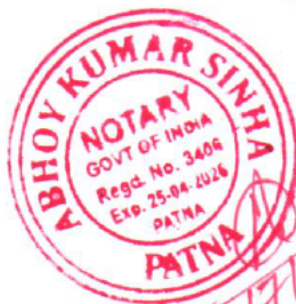
I, the above-named Deponent, do hereby verify that the contents of para 1 & 2 are true to my knowledge and para 3 to 16 are true to my knowledge being based on official record. No part of it is false and nothing material has been concealed thereof.

Verified at Patna on this 17th day of October, 2024.

B. Rajender
17.10.2024
DEPONENT

B. Rajender
Sri/Smt./Mr./Mrs. *Hazique Shams*
who has/have identified by *Adv. B. Rajender*
Advocate, Solemnly affirmed & declared the
Same before me
NOTARY PUBLIC PATNA
Govt of India
Sign *[Signature]*
Date *17/10/2024*

Deponent/Excutor
Hazique Shams
I Identified the deponent/ excutor who has/have
signed and affixed his/her thumb impression in
my presence
Advocate *Hazique Shams*
Regd. No. *BR/1338/2024* Sign & Date *17/10/2024*



BIHAR COURT FEE ₹10
BRECRO02C241000031094
08 Oct 2024

BIHAR COURT FEE ₹10
BRECRO02C241000031093
08 Oct 2024

Annexure 'A'

SL No.	Government Department Name
1	Agriculture Department
2	Animal & fish Resource Department
3	Youth Art & Culture Department
4	Backward & Extremely Backward Department
5	Building & Construction Department
6	Cabinet Secretariat
7	Commercial Taxes Department
8	Cooperative Department
9	Energy Department
10	Department Of Environment & Climate Change
11	Finance Department
12	Food & Consumer Protection Department
13	Health Department
14	Home Department
15	Education Department
16	Industries Department
17	Department Of Information Technology
18	Labour Resource Department
19	Department Of Law
20	Mines & Geology Department
21	Minor Water Resource Department
22	Minority Welfare Department
23	Panchayati Raj Department
24	Parliamentary Affairs Department
25	Personal & Administrative Department
26	Planning & Development Department
27	Public Health & Engineering Department
28	Information & Public Relation Department
29	Prohibition Exercise & Registration Department
30	Department Of Revenue & Land Reforms
31	Road & Construction Department
32	Rural Development Department
33	Rural Works Department
34	SC & ST Welfare Department
35	Department Of Science & Technology
36	Social Welfare Department
37	Sugarcane Industries Department
38	Tourism
39	Transport Department
40	Urban Development & Housing Department
41	Vigilance Department
42	Water Resource Department
43	Election Department
44	Chief Minister Secretariat
45	Governor Secretariat

SL No.	Name
1	Director General Of Police Department

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SL No.	Autonomous Bodies Name
1	State Election Commission
2	State Information Commission
3	Bihar Human Rights Commission
4	Bihar Public Service Commission
5	Bihar State Pollution Control Board
6	Bihar School Examination Board
7	Bihar State Power Holding Company Limited
8	Patna Municipal Corporation

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SL No.	PSU/ Board/ Other Govt. Institutions Name
1	Bihar State Disaster Management Authority
2	Bihar Rajya Pul Nirman Nigam Limited
3	Bihar State Road Transport Corporation
4	Beltron
5	Bihar State Warehousing Corporation
6	State Health Society
7	Bihar State AIDS Control Society
8	Infrastructure Development Authority
9	Bihar State Housing Board
10	Bihar State Food & Civil Supplies Corporation
11	Bihar State Beverages Corporation Limited
12	Bihar State Tourism Development Corporation
13	Bihar State Seed & Organic Certificate Agency
14	Bihar State Text Book Publishing Corporation Limited
15	Bihar State Industrial Area Development Authority
16	Women Development Corporation
17	South Bihar Power Distribution Company Limited

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Sl. NO.	District Magistrate Office Name
1	Araria DM Office
2	Arwal DM Office
3	Aurangabad DM Office
4	Banka DM Office
5	Begusarai DM Office
6	West Champaran DM Office
7	Bhabhua DM Office
8	Bhagalpur DM Office
9	Bhojpur DM Office
10	Buxar DM Office
11	Darbhanga DM Office
12	Gaya DM Office
13	Gopalganj DM Office
14	Jamui DM Office
15	Jehanabad DM Office
16	Katihar DM Office
17	Khagaria DM Office
18	Kishanganj DM Office
19	Lakhisarai DM Office
20	Madhepura DM Office
21	Madhubani DM Office
22	East Champaran DM Office
23	Munger DM Office
24	Muzaffarpur DM Office
25	Nalanda DM Office
26	Nawadah DM Office
27	Patna DM Office
28	Purnea DM Office
29	Rohtas DM Office
30	Saharsa DM Office
31	Samastipur DM Office
32	Saran DM Office
33	Sheikhpura DM Office
34	Sheohar DM Office
35	Sitamarhi DM Office
36	Siwan DM Office
37	Supaul DM Office
38	Vaishali DM Office

Sl. NO.	Commissionaires Office Name
1	PATNA DC OFFICE
2	MAGADH DC OFFICE
3	SARAN DC OFFICE
4	TIRHUT DC OFFICE
5	DARBHANGA DC OFFICE
6	BHAGALPUR DC OFFICE
7	MUNGER DC OFFICE
8	KOSHI DC OFFICE
9	PURNIA DC OFFICE

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Sl. NO.	Superintendent of Police Office Name
1	ARARIA SP OFFICE
2	ARWAL SP OFFICE
3	AURANGABAD SP OFFICE
4	BANKA SP OFFICE
5	BEGUSARAI SP OFFICE
6	BHAGALPUR SP OFFICE
7	BHOJPUR SP OFFICE
8	BUXAR SP OFFICE
9	DARBHANGA SP OFFICE
10	EAST CHAMPARAN SP OFFICE
11	GAYA SP OFFICE
12	GOPALGANJ SP OFFICE
13	JAMUI SP OFFICE
14	JEHANABAD SP OFFICE
15	KAIMUR SP OFFICE
16	KATIHAR SP OFFICE
17	KHAGARIA SP OFFICE
18	KISHANGANJ SP OFFICE
19	LAKHISARAI SP OFFICE
20	MADHEPURA SP OFFICE
21	MADHUBANI SP OFFICE
22	MUNGER SP OFFICE
23	MUZAFFARPUR SP OFFICE
24	NALANDA SP OFFICE
25	NAWADA SP OFFICE
26	PATNA SSP OFFICE
27	PURNIA SP OFFICE
28	ROHTAS SP OFFICE
29	SAHARSA SP OFFICE
30	SAMASTIPUR SP OFFICE
31	SARAN SP OFFICE
32	SHEIKHPURA SP OFFICE
33	SHEOHAR SP OFFICE
34	SITAMARHI SP OFFICE
35	SIWAN SP OFFICE
36	SUPAUL SP OFFICE
37	VAISHALL SP OFFICE
38	WEST CHAMPARAN SP OFFICE
39	BAGAHA SP OFFICE
40	NAVGACHHIYA SP OFFICE

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