

NEXT DATE OF HEARING: 21.10.2024
SECTION: PIL-W
BEFORE THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION (C.) D. NO. 36812 OF 2024
IN
W.P. (C) NO. 1040 OF 2019

IN THE MATTER OF:

ANUJ NAKADE

.....PETITIONER

VERSUS

DR. POONAM MALAKONADIAH
GOVT. OF ANDHRA PRADESH & ORS.

....RESPONDENTS

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1.	Reply on behalf of Respondent No.3		
2.	Annexure R-1		
3.	Vakalatnama		
4.	Proof of service		
			Total Rs. /-

CHANDAN: I.C NO. [REDACTED]
MOBILE NO. [REDACTED]

FILED BY:


(ANANDO MUKHERJEE)
ADVOCATE FOR RESPONDENT NO.3

CODE NO. [REDACTED]

OFFICE:- [REDACTED]

MOB: [REDACTED]

**BEFORE THE SUPREME COURT OF INDIA
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ADVOCATE FOR RESPONDENT NO.3: ANANDO MUKHERJEE

**BEFORE THE SUPREME COURT OF INDIA
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REPLY ON BEHALF OF THE RESPONDENT NO.3

1. The present Reply is being filed on behalf of the Respondent No.3 in the above captioned Contempt Petition (C) D. No. 36812 of 2024 filed in W.P. (C) No. 1040 of 2019. The present Contempt Petition has been filed by the Petitioner in W.P. (C) No. 1040 of 2019, *Pravasi Legal Cell Vs Union of India* wherein vide order/judgement dated 20.03.2023 this Hon'ble Court had directed to all the State governments/Union Territories to set up and operationalize online web portals so that information sought under the Right to Information Act 2005 is made available in respect of all public authorities falling within their jurisdiction and it was directed

to complete this exercise within a period of three months from the date of the order.

2. It is stated that the above captioned Contempt petition has been filed before this Hon'ble Court, seeking action to ensure accountability and enforcement of the order as passed by this Hon'ble Court in W.P. (C) No. 1040 of 2019.
3. At the very outset, it is most humbly and respectfully submitted that the Answering Respondent holds this Hon'ble Court in the highest esteem and has deep and unwavering respect for its authority. The Answering Respondent has taken every necessary step to ensure full compliance with the directives, orders, and instructions issued by this Hon'ble Court.
4. It is respectfully submitted that, in compliance with the aforementioned order in W.P. (C) No. 1040 of 2019, the Respondent No. 3 initiated the development of an Online Right to Information (RTI) Portal in the year 2023 itself. The Answering Respondent took immediate steps to ensure compliance by embarking on this project, which aims to streamline access to public information and enhance transparency.

5. It is stated and submitted that on 19.05.2023, it was requested from the Department of Personnel & Training, Government of India to provide source code of online RTI portal. The intent behind this request was to replicate and implement the same online RTI system in the State of Jharkhand, enhancing transparency and public access to information at the state level. It is further submitted that to expedite the matter and inquire about the status of the original request on 25.07.2023, a follow-up was made from the Department of Personnel & Training, Government of India.
6. It is pertinent to mention here that, as part of the efforts to develop an Online Right to Information (RTI) Portal, a “Terms of Use” agreement was executed between the Government of Jharkhand and the National Informatics Centre (NIC), Ranchi. This significant step took place on November 10, 2023. The agreement outlines the roles and responsibilities of both parties in the creation and management of the portal.

A true copy of the “Terms of Use” agreement dated 10.11.2023 executed between the Government of Jharkhand and the National Informatics Centre (NIC),

Ranchi is annexed herewith and marked as

ANNEXURE R-1{Pg 10 to 11 } to the present reply.

7. That it is stated that the National Informatics Centre (NIC) has successfully developed the Online Right to Information (RTI) Portal for the State of Jharkhand and has officially made it operational. This newly launched portal can be accessed by the public through the following web address: <https://rti.jharkhand.gov.in>. By making the portal live, the NIC has provided a streamlined digital platform that enables citizens to file RTI requests conveniently, thereby fostering greater transparency and ease of access to government information.
8. It is pertinent to mention that all the departments of the State are integrated into this portal. The integration of all other offices of the State into the Online Right to Information (RTI) Portal is currently underway at an accelerated pace. The government is making concerted efforts to ensure that every department and office is seamlessly connected to this digital platform, allowing for a comprehensive and unified system. This initiative will provide a centralized and user-friendly platform for the public to interact with the government, further advancing the state's digital governance goals.

9. It is further submitted that should any user experience difficulties while navigating or operating the Online Right to Information (RTI) Portal, assistance is readily available. Individuals seeking support can contact the designated toll-free helpline at 1800-345-6568. This helpline has been set up and is fully operational under the Personnel, Administrative Reforms, and Rajbhasha Department's Project Management Unit (PMU). The helpline is accessible during regular working hours on working days, ensuring that timely help is provided to those in need of guidance.

In addition to the telephonic support, users can also reach out for assistance via email by contacting the portal's support team at onlinerti.jh@gmail.com. Whether through phone or email, the government has ensured that multiple channels of communication are available to address any concerns, technical issues, or general inquiries related to the portal's usage. This comprehensive support system reflects the government's commitment to making the RTI process user-friendly and ensuring that citizens can access public information with minimal hassle.

10. Ongoing efforts are being made to enhance the accessibility of the Online Right to Information (RTI) Portal for the general public. The

government is continuously working to improve the portal's functionality, ensuring that it becomes more user-friendly and easier to navigate for citizens from all walks of life. These efforts include refining the interface, streamlining processes, and incorporating features that cater to the diverse needs of users, making it simpler to file RTI requests and obtain relevant information.

These continuous improvements reflect a commitment to digital inclusivity, ensuring that the portal remains a vital tool in promoting transparency and strengthening public engagement with governmental processes.

11. It is respectfully submitted that the Answering Respondent is bound by duty and obligation to this Hon'ble Court and holds its authority in the highest regard. It is submitted that there has been no deliberate or intentional disobedience of any directives or instructions issued by this Hon'ble Court. The Answering Respondent has made every possible effort to act in good faith and in accordance with the rulings of this Court.
12. That, the Answering Respondent is filing this reply, with further liberty in making such other further submissions as may be required

in the facts of the case subsequently or as may be directed by this Hon'ble court.

13. It is submitted that the averments in the reply are all true and correct to and nothing material has been concealed therefrom, and no part of it is false.
14. That the present reply is made *bona-fide* and in the interest of justice.

FILED ON: 17.10.2024

FILED BY:



ANANDO MUKHERJEE
ADVOCATE FOR THE RESPONDENT NO. 3

BEFORE THE SUPREME COURT OF INDIA
CIVIL CONTEMPT JURISDICTION
CONTEMPT PETITION (C.) D. NO. 36812 OF 2024
IN
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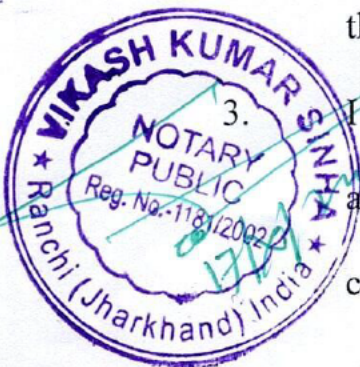
AFFIDAVIT

I, Asif Hassan, Son of Late Hamid Hassan aged about 51 years, resident of Hindpiri, Ranchi presently at Hindpiri, Ranchi, do hereby solemnly affirm and declare as under :

That, I am the currently working as Joint Secretary, Department of Personnel, Administrative Reforms & Rajbhasha, Jharkhand that I am the supervising/concerned officer of the case under reference and hence, I am fully acquainted with the facts and circumstances of the present case.

2. That, the content of the accompanying Reply, from Para 1 to 14 from Pages (01 to 09), have been read over to me and explained in vernacular language and having understood the same, I say that the facts contained therein are true to my knowledge.

3. I state that, the statements of facts mentioned therein are all true and correct to my knowledge and nothing material has been concealed therefrom, and no part of it is false.



Notarised under: Notaries Act-1956
and Notaries Rules 1956 by Govt.
Jharkhand Ranchi India.

17 OCT 2024

Ref.No. 189

4. That, the Annexures annexed with this reply are true and correct translated/typed copies of their original.

VERIFICATION

I, the deponent above named do hereby verify that, the averments made in paragraphs 1 to 4 of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

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

Asif Hassan
Joint Secretary
Personnel, Administration & Public Relations Department
DEPONENT
17/10/2024

Asif Hassan.
Joint Secretary
Personnel, Administration & Public Relations Department
DEPONENT
17/10/2024

17 OCT 2024



Signature Attested to
Identification of Lawful

Terms of Use (ToU) for NIC developed IT Application by User Department

10

1. **Written Communication:** User department should specify its requirements about IT Application preferably by formal communication in detail. User department should provide feedback on the adopted models, documents, demonstrative systems, and presentations etc., made by NIC, within a week or a reasonable time frame as agreed upon mutually. After which, the steps and stages of various project life cycle will get finalized for subsequent stages.
2. **Timely Feedback:** In the initial requirement gathering phase of the IT application, the efforts should be to capture the maximum of User content and business processes, so that there is least requirement change after phase 3 of the IT Application i.e. As-IS System Analysis to To-Be System Design.
3. **Default Clause:** After UAT, it shall be presumed that User has accepted the system designed by NIC and to save time and cost overruns no further feedback shall be considered.
4. **Additional Cost & Time:** Under special circumstances, if any delayed feedback or modifications to already finalized model or released system are requested, the User Department may have to incur additional cost and time.
5. **Data and Business Process Ownership:** The Ownership of stored Data, entire transactional data, content data, validations and business rules/functional requirements belongs to the User department.
6. **No Data Access to NIC:** NIC will not keep access right of the actual data inserted/generated in the IT Application of User department. The real-time actual implementation and operation of the IT Application will be the prime responsibility of the user department. The User Department shall nominate an officer who has the complete and exclusive access to the stored data. This officer can be trained by the NIC Project Team for this purpose.
7. **Technical Artifact Ownership:**
 - i. NIC will hold Intellectual Property Rights to all the artifacts developed/produced under this project and shall have the full right to modify the technical artifacts for implementation in other than Jharkhand Government.
 - ii. NIC shall have the rights to claim award(s)/felicitatation(s) and submit related technical papers for its intellectual property.
 - iii. The Department shall have the perpetual right to use the software customised for the use of Jharkhand State.
 - iv. Any change in software for Jharkhand Government shall be made by the NIC only after a formal request for change or customization by the Department. Bug resolution will not be part of this clause.
 - v. If the Department holds the control of the software in future then for making any change in software or in the artifacts, the Department needs to obtain the consent of NIC for that change.



सचिव

झारखण्ड राज्य सूचना आयोग, राँची।

उप निदेशक (आई.टी.) / Deputy Director (IT)

भारत सरकार / Government of India

इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय / MaitY

राष्ट्रीय सूचना-विज्ञान केंद्र / National Informatics Centre

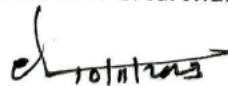
राँची / Jharkhand State Centre, Ranchi



10.11.2021

8. **RTI queries:** All RTI queries related to the RTI Application are to be answered by the User department. If any technical queries are there, NIC may provide inputs to the Nominated/ designated officer of the department, provided it is technically feasible.
9. **Queries from law enforcing, auditing and Regulatory Functionaries:** All queries from Government law enforcing, auditing and Regulatory agencies related to the RTI Application are to be answered by the User department only. NIC shall not held responsible to answer any such queries from any enforcement agencies. The User department should envisage the reports and output required from the IT Application in advance, which will become the part of the IT Application. NIC can help in preparation of exceptional reports in the Application to answer such queries by the Nominated/ designated official of the User department.
10. **Cleaning of Sample/test Data:** The NIC uses sample/test data for IT Application engineering activities, it is the responsibility of the User Department and NIC to clean the sample data before go-live so that there will not be any harm or legal issues due to sample data.
11. **Bug Resolution:** The Department should report any bug or error in the IT Application to the NIC and the same should be resolved by the NIC and reported back to the Department within the reasonable timeframe.
12. **Indemnification:** NIC should be indemnified from all legal and associated consequences arising due to the usage of the IT application.
13. **Sensitization of Govt. Laws. Acts/ Rules and Regulations:** User department should give due consideration to sensitize themselves with existing various Government Laws/Acts/ Rules and Regulations such as IT Act 2000, IT Act 2008 (Amendment), IT Rules 2011, Aadhaar Act 2016, Cyber Security Laws, Role of Cert-in, Sensitive Personal Data Information Rules and Privacy of Personal Data etc. issued by Government of India from time to time.

Declaration **RAKHAL CHANDRA BESRA,** DEPT. OF PERSONNEL, A.R. RAJBHARSHA, G.O.P.
I,..... hereby declare on behalf of..... that I have gone through the clauses mentioned herein under the Annexure -I i.e. Terms of Use (ToU) for using NIC ICT Services and in capacity of Project-in-Charge undertake to abide by the above clauses i.e. 1 to 13 with best of my belief and knowledge for the Project IT Application - Online RTI Portal Jharkhand.



Signature of Project In-Charge

Name: **RAKHAL CHANDRA BESRA**

Designation: **SECRETARY, JSIC**

Email ID: **jsicranchi@gmail.com**

Mobile No.: 

सचिव

झारखण्ड राज्य सूचना आयोग, राँची।


10.11.2023

उप निदेशक (आई.टी.) / Deputy Director (IT)
Signature of Officer from NIC Jharkhand

इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय / MaitY

राष्ट्रीय सूचना-विज्ञान केंद्र / National Informatics Centre

झारखण्ड राज्य केंद्र, राँची / Jharkhand State Centre, Ranchi

Name: **Harendra Singh**

Designation: **Deputy Director (IT)**

Email: **harendra.singh@nic.in**

Mobile No.: **9431315389**

IN THE SUPREME COURT OF INDIA

CIVIL / CRIMINAL / APPELLATE / ORIGINAL / MISC. / JURISDICTION

Cont. Petition (C) Diary No.- 36812/2024

IN THE MATTER OF:

ANUJ NAKADE

Petitioner (s) /
Applicant (s)

VS

**DR. POONAM MALAKONDAIAH GOVT.
OF ANDHRA PRADESH & ORS.**

Defendant (s) /
Respondent (s)

VAKALATNAMA

I/We Rajesh Sharan Singh, PS-cum-L.R. Law Department, Govt. of Jharkhand at Ranchi

Petitioner(s) / Appellant (s) / Plaintiff (s) / Applicant (s) / Defendant (s) / Respondent (s) in the above
Petition / Appeal / Suit / Application to do hereby appoint and retain

Mr. Anando Mukherjee

Advocate, Supreme Court of India

To Act and Appear for me/us in the above Suit / Appeal /Petition / Reference / Application and on my/our behalf to conduct and prosecute (or defend) the same and all proceeding that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review to file and obtain return of documents, and deposit and receive any money on my/our behalf on the said Suit / Appeal / Petition / Reference / Application and in application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

Dated this the 08 day of October 2024

ACCEPTED Certified & Satisfied ADVOCATE

Signature (s) below :

The address of the said Advocate is:-

Anando Mukherjee
Mr. Anando Mukherjee,
Advocate-on-Record,



Rajesh Sharan Singh
8/10/24

(Rajesh Sharan Singh)
Principal Secretary-cum-L.R.
Law Department,
Govt. of Jharkhand, Ranchi

Rajesh Sharan Singh
Principal Secretary-cum-L.R.
Law Department, Jharkhand, Ranchi

IN THE SUPREME COURT OF INDIA
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...RESPONDENTS

MEMO OF APPEARANCE

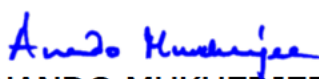
To,

The Registrar
Supreme Court of India
New Delhi

Sir,

Please enter appearance on behalf of Respondent No.3 in
the above matter.

Yours faithfully,


(ANANDO MUKHERJEE)

ADVOCATE FOR RESPONDENT NO.3

New Delhi
Dated: 18.10.2024