

SECTION: PIL (W)

**BEFORE THE HON'BLE SUPREME COURT OF INDIA
CIVIL CONTEMPT JURISDICTION
CONTEMPT PETITION (CIVIL) DIARY NO. 36812 OF 2024**

IN THE MATTER OF:

Anuj Nakade

.... Petitioner

Versus

Dr. Poonam Malakondiah and Ors.

....Alleged Contemnors

FILING INDEX

S.No.	Particulars	Copies	Court fee
1.	Compliance Affidavit on Behalf of Respondent – No. 23	1	20/-
2.	Annexure R-1	1	-
3.	Proof of Service	1	-
	Total		20/-

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21.10.2024

[Avijit Mani Tripathi]

Advocate on Record for Respondent

State of Meghalaya

Phone:

Email:

CODE NO.

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**COMPLIANCE AFFIDAVIT OF RESPONDENT NO.23
CHIEF SECRETARY STATE OF MEGHALAYA**

**PAPERBOOK
(For Index Kindly See Inside)**

Advocate for Respondent

Avijit Mani Tripathi

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**REPLY AFFIDAVIT OF ALLEGED CONTEMNOR NO. 23-
DONALD PHILIPS WAHLANG, CHIEF SECRETARY TO THE
GOVERNMENT OF MEGHALAYA**

I, Donald Phillips Wahlang, IAS, the Chief Secretary to the Government of Meghalaya, having office at Secretariat, Secretariat Hills Shillong, Meghalaya – 739001, do hereby solemnly affirm and state as under:

1. That I am the Chief Secretary to the Government of Meghalaya and as such, in my official capacity, I am aware of the facts and records pertaining to the captioned case. I am thus competent to swear the present affidavit.
2. That the captioned contempt petition arises out of the alleged non-compliance of directions passed by this Hon'ble Court vide order dated 20.03.2023 in W.P.(C) No. 1040 of 2019 titled as '*Pravasi Legal Cell*

Chief Secretary
Meghalaya



vs. *Union of India*'. For the sake of reference and perusal, such directions are reproduced as under:

"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 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."

3. That it is most respectfully submitted that the online RTI portal for the State of Meghalaya has already been launched way back on 30.09.2019 by the Department of Personnel and A.R., Government of Meghalaya for the purpose of filing applications / appeal under the Right to Information Act, 2005. The web-link of the said portal is 'https://megrti.gov.in' having a list of public authorities and with the link to file online RTI Applications depicted as 'https://megrti.gov.in/onlinerti'. The web-portal also depicts real-time statistics *inter alia* w.r.t pendency and disposal of applications / appeals filed under the RTI Act, 2005 filed before the concerned public authorities.
4. That it is therefore most respectfully submitted that the directions passed by this Hon'ble Court has already been complied with and there is not even any inadvertent default or non-compliance on part of the

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 Chief Secretary
 Meghalaya



State of Meghalaya. Leave aside alleged willful non-compliance leading to a contempt action.

5. That the Petitioner has mentioned some alleged deficiencies in the web-portal of the State Government, especially regarding non-coverage of certain offices of the State Government. It is submitted that all the public authorities of the State Government are covered under the State RTI web-portal and RTI requests can be submitted to them online through nodal officers.
6. That in response to question 4 of the 'Frequently asked questions' (FAQ) section of the State RTI web-portal categorically mentions as follows:

"It may be noted that the application filed through this RTI Online Portal will reach electronically to the "Nodal officers" of the concerned public authority and "not" to the PIO of the concerned Public authority. The Nodal officer will forward the RTI Application, either electronically or physically to the concerned PIO."

The above arrangement has been made for the convenience of the RTI applicant so that she/he does not have to run from pillar to post and can conveniently file an RTI application to the nodal officer of the concerned Department/Authority. A copy of the FAQs available on the



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RTI web-portal of State of Meghalaya is annexed herewith and marked as ANNEXURE R-23/1 [Pg. No. 9].

7. That the Petitioner, qua State of Meghalaya, has alleged that the offices of District Magistrates and Police Commissionerate's/Superintendents of Police have been excluded from coverage of the web-portal of the State of Meghalaya which is not correct. It is submitted that the District Magistrates are known as "Deputy Commissioners" in the State of Meghalaya. Collectorates in Meghalaya are also headed by them and they function as Collector in case of revenue matters and District Magistrates in case of maintenance of Law and Order and General Administration. The offices of all the Deputy Commissioners of 12 Districts of State of Meghalaya are onboard the RTI web-portal of the State.

Further, the office of the Directorate General of Police and nodal department of Home (Police) Department of the State are also on-board the RTI web-portal and any query regarding Meghalaya police can be submitted to the aforesaid offices which will be entertained and disposed of accordingly. There was no direction of this Hon'ble Court that each and every Police post should be individually on-board the



Chauhan
Chief Secretary
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portal. The querist can submit the query to the DGP office on the portal and information will be provided through concerned police authority.

8. That another deficiency pointed out by the Petitioner is that the independent authorities, such as State Human Rights Commission ('SHRC') and State Medical Council ('SMC') are not on-board the RTI portal of the State of Meghalaya. It is most respectfully submitted that these are independent statutory authorities not functioning under the aegis of the State Government and hence they cannot be covered under the State RTI portal which is limited to the authorities functioning under the State Government.

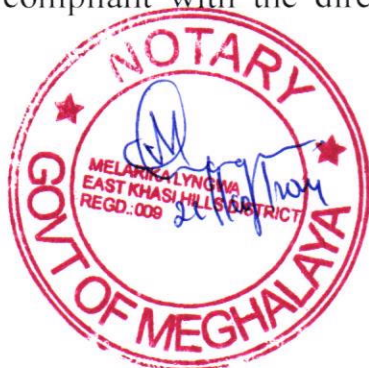
9. That the last grievance of the Petitioner in case of State of Meghalaya is that Urban and Rural local Bodies of the State of Meghalaya are not on-board the State RTI web-portal. It is most respectfully submitted that by virtue of Article 243M and 243ZC of the Constitution of India, Parts IX – The Panchayats and IXA-The Municipalities does not apply to the scheduled tribal areas of the State of Meghalaya. Under Paragraph-20 of the sixth schedule to the Constitution, whole of State of Meghalaya, except the Shillong Urban Agglomeration area and the Shillong Cantonment Board area, is declared as scheduled tribal area.



Shillong

Chief Secretary
Meghalaya

10. That as such there are no rural local bodies functioning under Part-IX of the Constitution in the State of Meghalaya. Further, the Shillong Cantonment Board does not come within the purview of the State Government and hence it cannot be on-boarded the State RTI portal. Insofar as Shillong City is concerned, the Urban Affairs Department and the Directorate of Urban Affairs, have already been onboarded on the said RTI Portal to provide relevant information.
11. That the local bodies governing the scheduled tribal areas are Autonomous constitutional authorities constituted under Paragraph-20 the sixth schedule to the Constitution of India known as Autonomous District Councils which do not function under the control of the State Government and as such cannot be onboarded the State RTI web-portal.
12. That apart from the above allegations there is no other grievance of the Petitioner qua State of Meghalaya. In view thereof there is no non-compliance at all by any of the directions passed by this Hon'ble Court in judgment and order dated 20.03.2023 passed in W.P.(C) No. 1040 of 2019.
13. That the State of Meghalaya has taken all necessary steps in to ensure implementation of the provisions of the RTI Act, 2005 and is also fully compliant with the directions passed this Hon'ble Court vide order



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Chief Secretary
Meghalaya

dated 20.03.2023 in W.P.(C) No. 1040 of 2019 titled as '*Pravasi Legal Cell vs. Union of India*'.

14. That there is no instance of any contemptuous action on part of the State of Meghalaya in relation to the judgment of this Hon'ble Court in W.P.(C) No. 1040 of 2019 titled as '*Pravasi Legal Cell vs. Union of India*'. Any other or further directions passed by this Hon'ble Court shall be complied with by the State Government.
15. That for any other inadvertent omission, the deponent herein tenders unconditional apology and shall abide by any other or further orders which may be passed by this Hon'ble Court. As such it is most humbly prayed that the present contempt may please be dropped qua the alleged contemnor No.23- Chief Secretary to the Government of Meghalaya and the notice of contempt issued against the Chief Secretary to the Government of Meghalaya may please be discharged.

It is prayed accordingly.

IDENTIFIED BY

MR. A. H. KHARWANLANG
ADVOCATE



DEPONENT

Chief Secretary
Meghalaya

Solemnly Affirmed Before me this day

On 21.10.2024 The Deponent is identified
By Mr. A. H. Kharwanlang, Advocate
I certify that the contents of the Affidavit
are read over and explained to the Deponent
who verified the same.

SI/Instrument No 08
Date 21.10.2024

MELARIKALYNGWA
NOTARY
East Khasi Hills District
Government of Meghalaya

VERIFICATION:

Verified at Shillong on this 21st day of October 2024 that the content of the above affidavit is true to the best of my knowledge and belief based on official records of the State of Meghalaya and nothing is false and nothing material has been concealed therefrom.

DEPONENT**Chief Secretary
Meghalaya**

Frequently Asked Questions**RTI Online****Government of Meghalaya****1. To which Public Authority can I file RTI request?**

An applicant who desires to obtain any information under the RTI Act 2005 can submit an application through this portal to the Departments, Directorates, Commissionerates, Deputy Commissioner Offices of the State of Meghalaya.

2. How do I write my application for seeking the information as per the RTI Act 2005?

The text of the RTI application can be written in the prescribed column of the form. At present, the text of the application is confined up to 150 characters only.

3. How do I pay the prescribed fee under the RTI Act?

The BPL applicants are not required to pay any fee as per the RTI Rules, 2012. However, the applicant must attach a copy of the BPL Certificate issued by the Government along with the application.

In case of the Non-BPL applicants, after filling the first page they will be directed to the Payment page on which the applicant has to select RTI online Payment as Payment mode and click on Pay Button and then confirm payment Button for Payment of the prescribed RTI fee.

The applicant can pay the prescribed RTI fee through the following modes:

- I) Internet Banking
- II) SBI Debit Card

4. Do I get any receipt for online filing of RTI application?

On Submission of the Application, a unique Registration Number will be issued, which may be referred by the applicant for any future reference.

It may be noted that the application filed through this RTI Online Portal will reach electronically to the "Nodal officers" of the concerned public authority and "not" to the PIO of the concerned Public authority. The Nodal officer will forward the RTI Application, either electronically or physically to the concerned PIO

5. Will I be informed about the additional fee (if any) if required to pay?

In case additional fee representing the cost is required for providing information, the nodal officer will intimate the same, which can be viewed by the applicant through 'View Status' option in the RTI Online portal. For submitting the additional fee online, the applicant needs to use the option 'View Status' in the RTI online portal and on providing the Registration number of the request, option for 'Make Payment' will be provided.

6. How do I file an Appeal with Appellate authority?

For making an appeal to the Appellate authority, the applicant has to select the option "Submit First Appeal" in the RTI online Portal and fill up the form that will appear.

The registration number and email id of original application has to be used for reference.