

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

**IN**

**WRIT PETITION (CIVIL) NO. 1040 OF 2019**

**IN THE MATTER OF:**

Anuj Nakade

...Petitioner

Versus

Dr. Poonam Malakondaiah Govt. Of Andhra Pradesh & Ors.   ...Respondents

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ADVOCATE FOR RESPONDENT: S.N.TERDAL



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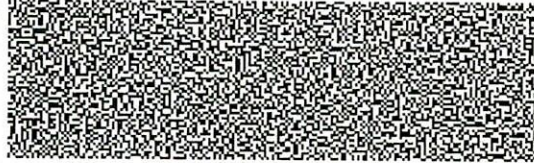
INDIA NON JUDICIAL

**THE ADMINISTRATION OF  
UNION TERRITORY OF LADAKH**

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 35: UNION  
TERRITORY OF LADAKH**

I, Michael M. D'Souza, S/o Late Crescencio De Souza, aged 49

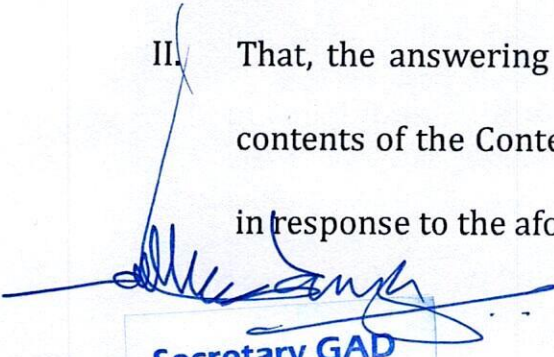
years, working as Administrative Secretary, General Administration

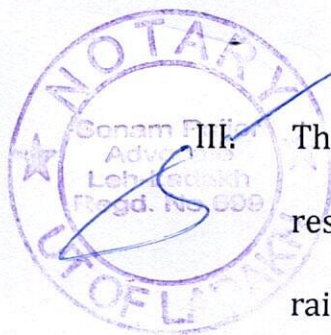
Department, UT of Ladakh, do hereby solemnly affirm and state as

under:

I. That, I am the authorised person on behalf of the Respondent and in my official capacity acquainted with the facts of this case. I have perused the record and I am competent and authorised to swear this affidavit.

II. That, the answering respondent has read and fully understood the contents of the Contempt Petition and is filing this Counter Affidavit in response to the aforesaid Petition.

  
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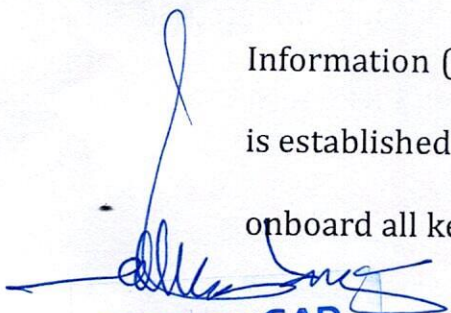
III. That, at the very outset, without prejudice to the above, the answering respondent denies every averment, submission, and contention raised in the instant Contempt Petition "*ad verbatim in seriatim*", except those which have been admitted in this Counter Affidavit.

IV. That, the respondent herein craves leave of this Hon'ble Court to make the following Submissions at this stage, and leave of this Hon'ble Court is sought for amending and making Additional Submissions later, if required.

V. **BRIEF FACTS AND PRELIMINARY SUBMISSIONS:**

1. That the present petition has been filed by the petitioner seeking to initiate contempt proceedings against the respondents for the alleged non-compliance of the final order and judgment dated 20.03.2023 requiring the setting up of online RTI portals passed in W.P. (c) No. 1040 of 2019 titled, '*Pravasi Legal Cell versus Union of India*' by this Hon'ble Court.

2. That it is unequivocally submitted that, the Administration of Union Territory (U.T.) of Ladakh has a dedicated Right to Information (RTI) web Portal i.e., **rtionline.ladakh.gov.in**, that is established and functional. The U.T. of Ladakh has managed to onboard all key Public Authorities falling within its jurisdiction.

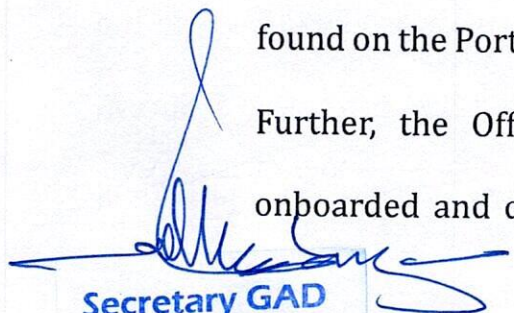
  
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3. That the U.T. Administration, through its National Informatics Centre (NIC) office, is coordinating with the website developers, (NIC, Karnataka) to onboard such features for making the website fully accessible to persons with disabilities (PwDs).



4. That as per the office records available with the General Administration Department, it is submitted that the answering respondent herein, U.T. of Ladakh, has not received any e-mail from the petitioner, regarding the directions issued by the Hon'ble Supreme Court on 20.03.2023.

5. That the General Administration Department, vide OM F. No., A/276/2022- GAD SEC dated: 30.06.2023, has directed the concerned Deputy Commissioners (DCs), Leh & Kargil, and all the Head of the Departments/Directorates/University of Ladakh/Offices to provide the names/designations of Public Information Officer (PIO) and First Appellate Authority (FAA). Accordingly, the Office of the DM Kargil was onboarded the RTI Portal by the General Administration Department and can be found on the Portal as the Office of Deputy Commissioner Kargil. Further, the Office of the Deputy Commissioner, Leh was onboarded and can be found on the web RTI Portal of U.T. of

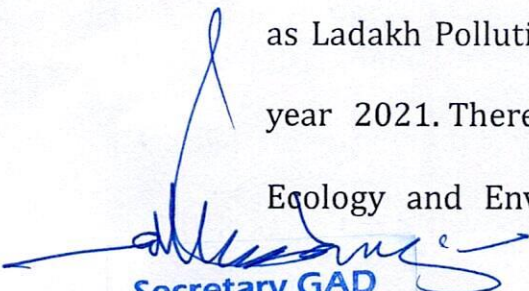
  
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Ladakh as DC Leh. It is further submitted that the Ladakh Police has been instructed to appoint a Public Information Officer and First Appellate Authority for Police Headquarters (PHQ) and for the Offices of Senior Superintendent of Police (SSP) Kargil and Leh, to facilitate access to RTI-related information.

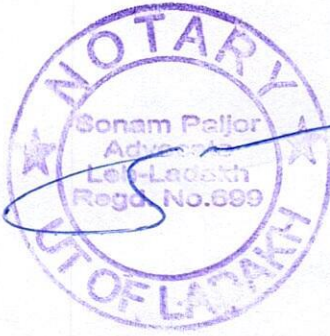


6. That further, the General Administration Department vide OM Dated:14.10.2024, requested Social Welfare Department to provide list of Public Information Officer (PIO) and First Appellate Authority (FAA) for the State Human Rights Commission (if any), but in response vide an internal file No: M/2369/2024- S&TW SEC, dated: 16.10.2024 it was conveyed that, there is no State Human Rights Commission set up in the U.T. of Ladakh.

7. That, prior to the bifurcation of the erstwhile State of Jammu and Kashmir, the concerned districts in Ladakh were under the purview of the Jammu and Kashmir State Pollution Control Board, whereas after the formation of the separate Union Territory of Ladakh in the year 2019, a new set up known as Ladakh Pollution Control Committee was established in the year 2021. Therefore, the concerned Department of Forest, Ecology and Environment is in the process of onboarding

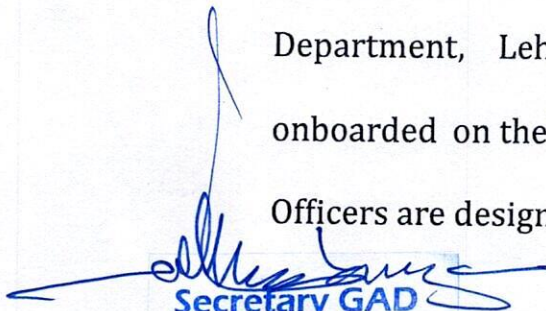
  
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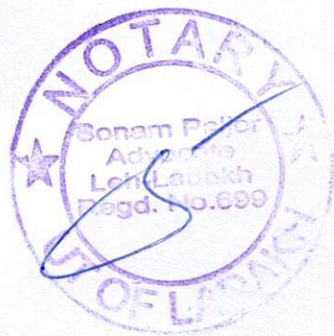
the Ladakh Pollution Control Committee on the RTI portal of U.T. of Ladakh. It is further stated that the General Administration Department vide OM dated 14.10.2024 has instructed the Forest, Ecology and Environment Department to appoint Public Information Officer (PIO) and First Appellate Authority (FAA) to facilitate access to information under the RTI Act, 2005.



8. That there is a setup of a Joint Electricity Regulatory Commission, Jammu and Kashmir and Ladakh, operating for the U.T. of Jammu and Kashmir and U.T. of Ladakh, and the Power Development Department is under process to enlist Joint Electricity Regulatory Commission, Jammu and Kashmir and Ladakh on the RTI portal of U.T. of Ladakh.

9. That the U.T. of Ladakh does not have Municipal Corporation as such, but instead Municipal Committee, Kargil/Leh. However, it is submitted that Urban Local Bodies can be found on the RTI portal, U.T. of Ladakh, through which information, if any, may be sought in respect of the concerned Municipal Committee, Kargil/Leh. Also, the Rural Development Department, Leh/Kargil of the concerned Districts are onboarded on the RTI portal and various Block Development Officers are designated as Public Information Officers.

  
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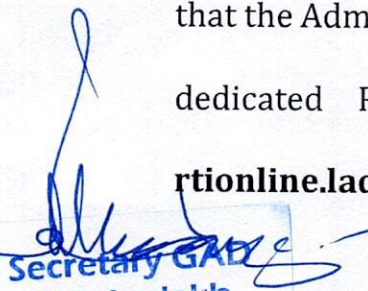
10. That, since the U.T. of Ladakh has adopted the RTI web portal of the State of Karnataka, the NIC unit of U.T. of Ladakh has taken up the matter with the NIC unit of the State of Karnataka, to resolve the issues of minimum accessibility required of a Government website as mandated by the Guidelines for Indian Government Websites and Apps 3.0.

11. That an alternative method has been provided in the RTI web Portal, AUDIO CAPTCHA is integrated into the RTI web Portal of U.T. of Ladakh. Also, AUDIO input error has been integrated for alerting the applicant about the invalid characters in the CAPTCHA.

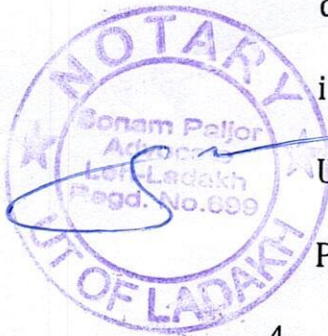
**VI. PARA-WISE REPLY:**

1. That, the averment made by the petitioner in Para No. 1 of the contempt petition, is a matter of facts and records, hence needs no reply/response from the answering respondent.

2. That, in reply to the averments made by the petitioner in Sub-Para (A) of Para 2 of the contempt petition, it is submitted that the Administration of Union Territory (U.T.) of Ladakh has a dedicated Right to Information (RTI) web Portal i.e., **rtionline.ladakh.gov.in**, that is established and functional.

  
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3. That, in reply to the averments made by the petitioner in Sub-Para (B) of Para 2 of the contempt petition, it is categorically denied to the extent that, the RTI portal of Ladakh did not include key public authorities. It is hereby submitted that the U.T. of Ladakh, on the contrary, managed to onboard all key Public Authorities falling within its jurisdiction.

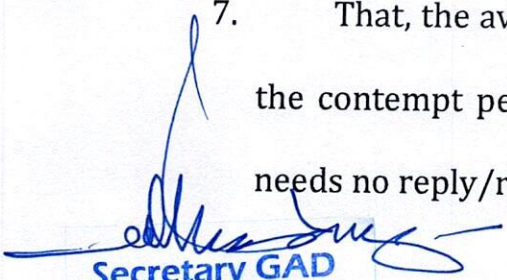


4. That, in reply to the averments made by the petitioner in Sub-Para (C) of Para 2 of the contempt petition, it is stated that the U.T. Administration, through its National Informatics Centre (NIC) office, is coordinating with the website developers, (NIC, Karnataka) to onboard such features for making the website fully accessible to persons with disabilities (PwDs).

5. That, the contents of the Para No. 3 of the contempt petition mentioned the Petitioner, and being a matter of fact needs no reply/response from the answering respondent.

6. That, the contents of the Para No. 4 of the contempt petition needs no reply/response from the answering respondent.

7. That, the averment made by the petitioner in Para No. 5 of the contempt petition, is a matter of facts and records, hence needs no reply/response from the answering respondent.

  
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8. That, the averment made by the petitioner in Para No. 6 of the contempt petition, is a matter of facts and records, hence needs no reply/response from the answering respondent.

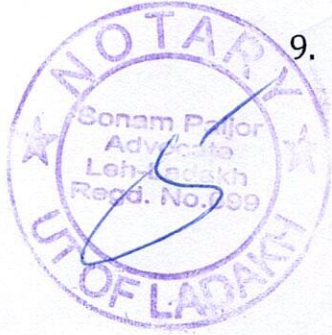
9. That in reply to the averments made by the Petitioner in Para No. 7, it is submitted that, the NIC Ladakh Unit is coordinating with the RTI Web Developers i.e., NIC Karnataka State Unit, to make the RTI portal of UT Ladakh compliant with the GIGW 3.0 standards.

10. That, the averment made by the petitioner in Para No. 8 of the contempt petition, is a matter of facts and records, hence needs no reply/response from the answering respondent.

11. That, in reply to the averments made by the petitioner in Para No. 9 of the contempt petition, it is submitted that the U.T. of Ladakh has set up and operationalized the RTI web portal in respect of all key public authorities falling within its jurisdiction.

12. That, the averments made by the petitioner in Para No. 10 and Para No. 11 of the contempt petition, do not pertain to the answering respondent, hence needs no reply/response from the answering respondent.

13. That, in reply to the averments made by the petitioner in Para No. 12 of the contempt petition, it is stated that, as per the



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office records available with the General Administration Department, the answering respondent herein, U.T. of Ladakh, has not received any e-mail from the petitioner, regarding the directions issued by the Hon'ble Supreme Court on 20.03.2023.

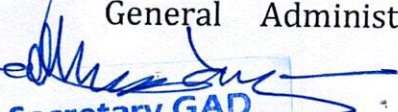
However, the rest of the submissions made in this Para are a matter of facts and records need no reply/response from the answering respondent.

14. That, the averments made by the petitioner in Para No. 13 and Para No. 14 of the contempt petition, are a matter of facts, and also the submissions made in this Para do not pertain to the U.T. of Ladakh, hence, need no reply/response from the answering respondent.

15. That, in reply to the averments made by the petitioner in Para No. 15 of the contempt petition, it is submitted that they have already been replied to in the preceding Paras and thus not repeated here for the sake of brevity of the Hon'ble Court.

16. That, in reply to the averments made by the petitioner in Sub-Para (A) (a) of Para 16 of the contempt petition, it is vehemently denied that the Offices of the District Magistrates (DMs) are entirely absent from the RTI portal of UT Ladakh. The

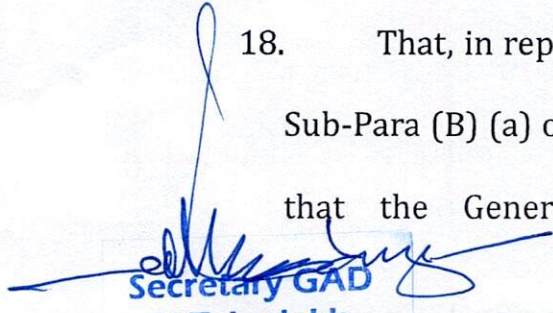
General Administration Department, vide OM F. No.,

  
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A/276/2022- GAD SEC dated: 30.06.2023, has directed the concerned Deputy Commissioners (DCs), Leh and Kargil, and all the Head of the Departments/Directorates/University of Ladakh/offices to provide the names/designations of Public Information Officer (PIO) and First Appellate Authority (FAA). Accordingly, the Office of the DM Kargil was onboarded the RTI Portal by the General Administration Department and can be found on the Portal as the Office of Deputy Commissioner Kargil. Further, the Office of the Deputy Commissioner, Leh was onboarded and can be found on the web RTI Portal of U.T. of Ladakh as DC Leh. -

17. That, in reply to the averments made by the petitioner in Sub-Para (A) (b) of Para 16 of the contempt petition, it is hereby submitted that the Ladakh Police has been instructed to appoint Public Information Officer (PIO) and First Appellate Authority (FAA) for Police Headquarters (PHQ) and for the Offices of Senior Superintendent of Police (SSP) Kargil and Leh, to facilitate access to RTI-related information.

18. That, in reply to the averments made by the petitioner in Sub-Para (B) (a) of Para 16 of the contempt petition, it is stated that the General Administration Department vide OM

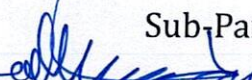
  
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Dated:14.10.2024, requested Social Welfare Department to provide list of Public Information Officer (PIO) and First Appellate Authority (FAA) for the State Human Rights Commission (if any), and in response it has been conveyed that, there is no State Human Rights Commission set up in the U.T. of Ladakh.

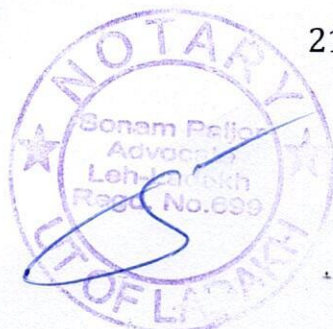


19. That, in reply to the averments made by the petitioner in Sub-Para (B) (b) of Para 16 of the contempt petition, it is submitted that, prior to the bifurcation of the erstwhile State of Jammu and Kashmir, the concerned districts in Ladakh were under the purview of the Jammu and Kashmir State Pollution Control Board, whereas after the formation of the separate Union Territory of Ladakh in the year 2019, a new set up known as Ladakh Pollution Control Committee was established in the year 2021. Therefore, the concerned Department of Forest, Ecology and Environment is in the process of onboarding the Ladakh Pollution Control Committee on the RTI portal of U.T. of Ladakh.

20. That, in reply to the averments made by the petitioner in Sub-Para (B) (c) of Para 16 of the contempt petition, it is

  
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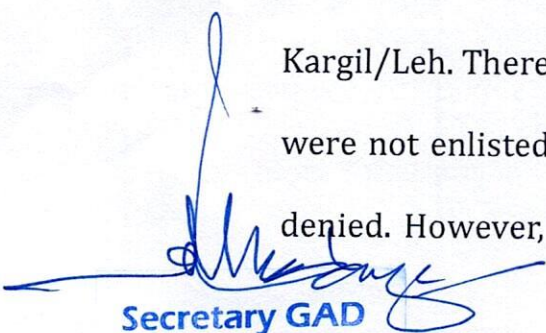
submitted that there is no State Secondary Education Board for the U.T. of Ladakh.



21. That, in reply to the averments made by the petitioner in Sub-Para (B) (d) of Para 16 of the contempt petition, it is submitted that there is no State Medical Council for the U.T. of Ladakh.

22. That, in reply to the averments made by the petitioner in Sub-Para (B) (e) of Para 16 of the contempt petition, it is stated that there is a setup of a Joint Electricity Regulatory Commission, Jammu and Kashmir and Ladakh, operating for the U.T. of Jammu and Kashmir and U.T. of Ladakh, and the Power Development Department in the UT of Ladakh is under process to enlist Joint Electricity Regulatory Commission, Jammu and Kashmir and Ladakh on the RTI portal of U.T. of Ladakh.

23. That, in reply to the averments made by the petitioner in Sub-Para (C) (a) of Para 16 of the contempt petition, it is submitted that the U.T. of Ladakh does not have Municipal Corporation as such, but instead Municipal Committee, Kargil/Leh. Therefore, to the extent that Municipal Corporations were not enlisted on the RTI portal of U.T. of Ladakh is hereby denied. However, Urban Local Bodies can be found on the RTI

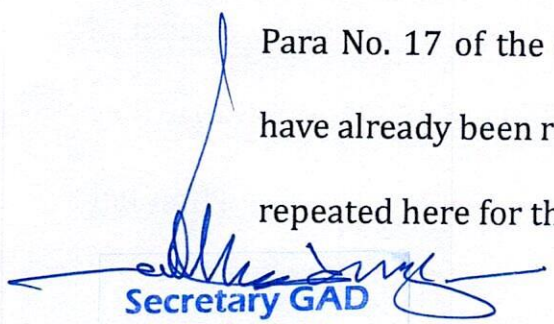
  
**Secretary GAD**  
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portal, U.T. of Ladakh, through which information, if any, may be sought in respect of the concerned Municipal Committee, Kargil/Leh.

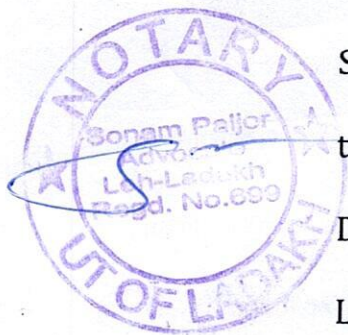
24. That, in reply to the averments made by the petitioner in Sub-Para (C) (b) of Para 16 of the contempt petition, it is denied to the extent that, Departments related to Panchayat at the District level were entirely absent from the RTI portal of UT Ladakh. On the contrary, the Rural Development Department, Leh/Kargil of the concerned districts are onboarded on the RTI portal and various Block Development Officers are designated as Public Information Officers.

25. That, in reply to the averments made by the petitioner in Sub-Para (D) (a), (D) (b), and (D) (c) of Para 16 of the contempt petition, it is submitted that the same is a matter of facts and the submissions made therein do not pertain to the U.T. of Ladakh, hence needs no reply/response from the answering respondent.

26. That, in reply to the averments made by the petitioner in Para No. 17 of the contempt petition, it is submitted that they have already been replied to in the preceding Paras and thus not repeated here for the sake of brevity of the Hon'ble Court.



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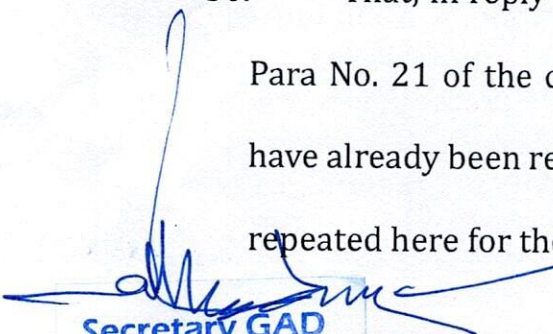
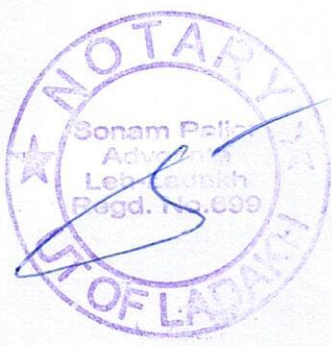


27. That, in reply to the averments made by the petitioner in Para No. 18 of the contempt petition, it is submitted that they have already been replied to in the preceding Paras and thus not repeated here for the sake of brevity of the Hon'ble Court.

28. That, in reply to the averments made by the petitioner in Para No. 19 of the contempt petition, it is submitted that an alternative method has been provided in the RTI web Portal, AUDIO CAPTCHA is integrated into the RTI web Portal of U.T. of Ladakh.

29. That, in reply to the averments made by the petitioner in Para No. 20 of the contempt petition, it is stated that, since the U.T. of Ladakh has adopted the RTI web portal of the State of Karnataka, the NIC unit of U.T. of Ladakh has taken up the matter with the NIC unit of the State of Karnataka, to resolve the issues of minimum accessibility required of a Government website as mandated by the Guidelines for Indian Government Websites and Apps 3.0.

30. That, in reply to the averments made by the petitioner in Para No. 21 of the contempt petition, it is submitted that they have already been replied to in the preceding Paras and thus not repeated here for the sake of brevity of the Hon'ble Court.



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31. That, in reply to the averments made by the petitioner in Para No. 22 of the contempt petition, it is submitted that AUDIO input error has been integrated for alerting the applicant about the invalid characters in the CAPTCHA.

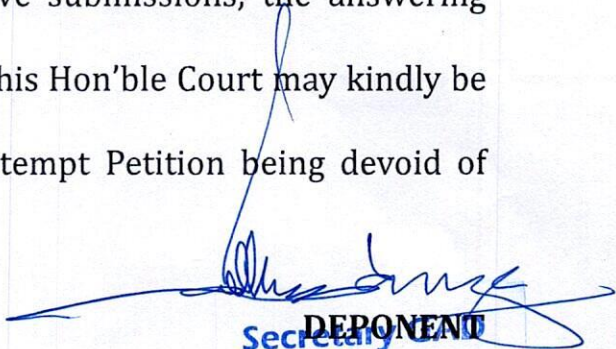
32. That, in reply to the averments made by the petitioner in Para No. 23 and Para No. 24 of the contempt petition, it is submitted that they have already been replied to in the preceding Paras and thus not repeated here for the sake of brevity of the Hon'ble Court.

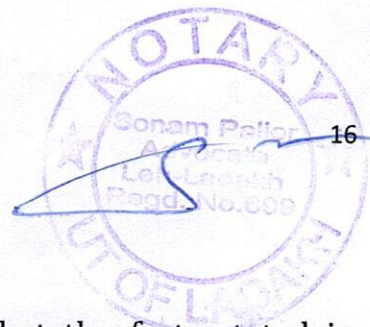
VII. That it is most humbly submitted that nothing herein has been stated that is beyond the scope of this petition hereinabove.

VIII. That no part of this Affidavit is false and nothing material has been concealed therefrom.

IX. That the counter affidavit is submitted for the kind perusal. However, the undersigned shall abide by all the directions/orders whatsoever passed by this Hon'ble Court in the interest of Justice.

X. That therefore, in view of the above submissions, the answering Respondent respectfully prays that this Hon'ble Court may kindly be pleased to dismiss the present Contempt Petition being devoid of merit.

  
**DEPONENT**  
Secretary  
U.T. Ladakh



## VERIFICATION

I, the above named, deponent do hereby verify that the facts stated in paragraphs no. I to X of the Counter Affidavit are true to my knowledge based on the record available in the office of the answering respondent.

Verified at Leh on this 29th day of October, 2024.

Regm - 1218

Certified that the above statement

was declared on oath before me

by Michael M. S. Sanyal

who is identified by U. T. Ladakh

Legal Adv. S. D. Ladakh

[Signature]  
**DEPONENT**

**Secretary GAD  
U.T. Ladakh**

[Signature] 29/10/24  
**Sonam Paljor  
NOTARY PUBLIC  
LEH - LADAKH**