

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION (CIVIL) Diary No(s).36812/2024
In
W.P.(C) No. 1040/2019

IN THE MATTER OF: -

Anuj Nakade.Petitioner

Versus

Dr. Poonam Malakondaiah & Ors.Respondents

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1.	Reply Affidavit on Behalf of The State of Sikkim	
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(SAMEER ABHYANKAR)
ADVOCATE FOR RESPONDENT NO.6
(STATE OF SIKKIM)

PLACE: NEW DELHI
Dated: 30.10.2024

[Redacted]
[Redacted]
CC- [Redacted]
Email: [Redacted]
M- [Redacted]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (CIVIL) DIARY NO. 36812 OF 2024

IN

WRIT PETITION (C) NO. 1040 OF 2019



IN THE MATTER OF:

ANUJ NAKADE

...PETITIONER

VERSUS

DR. POONAM MALAKONDAIAH

...ALLEGED CONTEMNORS

GOVT. OF ANDHRA PRADESH &

ORS.

REPLY AFFIDAVIT ON BEHALF OF THE STATE OF SIKKIM

I, Rinzing Chewang Bhutia, Secretary, Department of Personnel, Government of Sikkim, Tashiling Secretariat, District-Gangtok, Sikkim do hereby solemnly affirm and declare as under:

1. I am the Secretary for the Department of Personnel, Government of Sikkim. I State that I have gone through the present petition and am familiar with the facts and circumstances of the case based on all available official records. I state that I am competent to swear this instant affidavit in my official capacity.



2. At the outset, I tender my unconditional apology for any mistake, omission, commission or lapses if ever committed unintentionally or inadvertently and for that it is prayed that this Hon'ble Court may be gracious to pardon the Answering Respondent.
3. It is humbly stated that there is no willful or intentional disobedience of the direction passed in Judgment dated 20.03.2023 passed by this Hon'ble Court in Writ Petition (C) No. 1040 of 2019 titled '*Pravasi Legal Cell V. Union of India & Ors.*'.
4. It is stated that the Petitioner has filed the instant Contempt Petition stating that the State of Sikkim has failed to set up and operationalize online web portals so that the information sought under Right to Information Act, 2005 is made available in respect of all public authorities falling within the jurisdiction of the State.
5. It is humbly stated that in order to start the process of setting up and operationalize online RTI web portal requires the technical support of the National Informatics Centre (Sikkim Unit), accordingly, the Department held meetings on 02.09.2022, 08.09.2022, 07.07.2023 and on 16.08.2024 with the State Informatics Officer, National Informatics

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Centre (NIC), for the development of online RTI portal for the State of Sikkim.

A copy of the communication dated 24.08.2022, 07.09.2022 and 05.07.2023 sent by the Department of Personnel to the State Informatics Officer is marked and annexed herein as **Annexure R – 1**.

6. I state that after the meeting on 16.08.2024, the Department of Personnel, in response to the letter dated 02.09.2024 bearing Memo No. NIC/SKM/2024-25/152 sent by NIC, Sikkim Unit, requested the NIC to develop the online RTI portal for the State of Sikkim vide letter bearing No. 9573/GEN/DOP dated 24.09.2024.

A copy of the letter dated 02.09.2024 bearing Memo No. NIC/SKM/2024-25/152 and letter dated 24.09.2024 bearing No. 9573/GEN/DOP is marked and annexed herein as **Annexure R – 2**.

7. I state that the request for development of an online RTI portal has been duly approved by the Director General of NIC. The NIC, Sikkim Unit vide letter dated 17.10.2024 bearing Memo No. NIC/SKM/2024-25/204 has duly informed the Department that a period of three to six months would be required for completion of setting up of online RTI portal.

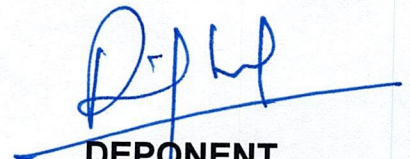
A copy of the letter dated 17.10.2024 bearing Memo No. NIC/SKM/2024-25/204 is marked and annexed herein as **Annexure R – 3.**

8. It is humbly stated that the State of Sikkim has the highest regard and respect for the Hon'ble Supreme Court of India and is committed to any general directions issued by the Hon'ble Court and has no intent of disobeying any directions issued by this Hon'ble Court.
9. I say that the facts stated in the above paras are true and correct to the best of my knowledge and information.

VERIFICATION:

I, the deponent abovementioned do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

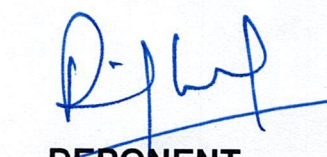
Verified at Gangtok, Sikkim on this 30th of October, 2024.

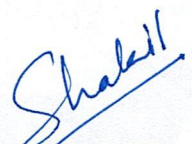

DEPONENT
 Secretary
 Department of Personnel
 Government of Sikkim

Solemnly affirmed before me on this
 the 30th day of October 2024 by
 Shri/Smt/Miss Rinzin chensang Bhutia of DOP
 who is known/identified by Shri/Smt./
 Miss Uyang Lepcha of Gangtok, Sikkim.

Identified by:


 30/10/24
 UYANG LEPCHA


DEPONENT
 Secretary
 Department of Personnel
 Government of Sikkim


 Adv. Shakil Karki
 Oath Commissioner
 High Court of Sikkim
 Notification No. 17/HCS/21/10/2022



RIGHT TO
INFORMATION



GOVT. OF SIKKIM

DEPARTMENT OF PERSONNEL,
GANGTOK.

No. 75 / GOS/DOP/RTI-Section.

Dated: 24 / 08/2022

To,

State Informatics Officer,
National Informatics Centre (NIC),
Government of India,
Gangtok.

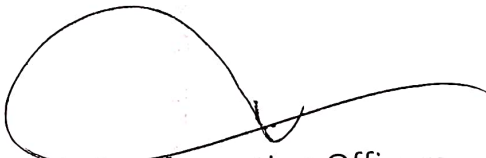
Sub: Regarding online RTI web portal.

Sir/Madam,

I am directed to inform you that the Appellate Authority of this Department has desired to hold a meeting on the above subject matter on 02.09.2022 at 11.30.A.M.

Hence, you are requested to kindly depute the concerned officer on the above date and time in the chamber of Special Secretary, DoP.

This is in supersession of letter issued earlier to relevant.


State Public Information Officers,
Department of Personnel.

Copy to: -

1. Appellate Authority, DoP.
2. Office copy.



RIGHT TO
INFORMATION



DEPARTMENT OF PERSONNEL,
GANGTOK.

No. 191 /GOS/DOP/RTI-Section.

Dated: 07 / 09 / 2022

To,

State Informatics Officer,
National Informatics Centre (NIC),
Government of India,
Gangtok.

Sub: Regarding online RTI web portal.

Sir/Madam,

I am directed to inform you that the Appellate Authority of this Department has desired to hold a meeting on the above subject matter on 08.09.2022 at 11.30.A.M.

Hence, you are requested to kindly depute the concerned officer on the above date and time in the chamber of Special Secretary, DoP.


State Public Information Officers,
Department of Personnel.

Copy to: -

1. Appellate Authority, DoP.
2. Office copy.



RIGHT TO
INFORMATION



DEPARTMENT OF PERSONNEL,
GANGTOK.

No. 45 /GOS/DOP/RTI-Section.

Dated: 05/ 07/2023

To,

State Informatics Officer,
National Informatics Centre (NIC),
Government of India,
Gangtok.

Sub: Regarding online RTI web portal.

Sir/Madam,

I am directed to inform you that the Appellate Authority of this Department has desired to hold a meeting on the above subject matter on 07.07.2023 at 3.P.M. in the chamber of Special Secretary, DoP.

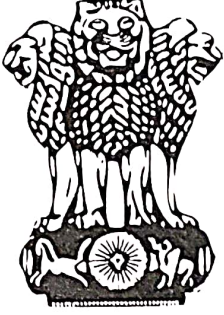
Hence, you are requested to kindly depute the concerned officer to attend the said meeting.

State Public Information Officers,
Department of Personnel.

Copy to: -

1. Appellate Authority, DoP.
2. Office copy.

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सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
NATIONAL INFORMATICS CENTRE
SIKKIM STATE UNIT
TASHILING; SECRETARIAT
GANGTOK- 737103
SIKKIM

Phone: 03592-208672

E-mail: sio-sik@nic.in

Memo no. NIC(SIKM)/2024-25/152

Dated: 02/09/2024

To,

The Additional Secretary, II
Department of Personnel,
Government of Sikkim.

Subject: Meeting held on Online RTI Portal on 16th august 2024

Madam,

With respect to the letter No 19318/G/DOP from Department of Personnel, a meeting was held on 16th Aug 2024 at NIC Sikkim State Centre attended by officials from Sikkim Information Commission, Department of Personnel and NIC Sikkim State unit regarding creation of RTI portal. The following officers participated:

1. Mrs Roshini Rai, Secretary SIC & team.
2. Mrs. Thinley Pema Chankapa, Additional Secretary, DOP
3. Shri. Tempeis G Namgyal, Sr. Director, NIC
4. Mrs. Sabita Choudhary, Director, NIC

It was explained that SIC had approached NIC for development of online RTI portal for their requirements of putting all appeals online. On enquiry with various NIC state Centre's it was found that the RTI online portal, created by Karnataka NIC, is already operational and they had replicated it for some States also. Thereafter a VC was arranged with the official in-charge of NIC Karnataka attended by officials of NIC Sikkim & SIC, Sikkim as it was felt that the same could be adapted for our needs with some modifications.

OS(S) I
05/9/24

OS(RTI)
05/09/2024

It was also pointed out from NIC Karnataka that, since the Department of Personnel oversees RTI applications, a formal request letter is required from the Department of Personnel who will be the custodian of the portal to begin the process.

Furthermore, the Central Information Commission was requested to provide the process-flow for implementation.

Members were updated on the funding necessary for the manpower needed to customize the central RTI portal, and the CIC has agreed to provide this funding.

The meeting concluded with commitment from all stake holders to continue the work as discussed.

Thanking you.

Yours Sincerely,



Tempeis Gnyima Namgyal
Senior Director (IT) & ASIO (State)

Tempels G. Namgyal
Senior Director (IT) & ASIO
National Informatics Centre
Government of India
Tashiling Secretariat, Gangtok

CC: State Informatics Officer (Sikkim), National Informatics Centre, Ministry of Electronics and Information Technology, Govt. of India, Gangtok.



GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL
GANGTOK

No. 9573 / GEN/DOP

Dated: 24.09.2024

To,

Mr. Tempeis G. Namgayal,
Sr. Director(IT) & ASIO (State)
NIC.

Sir,

With reference to your letter No.NIC/SKM/2024-25/152 dated 02.09.2024 regarding creation of RTI portal, it is requested that NIC may develop the RTI online portal for the State.

Yours Sincerely,

Sd/-

Additional Secretary-II/(SPIO)
Department of Personnel

Copy for information to:

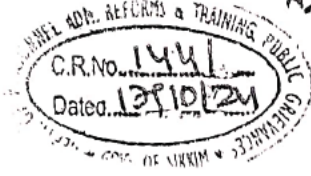
1. The Secretary, Sikkim Information Commission, Lower Secretariat
2. File.

Additional Secretary-II/(SPIO)

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सत्यमेव जयते



Government of India
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
NATIONAL INFORMATICS CENTRE
SIKKIM STATE UNIT
TASHILING; SECRETARIAT
GANGTOK- 737103
SIKKIM

Phone: 03592-208672
E-mail: sio-sik@nic.in

Memo No. NIC/SKM/2024-25/204

Date: 17/10/2024

To

The Secretary
Department of Personnel
Government of Sikkim
Gangtok

Subject: Creation of RTI Online Portal for Sikkim State-regarding.

Sir,

Reference your letter dated 16.10.2024 on the subject cited above, the status update is as follows:

Your request for the creation of RTI Online Portal vide letter no. 9573/GEN/DOP dated 24.09.2024 was received on the same date and was processed for approval to the competent authority, i.e., Director General of NIC.

Approval for the same has been received on 11.10.2024 and we are now in discussion with NIC Karnataka to adopt the RTI portal used by them after the necessary customization. Presently, the cost and quantity of manpower involved for customization is being worked out after which the fund requirement will be given to State Information Commission. We may take three to six months for the completion of customization after receiving the fund and hiring of manpower. We are trying our best to speed up and complete the work at the earliest.

Thanking you with warm regards.

Yours Sincerely


Dr. L.P. Sharma
Senior Director(IT) &
State Informatics Officer(Sikkim)

CC:

T.G.Namgyal, Senior Director(IT) & Addl. State Informatics Officer(State), NIC Sikkim for info.

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