

**IN THE SUPREME COURT OF INDIA
INHERENT AND PLENATRY JURISDICTION
CONTAMPT PETITION (C) DIARY NO. 36812 OF 2024**

IN

WRIT PETITION (CIVIL) 1040 OF 2019

IN THE MATTER OF:

ANUJ NAKADE

... PETITIONER

VERSUS

DR. POONAM MALKHONDAIAH GOVT.
OF ANDHRA PRADESDH & ORS

...RESPONDENTS

**SHORT REPLY ON BEHALF ON THE RESPONDENT
NO.27/(ALLEGED CONTEMNOR).**

PAPER BOOK

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ADVOCATE FOR THE RESPONDENT: SAURABH RAJPAL

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FILED BY



(SAURABH RAJPAL)

ADVOCATE FOR THE RESPONDENT NO.27

CODE:

Mob:

Email: -

PLACE: NEW DELHI

DATE: 02.11.2024

**IN THE SUPREME COURT OF INDIA
INHERENT AND PLENARY JURISDICTION
CONTEMPT PETITION (C) DIARY NO. 36812 OF 2024
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GOVT. OF ANDHRA PRADESH & ORS...**RESPONDENTS**

**SHORT REPLY ON BEHALF OF THE RESPONDENT NO.
27(ALLEGED CONTEMNOR)**

THE ALLEGED CONTEMNOR ABOVENAMED MOST
RESPECTFULLY SHOWETH AS UNDER:

That I am the Alleged Contemnor, in the instant Contempt Petition, and in such capacity, I am well conversant with the facts and circumstances of this case and thus I am competent to swear the present reply to the Contempt Petition (Civil) filed by the petitioner to an extent.

1. That I have received a copy of the above petition filed by the petitioner before this Hon'ble Court and have read and understood

the contents thereof. I have also perused the records pertaining to the case and I am filing this Affidavit on the basis of knowledge derived by me after perusing the record.

2. That I do not admit the correctness of the statements made in the Contempt Petition and in general, deny each and every contention made therein, save and except those which are borne out of the record and specially admitted by alleged Contemnor hereinafter.
3. That I am the alleged contemnor no. 27 in the above noted contempt petition and at present I am discharging the duties as assigned to me in the capacity of "Managing Director, Rajasthan Financial Corporation, Jaipur Rajasthan".
4. That at the very outset, I tender my unconditional apology with folded hands as the humble answering alleged contemnor could not even think of disobeying the orders of Hon'ble Supreme Court or of any other court of law and is a Law-abiding citizen & has full faith in the majesty of law. However, still humble answering alleged contemnor places himself in the hands of this Hon'ble court and begs amnesty on account of any doing or not doing, knowingly or unknowingly, for any act of his which is even presumably

committed by him and most humbly prays for grant of pardon in this regard and tenders unconditional and unqualified apology.

PRELIMINARY OBJECTIONS

5. It is most respectfully submitted that the answering Alleged Contemnor was holding the office of Director Public Services and Ex-Officio Special Secretary, Redressal of Public Grievances under the Department of Redressal of Public Grievance, Govt. of Rajasthan from 17.05.2023 to 09.09.2024. The current post of the Department of Redressal of Public Grievance, Govt. of Rajasthan is being headed by “Mr. Harsh Sawansukha, who is the Director of the said department”
6. It is pertinent to note that the “Departments of Administrative Reforms” and “Redressal of Public Grievances” are two separate departments with distinct functions assigned to each of them. The instant matter pertains to the RTI Cell of the Department of Administrative Reforms & Coordination, Government of Rajasthan headed by “Secretary Administrative Reforms and Coordination Department”, which is a separate and distinct Department and the humble answering alleged contemnor was not even remotely

connected with the RTI Cell of the Department of Administrative Reforms, Government of Rajasthan.

7. It is most respectfully submitted that Petitioner herein has been impleaded as the Alleged contemnor in the array of parties in the contempt petition and the notices of the contempt petition have been received at the office address/office which was occupied by the humble alleged contemnor at the relevant time, the same have been forwarded to him by his erstwhile office. However, the same has been conveyed by him to the concerned Department (i.e. Administrative Reforms) for ensuring complete and total compliance of the directions issued by this Hon'ble Court with respect to the grievances raised by the petitioner. Hence, the answering Respondent beseech this Hon'ble Court to issue necessary directions for deleting the name of the Alleged Contemnor from the array of parties and concerned department may be added if this Hon'ble Court deems fit in light of the present facts and circumstances of the case.

A copy of the Letter dated 23.10.2024 issued by the Alleged Contemnor No.27 to the concerned department is annexed herewith and marked as **ANNEXURE R/1**.

**COMPLIANCE/STATUS REPORT QUA THE DIRECTIONS
PASSED BY THIS HON'BLE COURT ON BEHALF OF THE
DEPARTMENT OF ADMINISTRATIVE REFORMS &
COORDINATION, GOVERNMENT OF RAJASTHAN**

8. That as mentioned in the preceding paragraphs, the instant matter pertains to the RTI Cell of the Department of Administrative Reforms & Coordination, Government of Rajasthan which is headed by "Secretary, Administrative Reforms and Coordination Department" and thus it is a competent authority to answer the issues raised by the Petitioner in the present contempt petition.
9. That this Hon'ble Court *vide* common order dated 20.03.2023 in W.P. (C) No. 1040 of 2019 and W.P. (C) No. 1325 of 2020 disposed of the writ petition with the direction that 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. The relevant paragraphs of the order dated 20.03.2023 is quoted herein below :

Writ Petition (Civil) No 1325 of 2020

“7. During the course of hearing, this Court has been apprised of the fact that the High Courts of Madhya Pradesh, Odisha and Delhi have set up web portals for the purpose. Likewise, it has been stated that in the State of Karnataka, the High Court utilizes the web portal which has been set up by the State government.

8 We are of the view that such an exercise should be carried out by all the High Courts in the country no later than within a period of three months from the date of this order.

9 A certified copy of this order shall be remitted by the Registrar (Judicial) of this Court to all the Registrars General, who shall in turn, seek administrative directions from the learned Chief Justices for implementation.

10. The High Courts shall make adequate provisions to facilitate the supply of information through online web portals and for all incidental purposes connected with the implementation of the Right to Information Act 2005.

11 As regards the district judiciary, which is under the administrative control of the High Courts, we request all the Registrars General to take administrative directions from the

Chief Justices. The High Courts may utilize the support of the National Informatics Centre for the purpose. NIC shall provide all logistical and technical assistance in that regard to the High Courts”.

Writ Petition (Civil) No 1040 of 2019

“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”.

10. That the Department of Information Technology and Communication, State of Rajasthan, had developed the RTI portal on 01.09.2013 to provide the facility of online application / appeal to the citizens under the Right to Information Act 2005 along with the facility of making application fees and other payments through electronic modes. A copy of the document depicting online RTI portal developed by the State of Rajasthan is annexed herewith and marked as **ANNEXURE R/2**

11. That the Administrative Department (Right to Information Cell), being the nodal department of the Right to Information Act 2005, executed an MoU on 22.09.2020 with Raj Info Services Limited, an agency of the Department of Information Technology and Communication, on behalf of all the departments of the State, after which the online RTI portal (www.rti.rajasthan.gov.in) has been successfully started and made functional in the state Portal through the Department of Information Technology and Communication. It is further submitted that process of regular updating the RTI portal is going on to make the online RTI portal more effective and user friendly for the public.

12. That there are 287 departments/ corporations/boards/ commissions/autonomous bodies etc. of the State Government which have been duly registered on the online RTI portal of State of Rajasthan.

13. That the common man can use all the applications of the State Government on a single platform. For this, single sign-up facility has been made available on Raj-SSO(Sign Single On Platform). That the SSO portal is used in the RTI portal which provide a

single platform to the public for all the government departments, Municipalities, Board, Commissions etc. It is to note that while logging in the RTI Portal, it is necessary to enter SSO ID, password and correct Captcha (with speaking feature).

**REPLY TO THE ISSUES RAISED QUA THE
GOVERNMENT OF RAJASTHAN**

14. That the following averments have been made by the Petitioner with respect to Government of Rajasthan and the action taken by the Government of Rajasthan are as follows.

SR. NO.	AVERMENT MADE BY THE PETITIONER WITH RESPECT TO GOVERNMENT OF RAJASTHAN.	ACTION TAKEN BY THE GOVERNMENT OF RAJASTHAN.
1.	That only a limited number of DMs within their jurisdiction are available in the RTI	That all the Districts in the State of Rajasthan are already connected with the Online RTI Portal(https://jansoochna.rajasthan.gov.in)

	portals. That the RTI portals of the state of Rajasthan contain few Police Commissionerate(s) and offices of Superintended of Police at the district-level.	an.gov.in/Services/Tablebutton). Further the all Police Commissionerate(s) and offices of Superintended of Police at the district-level does have the Online RTI facility in the same portal as mentioned above. The particular weblink for ready reference is given below- (https://rti.rajasthan.gov.in/rptdepartmentofficer/219/true)
2.	That the State Medical Councils were not enlisted on RTI portals.	That the Appellate Authority/ State Public Information Officer of the State Medical Council is already registered on the RTI online portal. The particular weblink for ready reference is given below-

		(https://rti.rajasthan.gov.in/rptdepartmentoffcer/136/true)
3.	That only a few Urban Municipal Bodies and Rural Municipal Bodies are currently onboarded on RTI portals.	That the Urban Municipal Bodies (https://rti.rajasthan.gov.in/rptdepartmentoffcer/294/true) and Rural Municipal Bodies (https://rti.rajasthan.gov.in/rptdepartment) of the state of Rajasthan are connected with the RTI portal and the process of regular updating them is continuously in progress for making it more user friendly.
4.	That the RTI Portals of the State require the use of CAPTCHA (Completely Automated Public Turing Test to	That the Single sign in facility has been made available on Rajasthan SSO for the general public to use all the applications of the state government on a single

	Tell Computers and Humans Apart) to submit RTI applications and appeals.	platform. SSO portal is used for the facilitation of the RTI portal. At the time of login, it is necessary to enter the correct Captcha (with speaking feature for disable people) along with SSO ID and password.
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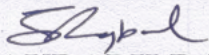
15. That it is most respectfully submitted that the answering Respondent has highest regards of the directions passed vide order dated 20.03.2023 and complied the same in true letter and spirit and continuous efforts are being made by the concerned department to make Online RTI Portal which is functioning smoothly more user friendly and accessible for general public.
16. That the answering alleged contemnor and the Officer of the Concerned Department most respectfully submits that they cannot even think about disobeying the orders passed by this Hon'ble

Court and has highest regard for the majesty of Law and no wilful disobedience has been committed by them.

17. That the submission made from paragraph no. 01 to 07 of the present reply are being sworn by the alleged Contemnor No.27 and for the same, a separate supporting affidavit is being filed along with the present reply in support of its contentions/objections.
18. That the submission made from paragraphs no. 06 to 17 of the present reply are being sworn by the "Deputy Secretary of the Department of Administrative Reforms & Coordination, Government of Rajasthan" which is the concerned department qua the issued raised in the present matter and for which a separate supporting affidavit of the Deputy Secretary of the concerned department is being filed along with the present reply in support of its Status /Compliance mentioned in the preceding paragraphs.
19. That in view of the above mention facts and compliances made by the Government of Rajasthan, it is most humbly prayed to this Hon'ble Court, to discharge the officers of Government of Rajasthan from the array of parties.

20. At last, the answering Respondent craves leave of this Hon'ble Court to file a further affidavit(s) if the situation so warrants or this Hon'ble Court so desires.

DRAWN & FILED BY:


SAURABH RAJPAL

**ADVOCATE-ON-RECORD
COUNSEL FOR
ALLEGED CONTEMNOR NO.27**

PLACE : NEW DELHI
DATE: 02.11.2024

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INHERENT AND PLENARY JURISDICTION
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GOVT. OF ANDHRA PRADESH & ORS

...RESPONDENTS

AFFIDAVIT

I, Hari Mohan Meena S/o Mithya Lal Meena, Age 56 years at present Managing Director, RFC and erstwhile Director, Public Services and ex-officio Special Secretary, Redressal of Public Grievances, Room No. 7220, Food Building, Second Floor, Secretariat, Jaipur, Rajasthan, do hereby solely affirm and state of oath as under:

1. That I am the alleged Contemnor No.27 in the present matter and being conversant with the facts and circumstances of the instant case, am fully competent and authorised to swear the present affidavit.
2. That the accompanying Short Reply has been drafted under my instructions, which I have read and understood. I further state that the averments made from paragraph no. 01 to 07 of the present reply are true and correct to my knowledge and are based on record collected from the concerned department and sworn by the deponent by way of present Affidavit.
3. That the annexures filed along with the Short Reply are true copies of their respective originals.



Sworn and signed before me

Chore
DEPONENT

**NOTARY PUBLIC
JAIPUR (RAJ)**

30 OCT 2024

VERIFICATION:

Verified at Jaipur on this 30 day of October 2024 that the contents of my aforesaid affidavit are true and correct to my knowledge.

No part of it is false and no material has been concealed therefrom.


DEPONENT

140
140/2624
Date 30.10.2024
NOTARY

Sworn and signed before me


NOTARY PUBLIC
JAIPUR (RAJ)

30 OCT 2024



IN THE SUPREME COURT OF INDIA
INHERENT AND PLENARY JURISDICTION
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DR. POONAM MALAKONDAIAH

GOVT. OF ANDHRA PRADESH & ORS

...RESPONDENTS

AFFIDAVIT

I, Bhupender Kumar Gambhir S/o Sh Dayal Das Gambhir aged about 59 years, presently at __Deputy Secretary Administrative Reforms of Govt. of Rajasthan, Jaipur do hereby solely affirm and state of oath as under:

1. That I am the“ Deputy Secretary of the Department of Administrative Reforms & Coordination, Government of Rajasthan” and being conversant with the facts and circumstances of the instant case, am fully competent and authorised to swear the present affidavit.
2. That the accompanying Short Reply has been drafted under my instructions, which I have read and understood. I further state that the averments made from paragraph no. 06 to 17 of the present reply are true and correct to my knowledge and based out of record.
3. That the annexures filed along with the Short Reply are true copies of their respective originals.

Sworn and signed before me

Sw

before me

DEPONENT

NOTARY PUBLIC
 JAIPUR (RAJ)

30 OCT 2024

NOTARY PUBLIC
 JAIPUR



VERIFICATION:

Verified at Saipur on this 30 day of October 2024 that the contents of my aforesaid affidavit are true and correct to my knowledge. No part of it is false and no material has been concealed therefrom.

B. K. Singh
DEPONENT



141/2024
Date 30-10-2024
NOTARY

Sworn and signed before me

[Signature]
**NOTARY PUBLIC
JAIPUR (RAJ)**

30 OCT 2024



ANNEXURE R-1**RAJASTHAN FINANCIAL CORPORATION**

Udyog Bhawan, Tilak Marg, Jaipur

Phone: 0141-2385501,

Website: www.rfc.rajasthan.gov.in

Email: md@rfc.rajasthan.gov.in

Ref. No.: RFC/F.MD Section/

Dated 23.10.2024

To,

Secretary to the Government,
Administrative Reforms Department,
Government of Rajasthan,
Jaipur

Subject:- Contempt Petition (C) Diary No.
36812/2024 in Writ Petition No. 1040/2019
(Alleged Contempt nor No. 27, Government
of Rajasthan).

Reference: - Regarding submission of reply and affidavit
in respect of compliance of the contempt
petition filed in respect of compliance of the
order of the Hon'ble Supreme Court dated
20.03.2023 and for delay in compliance.

Sir,

In the above context , it is requested that the Hon'ble Supreme Court, while deciding the writ petition (C) No. 1040/2019 Pravasi Legal Cell V/s. Union of India & others on 20.03.2023, directed all the States and Union Territories to establish and operate the RTI online web portal within a period of three months.

The above Contempt Petition Diary No. 36812/2024 has been filed in the Hon'ble Supreme Court regarding non-compliance of the above decision. According to Mr. Saurabh Rajpal, Panel Advocate, appointed by the state government and the appointed coordinator in the Hon'ble Court, it has been informed that point no. 18-19 of the Contempt Petition has not been complied with in Rajasthan. In the Contempt Petition, in the context of Rajasthan, it has been mentioned mainly about the links of the RTI portal not being compliant with GIGW 3.0 standards and not providing the alternate output mode (CAPTCHA) facility for filing RTI applications and appeals to those with Sensory Disabilities.

The nodal department for the above RTI related work is the Department of Administrative Reforms which has a separate section/group headed by an officer of the level of Deputy Secretary/Joint Secretary to the Government who works under the Secretary, Department of Administrative Reforms.

In the above contempt petition, the undersigned, Director, Government of Rajasthan has been made Alleged Contemnor No. 27. Public Grievance Redressal Department, the undersigned was formerly posted as Director, Public Service and ex-officio Special Secretary to the Government in the Public Grievance Redressal Department from 17.05.2023 to 09.09.2024. The Public Grievance Redressal Department is a separate department which does not do work related to RTI. The undersigned is not aware of the above order dated 20,03,2023 as it is not related to it.

The undersigned has been made a party in the contempt petition, while the nodal department of RTI is the Administrative Reforms Department. The orders of the Hon'ble Court are also to be complied with by the above

section/group of the Administrative Reforms Department. Presently the undersigned has been transferred and posted as Managing Director, Rajasthan Finance Corporation.

In view of non-compliance of the decision in the above-mentioned Contempt Petition, the Hon'ble Supreme Court has passed an order dated 21.10.2024 and directed that "The State and Union Territories who have not filed affidavits are granted a period of two weeks to file their responses. List the petition on 4th November 2024".

Therefore, it is requested that in order to comply with the decision of the Hon'ble Supreme Court as above, the Nodal Department should also take the initiative to appoint a Nodal Officer / Coordinator and to file an affidavit within the prescribed time period for compliance with the above decision so that compliance of the orders of the Hon'ble Court can be ensured.

Yours Sincerely
(Hari Mohan Meena)
IAS
Managing Director

Copy forwarded to the following for information and necessary action:-

1. The Secretary to Government, Department of Law & Legal Affairs, Government of Rajasthan.
2. The Joint Secretary to Government, Office of the Chief Secretary, Government of Rajasthan.
3. Shri Saurabh Rajpal, Panel Advocate, Hon'ble Supreme Court, New Delhi.
4. Shri Ashish Sharma, Appointed Coordinator, Additional Director Public Services, Government of Rajasthan.
5. Shri Arun Chauhan, Joint Director (DOIT), Government of Rajasthan.

Managing Director

Signature Valid

Digitally Signed by

Hari Mohan Meena

Designation: Managing Director

Date: 2024.10.23 12:35:57 IST

Reason: Approved



//TRUE TRANSLATION//



सूचना का अधिकार
Right to Information
Government of Rajasthan



Import an Information

Most of public interest information related to RTI is av



RIGHT TO
INFORMATION

SUBMIT RTI APPLICATION

This Portal Facilitates Citizen To File Online RT Applications / First Appeals For Public Authorities / Government Offices / Organizations Of Government Of Rajasthan And Payment Can Be Made Online.

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सूचना का
अधिकार
RIGHT TO
INFORMATION



THANKS FOR VISITING OUR WEBSITE

RIGHT TO
INFORMATION

Welcome To Right To Information

RTI

RTI stands for Right To Information and has been given the status of a fundamental right under Article 19(1) of the Constitution.

Article 19 (1) under which every citizen has freedom of speech and expression and have the right to know how the government works, what role does it play, what are its functions and so on.

Right to Information Act empowers every citizen to seek any information, take notes, extracts or certified copies of documents or records, take certified samples of material. The RTI Act extends to the whole of India (except the State of Jammu and Kashmir). all bodies, which come under Government notification including NGOs, which are owned, controlled or are substantially financed by the Government.

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RTI

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District Wise Application Status

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PIO Wise Application Status

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09:30 AM To 06:30 PM

Shri Bhupendra Kumar Gambhir,
Nodal Officer, (Deputy Secretary)



0141 - 2923644



ard.dsrti@rajasthan.gov.in



09:30 AM To 06:30 PM

Technical Support



0141 - 2921314



rti.helpdesk@rajasthan.gov.in



Step By Step Guide For Help

Help



Manual



Payment Through e-Mitra (For Citizen)