

IN THE SUPREME COURT OF INDIA
INHERENT AND PLENARY JURISDICTION
CONTEMPT PETITION (C) DIARY NO. 36812OF 2024

IN THE MATTER OF:

ANUJ NAKADE.

... PETITIONER

VERSUS

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

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 21

PAPER – BOOK

(FOR INDEX: KINDLY SEE INSIDE)

ADVOCATE FOR THE RESPONDENT NO.21

SARAD KUMAR SINGHANIA

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 21. MANISH
RASTOGI, GOVT. OF MADHYA PRADESH

I, Manish Rastogi son of Late Shri R.M. Rastogi aged about 54 years, residing at D-30, Upant Colony, Char Imli, Bhopal ^{Presently at New Delhi} do hereby solemnly affirm and declare as under:

1. That I am the Respondent No.21 holding the post of Chief Secretary, Government of M.P. and as such in my official capacity, I am acquainted with the facts and circumstances of the present case and thus competent and authorized to swear and depose this affidavit.
2. That the answering respondent is filing this Counter affidavit in reply to the petition filed before this Hon'ble Court and craves leave of this Hon'ble Court to file detailed additional affidavit to the petition in due course, if necessary.
3. That the present Contempt Petition arises out of the impugned judgment/ final order dated 20.03.2023 passed by this Hon'ble Court in Writ Petition Civil No. 1040 of 2019.
4. That the answering Respondent emphatically states herein that statements made in the instant Contempt Petition, save and except those that are categorically admitted herein below shall be treated to have been denied by the answering Respondent.

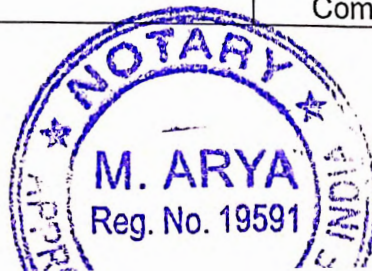


5. That the Answering Respondent had gone through the contents of the Contempt Petition, List of Dates and events, it is at the very outset denied save and except those which are categorically admitted, by the answering Respondent.
6. That vide order dated 20.03.2023 the following directions were passed by this Hon'ble Court , which reads 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 on line 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.

7. It is respectfully submitted that in reply the Contempt Petition, the answering Respondent on behalf of the State of Madhya Pradesh submits that they have complied with the directions as issued vide order dated 20.03.2023 as under-

S.No	Contempt points mentioned in the petition	Compliance by the State Government
1	[para 16B of the Contempt Petition] The following public authorities are not being displayed on the online RTI portal of the State Government. a) Madhya Pradesh State Human Rights Commission . b) Madhya Pradesh State Pollution Control Board. c) Madhya Pradesh State Secondary Education Board. d) Madhya Pradesh State Medical Council. e) Madhya Pradesh State Electricity Regulatory Commission.	The following public authorities are now being displayed on the online RTI portal of the State Government. a) Madhya Pradesh State Human Rights Commission . b) Madhya Pradesh State Pollution Control Board. c) Madhya Pradesh State Secondary Education Board. d) Madhya Pradesh State Medical Council. e) Madhya Pradesh State Electricity Regulatory Commission.

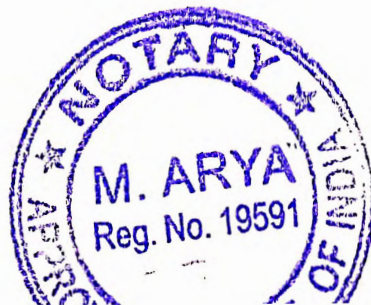


2.	[para 18 of the Contempt Petition] RTI Portal fails to meet the minimum standards of accessibility and usability as specified under GIGW 3.0 standards.	Out of the total 89 standards of GIGW 3.0 standards, 21 points are not applicable to RTI portal, 59 points are being followed and the remaining 9 points will be followed within a period of 1 month. Detailed information of GIGW of RTI is annexed hereto and marked as ANNEXURE A-1. (Pg.6-12)
3.	[para 19 of the Contempt Petition] The RTI portal of Madhya Pradesh requires the use of CAPTCHA (Completely Automated Public Turing Test to Tell Computers and Humans Apart) to submit RTI applications and appeals. However, these CAPTCHA features does not provide alternative output modes to accommodate different types of sensory disabilities. For instance, some portals include non-text-based CAPTCHA, making it impossible for visually impaired citizens to verify and submit their application without external assistance. This lack of non-text-based alternatives directly violates Guidelines 5.2.1 (e) of the GIGW 3.0 which reads as follows: "(e) CAPTCHA: If the purpose of non-text content is to confirm that content IS being accessed by a person rather than a computer, then text alternatives that identify and describe the purpose of the non-text content are provided and alternative forms of CAPTCHA using output modes for different types of sensory perception are provided to accommodate different disabilities:"	The portal has now been amended accordingly



4.	[para 21 of the Contempt Petition] RTI portal Madhya Pradesh contain arbitrary restriction on character inputs, and excludes commonly used characters such as quotation mark (""), asterisk (*), or exclamation mark (!). These RTI portals limit the text inputs to the following: "Note:- Only alphabets A-Z a-z number 0-9 and special characters , . - _() / @ :& ? \ % are allowed in Text for RTI Request application." This restriction is both irrational and reflects poorly on web developers. Moreover, these do not provide precise input error messages, making it difficult for citizens with learning disabilities, visual impairments, or motion impairments to identify prohibited characters and correct their inputs. Guideline 5.2.46 of GIGW 3.0 address this issue: "Statement: If an input error is automatically detected and suggestion for correction are known, then the suggestions are provided to the user, unless it would jeopardise the security or purpose of the content."	1-The special characters mentioned are restricted as per the established standards of the industry. Special characters in text boxes are a potential threat from the cyber security perspective (such as SQL injection) and therefore have been blocked. 2-The appropriate error message have now been displayed.
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8. The answering Respondent is not giving a detailed para-wise reply to instant Petition and seek leave of this Hon'ble Court to do so as and when the need arises.



9. In view of the above, I am tendering unqualified and unconditional apology, if any non compliance of the order dated 20.03.2023 has been made on the part of the deponent and by considering the same appropriate order and/or orders may be passed by this Hon'ble Court in the peculiar facts and circumstances.
10. That no additional facts and grounds have been taken or relied upon in the counter affidavit, which were not pleaded before the Courts below.
11. That in the background of the above submissions, the answering Respondent most respectfully submit that this Hon'ble Court may pass appropriate orders and the Answering Respondent No. 21 may be discharged from the instant Contempt Proceeding.

27 JAN 2025

VERIFICATION

Verified at on this the day of January, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and information derived from the official records. No part of it is false and no material information has been concealed there from.

(MANISH RASTOGI)
Principal Secretary
Govt. of Madhya Pradesh
Finance Department

(MANISH RASTOGI)
Principal Secretary
Govt. of Madhya Pradesh
Finance Department
FILED BY:

Date : .2025
Place: New Delhi

Sarad Singhania

SARAD KUMAR SINGHANIA
AOR FOR THE RESPONDENT NO.21



ATTESTED

NOTARY PUBLIC

27 JAN 2025

ANNEXURE A-1

GIGW FOR RTI		Status
Sl No.	Criteria	
1	Association to Government is demonstrated using Emblem/Logo in proper ratio and colour, prominently displayed on the homepage/homescreen of the website/app.	Yes
2	Ownership Information is displayed on the homepage/homescreen and on all important entry pages/screens of the website/app and each subsequent page/screen is a standalone entity in terms of ownership, navigation and context of content.	Yes
3	Source of all documents, not owned by the dept. that have been reproduced in part or full, is mentioned.	Yes
4	Due permissions have been obtained for publishing any content protected by copyright.	Yes
5	Homepage/homescreen of website displays the last updated/reviewed date.	Yes
6	Complete information including title, size, format and usage instructions is provided for all downloadable material.	In Process
7	Statement: With respect to each, Circular, Notification, Document, Form, Scheme, Service and Recruitment notice, the following should be clearly listed on the Website: Complete title Language (if other than English) Purpose/procedure to apply (as applicable) Validity (if applicable)	In Process
8	All outdated Announcements, Tenders, Recruitment notices, News and Press Releases are removed from the website and/or placed into the archives as per the archival policy.	Yes
9	All information about the government organisation, useful for the citizen and other stakeholders, is present in the 'About Us' section and a mechanism is in place to keep the information up to date.	Yes
10	Website has a 'Contact Us' page providing complete contact details of important functionaries in the government organisation and this is linked from the homepage/homescreen and all relevant places on the website/app.	Yes
11	Feedback is collected through online forms and a mechanism is in place to ensure timely response to feedback/queries received through the website.	In Process
12	Website provides a prominent link to the 'National Portal' from the homepage and subsequent pages belonging to the National Portal load in the new browser window.	Yes
13	The website has been tested on multiple browsers. Hindi/Regional language fonts have been tested on popular browsers for any inconsistency (loss of layout).	In Process
14	The website has a readily available Help section linked from all pages of the website.	Not applicable
15	Website uses Cascading Style Sheets (CSS) to control layouts/styles and incorporates responsive design features to ensure that the interface displays well on different screen sizes.	Yes
16	Website is readable even when style sheets are switched off or not loaded.	Yes
17	Proper page title and language attribute along with metadata for page like keywords and description are appropriately included.	In Process
18	Minimum content as prescribed in the guidelines is present on the homepage/homescreen and all subsequent pages/screens.	Yes
19	Data tables have been provided with necessary tags/markup.	Yes
20	Content of the web page prints correctly on an A4 size paper.	In Process
21	Website is in the .nic.in or .gov.in domain. Educational Institutions and Research and Academic Institutions, which are eligible for registration under 'gov.in' may use 'edu.in', 'res.in' or 'ac.in' domains.	Yes

Sl No.	Quality Guidelines and Attributes	Status
22	API integration with key government platforms (India Portal, DigiLocker, Aadhaar, Single-Sign-On, MyGov, Data Platform, MyScheme) and similar websites of the government organisation must be enabled for seamless exchange of Information and data.	Not applicable
23	The government organisation must ensure a consistent user experience and visual identities across all its websites/apps.	Yes
24	Websites/apps must provide integration with popular social media.	Not applicable
25	The language is free from spelling and grammatical errors.	Yes
	Lifecycle management Guidelines and Attributes	
1	The government organisation has nominated a WIM as defined in the guidelines.	Yes
2	It has been ensured that all stationery of the government organisation as well as advertisements/public messages issued by the government organisation concerned prominently display the URL of the web site.	Not applicable
3	Website has the following clearly defined policies and plans approved by the WIM. Copyright Policy Content Contribution, Moderation and Approval (CMAP) policy Content Archival (CAP) policy Content Review (CRP) policy Hyper linking Policy Privacy Policy Terms & Conditions Website Monitoring Plan. Contingency Management Plan Security Policy	Yes
4	The mechanism is in place to check the accuracy of Hyperlinked Content and clear indications are given when a link leads out to a non-government website.	Yes
5	It is ensured through content moderation and approval policy that Website content is free from offensive/discriminatory language.	Yes
6	Documents/Pages in multiple languages are updated simultaneously.	Yes
7	Mechanism is in place to ensure that there are no 'broken links' (internal as well as external) or 'Page not found' errors.	Yes
8	There are no links to 'under construction' pages.	Yes
9	Documents are provided either in HTML or other accessible formats.	Yes
10	Website is bilingual with a prominent language selection link and uses Unicode characters.	In Process
	Accessibility Guidelines and Attributes	
1	All non-text content that is presented to the user has a text alternative that serves the equivalent purpose, except for the situations listed below.	In Process
2	For pre-recorded audio-only and pre-recorded video-only media, the following are true, except when the audio or video is a media alternative for text and is clearly labelled as such: Pre-recorded Audio-only: An alternative for time-based media is provided that presents equivalent information for pre-recorded audio-only content. Pre-recorded Video-only: Either an alternative for time-based media or an audio track is provided that presents equivalent information for pre-recorded video-only content.	Not applicable
3	Captions are provided for all pre-recorded audio content in synchronised media, except when the media is a media alternative for text and is clearly labelled as such.	Not applicable

Sl No.	Quality Guidelines and Attributes	Status
4	An alternative for time-based media or audio description of the pre-recorded video content is provided for synchronised media, except when the media is a media alternative for text and is clearly labelled as such.	Not applicable
5	Captions are provided for all live audio content in synchronised media.	Not applicable
6	Audio description is provided for all pre-recorded video content in synchronised media	Not applicable
7	Information, structure and relationships conveyed through presentation can be programmatically determined or are available in text.	Not applicable
8	When the sequence in which content is presented affects its meaning, a correct reading sequence can be programmatically determined.	Not applicable
9	Instructions provided for understanding and operating content do not rely solely on sensory characteristics of components such as shape, colour, size, visual location, orientation, or sound.	Not applicable
10	Content does not restrict its view and operation to a single display orientation, such as portrait or landscape, unless a specific display orientation is essential.	Not applicable
11	The purpose of each input field collecting information about the user can be programmatically determined when: The input field serves a purpose identified in the Input Purposes for User Interface Components section; and The content is implemented using technologies with support for identifying the expected meaning for form input data.	Not applicable
12	Colour is not used as the only visual means of conveying information, indicating an action, prompting a response, or distinguishing a visual element.	Not applicable
13	If any audio on a Web page plays automatically for more than 3 seconds, either a mechanism is available to pause or stop the audio, or a mechanism is available to control audio volume independently from the overall system volume level.	Not applicable
14	The visual presentation of text and images of text has a contrast ratio of at least 4.5:1, except for the following: Large Text: (18 pt. or 14 pt. bold) Large-scale text and images of large-scale text have a contrast ratio of at least 3:1. Incidental: Text or images of text that are part of an inactive user interface component, that are pure decoration, that are not visible to anyone, or that are part of a picture that contains significant other visual content, have no contrast requirement. Logotypes: Text that is part of a logo or brand name has no contrast requirement.	Not applicable
15	Except for captions and images of text, text can be resized without assistive technology up to 200 percent without loss of content or functionality.	Yes
16	If the technologies being used can achieve the visual presentation, text is used to convey information rather than images of text except for the following: Customizable: The image of text can be visually customised to the user's requirements. Essential: A particular presentation of text is essential to the information being conveyed.	Not applicable
17	Content can be presented without loss of information or functionality, and without requiring scrolling in two dimensions for: Vertical scrolling content at a width equivalent to 320 CSS pixels; Horizontal scrolling content at a height equivalent to 256 CSS pixels; Except for parts of the content which require a two-dimensional layout for usage or meaning.	Yes

Sl No.	Quality Guidelines and attributes	Status
18	The visual presentation of the following has a contrast ratio of at least 3:1 against adjacent colour(s): User Interface Components: Visual Information required to identify user interface components and states, except for inactive components or where the appearance of the component is determined by the user agent and not modified by the author. Graphical Objects: Parts of graphics required to understand the content, except when a particular presentation of graphics is essential to the information being conveyed.	Not applicable
19	In content implemented using markup languages that support the following text style properties, no loss of content or functionality occurs by setting all of the following and by changing no other style property: Line height (line spacing) to at least 1.5 times the font size. Spacing following paragraphs to at least 2 times the font size. Letter spacing (tracking) to at least 0.12 times the font size. Word spacing to at least 0.16 times the font size. Exception: Human languages and scripts that do not make use of one or more of these text style properties in written text can conform using only the properties that exist for that combination of language and script.	Yes
20	Where receiving and then removing pointer hover or keyboard focus triggers additional content to become visible and then hidden, the following are true: Dismissible: A mechanism is available to dismiss the additional content without moving pointer hover or keyboard focus unless the additional content communicates an input error or does not obscure or replace other content. Hover-able: If pointer hover can trigger the additional content, then the pointer can be moved over the additional content without the additional content disappearing. Persistent: The additional content remains visible until the hover or focus trigger is removed, the user dismisses it, or its information is no longer valid.	Yes
21	All functionality of the content is operable through a keyboard interface without requiring specific timings for individual keystrokes, except where the underlying function requires input that depends on the path of the user's movement and not just the endpoints.	Yes
22	If keyboard focus can be moved to a component of the page using a keyboard interface, then focus can be moved away from that component using only a keyboard interface and, if it requires more than unmodified arrow or tab keys or other standard exit methods, the user is advised of the method for moving focus away.	Yes
23	If a keyboard shortcut is implemented in content using only letter (including upper- and lower-case letters), punctuation, number, or symbol characters, then at least one of the following is true: Turn off: A mechanism is available to turn the shortcut off. Remap: A mechanism is available to remap the shortcut to include one or more non-printable keyboard keys (e.g., Ctrl, Alt). Active only on focus: The keyboard shortcut for a user interface component is only active when that component has focus.	Yes

SI No.	Quality Guideline	Status
24	For each time limit that is set by the content, at least one of the following is true: Turn off: The user is allowed to turn off the time limit before encountering it; or Adjust: The user is allowed to adjust the time limit before encountering it over a wide range that is at least ten times the length of the default setting; or (b) Extend: The user is warned before time expires and given at least 20 seconds to extend the time limit with a simple action (for example, "press the spacebar") and the user is allowed to extend the time limit at least ten times; or (c) Real-time Exception: The time limit is a required part of a real-time event (for example, an auction) and no alternative to the time limit is possible; or (d) Essential Exception: The time limit is essential and extending it would invalidate the activity; or (e) 20 Hour Exception: The time limit is longer than 20 hours.	Not applicable
25	For moving, blinking, scrolling, or auto-updating information, all of the following are true: Moving, blinking, scrolling: For any moving, blinking or scrolling information that (1) starts automatically, (2) lasts more than five seconds and (3) is presented in parallel with other content, there is a mechanism for the user to pause, stop, or hide it unless the movement, blinking, or scrolling is part of an activity where it is essential; and Auto-updating: For any auto-updating information that (1) starts automatically and (2) is presented in parallel with other content, there is a mechanism for the user to pause, stop, or hide it or to control the frequency of the update unless the auto-updating is part of an activity where it is essential.	Yes
26	Web pages do not contain anything that flashes more than three times in any one second period, or the flash is below the general flash and red flash thresholds.	Yes
27	A mechanism is available to bypass blocks of content that are repeated on multiple Web pages.	Yes
28	Web pages have titles that describe the topic or purpose.	Yes
29	If a Web page can be navigated sequentially and the navigation sequences affect meaning or operation, focusable components receive focus in an order that preserves meaning and operability.	Yes
30	The purpose of each link can be determined from the link text alone or from the link text together with its programmatically determined link context, except where the purpose of the link would be ambiguous to users in general.	Yes
31	More than one way is available to locate a Web page within a set of Web pages except where the Web Page is the result of, or a step in, a process.	Yes
32	Headings and labels describe topic or purpose.	Yes
33	Any keyboard operable user interface has a mode of operation where the keyboard focus indicator is visible.	Yes
34	All functionality that uses multipoint or path-based gestures for operation can be operated with a single pointer without a path-based gesture, unless a multipoint or path-based gesture is essential.	Yes

Sl No.	Quality Guidelines	Status
35	For functionality that can be operated using a single pointer, at least one of the following is true No Down-Event: The down-event of the pointer is not used to execute any part of the function. Abort or Undo: Completion of the function is on the up-event and a mechanism is available to abort the function before completion or to undo the function after completion. Up Reversal: The up-event reverses any outcome of the preceding down-event. Essential: Completing the function on the down-event is essential.	Not applicable
36	For user interface components with labels that include text or images of text, the name contains the text that is presented visually.	Yes
37	Functionality that can be operated by device motion or user motion can also be operated by user interface components and responding to the motion can be disabled to prevent accidental actuation, except when: Supported Interface: The motion is used to operate functionality through an accessibility supported interface. Essential: The motion is essential for the function and doing so would invalidate the activity. Functionality that can be operated by device motion or user motion must also be operable by user interface components and responding to the motion can be disabled to prevent accidental actuation, except when: Supported Interface: The motion is used to operate functionality through an accessibility supported interface. Essential: The motion is essential for the function and doing so would invalidate the activity.	Yes
38	The default human language of each Web page can be programmatically determined.	Yes
39	The human language of each passage or phrase in the content can be programmatically determined except for proper names, technical terms, words of indeterminate language and words or phrases that have become part of the vernacular of the immediately surrounding text.	Yes
40	When any user interface component receives focus, it does not initiate a change of context.	Yes
41	Changing the setting of any user interface component does not automatically cause a change of context unless the user has been advised of the behaviour before using the component.	Yes
42	Navigational mechanisms that are repeated on multiple Web pages within a set of Web pages occur in the same relative order each time they are repeated, unless a change is initiated by the user.	Yes
43	Components that have the same functionality within a set of Web pages are identified consistently.	Yes
44	If an input error is automatically detected, the item that is in error is identified and the error is described to the user in text.	Yes
45	Labels or instructions are provided when content requires user input.	Yes
46	If an input error is automatically detected and suggestions for correction are known, then the suggestions are provided to the user, unless it would jeopardise the security or purpose of the content.	Yes

SI No.	Quality Guidelines and Attributes	Status
47	For Web pages that cause legal commitments or financial transactions for the user to occur, that modify or delete user-controllable data in data storage systems, or that submit user test responses, at least one of the following is true: Reversible: Submissions are reversible. Checked: Data entered by the user is checked for input errors and the user is provided an opportunity to correct them. Confirmed: A mechanism is available for reviewing, confirming and correcting information before finalising the submission.	Yes
48	In content implemented using markup languages, elements have complete start and end tags, elements are nested according to their specifications, elements do not contain duplicate attributes and any IDs are unique, except where the specifications allow these features.	Yes
49	For all user interface components (including but not limited to form elements, links and components generated by scripts), the name and role can be programmatically determined; states, properties and values that can be set by the user can be programmatically set; and notification of changes to these items is available to user agents, including assistive technologies.	Yes
50	In content implemented using markup languages, status messages can be programmatically determined through role or properties such that they can be presented to the user by assistive technologies without receiving focus.	Yes
1	The website, web application, web portal or mobile app is Security Audited and an Audit Clearance certificate is issued by NIC, STQC or a CERT-In empaneled vendor before hosting in production environment.	Yes
2	Hosting Environment must be secured for ensuring confidentiality, integrity and availability (CIA).	Yes
3	Website has clearly defined Security Policy, Privacy Policy and Contingency Management Plan approved by the Web Information Manager.	Yes
Structure of the Website		
1	Statement: Requirement or checkpoint to meet the particular guideline.	In Process

True Copy