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IN THE SUPREME COURT OF INDIA

(Civil Original Jurisdiction)

CONTEMPT PETITION (C) DIARY NO.36812 OF 2024

in

WRIT PETITION (CIVIL) No.1040 of 2019

Anuj Nakade

--- Petitioner

Versus

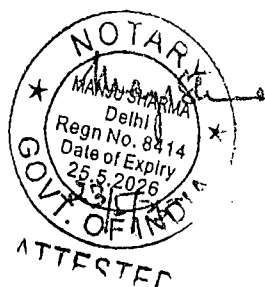
Dr. Poonam Malkondaiah, Govt. of
Andhra Pradesh & Others,

--- Alleged Contemnors

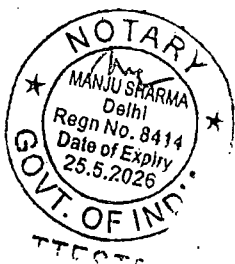
AFFIDAVIT FILED BY THE RESPONDENT No.36

I, Shri. Pankaj Kumar Jha, I.A.S., aged about 58 years, presently working as the Secretary to Government of Puducherry, solemnly affirm and sincerely state as follows:-

1. I respectfully submit that I am acquainted with the facts of the case from the available records and I am filing this Affidavit on behalf of the Government of Puducherry.



2. I respectfully submit that I am the Respondent No.36 in the above mentioned Writ Petition and I am competent to swear this Affidavit.
3. I respectfully submit that the Administrative Reforms Wing, Government of Puducherry is the Nodal Agency for implementation of the provisions of the Right to Information Act, 2005, to monitor the Public Authorities of the Government of Puducherry.
4. I respectfully submit that an Order has been passed by this Hon'ble Court in the Writ Petition (Civil) No.1040 of 2019 directing all State Governments/Union Territories "to set up operationalise online web portals so that the information sought under the Right to Information Act, 2005 is made available in respect of all the public authorities falling within their jurisdiction" within a period of three months from the date of the Order.

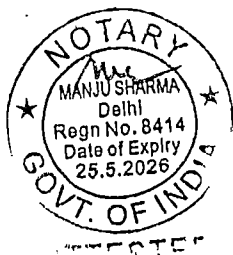


5. I respectfully submit that in the Contempt Petition (C) Diary No.36812 of 2024, the Petitioner has sought for action against the Officers in-charge of Respondents of the States and the Union Territories for their wilful failure to adhere to the following clear specific direction issued in the W.P.(C) 1040 of 2019, dated 20.03.2023, namely:-

- Develop an online portal (if not already done) for receiving and responding to the RTI Applications and Appeals;
- Ensure that the portal has on boarded "*all public authorities falling within their jurisdiction*" to process RTI requests; and
- Adhere to the minimum technological standards to make the portal "accessible" to all sections of the society, *equally*.

6. I respectfully submit that in the Contempt Petition with specific issues relevant to this Union Territory of Puducherry, states that:

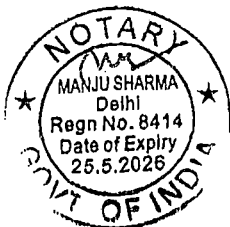
- }
- (i) The link to RTI web portal fail to comply with the GIGW 1.0.



- (ii) The RTI portals of the State of Tamil Nadu and the Union Territories of Chandigarh and Puducherry does not allow text to be resized without assistive technology or without loss of content or functionality. GIGW 3.0 has recommended developers to create portals that allow text to be resized effectively up to 200 percent. The absence of text scaling functionality hinders those with visual impairment from filing the RTI Application. This failure to enable proper text scaling violates Guideline No.5.2.15 of the GIGW 3.0.

7. I respectfully submit that the Contempt Petition also states the absence of the following key standards particularly limits the access and use of portals for persons with disabilities (PWD's) and those with low digital literacy, namely:-

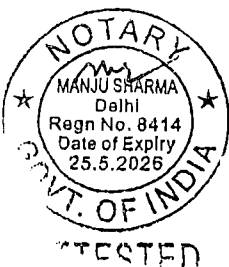
- (A) No alternative output modes for CAPTCHA verification, hindering access for those with sensory disabilities;
- (B) Lack of text scaling functionality, which makes it harder for those with visual impairments; and
- (C) Arbitrary and irrational character input restriction, coupled lack of suggested corrections, which impedes easy access for persons with learning, visual or motion impairments.



8. I respectfully submit that the Union Territory of Puducherry does not have an independent RTI online portal for receipt of the RTI Applications under the RTI Act, 2005. Union Territory of Puducherry has adopted <https://rtionline.gov.in> as RTI Online portal for this Administration which has been developed by National Informatics Centre, New Delhi under the guidelines of the Department of Personnel & Training, Government of India, New Delhi.

9. I respectfully submit that the Administrative Reforms Wing, Government of Puducherry, has been mapped as the Nodal Office for Puducherry. As such, the master details of the designated Nodal Officers, First Appellate Authorities and the Public Information Officers in respect of 46 Public Authorities of the Government of Puducherry, have been onboarded in the RTI online portal. The 46 Public Authorities of the Government of Puducherry were made live in the RTI online portal www.rti.gov.in during June, 2021. The citizens of India could access this RTI online portal for filing RTI Applications/Appeals pertaining to the Public Authorities of the Government of Puducherry.

10. I respectfully submit that the Contempt Petition also states the violation of the States/Union Territories to comply with the Guideline No.5.2.15 of the GIGW 3.0 in the RTI online portal.



11. I respectfully submit that the Department of Personnel and Training, Government of India, New Delhi has opined that "*W.P.(C) No.1040/2019 was disposed of in the Hon'ble Supreme Court without any remarks on GIGW 3.0 standards of the RTI online portal. Further, the National Informatics Centre has informed that the process of obtaining Standardisation Testing and Quality Certification(STQC) of the existing RTI online portal is under their consideration*"

12. I respectfully submit the RTI online portal www.rti.gov.in adopted by the Government of Puducherry has been designed & governed by the Department of Personnel & Training, Government of India. The technical issues as pointed out by the Petitioner, have been raised before the Department of Personnel and Training, Government of India, New Delhi for rectification and making suitable arrangements as sought for by the Contempt Petitioner, vide Lt.No.M-13/1064/2024-O/o US(ARW), dated 08.05.2025 of the Administrative Reforms Wing, Chief Secretariat, Government of Puducherry.



13. I further respectfully submit that the RTI online portal adopted from the Government of India is functional in the Government of Puducherry and in total compliance with the Orders of this Hon'ble Court.

14. I further respectfully submit that the Union Territory of Puducherry Administration shall abide by any further directions that this Hon'ble Court may issue in the matter.

Solemnly affirmed at, on this,
the day of 23rd May, 2025 and signed his name
in my presence.

(DEPONENT)

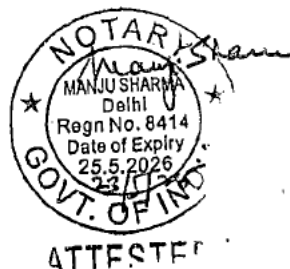
PANKAJ KUMAR JHA, I.A.S.
Secretary to Government and
Resident Commissioner
Government of Puducherry
New Delhi

(DEPONENT)

PANKAJ KUMAR JHA, I.A.S.
Secretary to Government and
Resident Commissioner
Government of Puducherry
New Delhi

(BEFORE ME)

(NOTARY)



CERTIFIED THAT THE CONTENTS EXPLAINED
TO THE DEPONENT EXECUTANT WHO
APPEARS PERFECT TO UNDERSTAND &
AFFIRM / DEPOSE BEFORE ME AT DELHI
ON 23/5/25 IDENTIFIED BY

IDENTIFIED THE EXECUTANT / DEPONENT
WHO HAS SIGNED IN MY PRESENCE

Arvind Selvaraj AOR.
Mob [REDACTED]