



## FORMULATING RTI RULES

# Good step, but more needed

The Jammu and Kashmir Right to Information Rules are progressive and revolutionary. Now it is time to appoint the Information Commission

**T**HE Right to Information [RTI] Act of 2009 was signed and gazetted on 20 March. Exactly four months later on 20 July, the Act's Rules were released by the General Administration Department (GAD). They are expected to be gazetted shortly. As proponents of the Right to Information in J&K, we believe this is a positive step. We congratulate the Government for coming this far. Since the Act was gazetted, we had repeatedly asked the Government to release a draft of the Rules for public commentary. Unfortunately, the Government did not respond or otherwise engage the public in preparing the Rules. Now that the Rules have finally been released, we offer our analysis of the for the benefit of readers and those in Government.

First, some background. The Central RTI Act of 2005 applies to the Central Government and States of the Union, except Jammu & Kashmir. The Central Government issued some rudimentary rules pertaining to the fees and the appointment of Public Information Officers. However, many other aspects were left open, including the procedures of the Information Commissions at the Central and State Levels. Since the Information Commissions were formed to hear appeals against

Rs.10 for application and Rs.2 per page. We believe that the J&K's rate is outrageous and should be brought down to the national standards to make it more affordable.

Second, the JKRTI Rules have failed to clarify who is eligible to use the JKRTI Act. The Act and the Rules both state that a person "residing in the State" may use the JKRTI (Sec. 2.j), but this is an ambiguous statement. Is this a "state subject's certificate" requirement?... Does 1 year residency count? 1 month? 1 day?... What about NRIs from J&K visiting home?... What about residents of J&K

