

State Level RTI: Jammu and Kashmir

Law

The [Jammu and Kashmir Right to Information Act 2009](#) was passed by the State Legislature and it received the assent of the Governor on 20 March 2009. This law replaces an earlier law called the Jammu and Kashmir Right to Information Act passed by the State Legislature on 18 December 2003 and notified in the Government Gazette on 7 January 2004. The Government of Jammu and Kashmir has published the [Jammu and Kashmir Right to Information Rules, 2009](#) on 20th July, 2009 .

Notably, due to the special constitutional position occupied by Jammu and Kashmir, the Central Right to Information Act 2005 is not applicable in Jammu and Kashmir. Civil society groups, activists and advocators of transparency and accountability had been advocating for the adoption of a progressive Information Access law in J&K. CHRI has worked closely with government and civil society organizations and activists in the campaign for enacting an Information Access Law in J&K.

Details of Fee & Costs

Application Fee

Rs 50/-, Free for those below poverty line
--

Mode of payment

Cash/ Indian Postal Order/ Demand Draft/ Bankers Cheque

Additional Fees:

A-4 / A-3 size paper copies

Rs 10/-

Legal size paper

Rs. 15/-

Larger paper

Actual cost

Sample or models

Actual cost

Floppy/diskette

Rs 75/-

Compact Disc

Rs. 100/-

Inspection of records

Free for the first hour, and Rs. 15/- for each subsequent hour or a fraction thereof.

Publication & Printed form

Fixed price for such publication or Rs. 2/- per page or photocopy for extract from the publication. No fee

State Information Commission

S.N.

Name of Commissioner

Contact

1

Sh. Gulam Rasool Sufi

State Chief Information Commissioner

Jammu Office,
PH NO 14 Sector 8,
Trikuta Nagar, Jammu.
Off: 0191-2475234

Srinagar Office,
Old Assembly Complex,
Srinagar, Kashmir.
Off: 0194-2484268

Website:

<http://www.jksic.nic.in/>

Newsupdates, Activities & Advocacy

- Commonwealth Human Rights Initiative (CHRI) conducted a three day capacity building training of trainers for civil society representative in Srinagar in collaboration with the J&K RTI Movement from 28th to 31st July, 2011. The training was conducted to build civil society capacity to train people and promote the use of the J&K RTI Act at the community level. The participants were taken through the provisions of the J&K RTI Act 2009 and Rules, and trained to file meaningful and precise information requests under the J&K RTI Act. A resolution was also adopted at the end of the training workshop and sent to the Chief Information Commissioner of Jammu & Kashmir. [The resolution](#) adopted enjoyed good media coverage. A report of this training is being prepared and will soon be uploaded on CHRI website. [Click here](#) to see photos taken during the course of the training.

- The Government of Jammu and Kashmir has published [Jammu and Kashmir Right to Information Rules, 2009](#) on 20th July, 2009.

- The General Administration Department (GAD) of Jammu and Kashmir has sent out a circular (no.25/dated 05.06.2009) ['Implementation of Jammu and Kashmir Right to Information Act, 2009'](#) introducing a template of the 'Information Handbook under the Right to Information Act' to facilitate and maintain uniformity of information of the organization that every public authority has to publish within 120 days from the commencement of the Act and disseminate through various means as provided under Section 4(b) of the J&K RTI Act, 2009

- The Government of Jammu and Kashmir tabled The Jammu and Kashmir Right to Information Bill, 2009 (the Bill) in the J&K Legislative Assembly on 7th March 2009. The Bill contains provisions that are similar to The Right to Information Act, 2005 (Central RTI Act) enacted by Parliament. The Government has claimed that this Bill is intended to bring the erstwhile law governing people's access to information from public authorities in J&K, on par with the Central RTI Act. The Government of J&K for taking this important step towards fulfilling an electoral promise made to the people of J&K. Before tabling the Bill in the J&K Assembly, the J&K Government advertised the draft Bill in the public domain inviting people to comment on its provisions. Civil society organisations in J&K and elsewhere in India and abroad welcomed this decision as it provided an opportunity for people to participate in the making of a seminal law that aims to transform the fundamental operating principle of Government from obsessive secrecy to compulsory openness. However a reading of the text of the Bill tabled in the J&K Assembly reveals that the Government has ignored almost all the important recommendations made by civil society organisations for strengthening the Bill further. Of the 29 recommendations submitted by CHRI to the Department of Law, only one minor change has been incorporated fully in the Preamble. The public consultation process has been reduced to mere eyewash. CHRI has outlined the [major problems](#) with the provisions of the Bill.

- The J&K Government has drafted a Bill to replace the J&K Right to Information Act 2004 as amended in 2008. This Bill seeks to replace the old law in toto. The draft Bill is closely modeled on the provisions of the Central Right to Information Act enacted in 2005. The text of the Bill tabled in the J&K Assembly on 7th March 2009 indicates that hardly any recommendation made by civil society organisations has been incorporated in the Bill. The public consultation has been reduced to mere eyewash. CHRI has further made [28 recommendations](#) based on the experience gathered regards the implementation of the Central RTI Act in other parts of India. These modifications, if incorporated into law, can secure people's right to information in a more effective manner in J&K.

- The J&K Government has drafted a Bill to replace the J&K Right to Information Act 2004 as amended in 2008. This Bill seeks to replace the old law in toto. The draft Bill is closely modelled on the provisions of the Central Right to Information Act enacted in 2005. The J&K Government has sought people's views on the draft provisions before it finalises the draft for tabling in the Legislature. [CHRI has made 29 recommendations aimed at improving the Draft Bill based on the implementation experience with the Central RTI Act](#). These recommendations have been submitted to the J&K Government.

- The government of **Jammu and Kashmir** has prepared a revised Draft Bill on Right to Information Act to bring the State law at par with the Central Right to Information Act 2005. The Draft Bill will be posted on the website of the General Administration Department for soliciting public opinion, after which the Cabinet will again discuss the draft. The Law Department will issue a notification in this regard to seek public opinion on the Draft Bill. (Source: Greater Kashmir, 20 February 2009)

- In a [significant development the Governor of Jammu and Kashmir returned the Right to Information \(Amendment Bill\) Bill 2007 to the State Assembly](#). The Bill was introduced in August 31 in the Legislative Assembly to bring the existing Right to Information Act (RTI), 2004 at par with the Central RTI Act. The State Government pressed for the passage of the Bill immediately and both the Houses gave its approval to the amendments. Following which there was a flurry of representation from civil society organisations to the Governor requesting him to withhold his assent to the Bill. In several occasions [the Central Chief Information Commissioner Wajahat Habibullah has echoed the need to bring the J&K RTI Act in conformity with the RTI Act, 2005](#). The State Governor Lt Gen S.K. Sinha (retd) by returning the Amendment Bill, has given opportunity to the Legislature to take the remedial step. (20/10/2007)

- The Government of Jammu and Kashmir tabled a set of amendments to the [Jammu and Kashmir Right to Information \(Amendment\) Bill, 2007](#) on 31st August. The objective of the Bill is to bring the state RTI Act passed by the legislature way back in 2003 at par with the Right to Information Act (RTI Act), 2005 passed by the Union Parliament. The state government pressed for the passage of the Bill and the J&K Legislative Council gave its approval to the amendments. The Bill is soon to be presented to the Governor of Jammu and Kashmir for his assent. CHRI has submitted an [analysis of the short comings of the J&K RTI Act and the Amendment Bill](#) to the Governor requesting him to withhold his assent to the Bill. CHRI believes that the Amendments remain inadequate because they do not effectively secure the fundamental right to access information for citizens in Jammu and Kashmir. If the Amendment Bill becomes law,

citizens will have inferior rights in matters relating to seeking and obtaining information from the Government as compared to that enjoyed by citizens in other parts of the country. An

[Urgent Action Appeal](#)

has been sent to media, the Information Commissioners and civil society partners. ((11/09/07)

- The State Government of Jammu & Kashmir has decided to table the [Jammu & Kashmir Right to Information \(Amendment\) Bill, 2007](#) in the current session of the legislature. The Amendment Bill proposes among other things to set up a State Information Commission which will give decisions within a maximum of 60 days on the complaints and second appeals filed by citizens who have been denied access to information. CHRI has prepared an [analysis and submission](#) on the proposed amendments and submitted it to the State Government and legislators. An [urgent action appeal](#) is being circulated to urge the State Government to refer the amendments to a Joint Select Committee of both Houses of the State Legislature for detailed discussions and for holding widespread public consultation.

- [SCOPE](#) (Society for Consumer Protection and Environment) has been advocating with the State and Central Government for the amendment of the Jammu and Kashmir Right to Information Act in light of the more progressive provisions of the RTI Act 2005. SCOPE has written letters to the [Chief Minister of Jammu and Kashmir](#) and [Sonia Gandhi](#), NAC Chairperson, [highlighting deficiencies of the current Act](#) and the need for amendments.

For more information: Contact Paul La Porte at SCOPE, 7 Panj Bakhtar Road, Jammu-Tawi, Jammu and Kashmir, Tel: 191 2548534, Email:

paul.laporte@scopeforchange.org

or

scope@scopeforchange.org

Resources & Articles

Government

- [Jammu and Kashmir Right to Information Act 2009](#).
- [Jammu and Kashmir Right to Information Rules 2009](#) .
- [Jammu and Kashmir Right to Information Application Form](#) .
- [Jammu and Kashmir Right to Information \(Amendment\) Bill, 2007](#) .

CHRI

- CHRI (2007) [Urgent Action Appeal re J&K Right to Information \(Amendment\) Bill 2007](#) .
- CHRI (2007) [Submission re J&K Right to Information \(Amendment\) Bill 2007](#) .
- CHRI (2007) [Letter to the Governor re J&K Right to Information \(Amendment\) Bill 2007](#) ,
10 September.
- Charmaine Rodrigues (2004) [Draft Jammu and Kashmir Right to Information Rules 2004](#) .
- For CHRI's posters on RTI click [here](#) .

Miscellaneous

- Dr. Raja Muzaffar Bhat [Defending the Corrupt !](#)
- [Three Days RTI Program Concludes](#) -Jammu, December 2011.
- [IMPA Conducts Program on RTI](#) - Jammu, 1st December 2011.
- [Sangarsh-CHRI To Organize 3 Days RTI Training Program](#) -Jammu, 27 November
2011
- [Information is Matter of Right](#) -Srinagar,13th November 2011.
- [RTI Movement organises workshop in Tangmarg](#) - Srinagar, 26th October 2011.
- [JKRTI Movement holds awareness workshop](#) - Srinagar, 21st October 2011.
- [Sangharsh, CHRI organise RTI workshop](#) - Ramban, 10th October 2011.
- [JK RTI Movement holds workshop](#) - Poonch ,7th October 2011.
- [Property details of IAS, KAS officers privacy invasion?](#) , Greater Kashmir, 15 March 2011.
- Dr. Raja Muzaffar Bhat (2009) [Empowering Act](#)
- Dr. Raja Muzaffar Bhat (2009) [RTI: A dentist works to rout corruption](#)
- Dr. Raja Muzaffar Bhat (2009) [Time to make Police Accountable](#) .
- Dr. Raja Muzaffar Bhat (2009) [Good step, but more need be done - Formulating RTI Rule](#)
- Syed Basharat (2009) [Neglected Hajam Mohalla granted water pipeline after 30 years](#) .
- Dr. Raja Muzaffar Bhat (2008) [Current status of the right to information in Jammu and Kashmir](#) , KashmirWatch.com, 23 December 2008, online

edition.

- SCOPE (2005) [Model civil society Jammu and Kashmir Right to Information Bill](#) .
- SCOPE (2005) [Letter to J & K Chief Minister re Amending the Jammu and Kashmir Right to Information Act](#)
- SCOPE (2005) [Letter to Sonia Gandhi re Amending the Jammu and Kashmir Right to Information Act](#)
- SCOPE (2005) [Letter to J & K Chief Minister re deficiencies in the Jammu and Kashmir Right to Information Act](#)
- Dr. Kulwant Singh (2005) [Right to Information](#) , 18 July, *Greater Kashmir Online Edition*. The article argues for the recently enacted Central Right to Information Act 2005 to be adopted in Jammu and Kashmir.

- Staff Reporter (2003) [Jammu and Kashmir Passes Right to Information Bill](#) , 18 December, *e Hindu*

Th

Links

- [Government of Jammu and Kashmir](#)
- [SCOPE](#) (Local NGO working on RTI issues)
- [Government of India \(DOPT\)](#)
- [National Campaign on People's Right to Information \(NCPRI\)](#)
- [Right to Information](#) - Collection of RTI stories, articles, etc
- [Info Change - Right to Information Pages](#)
- [India Together - Right to Information Pages](#)

[EMAIL US](#)

To update us on your RTI activities / share your RTI stories