



Commonwealth Human Rights Initiative

NGO in Special Consultative Status with the Economic & Social Council of the United Nations

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Date: 10/09/2007

Lt. Gen (retd.) S K Sinha
The Governor of Jammu and Kashmir
Governor's Secretariat
Raj Bhavan
Srinagar – 190 001
Fax: 0194 - 2501414

Dear Sir,

I am writing from the Commonwealth Human Rights Initiative (CHRI), an international non-government organisation headquartered in New Delhi, India. CHRI's Access to Information (ATI) Programme works to promote the citizens' right to information (RTI), in particular by assisting governments to develop strong RTI legislation and to support implementation of new access laws. For more information about our work please visit our website – www.humanrightsinitiative.org

On 31st August your Government tabled a set of amendments to the *Jammu and Kashmir Right to Information (Amendment) Bill, 2007* with the objective of amending the *Jammu and Kashmir Right to Information Act (J&K RTI Act), 2004* in the Legislative Assembly. The objective of the Bill is to amend the J&K RTI Act to bring it at par with the Right to Information Act (RTI Act), 2005 passed by Parliament. The proposed amendments are only a half-hearted measure and do not go the whole length of the way to bring the State RTI Act at par with the Central RTI Act. Several MLAs strongly argued for referring the Amendment Bill to a joint select committee consisting of members of both Houses of the J&K Legislature, for detailed consideration of the Act and the amendments as this is an important law giving effect to a fundamental right of citizens. However your Government pressed for the passage of the Bill because of the majority it enjoys in the Assembly and the amendments were passed by voice vote. The next day the Jammu and Kashmir Legislative Council gave its approval to the amendments. The Bill is likely to be presented to you for your assent in the near future.

The Amendments are inadequate because they do not provide for the citizens, seeking information from public bodies in Jammu and Kashmir, the same guarantees and protections available to citizens in other parts of the country under the *Central Right to Information Act, 2005*. I have enclosed a detailed analysis of the shortcomings of the J&K RTI Act and the Amendment Bill for your consideration.

CHRI believes, the amendments do not adequately 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 your Government as compared to that enjoyed by

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citizens in other parts of the country. Furthermore the amendments will create a weak enforcement mechanism for securing compliance of public bodies with the provisions of the J&K RTI Act. The Amendment Bill requires several changes if it is to bring the Jammu and Kashmir RTI Act at par with the Central RTI Act.

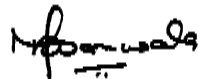
CHRI urges you to invoke your powers under Section 78 of *The Jammu and Kashmir Constitution, 1956* to withhold assent to the *Jammu and Kashmir Right to Information Amendment Bill, 2007* for reasons cited above.

CHRI urges you to invoke your powers under Section 78 of *The Jammu and Kashmir Constitution, 1956* to send the *Jammu and Kashmir Right to Information Amendment Bill, 2007* back to the State Legislature for reconsideration.

CHRI has drafted recommendations containing relevant sections and clauses necessary to strengthen the J&K RTI Act to bring it at par with the Central Act. CHRI's urges you to use your powers under Section 78 of *The Jammu and Kashmir Constitution, 1956* to send the recommended changes for the consideration of both Houses of the Jammu and Kashmir Legislature.

I would be obliged if you would provide me an opportunity to make a presentation before you on CHRI's analysis of the J&K RTI Act and the Amendment Bill along with the recommendations for strengthening it. If you need more information on this issue please feel free to contact me on my mobile – 09810199745 or by email – maja.daruwala@gmail.com or my colleague Shri Venkatesh Nayak on his mobile – 09871050555 or by email – venkatesh@humanrightsinitiative.org and nayak.venkatesh@gmail.com

Yours sincerely



Maja Daruwala
Director