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Hon'ble Chief Minister
J&K State Government

Subject: Replacing the Jammu & Kashmir Right to Information of 2004 with the Central Government's Right to Information Act of 2005

Hon'ble Sir:

It is the fundamental right of citizens in a democracy to seek and obtain public information from their Government. This fundamental right protects the well-being of the public by ensuring that Government services are provided in a just, efficient, and equitable manner.

On 5 January 2004, the Governor gave assent to the Jammu & Kashmir Right to Information Act, which was later notified in the Gazette on 7 January. Although this Act was a step in the right direction, it is highly regrettable that there are two severe deficiencies in the Act. As explained in earlier correspondence to your office, the present Act lacks a) an independent appeals process and b) a direct penalty clause for officers who violate the Act (see Sections 9 and 12 of the Act). With both deficiencies, the onus of collecting public information lies with the ordinary citizen, rather than the officials who maintain this information.

For these reasons, the present Jammu & Kashmir Right to Information is unworkable, and must be replaced.

On 15 June 2005, the President gave assent to the Central Right to Information Act of 2005. This Act empowers the ordinary citizens of India to seek and obtain public information from the Government and its autonomous bodies. The Act does not contain any of the above-mentioned deficiencies. It applies to the Central Government and all the States, with the sole exception of Jammu & Kashmir. Already, the States of Goa, Karnataka, Orissa, Meghalaya, Delhi and Maharashtra have announced through various forums that they will replace or amend their old acts so that they conform with the new, Central Government's Right to Information Act of 2005.

Therefore, in the interests of the citizens of Jammu & Kashmir, we call upon the State Government to replace the stillborn J&K Right to Information Act of 2004 with the Central Right to Information Act of 2005.

We look forward to working with you to make Jammu & Kashmir a better place to live in.

Sincerely,

Dr. Kulwant Singh
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