



# Commonwealth Human Rights Initiative

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

Date: 04/07/2016

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**Jenab Mehbooba Mufti Sayeed Sahiba**

Hon'ble Chief Minister  
Government of Jammu and Kashmir  
Secretariat  
Srinagar  
Jammu and Kashmir – 190 001

*Madam Chief Minister Sahiba,*

I am writing to you in my capacity as Chairperson of CHRI an international, independent, non-partisan, non-government organisation headquartered in New Delhi. As you know, CHRI has worked closely with officials in the State Government and members of civil society in J&K for the practical realisation by the people of the State of the fundamental right to seek information from public authorities. Apart from spreading awareness about the procedures for seeking information from public authorities at the community level, CHRI is currently working with the district administration and social activists in Kulgam to make that district a model for the implementation of the *J&K Right to Information Act*, with particular emphasis on proactive disclosure of information as per the law.

I am writing to invite your urgent attention to three issues. **First**, the J&K State Information Commission (JKSIC) has been functioning with only one State Information Commissioner for several months. The posts of State Chief Information Commissioner and that of an Information Commissioner are vacant. Appeals and complaints are accumulating before the Commission due to these vacancies, which arose when the State was under Governor's rule, hampering the Commission's ability to dispose of cases in a time bound manner, as required by the Act. You will appreciate that if the Commission is not able to dispose of people's grievances regarding access to information in a timely manner, there is a real danger that they might lose faith in

the Commission, and in the Act, which I know that you personally have always supported.

As the Chief Minister is the Chairperson of the 3-member committee that recommends names of suitable candidates for appointment to the JKSIC to the Hon'ble Governor, I urge that you direct the General Administration Department (GAD) to initiate the process of identifying candidates for filling up the vacancies in continuance of J&K's established tradition of selecting experienced experts from fields other than administration and governance such as law, social service, journalism, mass media, science, technology and management as specified in Section 12(5) of the J&K RTI Act. In order to boost people's confidence in the selection process, GAD- the nodal agency for implementing this law, might be directed to advertise the vacancies and invite applications from qualified people. Adopting a participatory process in the selection process will demonstrate your government's commitment to select the most qualified and deserving candidates for appointment in a transparent manner.

**Second**, the comprehensive RTI Rules notified by the State Government in 2010 were replaced by a shorter set of Rules in 2012. This minimalistic approach to rule-making adopted by the previous Government has created confusion regarding the manner of implementation of the J&K RTI Act. For example, the 2010 Rules provided guidance about the rank at which a Public Information Officer may be appointed in every public authority. Those Rules also provided the legal basis for the Registry, the Secretariat and staff of the JKSIC. It also provided for a wing in the Commission to monitor compliance with the provisions of the RTI Act in various public authorities and a Public Relations Wing to smoothen the relationship between the seeker and the supplier of information. The 2010 Rules, which carried the endorsement of the Central Information Commission as an improvement on the then Rules of the Government of India, provided for a detailed procedure for the disposal of first appeals within a public authority, and the manner in which the JKSIC would inquire into complaints and appeals. It also provided for a methodology to ensure compliance with the orders of the JKSIC. All these provisions are missing in the RTI Rules notified in 2012. Consequently, there is lesser clarity about the manner in which the J&K RTI Act must be implemented. This was also brought to the notice of then Hon'ble Chief Minister Jenab Omar Abdullah

I suggest that you set up a committee comprising of representatives of all stakeholders such as Government, civil society actors and the JKSIC to re-examine the current set of RTI Rules as well as the Rules notified in 2010 and strengthen the procedures for implementing the J&K RTI Act.

**Third**, Section 23(1) (a) of the J&K RTI Act places a duty on the Government to conduct awareness raising programmes for the people of J&K about their rights for seeking and obtaining information with particular emphasis on disadvantaged segments of society. The J&K RTI Act is a seminal law that replaces the paradigm of governance from one of secrecy to that of openness, treating people as equal partners in decision-making, as it must be in any truly functional democracy. A good way of spreading awareness about RTI would be to incorporate it as a subject matter in school and college text books. Children and youth inculcated early with the values of transparency and accountability necessary in public life will surely grow to be responsible citizens with a deep commitment to these values. This will greatly assist in your own endeavour towards inclusion of the youth in making governance in J&K more democratic, participatory, responsive and accountable than before. Indeed, it will be a strategic step to change the current mindset of undue secrecy and lack of adequate responsiveness towards the people that has been so evident at all levels up to the present.

Should you wish to discuss the issues raised in this letter in detail, you know that I personally and CHRI would be honoured to be at your disposal. I might be contacted at ([whabibullah@gmail.com](mailto:whabibullah@gmail.com)) or my colleague Mr. Venkatesh Nayak, Programme Coordinator, Access to Information Programme, CHRI ([venkatesh@humanrightsinitiative.org](mailto:venkatesh@humanrightsinitiative.org); 011-43180215) in the matter.

*With respect as always.*

Yours sincerely,

*Wajahat*  
(*Wajahat Habibullah*)

Chairperson, CHRI &  
Former Chief Information Commissioner  
Central Information Commission