ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001
No.76/Instructions/2014/EEPS/Vol.-IV
Dated: 7th March, 2014

To
The Chief Electoral Officers of
All States and U.T.s


Sir/Madam,

I am directed to inform that Village Level Awareness Group (VAG) and Ward Level Awareness Group (WAG) in municipal/urban areas shall be formed at polling booth/polling location of each expenditure sensitive pockets. The expenditure sensitive pockets are to be identified by the sector officers and police officers, based on past experience, the level of development and literacy profile and sensitivity of the area for distribution of cash, liquor or items of bribe.

2. The following factors shall be ensured, while forming VAG or WAG in ESPs.

a. The VAG/WAG shall be formed for each polling booth/polling location in expenditure sensitive pockets.

b. The members of VAG/WAG can be retired Govt. servants and officers of bank, PSU, or corporates, eminent journalists, eminent educationist, representatives of civil society organizations, students, NSS/NCC cadets, ex-servicemen etc.

c. The members of the VAG/WAG shall not be affiliated to any political party or any candidate, or shall not be themselves candidate or agents of candidates, and their family members or blood relatives are not candidates or political party leaders or party functionaries.

d. The VAG/WAG shall have 5-10 members, with at least one or two ladies. The membership will be purely on voluntary basis. The members of the group shall be identified by the sector officers and police officers either jointly or separately. Who will verify their non-political antecedents before forming the group and send a report as per the format in Annexure – A to the Returning Officer, with a copy to the Complaint Monitoring Centre, for future correspondence.

e. The Returning Officer, or DEO on receipt of the report from the Sector Officers shall forward the report in Annexure – B to the CEO and a state level report as to number of formation of VAG/WAG shall be sent to Commission, within 10 days of announcement of election.

f. The contact numbers of the committee members shall be given to the complaint monitoring cell, Flying Squads, Static Surveillance Teams so that in case of any doubt regarding location they can contact the member in the respective locality.

3. The VAG/WAG shall start functioning immediately after the announcement of elections and will work till the poll day. The task for this committee will be as under:

a) To spread the message of ethical voting among voters and to abstain from any inducement like cash, gift, liquor or community feast organized for campaign purpose,
during election process, as the receiver is also punishable with one year imprisonment and fine under Section 171 B of Indian Penal Code.

b) To organize 'nookad' meetings/rallies/group discussion against the evil effects of bribe during elections in their respective areas and the Sector Officers may be present in such meeting.

c) To popularize anti-bribe advertisements/posters/banners given by the election officials.

d) To encourage collection of evidence of malpractices and inform the election officials or to the complaint monitoring cell, any member of the group or any citizen can even upload photos, videos, audios of malpractices, collected during election process to the control room through web link.

e) This group shall not directly take any action against any malpractice and it should only inform the District Complaint Monitoring Centre opened for the purpose.

f) Identify of members giving information/complaint to District Complaint Monitoring Cell shall be kept secret, keeping in view their personal security. In case, this VAG/WAG gives any information, it should be ensured that FS/SST reaches the spot as earliest as possible and take necessary action and gather corroborative evidences. The action taken shall be informed to the VAG/WAG, so that they get assurance that action is being taken.

4. The Returning Officer/DEO shall hand over all advertisement material on ethical voting to the VAG/WAG and shall also interact with the members for their confidence building.

5. Any information given by VAG/WAG shall be marked as V or W in the complaint register and the Expenditure Observer will examine the action taken by the teams, on such complaints.

6. The CEOs will make arrangement for installing the necessary software to provide the facility of uploading photos/videos/audios to the website, which will be accessible to the complaint monitoring cell, R.O, DEO and observers.

7. The list of VAG/WAG with contact numbers should be given by the Returning Officer to the Awareness Observer, General Observer and Expenditure Observer on their arrival and during their visit to the area, they will sensitize such team members, about their role in spreading the awareness.

8. This shall be brought to the notice of all concerned including the sector magistrates and police I/C Officers.

Yours faithfully,

Sd/-

(S.K. RUDOLA)
SECRETARY
APPENDIX 2

SCOPE
Society for Consumer Protection and Environment

7 Panj Bakhtar Road, Jammu-Tawi, Jammu & Kashmir, INDIA
Phone 91-191-2548534 (India)

Website: www.scopeforchange.org
E-mail: as@scopeforchange.org
Phone: 1-630-664-1149 (USA)

Ref. 057/SCOPE/2005

Friday, July 01, 2005

H.E. the Governor
J&K State Government

Subject: Corruption in Jammu & Kashmir

Dear Sir:

As you may know, the national and local media announced this morning the results of Transparency International India’s recent national survey of corruption across the country. This survey found that Jammu & Kashmir is the second most corrupt state in the Union, behind Bihar.

These findings reflect poorly on the quality of governance in Jammu & Kashmir. As an organization concerned with good governance, SCOPE would like to know what concrete steps are being taken by the Government of Jammu & Kashmir in response to these disappointing findings.

Thanking you, we look forward to working with you to make Jammu & Kashmir a better place to live.

Sincerely,

Dr. Kulwant Singh
Project Director
SCOPE, J&K

kulwant.singh@scopeforchange.org
Ref. 092/SCOPE/2005

27 July 2005

To:

1. The Chief Secretary
   Jammu & Kashmir Government
   New Secretariat
   Jammu/Srinagar.

2. Commissioner/Secretary
   Department of Health & Medical Education
   Jammu & Kashmir Government
   New Secretariat
   Jammu/Srinagar.

Notice

Society for Consumer Protection and Environment [SCOPE]

This notice is being sent to you in public interest by the Society for Consumer for Protection and Environment for your kind consideration and immediate action.

The notice reads thus:

1. That SCOPE is a Society registered under the Jammu & Kashmir Societies Registration Act under number 2613-S of 1996. The Aims and Objectives of SCOPE include protecting the rights of consumers of Jammu & Kashmir State, and, by extension, the health and well-being of its citizens.

SCOPE has been working since in its inception in 1996 to achieve these aims and objectives for which it was formed. During this time, SCOPE has observed various ills in the Government healthcare system which prevent the efficient delivery of medical care to those who need it most. SCOPE has observed that it requires concerted efforts by the State Government and NGOs so that the people of the State are alleviated of their sufferings and provided with proper medical care so they live healthy and peaceful lives with dignity.

2. That, one of the areas that needs immediate attention of the Government is the purchase and distribution of drugs and medical supplies. The Government has failed to establish the autonomous Jammu & Kashmir Health and Medical Education Medical
Supplies Corporation, which was conceived vide State Cabinet decision No. 115/8, dated 23/6/2003 in order to procure and distribute drugs for the State Government’s health institutions in an efficient and transparent manner. This Cabinet decision was reflected in terms of Government Order No. 813-HME of 2003, dated 22/7/2003, which conveyed the Government’s approval for the establishment of the Jammu & Kashmir Health and Medical Education Medical Supplies Corporation.

As an interim measure, the Government constituted a Central Purchase Committee for the Department of Health and Medical Education until the time that the Jammu & Kashmir Health and Medical Education Medical Supplies Corporation came into operation.

3. That, SCOPE, notices with dismay and anguish that despite the issuance of Government Order No. 813-HME of 2003, dated 22/7/2003, no steps have been taken by the functionaries of the State Government in constituting the Corporation, aside from the trivial steps of registering the Corporation name with the Registrar of Companies and appointing an interim director. SCOPE has observed that ways and means are being devised to continue the interim arrangement of purchasing the drugs through the Central Purchase Committee. Further, drugs are still being distributed to the provincial health institutions of the State through the Directorate Health Services and ancillary bodies.

The functioning of the Central Purchase Committee and the Directorate of Health Services’ [DHS] distribution system is far from satisfactory, and several deficiencies in the procurement and distribution of drugs have come to the notice of SCOPE through the media, including the following:

A. That on 29 and 30 February of 2004, the Daily Excelsior and other local newspapers uncovered the purchase of drugs worth Rs. 10 crore by the Central Purchase Committee from companies that had been officially blacklisted by the Union Ministry of Defence and the State Governments of Delhi, Haryana, Punjab, and Jammu & Kashmir.

B. That these said articles also highlight that the Minister of Health and Medical Education stated before the Legislative Council that samples lifted from the Provincial Stores of the Directorate of Health Services were analyzed at the Appellate Laboratory, Kolkata [CDL] at the order of the Hon’ble High Court, and that three of the samples were found and declared to be of sub-standard quality.

C. That these same articles had observed that it had taken the Central Purchase Committee a full six months from the time of floating tenders to the time of placing orders, and that this extraordinary expenditure of time reflected poorly on the efficiency and transparency of the Committee in performing its assigned duties.

D. That on 10 July of 2005, the Daily Excelsior uncovered massive fraud in the Rajouri District Hospital stores in which approximately Rs. five lakhs worth of medicines, including expensive anti-biotics such as Monocef and Zecof and
anti-rabies injectables such as a Rabipur had been stolen from the storeroom and sold on the blackmarket with the clear connivance of the Government storekeeper and possibly other DHS employees. Further, out of 100 drugs in the store’s inventory, not a single drug tallied with the actual stock upon audit by a special investigative team established by the DHS.

E. That on 11 April 2002, the Daily Excelsior observed that the Controller and Auditor General [CAG] of India found that the Government Medical College, Jammu and associated hospitals had been supplying sub-standard drugs to patients, and that 8 out of 61 samples lifted from the GMC were of substandard quality. The same report that a variety of medical instruments such as CT Scanners, Intracavitary units, had been procured after only years of delay, and often at excessive prices.

F. That on 4 June 2003, the Daily Excelsior noted that the State Health Minister observed that there was a shortage of drugs in Government health institutions across the State, and that those drugs that were available were often of substandard quality, and that for these reasons, the Department of Health and Medical Education had decided to establish the said Corporation for streamlining the procurement and distribution of drugs.

G. That on 8 November 2003, the Daily Excelsior reported that the State Health Minister announced plans for the establishment of the said Corporation, and explicitly detailed that it would be “autonomous” and “self-financing,” and that “transparency in procurement, storage and supplies would be the hallmark of the new policy,” which would be ensured by “on-line drugs stock monitoring in all the district warehouses with the central provincial warehouse.” As detailed in this notice, however, no action had been taken until date in this regard.

In order to give background to the facts and events concerned with Paragraphs 1, 2 and 3 of this notice, SCOPE calls attention to the following:

4. That, since 1977, the World Health Organization [WHO] has promoted the concept of “Essential Drugs” in order to increase the accessibility of basic drugs to the public at affordable prices. The regular procurement and distribution of these essential drugs by the Government forms the core of an official “State Drug Policy based on WHO Guidelines.” To date, such policies have been implemented at the national level in many countries of the world. Many States in India have also streamlined their drug policies using WHO guidelines, including:
   a. Tamil Nadu
   b. Goa
   c. Andhra Pradesh
   d. Maharashtra
   e. Madhya Pradesh
   f. Gujarat
   g. Bihar
   h. West Bengal
   i. Rajasthan
j. Delhi
k. Haryana
l. Punjab
m. Himachal Pradesh.

The Ministry of Health and Family Welfare (MOHWF), Government of India, has invested funds from the European Commission-sponsored Sector Investment Programme (SIP) for reforming and streamlining the drug procurement and distribution systems of SIP States, which have included Jammu & Kashmir (since 2003).

5. That, as specified by WHO guidelines, the cost and quality of procured drugs is influenced by the efficiency and transparency of the system. For example, a decentralized procurement system in which different State institutions float separate tenders is vulnerable to wastage of time and funds, confusion, mistakes, corruption, and pilferage. In contrast, a centralized, “pooled procurement” system will minimize the costs and maximize the quality of procured drugs, especially when the tenders are floated by an autonomous agency that specializes only in procurement.

As recommended by WHO, an effective procurement and distribution system should ensure that only required drugs are procured, as per the State-specific “Essential Drug Lists.” The system should ensure that sufficient quantities are procured, based only upon need, so that shortages and stock-outs are avoided. Further, the system should ensure that all batches of procured drugs are tested for quality and purity by independent laboratories using the legal standards specified in the Indian, UK, EU, and US Pharmacopoeias. Finally, the entire procurement and distribution system must be efficient and transparent, such that there are no wastage of time and funds, no confusion, no mistakes, no corruption, and no pilferage.

6. That the Government of India and WHO have looked to the Government of Tamilnadu’s Nadu Medical Supplies Corporation (TNMSC) as a model of an efficient, transparent, and autonomous procurement system, which has been procuring all of the Tamilnadu’s drugs and medical supplies since 1994. Upon successful completion of these goals, the Corporation was subsequently assigned additional tasks related to the storage and usage of drugs. The Corporation procures drugs through an open tender system in which the specifications are sealed under a “Cover A” and the quoted rates are sealed under a “Cover B.” Cover A is opened on the deadline by the Corporation’s Tender Committee in the presence of the tenderers. The manufacturing facilities of tenders satisfying the conditions of “Cover A” will be inspected by the Tender Committee. Only tenders satisfying the conditions of “Cover A” and having appropriate manufacturing facilities will have their rates opened under “Cover B.” The tendered “rates per unit” are fed into a computer system, which automatically selects the lowest tender for awarding of the contract.

After delivery to the Corporation, the drugs are stored in depots throughout the State,
and are tracked using a specialized computer system developed by the WHO in collaboration with the Government of India. In addition, the public’s confidence in the State’s health institutions has been restored, since all procured drugs are packed in strips and blister packets and are tested by independent, commercial laboratories before being released by the TNMSC for distribution. The tracking system allows members of the public to obtain detailed inventories of each Corporation warehouse through a query on the Corporation’s website (http://tnmasc.tn.nic.in/). Since the Corporation is an autonomous body with a specialized role, the salaried staff is small, including only 3 officers and a dozen field staff. To cover the infrastructure, equipment, and salary expenses, the Corporation charges a handling fee of 1.5% on procured supplies.

The TNMSC generates savings for the Government of Tamilnadu through:

a. Rational Drug Management through the use of the WHO’s “Essential Drug List,” as adjusted by State health authorities to suit local needs. By focusing on essential drugs, this system is able to procure drugs in a more economical and efficient manner.

b. Streamlining of the drug procurement by consolidating the different requirements of the State health institutions under a single tender process, with clear guidelines and criteria.

c. Introduction of an efficient distribution system in which the suppliers deliver directly to the TNMSC depots in each district.

d. Close monitoring and auditing through a computerized system to avoid systemic loss, pilferage and tampering.

7. That in view of the inefficiencies and failures of the purchasing system, as briefly described in Paragraph 3, a Committee of four health officers from the Health and Medical Education Department was deputed to Chennai and New Delhi from 8-14 June 2002 to study the Tamil Nadu Medical Services Corporation (TNMSC) and the Delhi Society for the Promotion of the Rational Use of Drugs, vide Government Order No. 617/HME of 2002, dated 03/06/2002.

That, in this regard, the Committee submitted its report, entitled, “Introduction to the Policy for Rational Use of Drugs, Including Their Procurement, Storage and Distribution in the Health, F.W. & Medical Education Department, Jammu & Kashmir.” In 2002, the Department of Health and Medical Education resolved to rectify the shortcomings discussed in Paragraph 3 by streamlining the State’s procurement system as per the WHO guidelines discussed in Paragraphs 4 and 5.

8. It was observed in the above-mentioned report by the Committee deputed by the J&K Department of Health and Medical Education that there were different Government purchasing agencies in Jammu & Kashmir, including tenders floated by the Government Medical College, Jammu/Srinagar, the Directorate of Health Services, Jammu/Kashmir, as well as tenders floated by semi-autonomous agencies such as SKIMS (Soura) and JKSAPCS. This system was cumbersome and inefficient, and resulted in losses to the
State Exchequer through:

a. Inexplicable differences in the tender rates,
b. Additional surcharges for transport into Kashmir and into remote areas and
c. Pilferage of drug supplies at every level of distribution.

Consequently, the system did not ensure the adequate supply of essential drugs in the Government of Jammu & Kashmir’s health institutions.

In view of these facts, it was decided to establish an autonomous corporation for the procurement and distribution of drugs and equipment for the Department of Health and Medical Education in the pattern of the Tamil Nadu Medical Services Corporation. The proposal for creation for corporation was submitted to the J&K State Cabinet, which approved the proposal for the establishment of J&K Health and Medical Education Medical Supplies Corporation vide Cabinet decision No. 115/8 of 2003 dated 23/6/2003. Subsequently, Government Order No. 813/HME of 2003, dated 22/7/2003 was issued to reflect the Cabinet decision.

The team after interacting with the MD, TNMSC proposed to replicate the TNMSC model in letter and spirit including construction of 14 Warehouses. For construction of the Warehouses, funds from the MOHFW, GoI, under the Sector Investment Programme were to be utilized, while the funds from the State Government, as proposed in the Cabinet Memo, were to be utilized for establishment of the Corporation.

9. That, the name, “J and K Health and Medical Supplies Limited” was registered with the Office of the Registrar of Companies on 2/12/2002 by the Department of Health and Medical Education, while the Director, Family Welfare and RCH was appointed the Managing Director of the Corporation vide Government Order No. 1169/HME, dated 18/11/2003 as an interim arrangement.

10. That, inexplicably, however, no further action was taken by the Department to fulfill the decision of the Cabinet and the consequent Government Order. This inaction on the part of the Department of Health and Medical Education has caused great loss to the public since the department of Health & Medical Education could not spend all funds allocated for procuring the drugs and equipments during past few years. (The inefficiencies and delays of the present purchase system, causes great suffering to the public as the essential drugs are not available when required in the quantity required specially in the remote health institutions of the state, where even private chemist shops are not yet established. There is also no robust quality control system within the state, to regularly test all batches of drugs procured as is being done by the TNMSC, hence no one in the government is sure about the quality of drugs procured.

In view of the facts and events stated above, SCOPE notifies you of the following:

11. That you are under a statutory and legal obligation to ensure that Government Orders and Cabinet decisions are implemented in letter and spirit. Two years have already
elapsed since the issuance of Government Order No. 813-HME of 2003. SCOPE does not expect State Government to waste any more time lest the State Exchequer incur further financial losses and the subjects of State suffer further from their medical ailments.

12. That SCOPE would like to bring to the notice of the State Government that before taking decision in directing the constitution of Jammu and Kashmir Health and Medical Education Supplies Corporation, State government was conscious of the fact that the European Commission, through the Ministry of Health and Family Welfares, GoI's Sector Investment Program, offered funds to support the establishment of this Corporation, and yet the State Government did not make use of this opportunity to improve the healthcare services provided to the citizens of the State.

Through this notice, SCOPE, therefore calls upon the State Government and all the concerned to take appropriate necessary steps in constituting the Jammu and Kashmir Health and Medical Education Medical Supplies Corporation so that a transparent and efficient drugs procurement and distribution system is established in the pattern of the Tamil Nadu Medical Services Corporation for betterment of the welfare of the people of this State.

We would further like to bring to the notice of the State government that SCOPE is issuing this communication in public interest. SCOPE will not wait beyond 30 day's time from the receipt of this letter by you before before we will be constrained to approach Hon'able High Court for the intervention in the matter and ensuring due performance of the duties by the State Government in constituting the Corporation and ensuring efficiency and transparency in its functioning.

We are addressing the copies of this communication to the Central Government, the concerned MPs and MLAs of Jammu & Kashmir, and to functionaries of the European Commission (as listed in the attached page) so that the matter is expedited in the interests of the citizens of Jammu & Kashmir.

Sincerely,

[Signature]

Dr. Kulwant Singh
Project Director, Governance
kulwant.singh@scopeforchange.org
Copy To:

1. Chief Minister, J&K
2. Union Minister for Health and Family Welfare, GoI
3. The Head of the Delegation of the European Commission to India, Delhi
4. The Head of Cooperation for the European Commission to India, Delhi
5. Principal Secretary to Chief Minister, J&K
6. Finance Minister, J&K
7. Minister for Health and Medical Education, J&K
8. Minister of State for Health and Medical Education, J&K
9. Commissioner/Secretary, Law Department, J&K
10. Financial Commissioner, Finance Department, J&K
11. Principal Secretary, GAD, J&K
12. Chairman, Legislative Council, J&K
13. Speaker, Legislative Council, J&K

14. The Daily Excelsior
15. The States Times
16. Dainik Jagran
17. Amar Ujjala
18. Kashmir Times
19. Greater Kashmir
20. Srinagar Times
21. Aftab
22. Himalayan Mail/Indian Express
23. The Hindustan Times
24. The Views Today
25. The Mandate
26. UNI
27. PTI

28. MP for Jammu, Madan Lal Sharma
29. MP for Udhampur, Ch. Lal Singh
30. MP for Srinagar, Omar Abdullah
31. MP for Anantnag, Mehbooba Mufti
32. MP for Ladakh, Thupten Chhewang
33. MP for Baramullah, Abdul Rashid Shaheen

34. President, NC, J&K
35. President, BJP, J&K
36. President, CPM, J&K
APPENDIX 4

SCOPE
Society for Consumer Protection and Environment
7 Panj Bakhtar Road
Jammu-Tawi,
Jammu & Kashmir, India

Phone: +91 191-2548534
Website: www.scopeforchange.org
E-mail: scope@scopeforchange.org

DRAFT

Ref. 095/SCOPE/2005 12 August 2005

To:

1. The Chief Secretary
   Jammu & Kashmir Government
   New Secretariat
   Jammu/Srinagar.

2. Chairman
   Board of Professional Entrance Examination
   Jammu & Kashmir Government
   9 A Polo View Srinagar 190001

Notice

Sir,

This notice is being sent to you in public interest by the Society for Consumer for Protection and Environment [SCOPE] for your kind consideration and immediate action.

The notice reads thus:

1. That SCOPE is a Society registered under the Jammu & Kashmir Societies Registration Act under number 2613-S of 1996. The Aims and Objectives of SCOPE include protecting the rights of consumers of Jammu & Kashmir State, and, by extension, the well-being of its citizens.

   SCOPE has been working since its inception in 1996 to achieve these aims and objectives for which it was formed. During this time, SCOPE has observed failings in the Board of Professional Entrance Examination’s process for admittance into professional courses of the State, particularly the annual Common Entrance Test (CET). These failings include 1) the repeated leakage of papers, 2) the repeated bunglings of the selection lists, and 3) the continuous inability of the BPEE to operate efficiently and transparently. Recently, the leaders of the NSUI, JMM, SFI and JJSF student unions have requested SCOPE to work towards the improvement of BPEE’s entrance examination systems.

   On behalf of the student community, and in the greater interest of the public, we wish
to ensure that the students and their parents are alleviated of their grievances with the present examination system by introducing efficiency, transparency and accountability in the Board of Professional Entrance Examination [BPEE]. In particular, we are calling upon the BPEE to implement a number of measures in the model of the State Government of Karnataka’s CET Cell (see Paragraph 7), to increase efficiency and transparency in conduct of these examinations.

In order to give background to this notice, we call to attention the following facts and events:

2. That the Board of Professional Entrance Examination was established by the J&K Board of Professional Entrance Examination Act of 2002 to conduct entrance examinations for the following courses:
   a) MD,
   b) MS,
   c) Diploma Courses (PG),
   d) MBBS,
   e) BDS,
   f) BSc Agriculture,
   g) BVSSs and AH,
   h) BAMS,
   i) BUMS, and
   j) BE
   for the following institutions:
   1) GMC, Jammu/Srinagar,
   2) SKIMS, Saura,
   3) Dental College, Jammu/Srinagar,
   4) Regional Engineering College, Srinagar,
   5) Government College of Engineering and Technology, Jammu,
   6) Government Polytechnic, Jammu/Srinagar,
   7) Government College of Education, Jammu/Srinagar,
   8) Sher-i-Kashmir University of Agricultural Sciences and Technology, Jammu/Srinagar, and
   9) All other private, recognized Professional Colleges for which seats are allotted by the Government.

3. That since the inception of the BPEE, there have been numerous media reports revealing that the BPEE has bungled examinations and the seat allotments for tens of thousands of candidates in the various streams. A chronology of the media reports is given below:

   i. That on 8 December 2003, the Greater Kashmir and other newspapers reported that the Vigilance Organization had arrested 2 persons in connection with the leakage of the PG-Medicine and PG-Surgery entrance examinations conducted by the BPEE on 7 December. The duo had been selling the papers on the market for between Rs. 4 to 6 lakhs.

   ii. That on 12 April 2004, the Greater Kashmir reported that the Vigilance Organization had uncovered another nexus in which the CET examination papers had been leaked. The article reported that the examination paper had been leaked on 11 and 12 July 2003 to 10 beneficiaries for approximately Rs. 15 lakhs, who
had scored very well on the CET examination despite dismal academic records. For example, the State Times reported in 27 June that two beneficiaries had scored only 46 and 47 percent marks on the 12th-class examination, yet they had managed to secure M.B.B.S. seats in the 2003 CET examination.

iii. That on 16 April 2004, the *Daily Excelsior* reported that the Crime Branch had taken charge of the examination through FIR 21/2004, and that the CB had succeeded in tracing the accounts through which financial transactions had occurred.

iv. That on 17 June 2004, the *Daily Excelsior* reported that the CB had arrested two accused in the CET leakage, who had been the owner and operator at the Vishal Printing Press in Naryana in New Delhi, where the BPEE had been sending papers for printing for the past 7 years, in violation of all norms for preparing the examination papers. The same article also reported that the BPEE had asked an employee of Vishal Printing Press to collect the papers from one of 8 professors in Delhi who had been charged with setting the questions—again, in violation of all norms. Finally, the same article reported that Vishal Printing Press did not even have a functioning computer, and therefore had to approach a private computer center in Driyagunj, Delhi, for this purpose—again, in violation of all norms.

v. That on 18 October, the *Daily Excelsior* reported that the Crime Branch had arrested the BPEE’s Controller of Examination, B.S. Jaiswal, under 420/120-B, 109 RPC read with 5(2) PC Act 2006, for dereliction of duty in arranging the CET examination of 2003. The article noted that the BPEE’s Controller of Examinations had violated Section 12(b) of the BPEE Act of 2002, which states: “The Controller of Examinations shall—.... Make arrangements connected with the conduct of examinations including setting and printing of question papers for all tests to be held by the Board including maintenance of secrecy and safe custody and all other matters connected herewith.”

5. That, the Crime Branch’s investigation of the CET 2003 paper leakage and the Vigilance Organization’s investigation of the PG-Medicine and PG-Surgery 2003 are both ongoing, in view of the complexity and severity of the scam that was allowed to proliferate inside the BPEE

6. That the failures detailed in Paragraph 4 are symptoms of the BPEE’s inability to function efficiently and transparently, and that this failure has caused great loss to the State Government, the Hon’ble High Court, candidates, the candidates’ parents, and the concerned professional colleges, all of whom have suffered from these paper leakages, bunglings, and disputes in one way or another.

7. That the BPEE could be rendered more transparent if it operated in the pattern of the State of Karnataka’s CET Cell, including the following specific procedures:

i. That, BPEE should outsource the preparation of the examinations to a different State Government CET Cell each year, and further require that this State CET Cell should select a different printer each year. For this purpose, the J&K BPEE can outsource to the CET Cells of Delhi, Maharashtra, Karnataka, Goa, Tamilnadu, AP, MP, Gujarat, West Bengal, and other States of
the Union, to prevent paper leakages and accusations of leakages. As noted in the media reports in Paragraph 4, the BPEE had allowed the 2003 CET and PG paper leakages to occur because the same printer in Delhi had been allowed to prepare the examinations for 7 continuous years. For this reason, the former BPEE Controller of Examinations, BS Jaiswal, was arrested by Crime Branch in 2004 for negligence and dereliction of duty. To our knowledge, however, this practice has not been changed by the BPEE, despite the aforementioned paper leakages. It is noteworthy that the Karnataka CET has changed printers every year for the past 5 years, and that this is standard practice in CET Cells throughout the country.

ii. That the BPEE should provide a seat allotment table under Categories before the examinations are conducted, so that there are no disputes and allegations after the counseling has been completed and the first round of students have been adjusted according to their preferences. Under the present system, only raw percentages are indicated in the CET Information Brochure of 2005 (see page 17), with the candidates left to wonder on the precise number of seats available in each Reserved Category in each stream for each college. Disputes over counseling and seat allotment have led to much grief among the candidates, and has led to a number of frivolous High Court cases. However, these disputes could have been prevented if the BPEE had provided a seat allotment table under all Categories for all courses before the examinations were conducted. Indeed, it is noteworthy that the Karnataka CET Cell has published a seat allotment table for all professional colleges for all Categories for the past 5 years, and this has significantly reduced the number of disputes that have arisen on this matter.

iii. That the BPEE establish a proper website that contains the entire contents of the Information Brochures for the CET and PG examinations, so that students can easily and conveniently access information on the examinations and required documents, without having to visit the BPEE offices at Bahu Plaza in Jammu and Polo View in Srinagar.

iv. That the BPEE should distribute information brochures that clearly specify the dates of the examinations, the locations of examinations, the deadlines for the submission of forms, the dates for the announcement of results, and the deadlines for disputing the answer keys or for disputing the announced results. In the present system, the BPEE announces these dates only a few days before in the local newspapers. These dates are often delayed past their original schedules. For example, the dates of the examinations and the declaration of results have varied considerably from year to year, revealing the incompetence of the BPEE and its inability to fix a schedule. In contrast, the Karnataka CET has been publishing all of these dates in its Information Brochure for the past 5 years, and has never failed to meet these deadlines. If the BPEE is to claim that it is a professional, transparent body, it must function like a professional, transparent body.

v. That, in the examination Information Brochures, the BPEE should clearly outline the eligibility and documentary requirements for Reservations under different Categories such as SC, ST, RBA, Sports, Son/Daughter of Defence Personnel, etc. The 2005 CET Information Brochure issued by the BPEE simply observes that the eligibility criteria is specified in SRO 126 of
1994, dated 28-06-1994. Yet, the 2005 CET Information Brochure does not provide the candidates with the full text of this Government Order so that they can understand the exact criteria for eligibility. For example, in the 2005 CET Information Brochure, the documentary requirements for eligibility for categories (VII) “Para-Military Forces,” (VIII) “Children of Permanent Residents of Paramilitary Forces and State Police Personnel Serving in the State,” (IX) “Candidates Possessing Outstanding Proficiency in Sports,” (X) “Ex-Servicemen and Children of Defence Personnel,” and (XI) “Candidates Hailing from Poor and Backward Families Earning Less than Rs. 70,000/yr” are poorly defined, leaving scope for cheating and corruption. In contrast, the Karnatak CET Cell’s 2005 Information Brochure contains very clear guidelines on eligibility under Reserved Categories, including precise specifications on the documents that must be produced to be considered under these categories.

vi. That the BPEE should make available on its website the list of candidates who are registered to take the examination, well before the admittance cards are mailed, so that students are not hassled to visit the BPEE offices in Bahu Plaza in Jammu and Polo View in Srinagar to ascertain that they are properly registered to take the examination.

vii. That, well before the examinations are held, the BPEE should publish a list of candidates who have opted for Reserved Category status, to allow mistakes and fraud to be identified and corrected before the examinations are actually conducted. In the present system, the Categories that have been selected by candidates are not revealed until the results are declared in the newspapers, causing scope for much confusion and conflict when allegations of fraud are raised before the Media and the Hon’ble High Court. For instance,

viii. That, the BPEE should issue admittance cards with stamped photographs of the candidates while also issuing duplicates of the admittance cards with stamped photographs to the examination center authorities, to prevent impersonations. This would enable the authorities at each examination center to ascertain that the candidate appearing at the center for the examination is the same candidate registered by roll number in the admittance card.

ix. That, at the conclusion of the examination each day, no answer sheet shall be accepted by the invigilators unless and until it is marked in ink with the signature and the thumbprint of the candidate, to prevent tampering of the answer sheet by either the examination hall staff, the BPEE staff, the grading center staff, the candidates, or any interlocutors. Although the signatures of the candidate and the invigilator are presently required in the answer sheets, it should be recognized that a signature can be forged, whereas a thumbprint cannot be forged. It is noteworthy that thumbprints are required in the United States during the Medical College Admissions Test [MCAT] conducted by the American Association of Medical Colleges [AAMC]. The MCAT is the biannual, nationwide medical college admissions test required by all of the 125 accredited medical colleges of the US for admissions to the MD programs, and is analogous in function and design to the State Government CET exams across India.

x. That, at the conclusion of the examination each day, no answer sheet shall be accepted by the invigilators unless and until it is every oval of the answer sheet is filled in pen, so that there is no scope for cheating by the filling in of
answers after the examination is concluded. In this regard, it has been alleged by students who have previously taken the BPEE’s CET that some answer sheets have been collected which were not completed, thus allowing scope for such cheating. In the case that a student does not know or does not wish to give any of the four answer choices (A, B, C, or D), the student may fill two ovals to produce the same null results that would be produced from the scoring computer by not completing any oval.

xi. That, the BPEE should provide copies of the answer sheets as well as the answer key, as is done by the J&K BOSE and by the CET cells of other states, notably Karnataka. Under the present system, students are not provided copies of their answer keys when they leave the examination hall and they are not provided the answer key so that they may compare their own scores with the answer key and thereby be satisfied that the results announced by the BPEE are fair and accurate. Under the present system, the answer sheet and answer key can only be inspected through a special appeals process requiring an appointment and a visit to the offices of the BPEE at Bahu Plaza in Jammu and Polo View in Srinagar. The present system therefore makes verification difficult for students living in rural and far-flung areas of the State. It is of note that in the years 2002 and 2003, the BPEE had provided carbon copies to candidates who took the CET and PG exams, but this practice had been discontinued for reasons known only to the BPEE. It is also of note that the Karnataka CET Cell has followed this practice for the past 5 years by providing carbon copies, thereby maximizing the confidence of the candidates and the public in the Karnataka CET system, and minimizing distrust and allegations against this system. Further, the J&K Board of School Education has been doing the same by providing Xerox copies of the answer sheets, for the same purpose and to the same effect.

xii. That since the marks of each candidate are published in the local newspapers against their name, the BPEE should take the further step of making copies of the answer sheets available for inspection to members of the public, so that they may have full confidence that the examination papers for all the candidates were scored properly and correctly, and that there was no tampering by any of the BPEE staff, the grading staff, or any interlocutors.

xiii. That the BPEE should post the complete results for the examinations on a proper website, including the selection/merit lists and the scores of all candidates who took the exams. The BPEE’s present site, www.kashmironline.com, is wholly inadequate in form and content. It only contains information on the merit lists, and does not contain the complete list of results or even provide copies of notices, notifications, government orders, Acts, Rules, High Court judgements and Supreme Court Judgements relevant to the functioning of the BPEE and the CET and PG examinations. It is perhaps revealing that not even the address and contact information of the BPEE is provided on the said website. In contrast, a proper website maintained by an organization such as the National Informatics Center [NIC] will enable candidates throughout the state to obtain information on their results in an efficient and convenient manner. In this regard, the website of the Medical Council of India (www.mcijndia.org) should serve as a model.
8. That in view of the failings of the BPEE mentioned in Paragraphs 4, we are demanding, through this notice, that the BPEE adopt the actions recommended in Paragraph 7 within the next 4 weeks to ensure that J&K’s CET and PG examinations are conducted in a transparent and efficient manner. We believe that is particularly incumbent upon the BPEE to immediately follow the recommendations of Paragraph 7, since these practices are being followed by the Karnataka CET Cell, where there have been far fewer reports and allegations of incompetence and fraud, despite the fact that 20 lakhs students appear for the Karnataka CET examination each year, whereas only 4 lakhs students sit for the J&K CET examination each year.

We would further like to bring to the notice of the State government that SCOPE is issuing this communication in public interest. SCOPE will not wait beyond 15 day’s time from the receipt of this letter by you to commit to a specific timetable of action on all of the points mentioned in Paragraph 7 before we will be constrained to approach Hon’ble High Court for the intervention in the matter to ensure due performance of the duties by the BPEE in conducting the CET and PG examinations in an efficient, transparent, and just manner.

We are addressing the copies of this communication to the Media, the Medical Council of India, the University Grants Commission, the concerned MPs and MLAs of Jammu & Kashmir, so that the matter is expedited in the interests of the citizens of Jammu & Kashmir.

Sincerely,

[Signature]

Dr. Kulwant Singh
Project Director, Governance
kulwant.singh@scopeforchange.org

Copy To:

Government of J&K:
1. Chief Minister, J&K
2. Principal Secretary to Chief Minister
3. Minister for Finance
4. Minister for Health and Medical Education
5. Commissioner/Secretary, Law Department
6. Financial Commissioner, Finance Department
7. Principal Secretary, GAD
8. Chairman, Legislative Council
9. Speaker, Legislative Council
10. Chairman, UGC, Dr. Arun Nigavekar
11. Secretary, UGC, Sudeep Banerjee

Medical Council of India
12. Acting President, MCI, Dr. PCK Nayar
13. Secretary, MCI, Lt.Col. Dr. ARN Setalvad

Print Media: Jammu
14. The Daily Excelsior
15. The States Times
16. Kashmir Times
17. Himalayan Mail/Indian Express
18. The Views Today
19. The Mandate
20. The Early Times
21. Journey Lines
Print Media: Srinagar
22. Greater Kashmir
23. Srinagar Times
24. Daily Aftab
25. The Kashmir Observer

Print Media: National
26. Dainik Jagran
27. Punjab Kesari
28. Amar Ujjalla
29. The Hindustan Times
30. The Times of India
31. The Tribune
32. United News of India
33. Press Trust of India

Broadcast Media:
34. Associated Press/BBC
35. Reuters/VOA
36. Aaj Tak
37. Zee News
38. NDTV
39. Star News
40. Doordarshan
41. Radio Kashmir/AIR

Lok Sabha:
42. MP for Jammu, Madan Lal Sharma
43. MP for Udhampur, Ch. Lal Singh
44. MP for Srinagar, Omar Abdullah
45. MP for Anantnag, Mehbooba Mufti
46. MP for Ladakh, Thupstan Chhewang
47. MP for Baramullah, Abdul Rashid Shaheen

Members of Rajya Sabha:
48. Dr. Farooq Abdullah
49. Shri Azad Ghulam Nabi
50. Shri T.S. Bajwa
51. Prof. Saifud-Din Soz

Parties:
52. President, NC, J&K
53. President, BJP, J&K
54. President, CPM, J&K
APPENDIX 5

Ref. 059/SCOPE/2005

July 8, 2005

Chief Minister
J&K State Government

Sub: Serious Deficiencies in the Jammu & Kashmir Right to Information Act

Respected Sir:

As an organization interested in good governance, SCOPE congratulates the Government of Jammu & Kashmir for recently issuing the Rules to the Right to Information (RTI) Act of 2004 (issued by the General Administration Department on 30th June, 2005, SRO No. 181).

To our regret, the Jammu & Kashmir RTI Act is marked by two major deficiencies that are not found in the RTI Acts which have been passed by the Legislative Assemblies of Maharashtra, Delhi, Karnataka, Goa, Madhya Pradesh, Assam, and Rajasthan:

1. The J&K RTI Act does not have an independent appeals process:
   Under the RTI Acts of 1) Maharashtra, 2) Delhi, 3) Karnataka, 4) Goa, 5) Assam, and 6) Rajasthan, there are provisions for appealing denial-of-requests to an independent body. In contrast, in the J&K RTI, the first appeal lies with the Officer-in-Charge of the concerned Department, while the second appeal lies with “the Government.” See table below demonstrating how the J&K RTI Act differs from the rest of the country, as well as the comparison on Page 3 showing the difference in the appeals process between the J&K RTI Act and the Maharashtra RTI Act (as an example).

<table>
<thead>
<tr>
<th>State</th>
<th>RTI Act</th>
<th>Appellate Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maharashtra</td>
<td>RTI Act of 2003</td>
<td>Maharashtra Lokayukta</td>
</tr>
<tr>
<td>Delhi</td>
<td>RTI Act of 2001</td>
<td>Delhi Public Grievances Commission</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>RTI Act of 2000</td>
<td>Rajasthan Civil Services Appellate Tribunal</td>
</tr>
<tr>
<td>Karnataka</td>
<td>RTI Act of 2000</td>
<td>Karnataka Appellate Tribunal</td>
</tr>
<tr>
<td>Assam</td>
<td>RTI Act of 2002</td>
<td>Assam Administrative Tribunal</td>
</tr>
<tr>
<td>Goa</td>
<td>RTI Act of 1998</td>
<td>Goa Administrative Tribunal</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>RTI Act of 2004</td>
<td>“the Government” (Sec. 9-2) ???</td>
</tr>
</tbody>
</table>
Under the present system of the J&K RTI Act, appeals lie with "the Government" (Sec. 9-2). Yet, the Government is not defined in either the Act or the Rules. Further, the premise that "the Government" is a legitimate appellate body is false, and violates the spirit of the Right to Information Act. Further, the present appeals process in the J&K RTI Act (as outlined in Section 9) contradicts the RTI laws of other states, as listed above and below. Therefore, we demand that the Act be amended so that the J&K High Court is the appellate body for the J&K RTI Act.

2. The J&K RTI Act does not have a meaningful penalty clause.
Under the RTI Acts of 1) Maharashtra, 2) Karnataka, 3) Goa, and 4) Madhya Pradesh, there are provisions for penalizing officers who a) abdicate their duty to the public under the RTI Act, or b) who falsify or destroy the requested public information. These penalties take the form of direct monetary fines and salary deductions levied by the authorized appellate bodies. See table below demonstrating how the J&K RTI Act differs from the rest of the country, as well as the comparison on Page 4 showing the difference in the direct penalty clause of the J&K RTI Act and the Maharashtra RTI Act (as an example).

<table>
<thead>
<tr>
<th>State</th>
<th>RTI Act</th>
<th>Direct Penalty Clause?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maharashtra</td>
<td>RTI Act of 2003</td>
<td>Yes</td>
</tr>
<tr>
<td>Karnataka</td>
<td>RTI Act of 2000</td>
<td>Yes</td>
</tr>
<tr>
<td>Goa</td>
<td>RTI Act of 1998</td>
<td>Yes</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>RTI Act of 2003</td>
<td>Yes</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>RTI Act of 2004</td>
<td>No Penalty Clause</td>
</tr>
</tbody>
</table>

In contrast to other states, the J&K RTI does not contain any meaningful penalty for officers who violate the law in respect of either (a) or (b). This is lamentable, since it effectively renders the J&K RTI Act useless. If there is no penalty for officers who violate the RTI Act, then there is no incentive for them to abide by this Act. For this reason, the present J&K Right to Information Act is unenforceable and therefore meaningless. Therefore, we demand that the RTI Act be amended to include direct penalty clauses analogous to those of the Maharashtra RTI Act.

Thanking you, we look forward to working with you to make J&K a better place to live.

Sincerely,

[Signature]

Dr. Kulwant Singh
Project Director
SCOPE, Jammu & Kashmir

Attached: Comparison of J&K and Maharashtra RTI Acts: (1) Appeals Process (one page) (2) Penalty Clause (one page)
### Deficiency 1: J&K RTI Act does not have an independent appeals process

<table>
<thead>
<tr>
<th>Jammu &amp; Kashmir</th>
<th>Maharashtra</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right to Information Act of 2004</strong></td>
<td><strong>Right to Information Act of 2003</strong></td>
</tr>
<tr>
<td>First published, after having received the assent of the Governor in the “Jammu &amp; Kashmir Government Gazette,” on the 7th January 2004</td>
<td>First published, after having received the assent of the President in the “Maharashtra Government Gazette,” on the 11th August 2003</td>
</tr>
</tbody>
</table>

#### 9. Appeals

1. Any person aggrieved by the order of the Information Officer may appeal to the **controlling officer**, within thirty days of the decision rejecting his request for information or the expiry of period stipulated under section 5 for furnishing such information:

   Provided that the controlling officer may entertain appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal.

2. A second appeal against the decision under sub-section (1) shall lie within 30 days of such decision to the **Government**:

   Provided that the Government may entertain appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal.

3. The appeals preferred under sub-sections (1) and (2) shall be heard and decided expeditiously and by all means be disposed of within thirty days of presentation of appeal.

   Provided that no order adversely affecting the person making the appeal shall be passed unless an opportunity of being heard is afforded to him.

4. The appeal shall be accompanied with the proof of fee deposited or tendered in the manner provided in accordance with section 10.

#### 11. Appeals

1. Any person aggrieved by an order of the Public Information Officer may, within thirty days from the date of receipt of such order, or

   (ii) any person who has not received any communication within the period of fifteen working days as specified in sub-section (2) of section 6 or the extended period as specified in the second proviso to the said sub-section (2), from the date of making such application, may appeal to the **appellate authority**, within a period of thirty days of the lapse of such period in such form and with such fees, as may be prescribed:

   Provided that, when the order of the Public Information Officer is passed under clause (a) of section 7 with the approval of the Committee referred to in the proviso to the said clause (a), the appeal against such order shall lie only to the Lokayukta or Upa-Lokayuktas.

   (2) The appellate authority may, after giving the person or persons affected a reasonable opportunity of being heard, pass such order as it deems fit.

   (3) Any person aggrieved by the order of the appellate authority under sub-section (2), may within thirty days from the receipt of such order, prefer second appeal to the Lokayukta or Upa-Lokayuktas, as the case may be, of the State.

   (4) The appeals referred to in sub-sections (1) and (3) shall, as far as possible be disposed of within thirty days of the receipt of such appeals or within such extended period not exceeding a further period of thirty days, after recording the reasons for such extension of period.

   (5) The decision of the Lokayukta or Upa-Lokayuktas, as the case may be, in appeals shall be final.
Deficiency 2: J&K RTI Act does not have a meaningful penalty clause

Jammu & Kashmir
Right to Information Act of 2004
First published, after having received the assent of the Governor in the “Jammu & Kashmir Government Gazette,” on the 7th January 2004

12. Penalties

Where any person responsible for making available information under this Act, fails without any reasonable cause to furnish information sought by any citizen under the provisions of this Act within the time specified or furnishes any information which is false with regard to any material particulars and which he knows and has reasonable cause to believe it to be false or does not believe it to be true, he shall be liable, after such inquiry as may be required under rules pertaining to disciplinary action applicable to him, for imposition of such penalty as may be determined by the disciplinary authority under such rules.

Maharashtra
Right to Information Act of 2003
First published, after having received the assent of the President in the “Maharashtra Government Gazette,” on the 11th August 2003

12. Penalty

(1) Where any Public Information Officer has, without any reasonable cause, failed to supply the information sought, within the period specified under sub-section (2) of section 6, the appellate authority may, in appeal impose a penalty of rupees two hundred fifty, for each day’s delay in furnishing the information, after giving such Public Information Officer a reasonable opportunity of being heard.

(2) Where it is found in appeal that any Public Information Officer has knowingly given, - (a) incorrect or misleading information, or (b) wrong or incomplete information;

the appellate authority may impose a penalty not exceeding rupees two thousand, on such Public Information Officer as it thinks appropriate after giving such officer a reasonable opportunity of being heard.

(3) An appeal shall lie against the order of the appellate authority, with the Lokayukta or Upa-Lokayuktas and the provisions of sub-sections (3),(4) and (5) or section 11 shall mutatis mutandis apply to such appeal.

(4) The penalty under sub-sections (1) and (2) as imposed by the appellate authority, shall be recoverable from the salary of the Public Information Officer concerned, or if no salary is drawn, as an arrear of land revenue

(5) The Public Information Officer on whom the penalty under sub-sections (1) and (2) is imposed shall also be liable to appropriate disciplinary action under the service rules applicable to him.
APPENDIX 6

SCOPE Society for Consumer Protection and Environment
7 Panj Bakhtur Road, Jammu-Tawi, Jammu & Kashmir, INDIA
Phone 91-191-2548534 (India)
Website: www.scopeforchange.org
E-mail: scope@scopeforchange.org
Phone: 1-630-664-1149 (USA)

Ref. 090/SOC/2005

19 July 2005

Mrs. Sonia Gandhi
Chairman, National Advisory Council

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

Dear Mrs. Gandhi:

As an organization concerned with good governance, we congratulate the National Advisory Council for passing the National Right to Information Act of 2005. We strongly believe that this new Act is a robust and laudable replacement for the former National Freedom of Information Act of 2002.

It is regrettable, however, that the National Right to Information Act of 2005 does not extend to Jammu & Kashmir. Presently, J&K is saddled with the J&K Right to Information Act of 2004, a weak and ambiguous piece of legislation that was originally based upon the nonbund National Freedom of Information Act of 2002. The present Act governing J&K has several deficiencies, particularly the lack of an independent appeals process and direct penalties for officers who violate the Act. In contrast, the National Right to Information Act is a strong piece of legislation that is not marked by such deficiencies, which place the burden of responsibility on ordinary citizens.

We believe that the citizens of Jammu & Kashmir should not be denied the fundamental right that will soon be granted throughout the rest of India. Therefore, we strongly recommend that the J&K Right to Information Act of 2004 should be replaced with the National Right to Information Act of 2005.

In this regards, we have written to the J&K Chief Minister and Finance Minister in the past few weeks requesting the replacement of the old Act with the National Right to Information Act of 2005. Unfortunately, we have not received any response.

For this reason, we are appealing to your good offices to recommend the adoption of the National Right to Information Act of 2005 by the Government of Jammu & Kashmir. We believe that such a recommendation will be critical in improving the standards of transparency and governance in Jammu & Kashmir.

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

Sincerely,

Dr. Kulwant Singh
Project Director, Governance
kulwant.singh@scopeforchange.org

xxiv
APPENDIX 7

INDIA & PAKISTAN DIALOGUE ON REGIONAL PEACE AND STABILITY,
DECEMBER 2013-JUNE 2015

Since 2010, CDR has conducted 5 India-Pakistan Track II Dialogues in partnership with the Jinnah Institute (JI), Islamabad, known as the "Delhi-Islamabad Dialogue". The unprecedented success of these interactions has resulted in the initiative to further continue and expand talks over issues that are critical to bilateral relations. In order to support the official peacebuilding process between India and Pakistan, CDR and II are conducting a series of conferences, round tables, workshops, and interactions between key policy makers, journalists, business people, environmentalists, and civil society actors. Bilateral Track II Dialogues, round tables on water issues and trade, intra-Kashmir dialogues, interactions between women’s groups from both sides of the LOC, and addressing the concerns of those living in a divided and conflict-ridden society in Jammu & Kashmir are the various activities under this project.

Track II Dialogues are of particular importance in the case of India and Pakistan since they allow for channels of communication to remain open between the countries even when official relations might be going through a difficult period. Serious and sensitive issues can be discussed openly and confidentially without fear. Sustained communication through such a forum ensures the reduction of misunderstandings and a greater clarity of each other’s views on vital areas of concern.

Facilitating trade between India and Pakistan is an important aspect of improving bilateral relations. This project aims to address the concerns of both Indian and Pakistani people involved in cross-border trade and provides a forum in which they can coordinate with each other. Furthermore, this will give them an opportunity to put forward a joint proposal on their issues, which can be communicated to the authorities concerned.

As the Indus basin spans across India and Pakistan, its environmental problems and the negative impacts of climate change are also shared by both countries. By involving environmental experts to draw attention to the most pressing concerns in the region, proposals will be raised on the steps that need to be taken by the governments of both countries for short-term as well as long-term solutions to address common concerns. Possibilities of collaboration between non-governmental and academic institutions in this field will also be explored.

Addressing the concerns of the people of Jammu & Kashmir, especially those of the youth and women, is being taken up in this project. Having worked on these issues in the past, CDR looks to carry on a sustained dialogue in the region such that continuity ensures trust-building and incremental gains.