Right to water and information

What is the issue?

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- Over repeated instances, Chief information commission (CIC) has denied information on J&K hydel projects negotiations.
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- It must be noted that citizen has right to claim both water and information.
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What is government’s deal on J&K hydel power projects?

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- Union Government is extracting electricity from the rivers of Jammu and Kashmir (J&K) under National Hydel Power Corporation NHPC.
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- In 2000 the J&K government signed MoUs with the Central government transferring seven hydro power projects to NHPC for funding, execution and operation.
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- The MoUs covered Kishanganga, Uri-II, Bursar, Sewa-II, Pakal Dul, Nimmo Bazgo and Chutak projects for a period of ten years.
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- Currently, NHPC generates close to 30% of its national total annual output (2,009 MW of 6,717 MW) from the hydel projects located at Salal, Uri, Dulhasti, Sewa, Nimmo Bazgo and Chutak in J&K, earning it about Rs 200 billion annually.
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- A couple more are under construction and a handful are said to be at an exploratory stage.
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- Under the terms of the MoUs, 12% of the electricity generated is supplied free of cost to J&K.
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What are the concerns with CIC’s move?

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- Union government is not ready to share any information on handing back those hydel projects to the State.
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- The Chief Information Commission ruled that that it would not disclose details of the negotiations.
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- The CIC's interpretation of RTI Act was invoked to prevent disclosure on NHPC.
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- By RTI law the protection for commercially confidential information is available only to "third parties", not to a public authority that holds the requested information.
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- While deciding the appeal against the NHPC, the CIC treated it as a "third party”.
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- In a ruling the Delhi High Court had clearly ruled that a public authority cannot become both "second party" and the "third party" in relation to one RTI application.
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- In both cases a similar misinterpretation of RTI law given by the CIC was under challenge.
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- The CIC also denied information in the lines with investor interests, but the fact is government is 90% shareholder of the NHPC.
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Why water and information both are important?

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- India ratified the International Covenant on Economic, Social and Cultural Rights in 1979, which recognises every human being's right to water.
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- In 2002, the Covenant's monitoring body declared that the right to water includes people's right to access information about water.
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- Both water and information controlled by governments and their agencies are public goods.

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- Thus, both must be readily accessible to the people on demand and nobody should be allowed to claim proprietorial rights over either of them.
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- Publicising details of government’s negotiations is the first step towards returning to the people of Jammu & Kashmir control over their natural resources.
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Source: Indian Express

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