

Refusing information, in the name of sovereignty SAP Bureau

Association of Parents of Disappeared Persons (APDP) sought information under Right to Information Act 2009 regarding the unmarked graves and mass graves in all the districts of Jammu and Kashmir but they were refused the information on the pretext that would be "prejudicial to the maintenance of public peace and tranquility, as the anti-national elements may use the same for incitement of commission of offence in the state".

According to a press release of APDP, the information was sought from the office of the Public Information Officer of State Department of Home vide its letter no: Home/RTI/2011/1659 dated: October 24, 2011, transferred the application to the office of Director General of Police (DGP), Jammu & Kashmir.

The release said that later DGP, Kuldeep Khoda sent communiqué vide no. legal/RTI/III/98/2011-5590-91 dated December, 10, 2011 to the SSP (CID) headquarters, asking him to furnish a detailed report on this issue.

"However on January, 25, 2012, we have received a response from the SSP CID Headquarters vide letter no: CID/GB/RTI/2011/8756-58, in which the CID Department has informed us that the information regarding the unmarked graves and mass graves in all the districts of Jammu and Kashmir cannot be shared as the disclosure of the information, according to Jammu and Kashmir Police would be "prejudicial to the maintenance of public peace and tranquility, as the anti-national elements may use the same for incitement of commission of offence in the state," Yaseen Hassan Malik, spokesperson, APDP, said.

According to the release, the SSP CID Headquarters further states, "In the present security scenario it is quite imminent that consequences of such a situation would be highly prejudicial to the sovereignty, integrity and security of the state".

"We fail to understand how information regarding the unmarked graves and mass graves would become threat for the security and sovereignty of the state, when even the State Human Rights

Commission has recently endorsed our findings regarding the existence of unmarked graves and mass graves in north Kashmir. This denial comes after the chief minister of Jammu and Kashmir repeatedly promised that thorough investigations would be carried out regarding unmarked graves and mass graves," Malik said.

Every time state is afraid of truth and every time state shows reluctance in promoting the processes of justice, he said. People of Jammu and Kashmir and particularly the family members of more than 8,000 disappeared persons have the right to know how many unmarked graves and mass graves exist in Jammu and Kashmir and also people want to know who are the ones buried in these graves, he added.

It has now become routine for the state to use the pretext of the security to cover up human rights crimes and thus deny justice. Crimes cannot be hidden to protect the sovereignty, integrity, security, peace and tranquility, he alleged.

Significantly, the APDP has already filed the first appeal under section 16 (1) of the J&K RTI Act 2009 at the first Appellate authority of the Police Headquarters.