

# **Key Note Speech on South Asian Community Radio Conference**



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Kathmandu, NEPAL  
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# Background of RTI

- This is a global movement.
- First RTI Law has enacted in Sweden in 1766.
- The Universal Declaration of Human Rights, 1948's article 19 has garneted the individuals Rights to seek, receive and impart Information.

## **Part : 1 Constitutional provision of Nepal**

- Every citizen shall have the right to demand or receive information on any matter of his or her interest or public interest.

# Legal Provision of Nepal



## Preamble - RTI Act enacted to:

- Make functions of state open, transparent in accordance with democratic norm
- Make it responsible/accountable to citizen.
- Simplify citizens' access to information of public importance held by public bodies.
- Protect sensitive information that could adversely impact nation's and citizen's interest.
- Ensure, through legislation, protection and practice of citizen's right to be well-informed.



## What is Right to Information

- The right to ask for/obtain, study, observe information of public importance, proceeding details from public bodies and obtain verified copy of such document.
- Visit or observe construction sites of public importance, obtain verified sample of material.
- Every citizen shall have right to information and access to information held in public Bodies.

## Who are the Public Bodies

- Constitutional/Government agencies, Political parties, (I)NGOs, Private Sector, Organizations directly/indirectly funded by GON, other Governments or International Organizations, or established under Nepalese Law.

# Restricted Item

## Information that:

- Seriously jeopardizes sovereignty, integrity, national security, public peace, stability and Nepal's international relations.
- Directly affects investigation, inquiry and prosecution of a crime.
- Seriously affects protection of economic, trade or monetary interest or intellectual property or banking or trade privacy.
- Directly jeopardizes harmonious relationship among various castes or communities.
- Interferes with individual privacy, security or health.



# Proactive disclosure



**All Public Bodies should publish their activities within three month interval with designated 20 headings.**

# Provision of Information Officer



- A Public Body shall arrange for Information Officer to disseminate information held in its office; the Chief has to regularly provide information held in the office to the Information Officer.
- Public Body shall set up an Information Section for the purpose of disseminating information as per necessity.



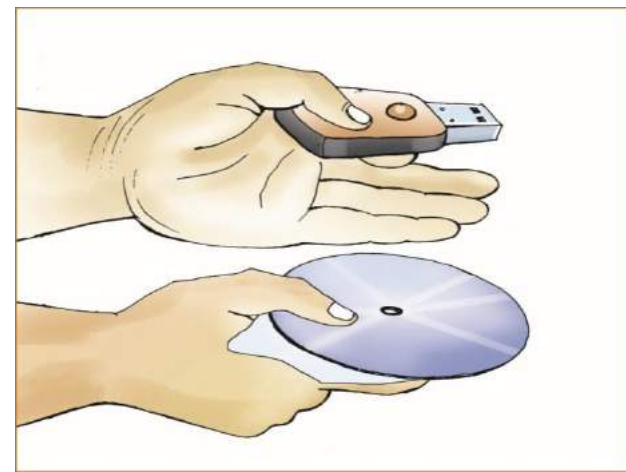
# Acquiring Information under RTI Act

- Nepali citizen to submit application to concerned Information Officer
- Information Officer should provide information immediately. If s/he cannot provide it immediately, it has within 15 days but applicant to be notified with valid reason.
- If requested information is related to person's security or life, information officer should provide such information within 24 hours.
- Information to be provided in requested format, if possible.
- Immediate notification on unrelated information.



# Fee for Information

- Fee structure based on actual cost of providing information.
- First ten pages free, then per page Rs. 5.
- Rs. 50 for each Diskette and CD.
- First half an hour, to study and observation of information is free. After that per hour per person Rs. 50.
- If the fee is deemed more than the actual price, the concerned person may file a petition before the Commission.



# Appeals/ Complaints

- If Information Officer does not provide information the concerned person shall make a complaint to the Chief within 7days. While investigating complaint, Chief shall order the Information Officer to provide information.
- An individual, who is aggrieved by the decision of the Chief, shall appeal before the Commission within 35 days of the notice of decision received.

## **The Commission may:**

- Order concerned Chief to provide information, within a given time, to the appellant without fee, if appeal is found reasonable.
- Dismiss the appeal if found unreasonable.
- Timeframe for Commission's final verdict on appeal:60 days.

# Provision of Commission

- Three member independent National Information Commission appointed by Government for protection, promotion and practice of RTI.
- Only Legislative-Parliament can remove them.
- Commission can accept citizen's appeal and issue the order to provide information.
- Authority to observe any information or Document in domain of Public Bodies.
- Commission has authority to punish any public body official who denies information to citizen.

# Part 2: Commission's achievement

- The Commission has issued more than one thousand seven hundred orders in different cases.
- We have been able to include RTI chapter in grade nine curriculums.
- All nineteen government training centre have included RTI subject in their training curriculum.
- Public Service Commission and other public bodies have started to provide obtained marks in free competition examination after issuing order from Commission.
- All 75 Chief District Officers have published integrated citizen charter booklet and distributed it up to village development committee level.
- All 75 Local Development Officers have initiated to publicized annual budget and programme regularly in respective district development committee, municipality and village development committee.

# Part 2: Commission's achievement

- About three thousand Information Officer have been appointed
- Government offices have started publishing proactive disclosure on regular basis.
- The Commission has issued the orders to all Government Miniserries, Political Parties, Banks and Insurance companies for proactive disclosure, appointment of Information Officers and maintenance of the separate files for RTI cases.
- The Commission is engaged in Open Government Data segment in collaboration with United Nations Department of Public Administration.
- The Commission has recommended to Government of Nepal to join the Open Government Partnership initiatives.
- The Commission is partnering with Government Facility (GF) on Suchana Project for three years, 2016-2018.
- NIC is working with UN Women for protection women's right through RTI.

# Part 2: Commission's achievement

- NIC has carried out RTI Audit in all 31 Ministries with 20 indicators. This is a unique and innovative area in RTI segment.
- NIC has already suggested to GON to deliver incentive package to Information Officers for effective implementation of RTI Legislation.
- NIC has already initiated online MIS system for seeking and giving information.
- NIC is Encourage investigative journalism.
- NIC is working on RTI related communication outreach strategy, IEC material, training manuals and conducting various training.
- NIC is Support RTI activists.
- NIC is try to Remove the word 'secrecy' from the oath of Civil servants. .
- NIC has prepared Five Year Strategy plan.

**These are the few highlights of Commission's recent achievement.**

# NIC's commitment

- By observing the RTI legislative provisions and practice, Nepal can compete in the global arena as a full democratic country.
- The RTI global movement has accepted that RTI is oxygen, as well as it is a blood circulation, of the democracy.
- In this context, with full energy, NIC can make suggestion to South Asian Region, if we are working for Good Governance or to establish Rule of Law or control malpractices and Corruption or Empowering Citizen or enhancing Transparency, Accountability, Responsibility, we have to put RTI segment first.
- The Nepalese RTI Commission has full courage and determination to join hands with all commissions and organizations from our region.



# **Part:3**

**Recommondation/Suggestion for promoting  
Right to Information in South Asia**

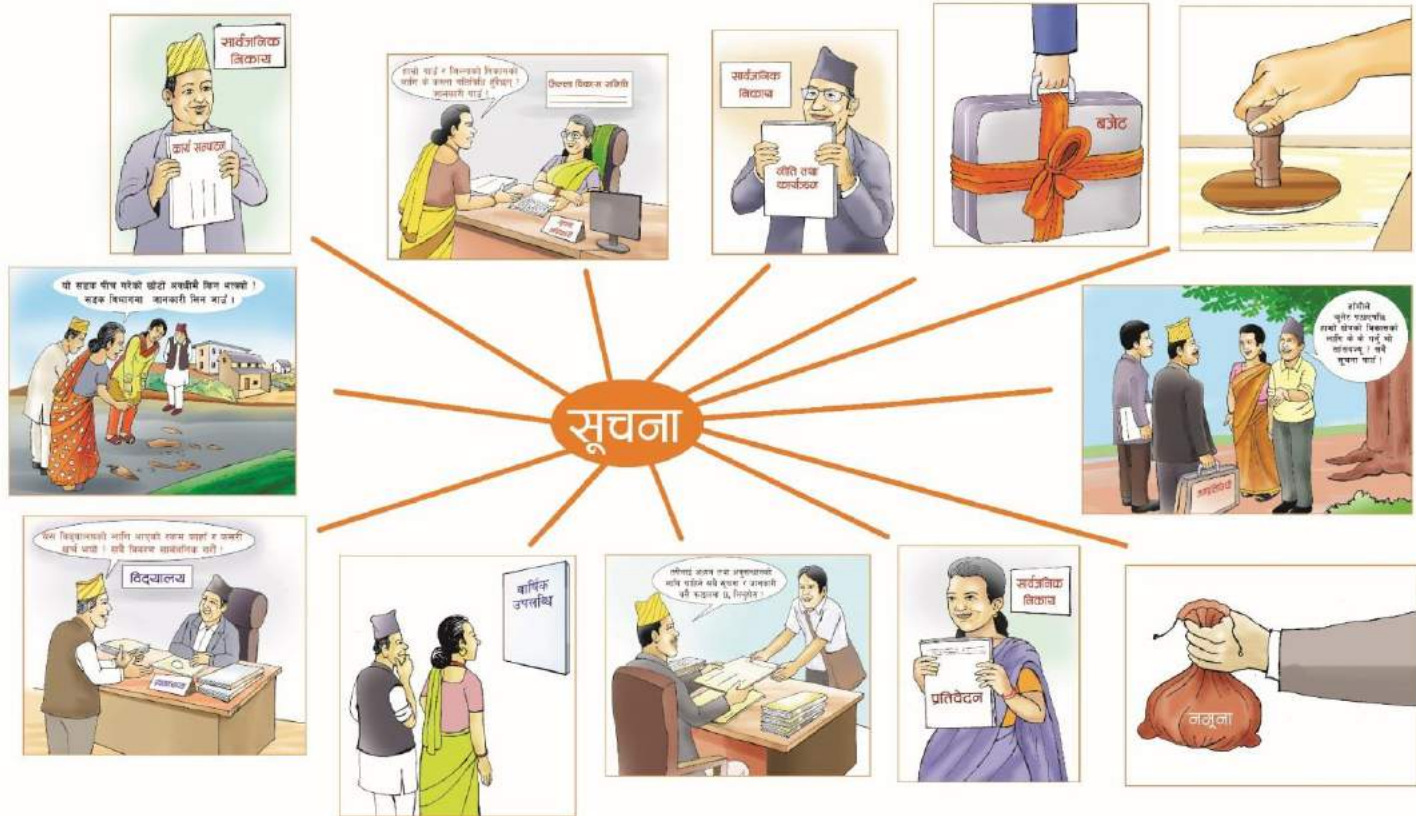


1. First of all, we must ensure for our campaign to incorporate RTI as a Fundamental Right in our respective Constitutions, because Constitution is the main source of the law and it is a common document that is binding on all political parties. If we are able to include RTI in the constitution, the government will be compelled to maintain openness and accountability.



2. To the best of my knowledge, about 108 countries have separate RTI legislations. We should continue our campaign to promote separate RTI legislation in all countries. This legislation should comply with Global Standards. The law should guarantee access the information held in Public Bodies.

# सूचनाका प्रकारहरु



3. We should prepare common working manual for demand, supply and impart of information to individuals from public bodies.



4. We should encourage governments of the region to publish proactive disclosures regularly and disseminate annual program and budget in an accessible manner. Similarly, we should to encourage government to maintain hoarding boards in construction site and mention all the details of the services provided by government offices in their citizen's charter.



5. It is necessary to change the mindset of government employees towards openness and accountability. In Nepal we are trying our best to remove word confidentiality from civil servant's oath.





6. We should be able to encourage the government to conduct regular "Meet the Press" Programs and establish grievance handling mechanisms in its organization. This, I believe, helps to promote openness in the government system. Similarly, we also need to encourage the government in introducing openness in official set up like cubical partition, maintain work flow chart and use Standard Operation Procedure to serve the people for enhanced Accountability.

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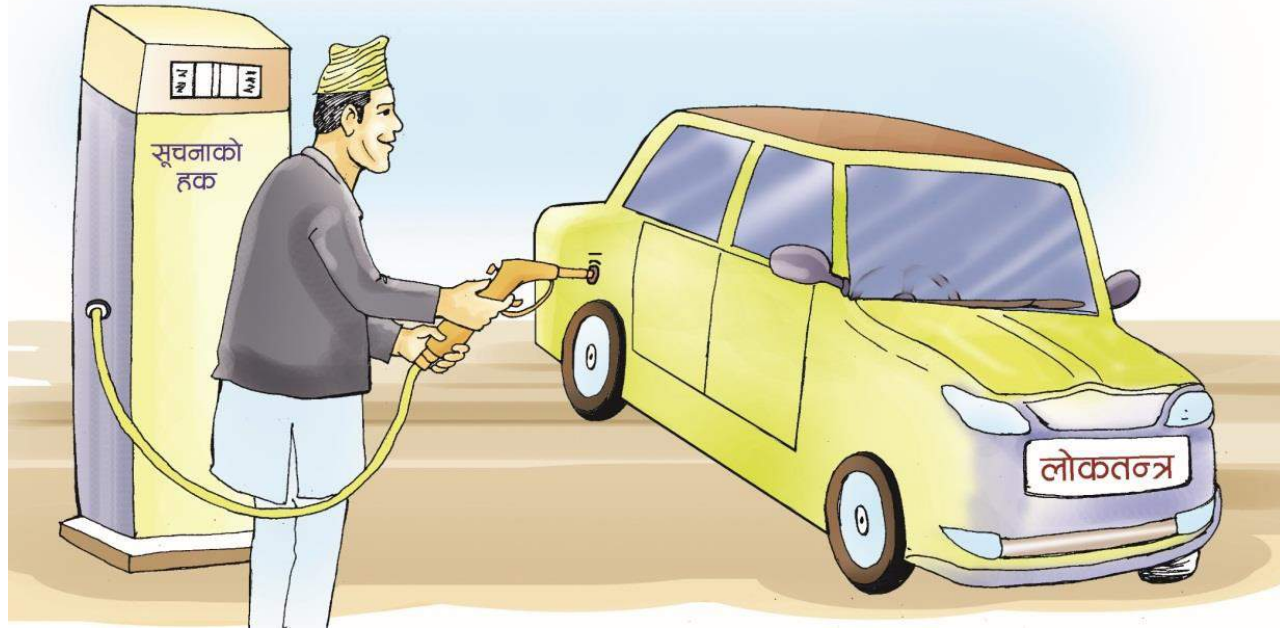


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7. There is a secret behind why those in the government deny information to the people. The reason is they do not have proper documentation system. Thus, we have to promote measures that ensure that citizens have easy access to public information. For this purpose digitization of records is essential. This could be done through timely disclosure in website and easy linkages with other websites. Public information should be available in public libraries and other places easily accessible to the public. Likewise, we have to encourage enacting a Whistle Blower Protection and Privacy Act in countries of our region.





8. We just need a few good people to change the system. Thus, if we can focus on and provide support to Chief of the Office, Public Information Officer and Spokesperson will become more citizen-centric and we can achieve the desired goal. In this context, PIOs and Office Heads should be trained to disclose information regularly and proactively. For this purpose, policy of positive competition, motivation and fringe benefit, felicitation and rewards to PIOs should be initiated.



9. We should promote RTI Audit system for peer competition and effective implementation of RTI legislation. National Information Commission, Nepal has already initiated RTI Audit in Ministry level. Likewise, we have to promote RTI Budget System in all project and programs.

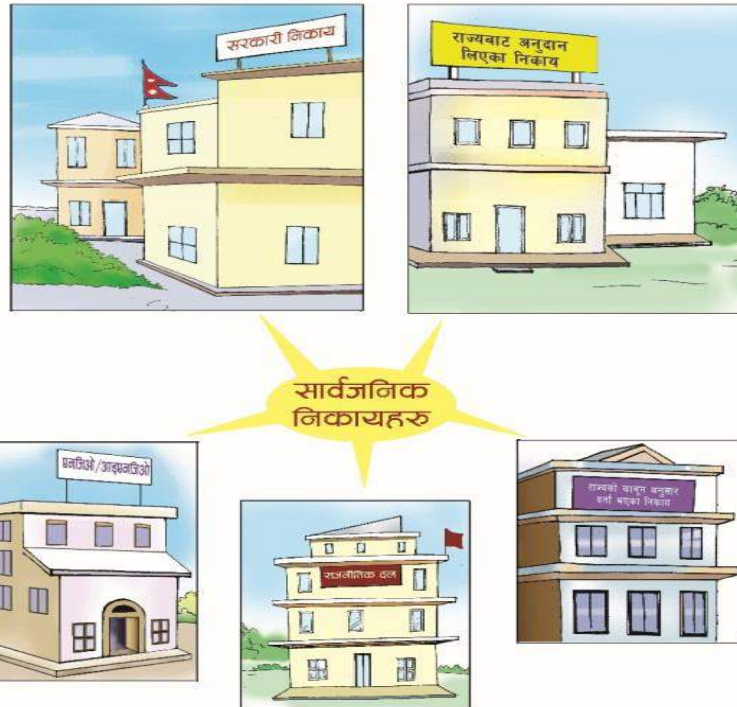


10. The RTI should be included in school curriculum so that future generations are in position to promote open working culture.



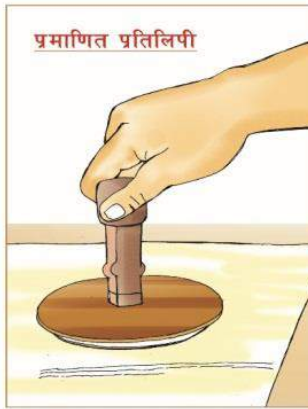
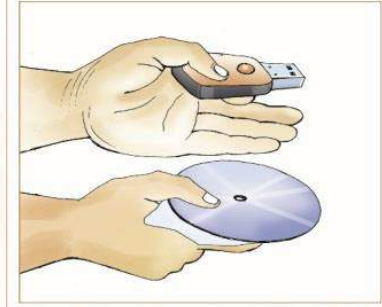
11. We must understand that RTI is a Main Gate to Promote Openness, Transparency and Accountability. In this context, I would like to request all of you to come up with a common understanding to effectively address this concern.





12. Government efforts alone are not sufficient to reinforce RTI as a powerful tool to strengthen democratic exercises. Therefore, we must ensure that Political Parties, CSOs, NGOs, RTI Activists, Press, Journalist and Citizen across the board are also willing to implement RTI. The sooner we realize the importance and advocacy of CSOs would be the better impact on the cause of RTI.

## सूचना प्रदानका प्रकारहरु



13. Networks of Regional CSOs, NGOs, RTI Activist, Press, Journalist. Parliamentarians and Information Commissions have to be constituted to exchange information and increase cooperation, sharing of best practices among us so as to contribute towards openness and transparency.



14. Last but not the least, I am pleased to inform you that National Information Commission of Nepal is planning to host a South Asian level Chief Information Commissioners and Information Commissioners Conference in Kathmandu in the near future. We hope that this conference will foster more cooperation and understanding within the region and send a message to other region as well to work closer for a common agenda.



Thank You