

INFORMATION MY RIGHT

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Legal provision required to end practice of keeping public office bearers' information secret: Prime Minister Dahal

Prime Minister Pushpa Kamal Dahal 'Prachanda' has said that there is a need for a legal instrument to end the practice of a public official keeping secret their personal information, including property details. He said this while addressing the 17th National Information Day celebration program organized by the National Information Commission (NIC) on August 20, 2023. On the occasion, Dahal stressed the need to ensure that citizens have an easy access to information in public office so as to institutionalize democracy through good

governance. "We can ensure transparency and good governance, and strengthen democratic system through the right to information," Dahal said. "We need to develop the culture not only of seeking information but also of providing it." Dahal said that the Nepal government is committed to ensuring the right to information and that it is ready to provide all needed support to empower the National Information Commission. Dahal added that it is necessary to make legal safeguards regarding the protection of information

providers so as to encourage dissemination of information regarding abuse of power and irregularities in public offices. He further said that he was in favor of making public the reports of various probe commissions, including the Lal Commission report. Recalling the circumstances of formulating laws related to right to information in 2007, Dahal said that he played an important role in constituting the National Information Commission and in its capacity-building. He added that the Nepal government was ready to further support and empower it.

Chief Commissioner extends thanks to the PM for availing office building for NIC



The NIC Chief Commissioner Mahendra Man Gurung has extended gratitude to Prime Minister Pushpa Kamal Dahal for making a building available for the NIC office. While chairing the 17th National Information Day, Gurung extended congratulations to all the people on the occasion. While recalling that Bhadra 3 (August 20), the day the Right to Information Act (2007) was formulated and brought into effect, he said the day was marked as National

Information Day for the same reason. He extended thanks to lawmakers, media, right to information experts, and activists for making the RTI Act possible. On the occasion, he also said that publishing the reports of the government-constituted commissions—as long as they do not pose any threat to national security—would help enhance citizens' participation and trust. Mr Gurung called for ensuring transparency in all activities performed by the public

authorities, and to ensure right to information at the citizens' level while adding that right to information is an effective tool for meaningful participation of citizens. He also called for citizens to exercise their rights. The chief commissioner also outlined the need for publicizing the reports of all probe commissions, except those under investigation, and also to introduce a law to protect the information providers. He also said that the Commission is working to the

Sabita Bhandari, former information commissioner, honored



Sabita Bhandari, former information commissioner with National Information Commission, was felicitated on the occasion of the 17th National Information Day, which was marked on August 20, 2023 on the occasion of National Information Day amid a program in Kathmandu. She was honored in recognition of her contribution to the promotion, protection, and practice of right to information.

The award certificate was provided to her by Prime Minister Pushpa Kamal Dahal 'Prachanda', who was the chief guest of the program. Bhandari recalled the commitment made by PM Dahal, who was also the PM in 2007, for providing information to the people and enhancing the right to information—the points noted by the PM at the time of formation of the Commission itself—and expressed her delight at being felicitated by the PM. While expressing gratitude to the Commission, she said that she was happy to have contributed to the protection and promotion of the right to information. Speaking on the occasion, Bhandari said that the right to information is not only a fundamental right but also a tool to check whether the state has been performing in line with the laws. She called for making NIC a constitutional commission and expressed dismay that the number of posts there has been reduced. She also called on the government to review that decision.



best of its abilities to positively contribute to good governance through information. He called for implementing the recommendations of the annual report of the Commission, to the extent possible, and expressed confidence that the Prime Minister would take a positive initiative to classify information even by moving a step ahead from the Right to Information Act (2007). He also acknowledged the pivotal role of the political parties

and their leadership, public officials, right to information activists and campaigners, journalists, and civil society for the effective implementation of the right to information act. He also extended thanks to all concerned for providing regular support and recommendations to the commission for the protection of fundamental rights (RTI). Bipul Pokharel, the president of Federation of Nepali Journalists (FNJ), said the state has the role of a guardian to make the democratic dividends reach out to the people and to strengthen the right to information; which is why, he said, the state should work with honesty so that the state authorities can also work sincerely in matters relating to providing information to the citizens.

Umid Bagchand, the president of National Federation for

RTI, said that the public authorities are not yet willing to provide information as sought by information seekers and demanded that the persons demanding required information should be provided with such information. Dibash Acharya, the secretary of NIC, delivered a welcome speech while Jiban Kunwar, the section officer of NIC, spoke about the objectives of the program. Bipul Pokharel, the FNJ chair, and Bagchand, the president of National Federation for RTI, highlighted the need for the protection and promotion of right to information and thanked the former NIC Commissioner Sabita Bhandari for contributing to that end. The Right to Information Act (2007) was promulgated on July 21, 2007, and authenticated on August 20, 2007. National Information Day is marked every year on August 20 to commemorate that day. ■

Letter of appreciation provided to Nepal Telecommunication Authority (NTA)



Nepal Telecommunication Authority, Nepal's telecommunication regulator, was honored with a letter of appreciation on the occasion of National Information Day. Prime Minister Prachanda awarded the letter to the telecommunication authority for its contribution to making the activities of NIC automated by providing it with necessary equipment—thereby helping in the promotion, protection, and practice of right to information. The letter was received by Nepal Telecommunication Authority Chair Mr Purushottam Khanal.

Honorable Prime Minister Pushpakamal Dahal 'Prachanda's speech on the occasion of 7th National Information Day



**Chair of the program, honorable
Chair of Sustainable Development
and Good Governance
Committee of federal parliament,
commissioners of the National
Information Commission,
chief secretary, and ladies and
gentlemen!**

Article 27 of the Constitution of Nepal guarantees every citizen the right to demand and receive information on any matter of his or her interest or of public interest. Likewise, the Right to Information Act (2007) has ensured the access of the citizens to information of public importance in public authorities. Even the SDG indicator 16.10.2 of the United Nations has included indicators related to policy guarantees for public access to information. We have entered the 17th year of implementation of the RTI Act. First of all, therefore, I would like to extend heartfelt gratitude to all on the occasion of National Information Day. I recall even today that when the RTI bill was registered in parliament by the then government, many rights activists had objected to it. Thus, under my initiative, I had asked the

then information minister Krishna Bahadur Mahara to withdraw the bill and draft it in consultation with the experts. This is how the draft of the current law was formulated.

Nepal's RTI Act was listed among the best legislations in the world. However, though the RTI Act has been implemented in Nepal for a long time, the citizens have not exercised this right to the widest extent possible. Though both the constitution and the law treat the citizens as the masters of information in all public offices, they still do not appear to have had access to all types of information. In the same way, there is a stark need of making the public offices more accountable and responsible in terms of implementation of law. Though some of the journalists and activists demand information, its demand at the citizens' level is rather low.

The right to information is not only for those limited privileged classes which have had access to public offices. This is actually meant for those who have been oppressed and marginalized by the state for years, such as the peasants, laborers, women, Dalits, marginalized communities and the general public. Those who practice democracy in a real sense do not hide information but rather make all information (except deemed to be kept as secret) public, or disseminate them, through various means, even if the citizens do not demand such information. The government, as well as every other public office, should compulsorily and regularly make public the details related to the works/services they are performing, the services to be delivered to the citizens, allocated budget, and its expenditure status. The citizens

should be able to obtain information about the public offices through radio, TV, newspapers, online portals, and other means of communication, whether they are at home or in workplaces. Effective implementation of the right to information helps make the government's activities and works transparent and makes the government accountable and responsible toward the citizens. It is a part of democratic culture to ensure the access and participation of the citizens to the information of the state. In a democratic system, the citizens not only enjoy the right to know, understand and listen to every activity of the state, they can also hold the state mechanisms to account, thereby contributing to good governance and transparency.

The main reason why a democratic system establishes the right to information as a citizen's right is to increase people's vigilance, warning, control and watch on the activities and conducts of the state's mechanisms, political parties and institutions, so as to establish open, transparent and good governance with people's participatory democracy.

Nepal stands at 22nd position in RTI in a ranking by Center for Law and Democracy, the famous global organization that stands as a pillar of democracy and transparency. On the other hand, in corruption perception index, Nepal still stands at 110th position. Nepal does not feature positively in surveys. Since the lack of public oversight on the activities of the public officer holders and inadequate access of civil society to state information can pose real risk of rise of corruption, we all need to be serious about this issue. Given the rapid development of information and communication technology, it is pertinent in Nepal to enhance

the digital governance system in public offices and to launch a mega campaign to awaken the people by injecting the right to information in every citizen. The state of information dissemination by the public entities on matters directly related to the people appears to be weak. It is not at all good that even in the republic, for which Nepali people sacrificed a lot by fighting against the Rana regime, the dark days of Panchayat and monarchy, information that can be disseminated or must be disseminated tends to be hidden. This, at a time when in the modern world, the use of artificial intelligence in private and public sectors has enabled people to obtain information in their devices automatically.

The current government stands firmly in favor of the prosperity of the country and social justice—which will not be possible as long as there is an absence of good governance. Therefore, the government has aimed to root out corruption, a heinous crime, from its source and stands firmly in this mission and expects the support from all. The countries which in the past were plagued by corruption and thus with weak governance capacities have initiated reforms and taken a leap in economic development. We must think about it too. Back in the past, political instability was often cited as the reason for the country not achieving development and prosperity but now no such excuse will be justifiable and tolerable. Time has come to translate the vision of social justice and prosperity into reality.

We have no liberty now to indulge in delays, blame games and not address the problems while they pile up and create hurdles. I have been saying that we all need to unite to build this nation, to think about the welfare of people. I appeal to the government, all political parties, private sector, civil society, and public authorities to unite for national prosperity. We were able to transform Nepal into a

federal republic but this did not come easy. There was a people's war and people's movement for this—millions of people struggled for it and thousands of them sacrificed their lives. This is the achievement we as a nation can be proud of but this is not enough for real transformation of the country.

We have embarked on the journey of socialism. We became the change agents of the political system but unless we are able to change the conditions of people in the real sense, we cannot achieve social justice and prosperity. It is necessary to transform and restructure our administrative mechanisms in a participatory way so that people from far-off places such as the peasants and laborers can feel the change. Only then will we be practicing good democracy and governance and transparency. When we create a situation when the citizens do not have to demand information from public offices (because such information is available to them), this creates an environment of trust between the government and the people. The current government is committed to promoting good governance and full implementation of the right to information. The government is also committed to nudging the public authorities to inform the people about their activities through open administrative culture and transparency. Soon after I became the prime minister, I received your grievances on the proposal of classification of information and stalled the process and directed the concerned authority not to classify information in a way that could weaken the right to information. This is known to all.

Likewise, from this academic session, right to information has been included in the syllabus of grade eight. The government has also created structural mechanisms and enacted a law to implement the right to information. So as to strengthen the National Information

Commission, an office building was made available during my tenure. We need structural reforms to make the Commission stronger and more functioning. I want to assure that the government will extend all types of support to the commission for this purpose. We need to make the process of updating and collecting information, facts and statistics by the state mechanisms technology-friendly. The country became a republic but since the old laws have not been amended yet, it has hampered the works and performance of the government. We need to develop the culture of not only demanding information but also providing it, unasked, to ensure corruption control. To encourage the public offices to provide information related to bribery, irregularity, bad decisions, and opaque behavior, it is necessary to have in place a whistleblower protection law. We also need to study blockchain technology which is in use for corruption control in other parts of the world. We also need to make a legal provision to revoke the existing practice of keeping the property details and personal information of public office holders secret.

The government is committed to ensuring the access of people to information of public interest, honoring the citizens' right to information, providing information to the citizens within the time frame stipulated by law, to keep different records of information demanded and information disseminated, to classify information, to protect the information providers/bearers, and to make the people feel the good governance through information dissemination.

Finally, on the occasion of National Information Day, I would like to appeal to government offices, political parties, non-governmental organizations, private sector, and other institutions to fulfill the legal obligations to abide by the right to information law. With this, I take a leave. Thank you! ■

August 20, 2023



Democracy strengthens only if RTI is taken to the people's level, says Minister Sharma

Hon. Minister for Information and Communication Technology Rekha Sharma has said that democracy can be strengthened only when the right to information can be realized at the grassroots level. Addressing a national workshop organized by National Information Commission to mark International Day of Universal Access to Information on September 28, Minister Sharma, who was the chief guest of the program, said one needs to be informed and updated with rapidly developing information and technology if one is to make one's life meaningful. She also said that the ministry would internalize the recommendations that the seminar would provide

to the ministry. The minister said that since the right to information has been enshrined in the constitution as a fundamental right, its effective implementation can strengthen both the people and democracy.

While emphasizing that every activity of the state should be transparent in a democracy, she added that evolution of online spaces has added challenges and there's a need to consider how to minimize those challenges. She said that the growth of information and technology helps in realization of the right to information and added that the current government is firmly working to realize the goals of good governance,

social justice, and prosperity as guiding principles. "There is an information terror along with the development of online space," said the minister, adding that this is a challenge in terms of right to information for it curtails citizens' right to know the truth. She stressed on the need to make the online space secure and said that we need to develop a mechanism to protect information and disseminate information in the right manner.

Minister Sharma expressed her expectation that the National Information Commission would take a leading role in policy-making and implementation to realize the goal of creating such a mechanism. ■



Handbooks of Right to Information launched

Handbooks of right to information, for both the information seekers as well as information providers, was launched on the occasion of International Day of Universal Access to Information on September 28 in a program organized in Kathmandu. Both books were launched by Minister for Information and Communication Technology Rekha Sharma, who was the chief guest of the program.

The handbook, prepared for information seekers, includes issues such as legal provision on right to information, history and evolution of right to information, constitution of National Information Commission, the procedure of demanding

and obtaining information, the process to seek information from information officer and office chief, the process of filing appeal at NIC in case the information is not provided and how the action is taken over such appeals. It also includes information regarding punishment to office holders who are not willing to provide information, the provision of compensation if denial of information results in loss and damages, the fees required while demanding information, how demanding information contributes to the administration, classification of information and citizens' duties to seek information. The book also includes the application template for demanding information and

making appeals.

The handbook, basically prepared for the public offices, lists the duties of the officials from public authorities regarding the right to information: Honoring the right to information, classification of information and duties of public offices, inspection of the works and conducts of the offices at lower levels, provision of information officer, the steps and processes of providing information, punitive measures in case of misuse of information, and protection of information and information providers, among others. The book also includes templates for recording information and sending progress reports on the implementation of right to information. ■



Working paper on 'Online Space and Right to Information: Opportunities and Challenges' discussed

On the occasion of International Day of Universal Access to Information on September 28, a seminar was jointly organized by National Information Commission and Digital Rights Nepal. In the seminar, Santosh Sigdel, the Executive Director of Digital Rights Nepal, presented a working paper on the title 'Online Space and Right to Information: Opportunities and Challenges.' His paper delved into the introduction of online space, importance of online space for right to information, use of electronic means in information technology, and the current landscape of online space in Nepal. While touching upon the popularity of e-governance globally, including in Nepal, he said that online space is indispensable for e-governance.

He said that one should be able to demand information through online space and discussed the importance and challenges of online space in relation to the right to information. Sigdel said that all three tiers of government need to work for data/statistics management, adding that it is equally important to ensure protection of personal data of the citizens. He said that the government should discuss with the private sector and other concerned entities to minimize the challenges

of online space and raised the need for reviewing the existing self-publishing model

Anil Kumar Datta, Joint-Secretary at the Ministry of Information and Communication Technology, Bimala Tamkhewa, president of Sancharika Samuha, and Ratna Prasad Mainali, the information commissioner of National Information Commission, commented on the paper presented by Sigdel.

Commenting on the paper, Datta said that the paper is relevant to the current context, that information can be provided by using a digital signature, and that once the state collects the personal information of a citizen the same information should be shared within the government entities instead of collecting information independently from each government unit. Datta said that the government authorities need to appoint skilled human resources and that the online system has both opportunities and challenges. He added that immediate attention should be paid toward preventing government data from being hacked.

Bimala Tumkhewa, president of Sancharika Samuha, spoke about how women journalists have faced

problems from the online space and said 43% have access to the internet. Easy access to the internet has brought benefits for women as a whole but they have also had to face a lot of problems, she said. She further said that the state needs to play a proactive role in addressing these problems while also adding that people have found it difficult to distinguish whether the information, they obtain on social media is right or wrong. She said that Sancharika Samuha has been making efforts to spread public awareness about the right to information and stressed that wider participation of women was imperative for the effective implementation of all state laws.

Ratna Prasad Mainali, the information commissioner, appreciated the relevance of the paper and said that some laws need to be amended to make RTI practice technology-friendly and citizen-friendly. He also said that some of the public offices still do not consider email correspondence as official. Mainali said that NIC has introduced the provision whereby one can apply for accessing information and appeal for it online. He said that we need to develop infrastructure to sustain online space.

Mainali stressed the need for digital literacy for better use of online space and added that those working in public offices need to show willingness for the same. He also said that until and unless we have the system of taking oath of secrecy, openness and transparency will not be possible. He expressed dismay that Nepal has not yet been able to fully implement the right to information law and added that the state should take steps to make policies to benefit from the online space. He also said that a separate integrated entity was required for policymaking and regulation on cyber and data protection and information technology. ■

Citizens' easy access to state activities and public information vital for democracy's institutionalization: Chief Information Commissioner Gurung



Chief Information Commissioner of National Information Commission Mahendra Man Gurung has stressed on the need of easy access for citizens to state activities and public information for the institutionalized development of democracy in the country. Gurung said this while delivering welcome remarks at the program organized to mark International Day for Universal Access to Information organized by National Information Commission on September 28, 2023, in the capital. Only when the citizens are well-informed can there be citizen-control government, he said, while adding that the right to information can help in achieving prosperity through accountability and transparency in the governance system and the empowerment of citizens.

While updating the works and performance of NIC, the information body formed according to the provision of Article 27 of the constitution to implement the right to information, Gurung insisted that it is vital to ensure easy access of the citizens to public information and the state functions. While stating that citizens' right to information can only ensure citizen-controlled government, he also recalled the 74 United Nations General Assembly decided to mark September 28 as the International Day for Universal Access to Information to realize the same goal.

Kamala Oli Thapa, information commissioner at NIC, said that all should be motivated to demand information while also mentioning that while talking about rights citizens should also

pay attention to their duties and obligations to fulfil those duties. Tanka Aryal, president of Digital Rights Nepal, said that the practice of marking the day of universal access to information started in Bulgaria in 2002 and he also expressed happiness to forge a partnership with NIC for the national seminar. Not only the state and NIC but also all the citizens need to be concerned about the implementation of right to information, he said, adding that the citizens also need to be accountable while wishing and demanding for good governance and transparency. He further said that while formulating laws and policies the state needs to have a widespread consultation with the concerned authorities and stakeholders at the citizens' level at the preliminary stage itself.

Hom Prasad Luitel, Secretary at National Information Commission, Mani Ram Ojha, former Secretary at NIC, Netra Subedi, Under-Secretary and Spokesperson of Ministry of Information and Communication Technology, Birendra Kumar Mishra, Krishna Saptoka (from Freedom Forum), Nodanath Trital, Subash Bhatta, among others, commented on the working paper and offered their recommendations. A total of 103 persons, 29 females, and 74 males, participated in the program. ■



‘Right to information should be exercised at the grassroots level’

September 28 is observed as the International Day of Universal Access to Information every year. This year, the day is celebrated across the world with the theme ‘Importance of Online Space for Access to Information.’ In Nepal, we have been celebrating it with the slogan ‘Online Space and Right to Information: Opportunities and Challenges.’ Right to information has been enshrined in the

constitution (Article 27) as the fundamental right. The Right to Information Act (2007) is in implementation at the moment. The main objective of this law is to empower the people: When the people obtain information of public interest, they become powerful with that information. And an empowered citizenry contributes to strengthening democracy, and also ensuring people’s access to information

in public offices.

As the right to information empowers people and strengthens democracy, it is necessary to take its practice down to the grassroots level and common people. It has been universally accepted that empowered citizenry contributes to transparency which contributes to good governance and social justice and development, which in turn, strengthens the state.

It is in this principle that the right to information has become universally accepted. Democracy grants power and rights to the people to obtain clear and complete information about the works performed by the state and the offices thereunder. We need to raise awareness among people to encourage them to demand information.

On the other hand, we also need to ensure that all public entities from three tiers of government disseminate information when needed and the public entities also need to be willing to do so. We need to raise the awareness that hiding public information is illegal and we need to ensure that those who hide or deny information and those who do not protect information are brought to book. Rapid development of information and technology has influenced every walk of life and online space has created both opportunities and challenges.

Now, one can demand information and obtain it through online means. This presents a great opportunity for promotion of the right to information. Also, it has become easier for the mass media, with increasing use of online technology, to obtain information of public interest. On the other hand, with the rising trend of use of information technology, entities providing information

also can use online space safely. While online space has made information collection, storage and dissemination easier, unauthorized access to information technology and its misuse has also raised challenges in the protection of information. Protection of public information has become more important than ever because statecraft, development management, public service delivery and the day-to-day works of the government and the people are increasingly technology-driven. To make the online space safe and protected, the government has enacted the National Cyber Security Policy (2080) for the first time.

The government believes that it will be a milestone in protection of information and implementation of right to information. Also, along with the growth of online space, scourge of misinformation has also started, which poses another challenge to the right to information. So, to make the online space safe, to protect information, and to disseminate the right information, we need to have a separate mechanism.

The National Information Commission is expected to play a key role in policy-making and implementation. The government is firm and committed to implementing the legal provisions ensured by the right to information

act. Good governance, social justice, and prosperity are fundamental guiding principles of the current government. Ensuring the right to information is paramount in this regard as well.

The government has also been trying to address grievances of the people based on the concerns raised on the streets, parliament and media. You are all aware that the Office of the Prime Minister and Council of Minister has brought 'Hello Sarkar' in operation 24/7 for the past many years. The government is firm in addressing the concerns of the people raised in 'Hello Sarkar' platform. The government is aware of the fact that effective implementation of the right to information is vital to realize the goal of social justice, good governance and prosperity. Thus, the government takes into account with seriousness the recommendations of NIC and other stakeholders regarding the implementation of RTI act. I express the commitment to promote RTI as a campaign together with all stakeholders. ■

(Remarks delivered by Minister of Information, Communication Technology Rekha Sharma at a program organized by National Information Commission on the occasion of International Day of Universal Access to Information.)



‘Obtaining information becoming easier lately’

On September 12, 2023, the National Information Commission, as part of its annual program, held an interactive discussion on right to information in Bhadrapur of Jhapa, in coordination with the District Coordination Committee. In the program chaired by Ratna Prasad Mainali, the information commissioner at NIC, Biswanath Baral, chief of District Coordination Committee, was the chief guest, while Ganesh Pokharel, chief of Bhadrapur Municipality, Shivaram Pokharel, Chief District Officer, and Ekraj Giri, president of FNJ Jhapa chapter, were other guests.

Ekraj Giri expressed the belief that the interaction program would play an important role in ensuring the right to information and discussed the role FNJ played in formulating and implementing RTI law. He further said that since people expect much more

from the local governments, the local government representatives should also work to deliver according to the public expectations. He pointed out the need for effective monitoring of RTI implementation and said that public offices should abide by the requirement of self-publication of information every three months. He stated that obtaining information has become much easier in recent times than in the past and also mentioned that FNJ is forever ready and willing to coordinate with NIC to ensure the right to information.

Shivaram Pokharel, CDO of the district, said RTI is a reliable tool to empower the citizens and that while disseminating information, one also needs to consider the right to privacy, along with right to information, so as to make information dissemination more systematic. While stating that the Government Documents

Disposal Act (2027) has provision for disposing of the documents, he said, the RTI Act stresses their preservation and protection and that such contradictions in laws have made information dissemination difficult. He called for resolving such issues by amending laws to enable effective implementation of RTI law. Pokharel said that it is the fundamental duty of public offices to provide information and the more one seeks to hide the information the more there will be public curiosity about the same. Thus, the public offices should consider the citizens as the masters and make the information management system more reliable.

Ganesh Prasad Pokharel, the mayor of Bhadrapur Municipality, said that the RTI program launched by NIC has been encouraging and added that since the local governments are directly linked with the local people, it is natural



program and expressed wishes for the success of the program.

Journalist Pradip Pariyar said that the NIC needs to take RTI to the people's level. He asked: Since some public offices do not accept the RTI application without a directive from higher up, what would NIC do about such cases? He said that many people still think that journalists are the only people to demand information.

Mohan Kapri, another journalist, called for reviewing laws to make information dissemination quick and smooth. Area Administration Office chief Chudamani Apgain

stressed the need of building capacity of information providers, enhancing the system and digital storage. He said that often information is demanded without mentioning its concrete nature.

Ambika Bhandari, another journalist,

was of the opinion that the local authorities have not been able to make information collection better managed. She said that information should be made public every three months and asked about measures of action for those who do not abide by the self-publication rule.

Samip Chudal, information officer at Damak Municipality, suggested that NIC should develop a modern technology to keep a record of information demanded and information provided. Purna Chandra Mainali, information officer of Jhapa Rural Municipality, called for developing a separate Information Section in public offices. Netra Prasad Pokharel,

Information Officer at Bhadrapur Municipality, called for classifying information and asked if a person can demand information for a purpose and then post it on social media. Mahesh Parajuli, Administrative Officer of Mechinagar Municipality, said if the self-publication rule is fully followed, it would help address many problems. He, however, asked how one can check whether the purpose stated by the information seeker is genuine or fake.

Ganesh Chapagain of District Coordination Committee Jhapa, Chiranjibi Ghimire, journalist, activists Laxman Basnet and Iswara Kandel, among others, raised questions and offered recommendations.

Addressing the concerns raised by the participants, Ratna Prasad Mainali, the NIC commissioner, said that the chief of public office is responsible for ensuring the right to information. He said that the constitution of Nepal has granted the right to demand and obtain information only to Nepali citizens. He also said that the acts of demanding and providing information, the rights guaranteed by the constitution, should not be taken as a hassle by anybody.

In the program, Ratna Prasad Mainali had presented a working paper that detailed the national and international cases of RTI contributing to good governance. Ram Prasad Dhakal, under-secretary of NIC, presented a working paper on legal provisions related to RTI. The program was hosted by Sarmila Subedi, the account officer at NIC, and witnessed the participation of 108 persons. ■



on the part of the local people to demand more information. He said the elected representatives need to be serious about addressing the concerns of the people, however challenging it may be. He also said that the organizations and entities under the local government need to be committed toward implementing the right to information.

Expressing the belief that the RTI-related program would help in RTI implementation at the district level, Biswanath Baral, the chief of District Coordination Committee, thanked the NIC for choosing Jhapa District Coordination Committee's meeting hall to conduct the



‘Right information about agricultural product will benefit farmers’

As part of its regular annual program, the National Information Commission on September 13, 2023 held an interaction at Ilam Municipality meeting hall. The program was chaired by Ratna Prasad Mainali, information commissioner at NIC, while Bishnu Kumari Waiba, the deputy mayor of Ilam Municipality, was the chief guest. Other guests included Shrawan Kumar Pokharel, the CDO of Ilam, and Biplab Bhattarai, the president of Federation of Nepali Journalists (FNJ) Ilam chapter.

While speaking at the program, Bhattarai stressed the need for implementation of the right to information for good governance and transparency. He also said that since journalism and right to information are interlinked, its

right utilization can contribute to good governance and said that the information officer should be empowered to enhance access to information. CDO Pokharel said that right to information is in practice in the district and informed that citizens’ charters are on display in all public offices across the district. He said that in a bid to enhance the exercise of right to information, the district has made use of all internet platforms—email, WhatsApp, social media, and other apps. He also said an information officer has been appointed in all public offices across the district.

According to him, the chief of offices and information officers meet to review the progress and he directs all authorities to ensure smooth dissemination of

information. He also informed that interactive approaches with the people have been adopted to ensure easy access of people to information. He informed that his office has received 17 complaints related to migration of seasonal workers and the problem was addressed immediately after he disseminated the information about it on time. Pokharel also informed that his office received two applications demanding information and that both the applicants had been provided with the information.

Deputy Mayor Waiba said that farmers would be greatly benefitted if the right information about agricultural products were disseminated on time. She called for integrating agriculture with technology and the right to



information. She also called on the journalists to disseminate fact-based information and requested the citizens to properly utilize social media. Netra Tamang, a participant at the program, spoke about the lengthy process of demanding and acquiring information and suggested that the process should be made speedy and hassle-free. Prem Ghimire, another participant, said that since most information seekers are found to have demanded information on financial issues, they should also seek information on other pertinent issues.

Ram Yobaha, a journalist, said that none of the 10 local governments in Ilam have self-published information, demanding that they do it unasked. Nutan Dev Dulal, spokesperson of Ilam Municipality, enquired what action would NIC take against those who disseminate false information through social

media, news reports, and articles. Participants like Durga Shrestha, Krishna Narayan Shrestha, Shova Rijal, and Bijaya Shekhar Bhatta asked questions about the provisions in right to information act and the role of NIC to implement this, while also offering their recommendations.

Ratna Prasad Mainali thanked the participants for their questions and recommendations and answered the questions on behalf of NIC. While informing the audience about the legal provisions on RTI and the activities performed by NIC to hold the officers in public offices accountable, he said it is the job of the office chiefs to facilitate the access of information officers to information. He also said that the process to demand information should be made hassle-free and also appealed to the office chiefs and information officers not to take providing information as a trouble. According to him, an

information officer can provide information to the people with ease only when s/he has access to information in the first place. Mainali spoke in detail about the information which the office is obliged to disseminate, while also elaborating on classification of information, process of seeking information and provisions related to protection of information providers. While thanking all the participants, he appealed to develop Ilam, a beautiful city, as a model information-friendly city.

Mainali had presented a working paper that detailed the national and international cases of RTI contributing to good governance. Ram Prasad Dhakal, under-secretary at NIC, presented a working paper on legal provisions related to RTI. The program was hosted by Sarmila Subedi, the account officer at NIC, and witnessed participation of 102 persons.



Not abiding by self-publication rule is a violation of law: NIC Commissioner Mainali

The National Information Commission on September 28 conducted a session in Kathmandu on the occasion of the national convention of National Federation for Right to Information. The panelists at the session were Hon. Bhanu Bhakta Joshi, the chair of committee for education, health and information technology from the federal parliament; Ratna Prasad Mainali, the information commissioner of NIC; Netra Prasad Subedi, Joint Secretary from Ministry of Information and Communication Technology; and Rabindra Prasad Ghimire, Assistant CDO of Kathmandu District Administration Office.

The session moderated by Sanjeev Ghimire, General Secretary of Freedom Forum, witnessed lively debates with participants asking various questions to the panelists while also offering recommendations. The moderator informed that of the total 22 federal ministries, only seven were found to have updated their self-publication and asked the first question about the same to NIC

Commissioner Mainali. Mainali talked about the legal provisions to mandatorily publish information related to some issues and said that if the public authorities do not abide by the self-publication rule, conscious citizens should question them. Since self-publication is mandated by law, Mainali said, those who do not abide by this legal requirement will be deemed to have violated the law. If the public offices ignore the citizens' request to abide by the self-publication rule, he requested the people to report the matter to the Commission.

During the session, Haris Chandra Bag said that the NIC should direct all public entities to employ information officers in them. Basanta Banjade said the website of NIC is rather difficult to browse through and asked the NIC to become technology-friendly. Gulab Kumar Chaudhary spoke about how the report of Lal Commission has not yet been made public despite the NIC already directing the government of Nepal, Chief Secretary of the

Office of the Prime Minister, and Council of Ministers to do so and asked when exactly will the Lal Commission report be made public. Sunit Tiwari said that even the courts, including the Supreme Court, are not found to have followed the self-publication rule and questioned if they do not have to abide by laws. He said that the NIC should direct all authorities, including the courts, to follow the self-publication rule. During the program, activists like Purna Prasad Mishra expressed views and offered recommendations regarding the role of NIC in implementation of RTI.

While responding to the questions from participants, Mainali spoke about a case of the then chief secretary of the government filing a case at the Supreme Court demanding not to make the report of Lal Commission public and the Supreme Court issuing mandamus supporting the chief secretary's stand. Therefore, he said, whether to make that report public or not is now under the jurisdiction of the Supreme Court and therefore the NIC can do nothing about it in the immediate run. Responding to another question, Mainali said the NIC would discuss the non-compliance of self-publication by authorities like the courts and take the necessary steps. He assured that the NIC is serious about addressing technical issues.

Panelists—comprising Hon. Bhanu Bhakta Joshi, Ratna Prasad Mainali, Netra Prasad Subedi, and Rabindra Prasad Ghimire—also answered the questions from their respective field of expertise. ■



First general convention of National Federation for RTI held in Kathmandu

The first national convention, and third annual general meeting, of National Federation for Right to Information (NFRTI), the organization that started with the slogan ‘ask for information, eliminate corruption’, was held on September 29 in the Capital. The event was inaugurated by the chief commissioner of National Information Commission Mahendra Man Gurung. On the occasion, Gurung said common people’s access to information can be further increased and public authorities made more transparent and accountable through organizations like National Federation for RTI. He also said that through the exercise of the right to

information, citizens can be further empowered. He acknowledged the active role of the Federation in ensuring right to information and said that the NIC is always ready to cooperate with the Federation for this purpose. Umid Bagchand, the president of National Federation for RTI, who chaired the program, said the NIC plays a vital role in RTI implementation. During the program, presidents and vice-presidents of district, provincial and Kathmandu chapters of the Federation aired their views. The program saw participation from active representatives of the Federation from seven provinces and 77 districts. ■

NIC office shifts to its own building

The National Information Commission started its operation from its own office building in Tripureshwar, Kathmandu on July 30, 2023. Prior to that, the office was housed in a rented apartment in different locations for 16 years since it was constituted, which had hampered the works and performance of the NIC. Prime Minister Pushpa Kamal Dahal had expressed the commitment to make a building available for the office. Accordingly, in consultation



with NIC officials, with special initiative from the PM, the chief secretary of the government of Nepal, on March 19, 2023, had taken the decision to coordinate with the Ministry of Urban Development. In line with this decision, the Ministry of Urban Development took a ministerial decision on April 12, 2023 and another ministerial decision was taken by the Ministry of Industry, Commerce and Supplies on June 9, 2023. As a result, the old building of the Company Registrar Office was provided for use to the NIC. ■

Paramount Boarding School principal fined Rs 15000 for withholding information

The National Information Commission imposed a fine of Rs 15000 to Sriman Gurung, the principal of Paramount Boarding School based in Ramghat of Kaski district, for not abiding by the constitutional obligation to provide information to the citizens. Yadunath Banjara, the resident of Pokhara Metropolitan City-16, had, by exercising the right to information, demanded information from the information officer and school principal, but the latter had declined Banjara's request. Banjara had then made an appeal to the National Information Commission on November 6, 2022.

NIC directed the school to provide information based on the same appeal. Since the defendant failed to furnish valid reasons not to provide information as demanded by the plaintiff, nor provide the information, the NIC issued a directive in the name of the principal of Paramount Boarding School to the effect that the action would be taken against the latter pursuant to Clause 32 (1) of Right to Information Act (2007). In its directive, the NIC has mentioned that Paramount Boarding School did not provide information to the information seeker despite its repeated written calls.

"The defendant failed to abide by the right to information law despite repeated directives

from the NIC to honor the constitutionally guaranteed rights of the citizen," says the directive. "It is clear that the official holding public office undermined the legal and constitutional rights of a citizen to obtain information and failed to abide by the law." The decision number 262 of NIC mentions that Paramount Boarding School repeatedly ignored the calls and warning by the NIC and acted irresponsibly instead of abiding by the legal and constitutional provisions to provide information.

"The commission had no option but to take action against the concerned," the directive said. The NIC imposed a fine of Rs 15,000 on Sri Man Gurung, the principal of Paramount Boarding School based in Ramghat of Kaski district pursuant to the provision of Clause 32(1) of Right to Information Act (2007).

The NIC has issued a written directive to the Chief District Officer of Kaski District Administration Office to recover the fine amount from Gurung as per Clause 32 (1) of RTI Act (2007) and Rule 6 (7) of Right to Information Rule (2008) and inform the NIC about it. It has also directed the mayor of Pokhara Metropolitan City to direct the Paramount Boarding School to provide the demanded information to the plaintiff and inform the NIC in writing. ■

183 complaints, applications and appeals filed at NIC from mid-July 2023 to mid-October 2023

The NIC has received a total of 183 appeals and applications from mid-July 2023 to mid-October 2023 after the applicants failed to obtain information from the public authorities as per the RTI Act (2007). The applicants have made the authorities who denied information as the defendants. After completing the necessary procedures on those applications, the Commission, pursuant to Clause 10(2) of RTI Act, has issued the directives to 175 public authorities to provide information within seven days. During the same period, the Commission made 77 directives to make information available as per Clause 10 (3) (a). A total of 33 appeal directives have been issued as per Clause 10 (3) (b). The NIC has, as per Clause 32 (2), issued one directive each regarding misuse of information and penalty/action. ■

Retirement, transfer, and reinstatement of the personnel

Mr Sanjip Kumar Adhikari, who was working at NIC as a legal officer, was transferred to Company Registrar Office on August 28, 2023. Mr Hom Prasad Luitel, who was working as a Director General in the Tourism Department, was transferred to NIC on September 19, 2023. During the period, Mr Ram Prasad Dhakal, Under-Secretary at the NIC, retired from Civil Service on September 29, 2023. Mr Santosh Kumar Dahal, Under-Secretary at Ministry of Federal Affairs and General Administration, was transferred to NIC on October 2, 2023. Ms Shermila Subedi, finance officer, was transferred to NIC on August 11, 2023, Ms Prita Dahal, a computer engineer, was transferred to NIC on August 17, 2023 and Mr Mohan Gyawali, computer operator, was transferred to NIC on July 17, 2023.

Meetings and decisions

Meeting number 287 (3) 47

Date: August 2, 2023

Decisions

1. The National Information Commission will organize a main event at its new office building in Tripureshwar on the occasion of 17th National Information Day on August 20, 2023. On the occasion, the NIC shall make a request to the chief ministers of provinces and offices of council of ministers, district administration offices (through the federal Home Ministry), and local governments (through Ministry of Federal Affairs and General Administration) to mark the National Information Day by organizing programs related to right to information. Likewise, the NIC shall appeal to other stakeholder authorities and media to organize, or facilitate to organize, programs related to right to information.
2. In line with the practice of NIC to honor a member from among its former officials every year on the occasion of National Information Day in recognition of their contribution made in implementation of right to information, the NIC shall felicitate former Information Commissioner Ms Sabita Bhandari this year with a letter of appreciation. The NIC shall confer a letter of thanks to Nepal Telecommunication Authority for providing support with information technology equipment, and system upgradation support, in response to the request made to NTA by NIC to enhance its work skills and equip NIC with technological support.
3. The NIC was operating from its office housed in a rented House in Baneshwar but since the Nepal government made the building of the Company Registrar Office in Tripureshwar available for NIC, it has been operating from new premises from July 30, 2023.
4. Miscellany
 - (a) It was informed that the National Information Commission and The Asia Foundation signed a MoU on different programs for up to September and the MoU was signed by the Secretary on behalf of National Information Commission and the Program Director on behalf of The Asia Foundation.
 - (b) A discussion was held about the proposed programs required by The Asia Foundation for the upcoming fiscal year and the meeting decided to send the draft of the program to The Asia Foundation.
 - (c) As proposed by Freedom Forum to cooperate with NIC to conduct different programs related to right to information, it was decided that approval would be granted to conduct programs for fiscal year 2023/24 in a way that does not contradict with prevailing laws and policies of the government of Nepal to conduct programs only related to right to information in cooperation with NIC.

Meeting number 287 (3) 48

Date: September 22, 2023

Decisions

1. In line with International Day of Universal Access to Information, declared by the United Nations for September 28, NIC shall organize a national seminar on the subject 'Online Space and Right to Information: Opportunities and Challenges.' After deliberation on the proposal by Digital Rights Nepal for partnership to conduct the program, a decision was made to consider the proposal based on the subject matter of the seminar and the experiences of the organization (Digital Rights Nepal) regarding right to information. It was also decided that the Executive Director of Digital Rights Nepal Mr Santosh Sigdel would present a working paper in the seminar and NIC Commissioner Ratna Prasad Mainali, joint secretary of the Ministry of Information and Communication Technology Anil Kumar Datta, and president of Sancharika Samuha Bimala Tumkhewa would comment on the paper.
2. As per the letter received from Bhadrapur Municipality (dispatch number 271, 2080/04/31), Laxman Basnet demanded information from the municipality but since information was denied, he made an appeal to the NIC demanding to know whether the information sought by him could be provided or not. A study on the appeal (number 128) shows Basnet sought information from the information office related to: a) what kind of assistance was obtained from the Indian embassy for construction of the cold store? The details of the same. b) How much money was paid by the Bhadrapur Municipality? c) In whose name is the land upon which the cold store is being constructed registered? Certified copy of the land ownership certificate. Providing information of above-mentioned description does not attract the Clause 3 Sub-clause (3) (a) of Right to Information Act (2007). Thus, there should be no hindrance in providing information thus demanded. If the information demanded has already been provided, no further action is needed, if not there should be no obstacle to providing information as demanded.
3. Article 27 of the constitution of Nepal has guaranteed every citizen the right to demand and receive information on any matter of his or her interest or of public interest. In line with the same and to implement this provision, Sub-clause (1) of Clause (3) of Right to Information Act has mentioned that every citizen shall have the right to information pursuant to this Act and Sub-clause (2) has ensured that every citizen shall have the access to information in public authority. Likewise, section (a) of Clause 2 of the Act has defined public office as the authorities established by the constitution and laws, the bodies constituted by the government of Nepal, offices of the provincial governments and authorities constituted by the provincial governments, local governments and their offices, public service organizations and institutes formed as per the laws, political parties and organizations registered as per the prevailing laws, organizations and organized institutes with full or partial ownerships or control of the government of Nepal, organizations or institutions operating with government funding, the organizations constituted through

agreements with the government, or offices operating with the funding from the government of Nepal or international organizations, organizations operating with full or partial funding and support from the provincial governments, organizations established with agreements between the provincial government authorities and organizations established as per the prevailing laws, NGOs operating with direct or indirect funding or full or partial control of the provincial governments, and the authorities designated by the government of Nepal as public offices by listing them in national gazette.

Thus officials, information officers, office heads and other staff working in these entities defined as the public offices should be well aware about the right to information and the procedures to follow thereof. The NIC has been conducting orientation programs from time to time with its limited human and budget resources. But this won't be enough. Various organizations are actively working to conduct various types of training, workshop, orientation, seminars, and workshops for capacity building of public office bearers and staff. These organizations develop their syllabus, some of which are found to have included the subject of right to information as recommended by the NIC. The NIC extends thanks to such organizations. However, some new organizations have been established to carry out works of similar nature. It

should be considered natural that new organizations are being born in the course of implementation of the federalization process.

More than 126 countries in the world have formulated and implemented the right to information laws. Considering the importance of the right to information, the United Nations decided to mark September 28 as the International Day of Universal Access to Information every year. SDG indicator 16.10.2 also has the right to information as a key indicator. Reports of the human rights committee of the UN and Transparency International have accepted the right to information as a fundamental right.

In this background and considering the need for enhancing participation of common citizens in activities and conducts of public offices for ensuring good governance and transparency and in light of the importance accorded to right to information in democratic system, it has been decided that the following organizations shall be asked in writing to include the subject of right to information in their syllabus and use that syllabus while conducting trainings, orientations, seminars, or other programs related to right to information. They shall be informed that the NIC shall provide support and coordination in case they require resource persons for such programs.

SN	Name and address of the organization
1	Nepal Administrative Staff College, Jawalakhel, Lalitpur
2	Women Development Training Center, Jawalakhel, Lalitpur
3	Nepal Academy of Tourism and Hotel Management, Rabi Bhawan, Kathmandu
4	Postal Training Center, Babarmahal, Kathmandu
5	Army Command and Staff College, Shivapuri, Kathmandu
6	Institute of Foreign Affairs, Kantipath, Kathmandu
7	Land Management Training Center, Dhulikhel, Kavre
8	National Health Training Institute, Teku, Kathmandu
9	Center for Education and Human Resource Development, Sanothimi, Bhaktapur
10	Forest Studies and Training Center, Babarmahal, Kathmandu
11	Nepal Police Academy, Maharajgunj, Kathmandu
12	Local Development Training Academy, Lalitpur
13	Nepal Insurance Authority, Ramsahpath, Kathmandu
14	Nepal Rastra Bank, Baluwatar, Kathmandu
15	Nepal Army Headquarters, Bhadrakali, Kathmandu
16	Provincial governance center, all seven provinces
17	APF Command and Staff College, APF headquarters, Sano Gaucharan, Kathmandu
18	Livestock Service and Training and Directorate, Hariharbhawan, Lalitpur
19	Education Training Center, Bagmati province, Dhulikhel, Kavre
20	Agri Business Promotion Support Center, Bhandara, Chitwan
21	National Micro, Cottage and Small Industries Training Center, Tripureshwar, Kathmandu
22	Civil Aviation Training Institute, Sanothimi, Bhaktapur
23	Cooperative training and research center, New Baneshwar, Kathmandu
24	Public Finance Management Training Center, Hariharbhawan, Lalitpur
25	Agriculture Information and Training Center, Hariharbhawan, Lalitpur
26	Vocational and Skills Development Training Center, Bhaishapati, Lalitpur
27	Judicial Service Training Center, Babarmahal, Kathmandu
28	Securities Board of Nepal (SEBON), Kathmandu
29	Education Training Center, Bagmati Province, Dhulikhel
30	Agriculture Development Bank, Ramsahpath, Kathmandu
31	Nepal Bankers' Association, Thapathali, Kathmandu
32	Rastriya Banijya Bank, Ramshahpath, Kathmandu

4. The School Education Bill (2080) presented by the government in federal parliament shall be studied and in case issues contradict with the Right to Information Act or that adversely impacts transparency and good governance, such issues shall be presented in the next meeting.
5. Miscellany
 - (a) Curriculum Development Center shall be requested to include the title 'right to information' in the grade eight syllabus which contains a subject related to RTI so as to make the subject clearer and more effective, apart from asking the CDC to correct the address of NIC as office location has been changed.
 - (b) Since the NIC has learned that none of the ten local governments of Ilam district have been publishing updated information every three months as required by Sub-clause (4) of Clause 5 of the RTI Act, and since they are not found to have published information as per Clause 5 (3) in line with the authority delegated by the NIC, Chief District Officer of Ilam shall be directed to implement the same.
 - (c) Mr Hom Prasad Luitel, who has been transferred to NIC, shall be given a welcome.

Editorial Board

Ratna Prasad Mainali (Information Commissioner) Hom Prasad Luitel (Secretary), Harihar Karki (Section officer)
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Publisher:

National Information Commission



Information Commission Building , Tripureshwar, Kathmandu, Nepal

Phone No: 01-4596544 **Fax No :** 01-4596545 **Website:** nic.gov.np **Email:** info@nic.gov.np



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