



**राष्ट्रिय सूचना आयोग**  
**National Information Commission**



# ANNUAL REPORT

2022/2023 (2079/80 BS)



**NATIONAL INFORMATION COMMISSION**

Nepal





**National Information Commission**  
**राष्ट्रिय सूचना आयोग**



**Annual Report**  
**2022/2023 (2079/2080 BS)**



**National Information Commission**  
Nepal

## National Information Commission: Annual Report 2022/23

**Publisher** : National Information Commission  
Kathmandu, Nepal.

**Contact number** : 4593984/4596544

**Email** : [info@nic.gov.np](mailto:info@nic.gov.np)

**Website** : [www.nic.gov.np](http://www.nic.gov.np)

**Helpline** : 4596544

**Audio Notice** : 1618070782426

**Published Date** : 2024

Published in collaboration between National Information Commission (NIC) and USAID. The topic and contents of this publication are the sole responsibility of NIC and do not necessarily reflect the views of the United States Government, USAID, or The Asia Foundation.



# Current Commission



**Mr. Mahendra Man Gurung**  
(Chief Information Commissioner)



**Ms. Kamala Oli Thapa**  
(Information Commissioner)



**Mr. Ratna Prasad Mainali**  
(Information Commissioner)



**Mr. Hom Prasad Luitel**  
(Secretary)



## **Subject: 15<sup>th</sup> Annual Report**

According to Article 27 of the Constitution of Nepal, every citizen is entitled to seek and obtain information regarding personal or public matters. The Right to Information Act (2007), enacted to enforce citizens' fundamental rights outlined in the constitution, ensures by law that every Nepalese citizen is empowered to request and obtain information from public entities.

Section 11 of the same Act outlines the establishment of an autonomous National Information Commission tasked with safeguarding and promoting the right to information. In compliance with legal provisions, the National Information Commission has compiled this annual report, detailing key activities undertaken in the fiscal year 2022-23 to facilitate citizens' access to information and advance the right to information, as stipulated in Section 25, Sub-Section 1 of the Act.

The annual report, prepared by the National Information Commission, outlining the activities conducted in the fiscal year 2022-23, is scheduled for presentation and discussion in the Legislature-Parliament through the Right Honorable Prime Minister. Additionally, it will be made accessible to the public in accordance with legal requirements.

The report is structured into seven chapters, each addressing distinct aspects of the Commission's activities. The initial chapter serves as an introduction to the Commission, while the subsequent sections delve into the laws, regulations, and legal frameworks pertinent to the right to information. Following this, the third chapter provides a comprehensive overview of appeals lodged with the Commission and their respective resolutions. In the fourth chapter, notable decisions and penalties imposed by the Commission throughout the fiscal year are outlined. Promotional initiatives undertaken by the Commission are detailed in the fifth chapter, while the sixth chapter encapsulates the Commission's financial and material advancements. Lastly, the seventh chapter elaborates on the Commission's recommendations. Additionally, this annual report, featuring fourteen schedules and an appendix, is accessible to the public via the Commission's website [www.nic.gov.np](http://www.nic.gov.np) for dissemination of information.

The Commission extends its appreciation to the citizens who actively exercised their fundamental rights as outlined in the constitution, to the activists who contributed in diverse ways to the advocacy and enhancement of the right to information, and to the dedicated employees within the Commission who played a pivotal role in the preparation of this report.

**(Ratna Prasad Mainali)**  
Information Commissioner

**(Kamala Oli Thapa)**  
Information Commissioner

**(Mahendra Maan Gurung)**  
Chief Information Commissioner

## Abbreviation

S.M.C.	: Sub Metropolitan City
H.S.S.	: Higher Secondary School
K.M.C.	: Kathmandu Metropolitan City
O.C.T.A.	: Office of the Comptroller of the Treasury and Accounts
R.M.	: Rural Municipality
D.A.O.	: District Administrative Office
T.U.	: Tribhuvan University
N.R.B.	: Nepal Rashtra Bank
B.S.N.	: Budget Subheading Number
A.G.	: Auditor General
S.S.	: Secondary School
N. G	: Non- Gazetted
N.G. I	: Non- Gazetted I
G III	: Gazetted III
G II	: Gazetted II
G.A.	: General Administration



# Table of contents

## **Executive summary**

### **Chapter 1: Introduction to National Information Commission**

- 1.1 Constitutional Provisions
- 1.2 Legal Provision
- 1.3 Establishment of National Information Commission
- 1.4 Work, Duties and Rights of National Information Commission
- 1.5 Additional Work, Duties and Rights of National Information Commission
- 1.6 Monitoring and Delegation of Authority
- 1.7 Activities Related to Delegation of Authority
- 1.8 Arrangements Related to Office and Staffs of the Commission
- 1.9 Annual Report of the Commission

### **Chapter 2: Act, Rules and Legal System Related to Right to Information**

- 2.1 Right to Information Act (2007), Right to information related regulations, legal system of 2008
- 2.2 Information Request Procedure and Appeal
- 2.3 Decision-making Process of Commission
- 2.4 Protection and Classification of Information

### **Chapter 3: Status of Appeal and Resolution**

- 3.1 Details of Applications, Complaints and Appeals
- 3.2 Details of Regional Appeals
- 3.3 Details of Province-level Appeals

### **Chapter 4: Important Directives, Suggestions, Recommendations and Penalties by the Commission**

- 4.1 Important Orders by the Commission
- 4.2 Punishments by the Commission

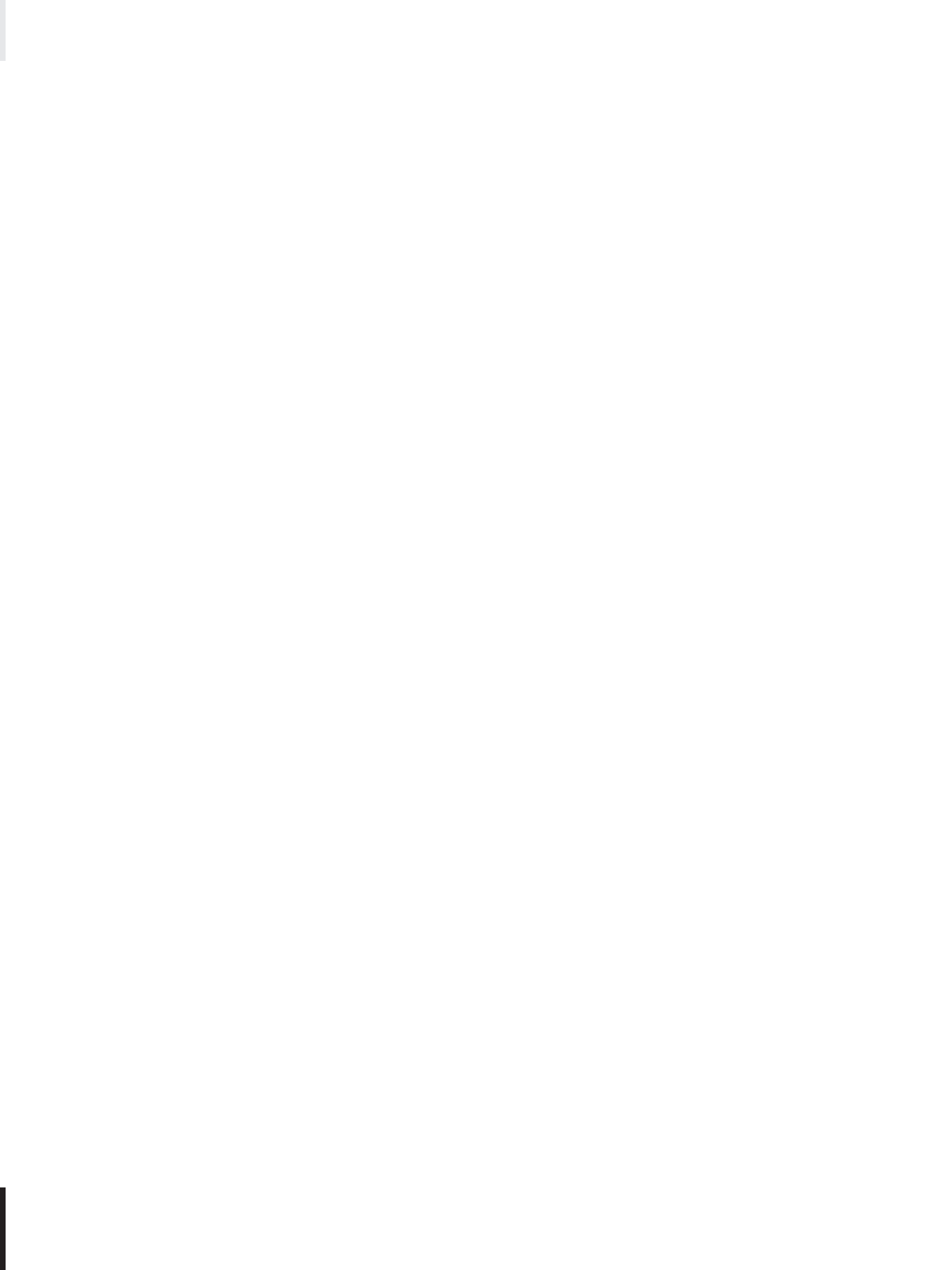
### **Chapter 5: Promotional Activities Conducted by the Commission**

- 5.1 Background
- 5.2 Interaction and Training Program
- 5.3 Right to Information Day
- 5.4 Capacity Building Program
- 5.5 Publications
- 5.6 Activities Related to the Commission
- 5.7 Program in Collaboration with Various Agencies
- 5.8 Awards and Honors
- 5.9 Activities Conducted by Other Bodies

### **Chapter 6: Financial and Physical Progress**

- 6.1 Statement of Financial Budget and Expenditure
- 6.2 Statement of Financial Budget and Expenditure of Last 11 Years
- 6.3 Administration and Program Expenses
- 6.4 Collaboration and Partnership
- 6.5 Details of Payments Taken by the Commissioners of the Commission

### **Chapter 7: Commission's Recommendation for Effective Implementation of Right to Information**



## Executive Summary

The National Information Commission, established under Subsection (1) of Section 11 of the Right to Information Act (2007), is entrusted with the responsibility of safeguarding, promoting, and facilitating the right to information as stipulated in Article 27 of the Constitution of Nepal. In accordance with Subsection (1) of Section 25, the fifteenth annual report for the fiscal year 2022-23 has been meticulously compiled to fulfill the obligation of presenting the annual activity report to the Legislative Parliament via the Prime Minister on an annual basis. This extensive report comprises seven chapters, fourteen schedules, and an appendix.

Article 27 of the Constitution of Nepal provides citizens with the right to information, in which every citizen has been provided a right to seek and receive information on any matter of personal or public concern. For the implementation of this Article of the Constitution, because the right to information is guaranteed to the citizens, Right to Information Act (2007) was issued.

To implement the Right to Information Act (2007), Right to Information Regulations (2008) has been enacted and implemented. The regulation was amended first on March 26, 2012, second time August 12, 2013, and third time on December 4, 2020. Section 11 of Chapter 3 of the Right to Information Act, 2064, stipulates the establishment of a National Information Commission comprising three members. This independent body is tasked with protecting, promoting, and facilitating the practice of the right to information. The commission consists of a Chief Information Commissioner and two Information Commissioners, with a mandatory provision that ensures at least one member is female.

To ensure effective oversight of the enforcement of the right to information, a structured framework has been established. This framework includes the Central Coordinating Unit situated within the office of the Prime Minister and Council of Ministers, an Implementation Monitoring Unit overseen by the Secretary of the Ministry of Communication and Information Technology, a Provincial Monitoring Unit housed within the office of the Chief Minister and Council of Ministers at the provincial level, and a district monitoring unit coordinated by the Chief District Officer.

The Right to Information Act and the Right to Information Regulations encompass legal provisions regarding crucial aspects such as the entities and subjects eligible for information requests, the procedural framework for submitting information requests and appeals, the decision-making process by the commission, and the protection and classification of information.

During the fiscal year 2022-23, a total of 1,068 appeals were received, of which 1,054 were resolved and the commission has made final decisions on 99.04 percent of the appeals.

During this period, the heads of office from four public bodies, who failed to provide information upon request by the general public, were penalized in accordance with Section 32 of the Right to Information Act. Furthermore, a written notice has been dispatched to the pertinent agency for further departmental action. Likewise, in accordance with Section 27 concerning the classification of information, Section 29 regarding the safeguarding of informers, and Section 31 addressing complaints of information misuse, a total of four directives have been issued.

Following the previous directives of the Commission, all political parties registered under current legislation have been ordered to maintain the contact details of their designated information officers and proactively disclose this information every three months to ensure

the effective execution of the right to information. Similarly, during the commission's oversight of different government ministries and departments, it was observed that ten public entities failed to disclose the details of their information officers. Therefore, they have been instructed to promptly rectify this and make the information publicly available.

Furthermore, the Commission suggested the Election Commission that it should enhance transparency in electoral processes. It advised the Government of Nepal to streamline access to information while formulating the information technology policy. Furthermore, the Ministry of Women, Children, and Senior Citizens was advised to incorporate the topic of the right to information into its policy, legislation, procedure, and training concerning gender-based violence.

The Commission is legally mandated to enforce and advocate for the right to information. During the fiscal year 2022-23, the National Information Commission conducted an interactive program involving district office heads, information officers, public representatives, and media personnel, aimed at promoting awareness and understanding of this right. Furthermore, an interactive program on open governance was successfully conducted in the Bagmati and Koshi provinces. Additionally, the Commission undertook monitoring and evaluation activities to assess the status and challenges regarding the implementation of the right to information across various governmental and non-governmental public bodies at federal, provincial, and local levels. During this fiscal year, a total of 1012 individuals, comprising 159 women and 853 men, were equipped with legal and practical knowledge concerning the right to information through the interactive orientation program facilitated by the Commission. Participants included office heads from various agencies, information officers, public representatives, activists advocating for the right to information, and media professionals.

Media's role in disseminating information and news should be independent and impartial. In the fiscal year 2022-23, the National Information Commission collaborated with Nepal Television, Radio Nepal, and the Gorkhapatra Corporation to conduct several public awareness programs aimed at enhancing citizens' awareness. The Commission has observed that the "Suchana Mero Hak" (information is my right) program, aired on Nepal Television in collaboration with the Commission, alongside the dissemination of public awareness materials in Gorkhapatra at various intervals, has demonstrated efficacy in advancing and fostering the right to information. In order to enhance accessibility to its initiatives for both the general public and public institutions, the Commission has initiated the publication of a quarterly bulletin titled "Suchana Mero Adhikar" in both Nepali and English languages. Moreover, the Commission has released the RTI journal, featuring articles contributed by experts in the field of the right to information. Additionally, the Commission disseminates its activities through its official website: [www.nic.gov.np](http://www.nic.gov.np).

This report contains recommendations formulated and presented by the Commission, drawing from both the concerns raised by stakeholders during the program organized by the Commission and the issues identified by the Commission itself, all aimed at fostering the effective implementation of the right to information

## Chapter-1

**Introduction to National Information Commission**

Nepal has embraced a federal democratic republican system of governance. The preamble of the Nepalese constitution articulates people's aspirations for sustainable peace, good governance, development, and prosperity through a federal democratic republican framework, aimed at constructing a prosperous nation. As per the constitution, the sovereignty and authority of Nepal rests in Nepali people.

Article 27 of the Constitution guarantees every citizen the right to request and receive information pertaining to their personal affairs or matters of public interest under the right to information. The Legislature-Parliament enacted the Right to Information Act (2007) to ensure the implementation of the constitutional right to information guaranteed to the citizens. This Act came into effect on August 20, 2007, the day commemorated as enforcement of the Right to Information Act and celebrated as the National Information Day every year.

The Right to Information Act has established a legal provision for an independent National Information Commission, entrusted with protecting, promoting, and facilitating the practice of the right to information for Nepali citizens. As stipulated by Section 25 of the Act, the Commission is required to submit an annual report of its activities to the Federal Parliament through the Right Honorable Prime Minister. Accordingly, the Commission has prepared its fifteenth annual report for the fiscal year 2022-23, detailing the activities and measures undertaken to protect, promote and practise the right to information.

**1.1 Constitutional Provision**

The initial assurance of the right to information in Nepal was established by the Constitution of the Kingdom of Nepal (1990) following the historic people's movement. Article 16 of the Fundamental Rights section affirmed that every citizen possesses the right to seek and obtain information concerning matters of public significance. However, it clearly stated within the same Article that no provision therein insists individuals disclose information deemed confidential by law.

However, the right to information has been preserved as a fundamental right in both subsequent constitutions.

Article 27 of the Interim Constitution (2007) guaranteed every citizen the entitlement to seek or obtain information regarding personal or public matters of concern. Conversely, the restrictive clause in the same article stipulates that no one shall be compelled to disclose legally required information to be kept confidential.

Article 27 of the Constitution of Nepal (2015) affirms the entitlement of every citizen to seek and obtain information concerning personal or public affairs. Additionally, within the restrictive clauses of the same Article, it specifies be compelled to disclose information that

is legally required to remain confidential.

Likewise, regarding the right to privacy, Article 28 stipulates that the privacy pertaining to an individual's life, abode, assets, written works, data, communications, and matters relating to character shall remain inviolable, save for circumstances delineated by law.

## **1.2 Legal Provision**

In light of the importance of establishing a legal framework to safeguard citizens' rights to request and obtain information on matters of personal or public concern, and to ensure transparency and accountability of state actions within a democratic framework, as well as to streamline citizens' access to pertinent public information, protect sensitive data impacting state and citizen interests, and uphold and enforce citizens' right to be informed, the Right to Information Act (2007) was enacted by the then Legislature-Parliament in accordance with Article 27 of the current Constitution of Nepal and ratified on July 21, 2007. As per the commencement provision, the Act has been enforced since August 20, 2007--thirty days after its certification. Section 3 of the Act guarantees that every Nepali citizen possesses the right to access information under this legislation and can obtain information from public bodies accordingly. Thus, it has been elucidated that public bodies are entrusted with the duty of safeguarding, promoting, and implementing the right to information. This entails ensuring that the activities and operations of the state adhere to constitutional and legal principles by being open, transparent, responsive, and accountable.

In order to operationalize the objectives outlined in the Right to Information Act, the Government of Nepal has formulated and enforced the Right to Information Regulations (2008). Subsequent amendments to these regulations were enacted on March 26, 2012, August 12, 2013, and December 4, 2020.

## **1.3 Formation of National Information Commission**

Section 11 of Chapter 3 of the Right to Information Act (2007) has a provision of an independent National Information Commission comprising of a three-member committee, consisting of one Chief Information Commissioner and two Information Commissioners, including at least one woman, for the protection, promotion and practice of the right to information. On the recommendation of a committee chaired by the Speaker of the Legislature-Parliament, comprising the Minister of Communication and Information Technology and the President of the Federation of Nepalese Journalists (FNJ), the Government of Nepal appoints Chief Information Commissioners and Commissioners.

In accordance with the aforementioned provision, the following table presents the details of chief information commissioners and information commissioners appointed since the establishment of the Commission on May 4, 2008.

### Details of Chief Information Commissioners and Information Commissioners Appointed to Date

S.N.	Name/Surname	Designation	Date of Appointment	Served Until
1	Mr. Vinay Kumar Kasaju	Chief Information Commissioner	April 13, 2008	May 4, 2013
2	Mr. Shree Acharya	Information Commissioner	May 3, 2008	May 4, 2013
3	Ms. Sabita Bhandari Baral	Information Commissioner	May 4, 2008	May 4, 2013
4	Mr. Krishnahari Baskota	Chief Information Commissioner	January 8, 2015	January 9, 2020
5	Mr. Kiran Kumar Pokharel	Information Commissioner	January 8, 2015	January 9, 2020
6	Ms. Yashoda Devi Timsina	Information Commissioner	January 8, 2015	January 9, 2020
7	Mr. Mahendra Man Gurung	Chief Information Commissioner	January 9, 2020	On the job
8	Ms. Kamala Oli Thapa	Information Commissioner	January 9, 2020	On the job
9	Mr. Ratna Prasad Mainali	Information Commissioner	January 9, 2020	On the job

From May 5, 2013 to January 7, 2015, the Commission endured an absence in its officer positions for approximately 17 months. Since January 9, 2020, Mahendra Man Gurung has been serving as the Chief Information Commissioner, while Kamala Oli Thapa and Ratna Prasad Mainali have taken on the positions of Information Commissioners. It is mandated by law that the term of office for Commissioners spans 5 years. The organizational structure of the National Information Commission is outlined in Schedule 2.

#### 1.4 Rights, Duties, and Powers of the National Information Commission

The Rights, duties, and powers of the National Information Commission are delineated in Section 19 of Chapter 3 of the Right to Information Act (2007) as follows:

- 1.4.1: To examine and review records, documents, and other pertinent materials concerning matters of public significance within public entities
- 1.4.2: To categorize and arrange information pertaining to records, documents, or other relevant materials within said entities
- 1.4.3 Directing pertinent public entities to disseminate information for the enlightenment of citizens
- 1.4.4 Ordering the respective public entity to furnish requested information to the petitioner within the specified timeframe
- 1.4.5 Directing the relevant party to adhere to the responsibilities outlined within this Act
- 1.4.6 Providing essential suggestions or recommendations to the Government of Nepal and pertinent agencies involved in information and communication, aimed at safeguarding and advancing the right to information
- 1.4.7 Issuing suitable directives as deemed necessary to safeguard, promote, and facilitate the exercise of the right to information.

## **1.5 Additional Rights, Duties, and Powers of the National Information Commission**

The additional rights, duties, and powers of the National Information Commission, apart from those delineated in Section 19 of Chapter 3 of the Right to Information Act (2007) are as follows:

- 1.5.1 If a Nepali citizen fails to obtain the requested information from a public body or finds the received information unsatisfactory, they are entitled to file an appeal with the Commission. The Commission is empowered to act upon such appeals and issue directives for the provision of requisite notifications.
- 1.5.2 If an individual disagrees with the classification of information by the committee designated to categorize data within government agencies, they may submit a petition requesting a review for the information to be disclosed publicly. The Commission is authorized to examine such petitions and mandate the disclosure of said information unless it is determined that such information warrants confidentiality.
- 1.5.3 The Commission reserves the right to issue a written notice to the relevant officer to levy fines and initiate departmental proceedings against the head of the public body or information officer in the event of their failure to provide information, refusal to disclose information, provision of partial or inaccurate information, or failure to provide information within the stipulated timeframe.
- 1.5.4 If any individual suffers harm due to the failure to provide, refusal to provide, partial provision, or provision of false information, or due to the destruction of information, the Commission possesses the authority to compel the relevant agency or officials to compensate the affected party for any resultant damages.
- 1.5.5 If an agency or official imposes excessive fees for the transfer of information, citizens reserve the right to file a complaint with the Commission. Thereafter, the Commission has the authority to compel a review of the fee practices.
- 1.5.6 The Commission safeguards information providers, with the authority to nullify any actions taken against them and provide compensation for any resulting harm.
- 1.5.7 The Commission has the authority to impose fines if any individual misuses information obtained from the public entity.
- 1.5.8 The Commission submits its annual report detailing its activities over the year to the federal parliament through the Prime Minister. Additionally, it publicly releases this report for the benefit of the general populace.

## **1.6 Monitoring and Delegation of Authority**

- 1.6.1 The provision for monitoring the implementation of the Right to Information Guidelines (2019).

### **1. Central Coordinating Unit:**

- (1) To oversee the implementation of the Right to Information and to facilitate and maintain coordination in this regard, a Central Coordinating Unit shall be established as follows:



- (a) Secretary, Office of the Prime Minister and Council of Ministers – Coordinator
  - (b) Secretary, Ministry – Member
  - (c) Secretary, Commission – Member
  - (d) Joint Secretary, Office of the Prime Minister and Council of Ministers – Member-Secretary
- (2) The rights, duties, and powers of the Central Coordination Unit specified in Subsection (1) shall be as follows:
- (a) Coordinating and monitoring as required to effectively implement provisions within Acts and Regulations,
  - (b) Assisting in tasks related to classifying information for the Committee under Section 27 of the Act,
  - (c) Monitoring and facilitating the implementation status of the right to information across various ministries and central-level agencies,
  - (d) Providing recommendations to the Government of Nepal on policy matters pertaining to the right to information,
  - (e) Facilitating coordination among diverse Ministries, Commissions, and central-level agencies concerning executing the right to information,
  - (f) Adhering to directives about the implementation of the right to information issued by the Government of Nepal and the Commission,
- (3) The Central Coordinating Unit, as stipulated in Sub-section (1), is empowered to establish its own operational and meeting protocols within the parameters defined by the Act, regulations, and this guideline.

## **2. Implementation Monitoring Unit:**

- (1) An Implementation Monitoring Unit, as delineated herein, shall be established within the Ministry of Communication and Information Technology to ensure the effective enforcement of Acts and Regulations.
- (a) Secretary, Ministry – Coordinator
  - (b) Joint Secretary, Office of Prime Minister and Council of Ministers – Member
  - (c) Joint Secretary (in charge of Communications Division), Ministry – Member
  - (d) Joint Secretary, Commission – Member
  - (e) Director General, Department of Postal Services – Member
  - (f) Information Officer, Ministry – Member – Secretary
- (2) The rights, duties and powers of the Implementation Monitoring Unit specified in Subsection (1) shall be as outlined below:
- (a) Conducting monitoring activities concerning the implementation of the Right to

Information across multiple ministries and central-level agencies, and compiling consolidated statements thereof,

- (b) To oversee the details of information requests within public entities, as well as the distinct records of those who have been informed or refused to be given by such bodies, and in instances where separate records are not maintained, to mandate their establishment during such oversight,
  - (c) To oversee the presence of information officer arrangements within diverse ministries and central-level agencies, and in the absence thereof, to issue directives for the establishment of such arrangements during the monitoring process,
  - (d) To oversee and facilitate the flow of information,
  - (e) To conduct capacity-building activities for information officers,
  - (f) To submit quarterly consolidated statements, as per clause (a), to the central coordination unit,
  - (g) To execute and ensure the implementation of directives provided by the Commission and the Central Coordinating Unit.
- (3) The Implementation Monitoring unit, as stipulated in Sub-section (1), is empowered to establish its own operational and meeting protocols within the parameters defined by the Act, regulations, and this guideline.

### **3. Provincial Monitoring Unit:**

- (1) In each province, there shall be a Provincial Monitoring Unit coordinated by the Secretary of the Office of the Chief Minister and Council of Ministers to monitor and facilitate the implementation of the Right to Information within provincial-level offices.
- (2) The additional members for the provincial monitoring unit, as delineated in Subsection (1), shall be determined by the provincial government.
- (3) The rights, duties and powers of the Provincial Monitoring Unit specified in Subsection (1) shall be as outlined below:
  - (a) Ensuring the effective execution and implementation of Acts and Regulations by provincial government offices and public bodies at the provincial level,
  - (b) Monitoring the initiatives concerning the implementation of the right to information by ministries and provincial government offices, compiling a comprehensive statement and submitting it quarterly to the implementation monitoring unit,
  - (c) Supervising the appointment of information officers within ministries and offices under the provincial government, and in cases where their absence is identified during monitoring, issuing directives for their appointment.
  - (d) Monitoring whether the ministries of the provincial government and its associated offices have complied with the requirement to publish information as mandated by Subsection (3) of Section 5 of the Act and rule 3 of the regulations,

- (e) Facilitating coordination among the ministries of the provincial government, offices under the provincial government, and other provincial-level agencies regarding the implementation of the right to information,
  - (f) Organizing and facilitating capacity-building programs for information officers within provincial ministries, offices under provincial government, and at the local level,
  - (g) Executing and ensuring adherence to directives issued by the Commission, the Central Coordinating Unit, and the Implementation Monitoring Unit concerning the implementation of the right to information.
- (4) The Provincial Monitoring Unit, as stipulated in Sub-section (1), is empowered to establish its own operational and meeting protocols within the parameters defined by the Act, regulations, and this guideline.

#### **4. District Monitoring Unit:**

- (1) In each district, a District Monitoring Unit, as outlined below, shall be established to oversee and facilitate the implementation of the right to information by public bodies within the district.
  - (a) Chief District Officer – Chair
  - (b) District Coordination Officer, Office of District Coordination Committee – Member
  - (c) Head, District Post Office – Member – Secretary
- (2) The rights, duties, and powers of the District Monitoring Unit specified in Subsection (1) shall be as outlined below:
  - (a) Monitoring the specifics of information requests made to public bodies within the district, and ensuring the maintenance of separate records detailing information provided or declined,
  - (b) Monitoring whether the district-based public body has complied with the obligation to publish required information as stipulated by Subsection (3) of Section 5 of the Act and Rule 3 of the regulation,
  - (c) Monitoring the presence of an information officer within the public body situated in the district, and in instances where no information officer is identified during such monitoring, issuing directives for the appointment of an information officer,
- (3) The protocol pertaining to meetings for the District Monitoring Unit, as outlined in Subsection (1), shall be determined by the committee itself.
- (4) The commission may provide requisite funds to the district post office or postal service directorate to support the implementation and oversight of the right to information by the District Monitoring Unit.
- (5) The District Post Office/Postal Service Directorate is responsible for submitting the monthly expenditure report of the District Monitoring Unit to both the Ministry and the Commission.

## **5. Report Submission Protocol:**

- (1) The Implementation Monitoring Unit and the Provincial Monitoring Unit are obligated to compile a report following the format outlined in Schedule 1. This report is to be submitted to both the Commission and the Ministry every three months upon the fulfillment of tasks within their respective areas of jurisdiction, as delineated in this guideline.
- (2) The District Monitoring Unit is tasked with compiling a report, following the directives laid out in Schedule 2, which delineates the particulars of the district-level right to information initiative and the advancement of its execution by public bodies. This report must be presented quarterly to both the commission and the provincial monitoring unit.

## **6. Secretariat Arrangements:**

- (1) The Central Coordinating Unit's Secretariat shall be situated within the Office of the Prime Minister and the Council of Ministers.
- (2) The Implementation Monitoring Unit's Secretariat shall be housed within the Ministry.
- (3) The Provincial Monitoring Unit's Secretariat shall be established in the office of the Chief Minister and Council of Ministers of the respective province.
- (4) The District Monitoring Unit's Secretariat shall be based at the District Post Office or Directorate of Postal Services.

## **1.7 Activities Related to Delegation of Authority**

Section 20 of the Act stipulates that the National Information Commission is empowered to delegate any tasks, responsibilities, and authorities, except for the processing and disposition of appeals, to the Chief Information Commissioner, Information Commissioner, or any designated agency or officer, provided they adhere to the prescribed conditions. Accordingly, the Commission has delegated the following authorities to the chief district officers of 77 districts, as determined in the meeting convened on November 26, 2020.

- 1.7.1. Mandating government offices, local authorities, and public entities within the district (as outlined in Section 2(a) of the Right to Information Act, 2007) to regularly publish Proactive Disclosures every three months, in accordance with the provisions outlined in Sub-sections (3) and (4) of Section 5 of the Right to Information Act and Rule 3 of the Right to Information Regulations (2008).
- 1.7.2. Issuing directives to appoint Information Officers in all government offices, local administrations, and public institutions across the district as per Section 6 of the Right to Information Act (2007) and Rule 24 (a) of the Right to Information Regulations (2008). Also, mandating the disclosure of officers' details such as name, contact details, and photograph via suitable channels, including Flex Boards.
- 1.7.3. As per the provision outlined in Rule 3B (4) of the Regulation on Right to Information Regulations (2008), requests for information submitted to public entities and the corresponding subject matter on which information has been provided are to be disclosed to the public within a timeframe of three months, issuing directives to all governmental offices, local administrations, and public entities to maintain the records

of incoming information requests, alongside a separate log detailing the information requests fulfilled or declined.

#### 1.7.4. Duties Undertaken by District Administration Office under Delegated Authority:

- Monitoring has been carried out concerning the appointment of Information Officers in public bodies from district administration offices.
- Regular meetings of Information Officers have been convened.
- Proactive disclosure and monitoring activities are not occurring as anticipated.

### 1.8 The Commission's Office and Staff Arrangements

The National Information Commission's headquarters is situated in Kathmandu. Additionally, the Commission possesses the flexibility to establish offices across various locations in Nepal as deemed necessary. To enhance the efficacy of activities concerning the right to information, the National Information Commission has proposed to the Government of Nepal the establishment of Provincial Information Commissions within all seven provinces. Additionally, a recommendation has been put forth to the Government of Nepal to establish a liaison office of the Commission either at the provincial level or at the district level until the Provincial Information Commission is established. Civil service personnel have been allocated by stipulating that the Government of Nepal will facilitate the staffing requirements for the commission. Serving as the administrative leader of the commission is a first-class civil service official designated as the secretary. Comprehensive information regarding the officers and staff employed within the commission is in **Schedule 3**.

The Secretariat of the Commission comprises three branches: the Administration Branch, the Planning and Promotion Branch, and the Appeals and Decision Implementation Branch, respectively. In total, there are 37 positions, consisting of 13 official-level positions, 8 assistant-level positions, and 16 unranked positions. The Government of Nepal allocates the requisite funds for the commission's operations. Since its establishment, the commission has conducted its activities from rented premises situated across multiple locations. In the meantime, the Commission has been granted with the former building of the Company Registrar's Office by the Government of Nepal.

**National  
Information  
Commission  
Building**



## **1.9 Annual Report of the Commission**

Section 25 of the Right to Information Act (2007) mandates that the Commission annually submit a report detailing its activities to the Federal Parliament through the Prime Minister. Adhering to this provision, the Commission has consistently presented reports since its establishment. Additionally, as outlined in Subsection (2) of Section 25 of the same Act, reports submitted in this manner are made publicly available through the commission's website, [www.nic.gov.np](http://www.nic.gov.np), for the benefit of the general populace.

The Commission has previously presented 14 reports to the Legislature-Parliament through the Prime Minister, covering fiscal years spanning from 2009/10 to 2021/22. The current submission marks the fifteenth report by the Commission.

## Chapter – 2

## **Acts, Rules, and Legal Provisions Relating to Right to Information**

Certain provisions were established in the Constitution of the Kingdom of Nepal 1959, Part 3, Article 3, Clause (6) under Personal Freedom, and in the Constitution of Nepal 1962, Article 11, Clause (6) under the Right to Equality, regarding the right to freedom within fundamental rights, mandating that individuals arrested shall not be detained without prompt notification of the reasons for their arrest.

But Article 16 of the Constitution of the Kingdom of Nepal, 1990, marked the inaugural inclusion of a distinct provision addressing the right to information, affirming the entitlement of every citizen to request and obtain information on matters of public significance. Additionally, certain provisions of the Interim Constitution of Nepal, 2007, also addressed this right. Subsequently, Article 27 of the present Constitution of Nepal promulgated in 2015 explicitly guarantees every citizen the right to seek and obtain information about public concerns. For the first time, the Right to Information Act (2007) and the Right to Information Regulations (2008) have been formulated based on constitutional provisions, leading to the establishment of the Information Commission in Nepal and the implementation of the right to information.

To operationalize the constitutional and legislative provisions governing citizens' right to information, the National Information Commission has undertaken measures to streamline and rectify its internal processes, including the establishment of the National Information Commission Meeting Management Procedures (2015), Appeal Procedures and Disposal Procedures (2021), Complaints Procedures and Disposition Procedures (2020) and Application Procedures and Disposition Procedures (2015) which are currently being enforced.

Similarly, the National Information Commission has issued and is currently implementing several guidelines and codes of conduct, including the Code of Conduct for Employees of the National Information Commission (2015); Guidelines on Proactive Disclosure Details for Public Agencies (2014), Procedural Rules Regarding Conduct of NIC Bench (2018), NIC Bench regulations and Cause list Management Directives (2019), RTI Monitoring Directives (2019), and Code of Conduct for Officials of the National Information Commission (2019).

### **2.1 Legal Framework of the Right to Information Act (2007) and the Right to Information Regulations (2008): Entities and Areas Eligible for Information Requests**

Nepali citizens have the right to request information on matters of public importance from various public bodies. According to clause (a) of section 2 of the Right to Information Act, a public body means:

- (1) Entities specified in the Constitution,
- (2) Entities established by legislation,
- (3) Entities formed by the Government of Nepal,

- (4) Offices of the Provincial Government or entities constituted by the Provincial Government,
- (5) Local government bodies or their offices,
- (6) Organizations or institutions providing public services as mandated by law,
- (7) Registered political parties and organizations in accordance with applicable laws,
- (8) Any entity wholly or partially owned or controlled by the Government of Nepal, or operating under government subsidy.
- (9) An organized entity established through an agreement with the Government of Nepal or by statutory enactment.
- (10) Non-Governmental Associations/Organizations operating directly or indirectly with funding from the Government of Nepal, foreign countries, or international organizations,
- (11) An organized entity wholly or partially owned or controlled by the Provincial Government, or receiving subsidies from it,
- (12) An organized entity established through an agreement with the Provincial Government or by statutory enactment,
- (13) Non-Governmental Organizations and Institutions operating directly or indirectly with funding from the Provincial Government,
- (14) Other entities or institutions designated as public bodies by the Government of Nepal through notices published in the Nepal Gazette.

“Matters of public importance” refers to issues of public concern as defined in clause (c) of Section 2 of the same Act.

## **2.2 Information Request Procedure and Appeal:**

1. Under Section 7 of the Act, individuals requesting information of public concern are required to provide reasons for their request. The application must clearly specify the desired information. If the requested information is readily available, the information officer shall promptly furnish it to the applicant. However, if the information is not immediately accessible, the information officer is obliged to provide it within fifteen days from the date of receiving the application.
2. If immediate provision of the information is not feasible, the Information Officer should promptly provide the information to the applicant, accompanied by an explanation. In cases where information concerning an individual’s safety is sought, such details must be provided within twenty-four hours of the request. Given the objective of fostering an open, transparent, responsible, and accountable governance framework as outlined in the Right to Information Act, information can be requested via oral communication, telephone, email, or alternative channels. There are no charges associated with information requests, and inquiries can also be submitted through heir.
3. The information officer is expected to provide the requested information to the applicant in the desired format to the extent feasible. Furthermore, in cases where an application is submitted for the examination or observation of any document, material, or proceedings,



the petitioner will be granted a reasonable timeframe for such study or observation by the information officer.

4. Regarding the fee required for information requests, as per Section 8 of the Act and Rule 4 of the Right to Information Regulation (2008), if specific provisions exist in the current legislation, the corresponding fee outlined therein applies. In the absence of such provisions, the following fee structure should be adhered to when submitting requests to the relevant public body:
  - (a) Five rupees per page for notices prepared or contained on standard-sized paper (up to 8.3 inches in width and 11.7 inches in length),
  - (b) Ten rupees per page for notices prepared or contained on paper larger than the standard size mentioned in clause (a),
  - (c) Fifty rupees per diskette or CD for information provided electronically on such storage media,
  - (d) For the examination or observation of documents, materials, or activities of public significance, or visits to construction sites of public importance lasting over thirty minutes, a fee of fifty rupees per person per hour applies. However, no fee shall be levied for accessing public libraries or other public facilities provided free of charge.
5. Notwithstanding anything contained in the above provisions, the relevant public body is obligated to provide information of up to ten pages, prepared or contained on standard-sized paper (up to 8.3 inches in width and 11.7 inches in length), free of charge. If the preparation of information exceeds the specified cost, the public body retains the authority to determine a fee based on the actual expenses incurred. This fee may be collected in cash or deposited in a designated bank account, with the applicant required to present a receipt or attach a ticket of equivalent value to the application. Although periodic reviews and updates of the notification fee were intended to occur every two years, such revisions have not yet been undertaken.
6. As stipulated in Section 9 of the Act, if the information officer fails to provide the requested information, refuses to do so, provides incomplete information, disseminates inaccurate information, or withholds information for which they are not the relevant authority, the concerned individual may lodge a complaint with the head of the office within seven days of the failure to receive the information or receipt of partial information.
7. Upon receipt of the complaint, should an investigation reveal that no information, incomplete information, or inaccurate information was provided, the head of the office will instruct the information officer to provide the requested information to the petitioner. Should such an order be issued, the information officer is obliged to comply accordingly. Additionally, if it is found that the information officer deliberately or maliciously withheld, refused to provide, or inaccurately supplied information, departmental action may be taken against them in accordance with applicable laws, as per Rule 5(a) of the Right to Information Regulations (2008). Furthermore, the head may issue an order to provide the available information within seven days. In cases where it is determined during the investigation that providing the information is not feasible, the head of the office will

make a decision accordingly and provide the applicant with an explanation for the same.

8. According to Section 10 of the Act, if no action is taken on the applicant's complaint within seven days of submission to the head of the office, or if the individual is dissatisfied with the decision made by the head of the public body, they may file an appeal with the Commission with following details within thirty-five days of receiving information regarding such decision. This can be done in person, by presenting a written application at the office, through an attorney, via email or online, or by mail through the post office or district administration office.
  - a. Appellant's full name, surname, nationality, and contact details, including email if available.
  - b. Attorney's full name, surname, nationality, and contact information if applicable
  - c. Opponent's full name, surname, nationality, and contact details if known.
  - d. A clear description of the information requested
  - e. Confirmation that the appellant visited the relevant public body to request the information.
  - f. If possible, details of the officer, branch, and sub-branch of the public body holding the information.
9. The appellant is required to provide the following documentation while filing an appeal:
  1. Documentation demonstrating Nepalese citizenship.
  2. A duplicate of the information request was submitted to the Information Officer.
  3. A duplicate of the evidence confirming the filing of a complaint with the Head of Office.
  4. A receipt or document with a postmark if the notification is requested by mail.
  5. In the case of attorney, a copy of the power of attorney, is properly authenticated by the relevant authority.

### **2.3 Commission's Decision-Making Process:**

In handling and resolving appeals received after the completion of the procedure, the Commission may summon the pertinent head or information officer for testimony, request document submission, gather witness testimonies, or request copies of documents from the public entity. While processing and resolving the appeal, the following directives may be issued:

- a) If deemed appropriate during the appeal process, the Commission may instruct the head of the relevant public entity and the information officer to provide information to the appellant without any charge within a designated timeframe.
- b) If the Commission determines that a public entity's head or information officer has unjustifiably withheld or denied information, provided incomplete or inaccurate information, or destroyed information, the Commission may impose a fine ranging from

one thousand to twenty-five thousand rupees. If deemed necessary, the Commission may formally recommend departmental disciplinary action against the responsible individual to the relevant authorities in writing.

- c) If the chief or information officer fails to provide information on time without justification, they may be levied a fine of two hundred rupees per day for each day of delay.
- d) The appeal may be dismissed if deemed futile.

The Commission will make a decision on the filed appeal within a timeframe of 60 days. It will proceed or dismiss the appeal after considering the appellant's claim, the response from the relevant authority, and an assessment of the evidence presented. Throughout the current fiscal year, the Commission convened twelve meetings. The decisions of these meetings are documented in Schedule 4.

## **2.4 Protection and Classification of Information**

The public body bears the responsibility of cataloging and arranging records, documents, and other pertinent materials concerning public interest information within its domain. Section 5 of the Act mandates that public bodies strive to maintain up-to-date information concerning their operations for at least two decades preceding the enactment of the Right to Information Act (2007). Updates and publications regarding the body's information should occur quarterly. Certain categories of information as mentioned below within public bodies are exempt from disclosure. Such information of a sensitive nature may remain confidential for a maximum period of thirty years. They include the following information:

- (a) Resulting in significant disruption to Nepal's sovereignty, integrity, national security, public peace and order, or international relations,
- (b) Having a direct impact on the investigation, inquiry, and prosecution of crimes,
- (c) Causing severe harm to economic, commercial, and monetary interests, or jeopardizing the protection of intellectual property, banking, or commercial confidentiality,
- (d) Directly undermining the harmony between various castes or sects,
- (e) Constituting a risk to personal privacy or to the life, property, health, or safety of any individual.

## Chapter - 3 Status of Appeals and Resolution

### 3.1 Details of Petitions, Complaints and Appeals

The table below displays the status of complaints and appeals lodged by citizens with the Commission due to dissatisfaction with information or decisions received from public bodies, or due to being denied information in accordance with the legal provisions outlined in the Right to Information Act (2007) and the Right to Information Regulations (2008). The data presented in the table reveals a yearly increase in the volume of complaints and appeals, indicating a notable shift in the pattern of information requests. The Commission actively manages the applications, complaints, and appeals it receives to ensure tasks are completed promptly. Details of the actions taken by the Commission regarding appeals are documented in Schedule 5.

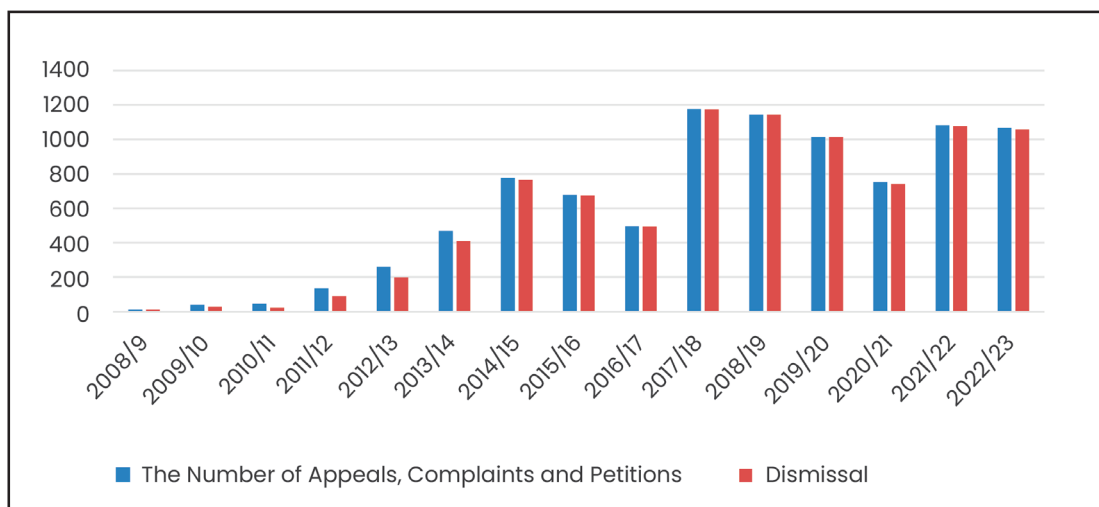
In the fiscal year 2022-23, a total of 1068 appeals were received. Among these, there were 1084 orders issued to submit written responses within 7 days, and 700 orders to provide information within the same timeframe. Additionally, 17 orders were issued, cautioning against reasons for potential action under section 32 of the Right to Information Act, while 4 orders mandated action under the same section. Further, there were 2 orders each under sections 30 and 29, and two orders according to section 31. It was also decreed that 354 appeals be dismissed due to either the appellant receiving or providing information. During this period, 6 orders were issued by the Commission for appeals not processed in accordance with the Act or falling outside its timeframe, to be registered by the Secretary of the Commission. A total of 2732 correspondences were exchanged regarding various appeals. Noteworthy decisions by the Commission on Appeals in the fiscal year 2022-23 are documented in Schedule 6.

**Table No. 2: Status of Appeal**

<b>Fiscal Years</b>	<b>Appeal</b>	<b>Settlement</b>	<b>Settlement Percentage</b>	<b>Remarks</b>
2008/9	12	11	91.67	
2009/10	39	29	74.36	
2010/11	47	22	46.81	
2011/12	136	90	66.18	
2012/13	260	199	76.55	
2013/14	470	409	87.02	
2014/15	777	765	98.45	
2015/16	678	674	99.41	
2016/17	672	670	99.79	
2017/18	1176	1175	99.99	

2018/19	1144	1144	100	
2019/20	1013	1013	100	
2020/21	753	742	98.5	Appeal only
2021/22	1083	1077	99.4	
2022/23	1068	1054	99.04	

Chart no. 1: Status of Appeal



### 3.2 Overview of Appeals across Diverse Sectors

During the fiscal year 2022–23, the Commission received 1068 appeals concerning the enforcement of the right to information. The breakdown reveals that the majority of appeals, constituting 72.05 %, originate at the local level. Appeals associated with banks and financial institutions account for 12.17 %, while those in the education, health, and sports sectors collectively make up 2.33 %.

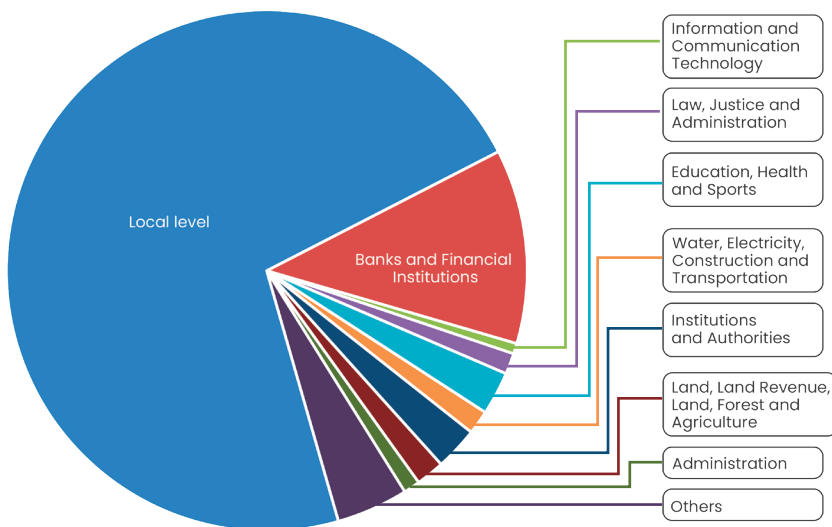
Table No. 3: Overview of Appeals across Diverse Sectors

SN	Sector	Fiscal Year 2021/22	Fiscal Year 2022/23	Percent
1	Local level	851	775	72.05
2	Banks and Financial Institutions	112	130	12.17
3	Information and Communication Technology	3	7	0.65
4	Law, Justice and Administration	11	14	1.31
5	Education, Health and Sports	42	29	2.33

6	Water, Electricity, Construction and Transportation	7	16	1.5
7	Institutions and Authorities	18	29	2.7
8	Land, Land Revenue, Land, Forest and Agriculture	9	19	1.77
9	Administration	5	11	1.02
10	Others (NGOs and Other Organizations)	25	48	4.5
	Total	1083	1068	100

The diagram depicting the sectoral breakdown of the 1068 appeals received by the Commission is presented below:

**Diagram No. 1: Status of Sectoral Appeals**



The Commission has projected that there should be a higher volume of information requests at the local level, given the appeals arising from the non-receipt of local-level information. It stands to reason that the citizens would take a keen interest in local activities, which directly affect them. The elevated number of appeals may stem from either an increased demand for local-level information or a reluctance to provide such information. A separate study is warranted to ascertain the precise cause.

### 3.3 Overview of Complaints and Petitions

During the fiscal year 2022-23, the Commission received one complaint concerning information classification, two complaints regarding informant protection, and four complaints related to the misuse of provided information. The Commission took appropriate action on all these complaints.

**Table no. 4: Status of Complaints, Petitions**

Fiscal Year	Complaints and Petitions	Settlement	Settlement Percentage
2022/23	7	7	100

**3.4 Status of Provincial Appeals****Table no. 5: Details of Provincial Appeals**

State	Female	Male	Other	Total	Percentage
Koshi	63	44	2	109	10.2
Madhesh	99	142	1	242	22.65
Bagmati	72	60	8	140	13.1
Gandaki	83	42	2	127	11.9
Lumbini	81	40	2	123	11.51
Karnali	79	82	1	162	15.16
Far-West	81	83	1	165	15.44
Total	558	493	17	1068	100

In the current fiscal year, when examining the utilization of the right to information across various provinces, it is evident that Madhesh receives a greater volume of information requests compared to other provinces. Moreover, within the demographic of information requesters, women constitute a higher proportion in Madhesh. Additionally, Madhesh experiences the highest number of appeals resulting from information unavailability, whereas Koshi province witnesses the lowest number of such appeals.

## Chapter- 4

### **The Directives, Advice, Recommendations, and Penalties issued by the Commission**

Section 19 of the Right to Information Act (2007) delineates the duties, responsibilities, and authority vested in the National Information Commission. Subsection (e) empowers the Commission to compel relevant entities to adhere to the mandates outlined in the Act, while Subsection (g) emphasizes safeguarding and fostering the right to information. Moreover, the Commission is empowered to issue additional directives essential for effective implementation. Over time, the Commission has issued directives or guidance to disseminate, facilitate, provide, or organize pertinent information beneficial to the general public. Likewise, if information requested under the right to demand and receive, as stipulated in Section 32 of the Right to Information Act (2007) and the Constitution of Nepal, is not provided without reasonable justification, if it is determined that the information is withheld, provided inaccurately or partially, or if it is destroyed, or if there is a delay in its provision, or if decisions or orders made under the law are disregarded, provisions are in place to penalize or take action against the head of the office, the information officer of the respective public body, or other responsible individuals. The Commission has utilized this authority to take action against such officials, resulting in disciplinary measures against four officers during the current fiscal year.

#### **4.1 Important Directives Issued by the Commission**

##### **4.1.1 The Directives Issued on July 21, 2022 to All Political Parties Registered Under Existing Legislation**

Section 2(a) of the Right to Information Act (2007) specifies that political parties and organizations registered in accordance with existing laws are considered public bodies. Subsection (1) of section 3 of the same Act preserves the right to information for every Nepali citizen under this Act, while Subsection (2) guarantees access to information held by public bodies. Section 4 outlines the responsibilities of public bodies, and Subsection (4) of section 5 mandates public bodies to regularly update and publish information every three months as per Subsection (3). Similarly, Subsection (1) of Section 6 requires public bodies to designate an information officer for the purpose of disseminating information within their respective offices.

Upon reviewing the websites of political parties registered in accordance with current legislation, it becomes apparent that many exhibit apathy towards adhering to the right to information. The democratic and republican parliament, established following the People's Movement in 2006, recognized the necessity of bolstering citizens' rights and fostering transparency, accountability, and responsibility within public bodies. Consequently, the Right to Information Act was enacted in 2007, with political parties playing a pivotal role in its formulation. It is undeniable that the effective enforcement of this law by political parties will not only enhance their own accountability but also pave the way for other public bodies to uphold the principles of good governance and transparency in implementing the right to information.



The Commission believes that adherence to the right to information law is pivotal in fostering a prosperous and well-governed Nepal. To facilitate the effective implementation of this right, the commission has historically promoted the enforcement of legal frameworks about the right to information through various means such as engagement, training sessions, discussions, and written directives with political parties. Moreover, the Commission asserts that political parties, as leaders committed to advancing the nation's prosperity and empowering citizens, play a crucial role in spearheading the implementation of the right to information.

As a result, it has been determined to dispatch a written notification to all political parties registered in compliance with current legislation, reminding them of past directives to undertake the following actions:

- 1) Appoint an information officer as stipulated in Subsection (1) of Section 6 of the Right to Information Act (2007) and Rule 24(a) of the Right to Information Regulations (2008). The information officer's details including name, position, contact number (both landline and mobile), email address, and room number are to be made public.
- 2) Adhere to the requirement outlined in Subsection (4) of section 5 of the Right to Information Act (2007) by updating and publishing information as per Subsection (3) every three months.
- 3) Meet the responsibilities delineated in section (4) of the Right to Information Act (2007).
- 4) Abide by the provisions of the Right to Information Act (2007) when a Nepali citizen requests information, ensure the provision of information within the designated timeframe in a manner that is clear and easily comprehensible.

#### **4.1.2 Directive Dated July 21, 2022 to Keep and Make Public the Information Officer's Details**

Article 27 of the Constitution of Nepal declares that every citizen possesses the entitlement to solicit and obtain information pertaining to any matter of public concern. Subsection (1) of Section 3 of the Right to Information Act (2007) affirms the right to information for every Nepali citizen, contingent upon compliance with this Act, while Subsection (2) ensures access to the information within public bodies. Furthermore, Subsection (1) of section 4 of the same Act mandates the appointment of an information officer.

To ensure the effectiveness of this arrangement and to enhance accessibility for the general public, the Commission has mandated public bodies to disclose comprehensive details of information officers, including their name, position, contact numbers (both landline and mobile), email addresses, room numbers, website links, as well as through flex prints and other communication channels. Moreover, the Commission has urged public bodies to equip information officers with mobile phones, and SIM cards, and cover related expenses. It has also urged them to maintain comprehensive records of information officers and facilitating easy access for the public will foster trust in the respective public entities. Naturally, this responsibility also falls within the purview of public bodies. Hence, under the authority granted by

Clause (e) of Section 19 of the Right to Information Act (2007), it is mandated that the following actions be taken in the name of the heads of the following bodies (see ‘a’ and ‘b’ below).

Furthermore, to ensure compliance across all public bodies, the Chief Secretary of the Government of Nepal is directed to convey the message to federal public bodies, the Chief Secretary of the Office of the Chief Minister and Council of Ministers is tasked with communicating to provincial public bodies, and the Secretary of the Ministry of Federal Affairs and General Administration is responsible for relaying the message to local levels through written correspondence.

**a. Organizations:**

1. Ministry of Physical Infrastructure and Transport
2. Department of Transport Management
3. Ministry of Education
4. Department of Foreign Employment
5. Nepal Electricity Authority
6. Ministry of Agriculture and Livestock
7. Tribhuvan International Airport
8. Passport Department
9. Ministry of Defence
10. Office of the Registrar of Companies
11. Department of Roads

b. The flex displaying the information officer’s name, position, contact numbers (both landline and mobile), email address, and room number should be positioned near the office entrance for easy visibility by all. Additionally, it should be consistently featured on the organization’s website and other publications, such as the annual report and bulletins.

**4.1.3 Suggestion Provided on September 1, 2022 to Enhance Transparency within the Election Commission:**

To ensure fairness, integrity, transparency, and accountability in the upcoming House of Representatives and Provincial Assembly elections, and to foster an environment where voters can access comprehensive information, the following suggestions are submitted to the Election Commission:

- (a) Arrange for the public availability of nomination papers and associated documents submitted by candidates for the elections, allowing general voters access to these materials.
- (b) Post-election, facilitate the public disclosure of candidates’ election expenses as per legal requirements.

**4.1.4 Recommendations on Information Technology Policy, Dated December 1, 2022:**

- a) It is recommended that the Government of Nepal develops an information technology system that upholds the constitutional and legal rights of Nepali

citizens, ensuring easy access to information when the government or other public bodies implement such systems.

- b) The Commission is in the process of establishing an information technology-based system to facilitate citizens' access to the right to information. Sustainable management of this system requires resource allocation. Therefore, the Ministry of Communication and Information Technology is urged to incorporate the Commission's information technology system into the ongoing World Bank-supported project for its enhancement and maintenance.
- c) The Ministry of Communication and Information Technology is advised to formulate a policy that addresses potential infringements on citizens' personal privacy by Artificial Intelligence when the Government of Nepal develops information technology policies.

#### **4.1.5 Recommendations on Addressing Gender-Based Violence in Politics through the Right to Information, Dated January 9, 2023:**

- a. It is recommended that the Ministry of Women, Children, and Senior Citizens incorporate the right to information into any policies, laws, procedures, and training initiatives concerning gender-based violence.
- b. Political parties are urged to establish explicit policies condemning gender-based violence and submit them in writing to the Election Commission, acknowledging the right to information as an integral component of such policies.

#### **4.1.6 Case of Sarita Bhandari against the Office of the Registrar, Tribhuvan University, Kirtipur, Dated January 19, 2023**

Sarita Bhandari, originally from Darwasha Village in Morang District and presently residing in Dhankuta Municipality-6, submitted a complaint to the Commission on January 2, 2022. Her demand included the overturning of the university's decision to terminate her employment without contract renewal, along with reinstatement, compensation, and payment of full salary for the suspension period. She also sought the protection of informant under Section 29 of the Right to Information Act (2007) in accordance with Sub-section (4) of the notification and Sub-section (5) of the Act. Despite Sarita's disclosure of examination irregularities and corruption, she was wrongly implicated in the initial report. Consequently, the Executive Council of Tribhuvan University suspended her following its decision dated March 17, 2021.

In response to the complaint application in question, this Commission has directed the registrar's office at Tribhuvan University, under the authority of the Kirtipur office on February 7, 2023, to provide a written statement to the Commission within seven days. This statement should include any grounds and evidence for the potential failure to issue an order, as outlined in Sub-Section (4) of Section 29 of the Right to Information Act (2007).

Upon thorough examination of the report provided by the Investigation Committee of the District Police Office, as per the request of Tribhuvan University under the directives of the Police Head Office, it has been discovered that irregularities occurred

during the examination process. Additionally, it was revealed that the officials and staff implicated attempted to conceal these irregularities and failed to fulfill their lawful obligations. Consequently, it is deemed necessary to take appropriate legal action in accordance with the prescribed procedures.

The investigation has verified the occurrence of the incident, although the individual responsible for exchanging the answer sheet remains unidentified. Consequently, in accordance with the decision No. 743 made by the Executive Council meeting of Tribhuvan University on March 17, 2021, Rudra Prasad Pokharel, Assistant Campus Head of Dhankuta Multipurpose Campus, and the appellant Sarita Bhandari have been suspended. This action further corroborates the occurrence of the incident.

Henceforth, the registrar of Tribhuvan University has been directed to lift the suspension imposed by the decision of the Tribhuvan University Executive Council on the appellant. Additionally, the registrar is tasked with extending the appellant's contract period in her current position or making any necessary adjustments as deemed fit. Furthermore, the registrar is instructed to ensure the provision of remuneration, facilities, etc, for the period in question, if previously withheld or unpaid, in accordance with Sub-Section (5) of Section 29 of the Right to Information Act (2007).

#### **4.1.7. Case of Rabindra Singh Mahat against Tribhuvan University, Institute of Science and Technology Studies, Amrit Campus in Kathmandu, Dated December 19, 2022**

Rabindra Singh Mahat, a resident of Panchakanya Rural Municipality-2, Nuwakot, lodged a complaint on September 22, 2022. He sought redressal against Dr Lok Bahadur Baral, the campus chief, who suspended him from the role of Assistant Campus Head. The suspension stemmed from allegations of disclosing campus-related information in public media. Mahat demanded the cancellation of the suspension and advocated for the protection of informer, citing Section 29 (4) of the Right to Information Act (2007). He urged for reinstatement to his former role with full responsibilities and service benefits, as outlined in Subsection (5) of the Act.

In reaction to the complaint in question, the Commission on July 25, 2022, directed Tribhuvan University, Institute of Science and Technology Studies, Amrit Campus, Kathmandu to furnish a written statement within seven days. This statement is expected to detail any grounds and evidence regarding the possible omission to issue an order, as prescribed in Subsection (4) of Section 29 of the Right to Information Act and to cancel the decision as per Subsection (5).

In response to the Commission's instruction, Dr. Lok Raj Baral, head of Amrit Campus in Kathmandu, acting on behalf of Tribhuvan University's Institute of Science and Technology Studies, issued a letter dated July 20, 2019. The letter clarified that no action had been taken merely based on providing information requested by the appellant. Dr. Lok Bahadur Baral submitted a written reply, asserting that the actions taken were by constitutional provisions, statutes, laws, and regulations. These actions adhered to regulations governing the right to information, ensuring no violation of laws or decisions solely driven by the information provided. Furthermore, it was

highlighted that the petitioner's actions extended beyond their official responsibilities. In ongoing proceedings, as dictated by pertinent laws and regulations of Tribhuvan University, a written response was submitted, questioning the proposed actions as unwarranted and potentially disruptive to the process.

This directive, issued by the Commission in the name of the chief of Amrit Campus, Kathmandu, adheres to Subsection (5) of Section 29 of the Right to Information Act. It prohibits any further action against Assistant Campus Head Rabindra Singh Mahat, including the reduction of his entitled facilities during the suspension period, in accordance with the law. This decision is supported by the documentation received, which confirms that Mahat, the complainant, has reported and endeavored to rectify irregularities within the campus, thus demonstrating his commitment to improving the campus environment.

#### **4.1.8. Case of Adhyatma Subedi against Public Service Commission, Kathmandu, Dated April 29, 2023**

On February 28, 2023, Adhyatma Subedi, a resident of Kathmandu District, Kathmandu Metropolitan-14, Balkhu, lodged an appeal to reassess the classification performed by the Public Service Commission, Kathmandu, according to the decision dated July 16, 2018. The appeal further requested the disclosure of information to the relevant individual, allowing them to view the marks obtained for each paper separately.

Regarding the appeal above, a directive was issued on March 16, 2023, mandating the submission of a written report to the Commission within seven days, as stipulated in Subsection (3) of Section 27 of the Right to Information Act, addressed to the Public Service Commission, Kathmandu.

Following the Commission's directive, the Public Service Commission, Kathmandu, provided a written response, asserting that by the provisions outlined in the Public Service Commission Act (2010) and recognizing the confidentiality and sensitivity of the Commission's examinations and associated documents, such materials shall be kept confidential. The Commission emphasized that it is not obligated to disclose such documents unless mandated by a court order, and any disclosure of documents or details is subject to determination by the Commission. Furthermore, the classification of information adheres to the provisions outlined in the aforementioned Act.

Because of the appellant's persistent complaints about the mentioned written response, the Commission has ordered the cancellation of the classification made for sharing Commission documents or details with the concerned individual, as per the decision dated July 16, 2018 of the Public Service Commission. If classification is still required, the Public Service Commission will take the following steps. It is directed to refer the matter to the classification committee as per the provision outlined in Sub-section (1) of Section 27 of the Right to Information Act (2007), for classification.

- a) Establish a provision to provide only the answer sheets of the relevant examinees upon their request.
- b) Implement a provision to provide the results of the written examination upon

- request by the examinee.
- c) Ensure that candidates can obtain the application form, attached documents referenced in the interview, and the interview scores.
  - d) In cases where information is classified according to the Commission's classification table, specify the duration for which confidentiality will be maintained.

## **4.2 Commission's Response to Complaints**

In instances where citizens file complaints with the National Information Commission regarding the failure to receive requested information from public entities, as stipulated in Article 27 of the Constitution of Nepal and the Right to Information Act (2007), the Commission will initiate actions in accordance with Section 32 of the Right to Information Act. As of this fiscal year, 41 heads of public bodies and information officers have faced prosecution. Specifically, action has been taken against heads and information officers from 4 public bodies during this fiscal period. Further elaboration on the Commission's actions is provided in Schedule 7. The Commission perceives these measures as encouraging greater accountability among public entities and the realization of citizens' right to information. A concise overview of the actions undertaken during this fiscal year is outlined in the accompanying details.

### **4.2.1 Disciplinary Action Against the Controller of Examinations, Tribhuvan University**

Rajib Das, a resident of Rautahat District, Malohia-5, sought information from the Tribhuvan University, Examination Control Office, Balkhu, concerning the duration of completion for academic programs at Tribhuvan University. Upon failure to receive the requested information, Das lodged an appeal on February 16, 2022. In response to this appeal, the Commission issued an order on February 21, 2022, directing the Tribhuvan University, Examination Control Office, Balkhu, to provide a written report to the Commission within seven days, as per Subsection (2) of Section (10) of the Act.

Following the Commission's directive, the appellant lodged another complaint on March 14, 2022, stating that no information had been received from the Examination Control Office, Balkhu, of Tribhuvan University. In response, the Commission issued an order on March 18, 2022, addressed to Tribhuvan University, Examination Control Office, Balkhu, mandating the provision of information within seven days, in accordance with clause (a) of Subsection (3) of Section 10 of the Act.

The appellant filed another complaint on April 28, 2022, stating that despite the Commission's instruction to furnish information, none had been provided. In reaction to this complaint, on June 2, 2022, the Commission instructed the head of the Examination Control Office at Tribhuvan University, Balkhu, to clarify why no disciplinary action should be taken, including the possibility of imposing fines as outlined in Sub-section (1) of Section (32) of the Right to Information Act. It was specified that any justifications and evidence should be submitted to the Commission within seven days.

Despite the Commission's directive, the Examination Control Office at Tribhuvan University, Balkhu, failed to respond. Consequently, the appellant lodged another

complaint on July 11, 2022, urging action in accordance with Sub-section (1) of Section 32 of the Right to Information Act and requesting the provision of information.

On July 21, 2022, the Commission ordered a fine of 20,000 rupees (twenty thousand rupees only) to be imposed on Pushparaj Joshi, the Head of Office at the Controller of Examinations, Tribhuvan University, Examination Control Office, Balkhu, in accordance with Sub-section (1) of Section 32 of the Right to Information Act (2007).

#### **4.2.2 Penalty Imposed on the Head of Mankamana Community Forest User Group Office, Kapilvastu**

Indramani Paudel, a resident of Banganga Municipality-2 in Kapilvastu District, lodged an appeal on July 10, 2020 with the office head of Mankamana Community Forest User Group, Kapilvastu, after failing to receive information regarding tree-cutting activities during the fiscal year 2018/19. In response to this appeal, the commission issued an order on July 13, 2020, addressed to the office of Mankamana Community Forest User Group, Kapilvastu, seeking clarification on whether there were any justifiable reasons to withhold information from the appellant. The order instructed the office to provide a written response to the Commission within seven days, excluding the time required for the postal route.

The appellant lodged another complaint on March 29, 2022, stating that despite the Commission's order, the Manakamana Community Forest User Group office in Kapilvastu had not provided the requested information. Subsequently, on April 21, 2022, the Commission sent a letter to the office of the Mankamana Community Forest Consumer Group in Kapilvastu, instructing them to furnish the information requested by the appellant within seven days. However, on June 3, 2022, the appellant complained once more, alleging that the Manakamana Community Forest User Group office in Kapilvastu still had not provided the information despite the Commission's order and correspondence.

In response to the mentioned complaint, the commission issued an order on June 30, 2022, accompanied by a warning stating that failure to provide the information would result in action being taken in accordance with Section 32 of the Right to Information Act (2007).

The appellant raised another complaint on August 2, 2022, alleging that instead of complying with the demand for information as instructed by the commission, the opposing party resorted to threats.

Upon receiving the aforementioned complaint, the Commission issued an order on August 25, 2022 to levy a fine of Rs. 5,000 (Rupees five thousand only) on Amit Poudel, Chairperson and Head of Office of Mankamana Community Forest User Group Office in Kapilvastu. This action was taken in accordance with Sub-section (1) of Section 32 of the Right to Information Act, as Poudel was found to have violated citizens' right to information as guaranteed by the constitution.

#### **4.2.3 Penalty Imposed on Siraha Municipality Office, Siraha**

Parshuram Sah, a resident of Siraha Municipality-7 in Siraha District, filed an appeal

with the Commission on June 6, 2022 citing the failure of the Siraha Municipality Office, Siraha to provide requested information, including details regarding the withholding of salary and allowance. In response to this appeal, the Commission issued an order on June 7, 2022, addressed to the Siraha Municipality Office, Siraha, instructing them to submit a written response to the Commission within seven days, as stipulated in Subsection (2) of Section 10 of the Right to Information Act (2007)

As no information was furnished within the stipulated timeframe following the Commission's directive, an order was issued on July 14, 2022, mandating the provision of information within seven days in accordance with clause (a) of Subsection (3) of Section 10 of the Right to Information Act. Despite the Commission's subsequent order, the opposing party failed to provide any information. Consequently, on August 18, 2022, an order with a warning was issued, stating that failure to comply with the Commission's directive dated July 14, 2022, would result in disciplinary action against Baliram Yadav, Head of Office of Siraha Municipality and Chief Administrative Officer of Siraha, as per Section 32(1) of the Right to Information Act.

On January 26, 2023, an order was issued to impose a fine of 15,000 rupees (Fifteen thousand rupees only) on Baliram Yadav, Chief Administrative Officer, Head of Office of Siraha Municipality, in accordance with Sub-section (1) of Section 32 of the Right to Information Act. This penalty was imposed because Yadav failed to provide the requested information despite the Commission's directive.

#### **4.2.4 Disciplinary Action Against the Head of Kanchanrup Municipality Office, Saptari**

Kailash Majhi, a resident of Saptakoshi Municipality-11, Saptari District, filed an appeal with the Commission on March 19, 2021, requesting information from the Kanchanrup Municipality Office, Saptari, after not receiving the requested information. Following the appeal, the Commission issued an order on March 29, 2021 directing the Kanchanrup Municipality Office, Saptari, to provide a written report to the Commission within seven days, as per Subsection (2) of Section 10 of the Right to Information Act (2007). As information was not provided within the stipulated timeframe following the Commission's directive, a subsequent order was issued on September 16, 2021 mandating the provision of information within seven days, as per Clause (a) of Sub-section (3) of Section 10 of the Right to Information Act. Despite the Commission's directive, the opponent failed to provide information. Consequently, an order dated December 22, 2022 was issued addressed to Renuka Shah, Chief Administrative Officer of Kanchanrup Municipality Office, Saptari, cautioning that failure to provide the information would result in action being taken in accordance with Section 32 (1) of the Right to Information Act.

As the required information was not provided despite the Commission's directives, an order dated March 7, 2023 was issued by the Commission to levy a penalty of Rs. 15,000 (Rupees fifteen thousand only) on Renuka Shah, the Chief Administrative Officer of Kanchanrup Municipal Office, Saptari, in accordance with Sub-section (1) of Section 32 of the Right to Information Act. Furthermore, departmental action was initiated against her.



## Chapter- 5

**Promotional Activities conducted by the Commission****5.1 Background**

The Article 27 of the Constitution of Nepal has secured the right to have information and right to acquire information for each citizen regarding their own or public affairs-related matters.

Respecting the same provision, the Constitution of Nepal (2015), Part 3, Fundamental Rights and Responsibilities Section 27, has secured the right to have information and the right to acquire information to each citizen regarding their own or the public affairs related matters to maintain accountability towards citizens by making open and transparent government and subordinate public bodies.

The Right to Information Act (2007) was issued by Parliament to make the state's activities open and transparent in accordance with the democratic functioning, to be accountable and responsible towards citizens, to make simple and easily accessible information of public importance available on public bodies to general public, to protect sensitive information that might have negative effect on the welfare of citizen and state and to protect and promote the informed rights of citizens along with implementation of the right to information secured in Constitution.

In the same Act, there is a provision of an independent National Information Commission for the protection, promotion, and practice of the constitutionally guaranteed Right to Information.

Different activities have been carried out by National Information Commission to achieve the objectives and goals set by Right to Information Act (2007) and Regulations (2008). In this section, the Commission states different programs conducted in fiscal year 2022-23 to practice the Right to Information.

Right to Information can only be utilized by the general public when the right to information related awareness is reached in the general public level. In addition, Commission is continuously working to ensure that general public is able to utilize the right to information to make public bodies accountable, responsible, and transparent. These activities mainly include district and local level interaction and training programs, right to information related days celebrations, capacity building programs, publication and promotion, different activities, programs with collaboration with different bodies, partnerships, and reward and punishment.

**Objectives**

- To raise awareness among right to information related to people's representatives, national servants, and the general public

- To motivate responsible officials of public bodies to respect the constitutionally provided Right to Information
- To encourage public bodies to disclose details of completed activities conducted by each body in every three months
- To instruct to make arrangements for Information Officers in public bodies and make information flow simple and easy by capacitating the designated Information Officer through training and orientation programs
- To encourage to maintain consistency by developing a procedure of keeping a separate record of the details of requested information in public bodies
- To motivate responsible officials to provide the requested information within the time bound as fixed by the law and provide information regarding the bodies to complain or appeal in case the citizens do not receive the information they are supposed to receive.
- To classify the information outlined in the Act and provide details on which information is mandatory for disclosure and which should remain confidential
- To communicate informational messages about the Act/Regulations on right to information and global trends
- To encourage citizens to demand information to make public bodies govern effectively and with transparency.

## **5.2 Interaction and Training Program**

In Subsection (1) of Section 11 of Right to Information Act (2007), there is a provision of an independent National Information Commission for the protection, promotion, and practice of Right to Information. The commission has been conducting different interaction and training programs as a part of the responsibility received to protect, promote, and practice Right to Information. Although enough programs have not been launched due to budget limitations, the Commission has encouraged the participants to implement the Right to Information by conducting different programs. In this fiscal year, an orientation program was conducted with the office head, Information Officer, local representative, civil society, campaigners of Right to Information, media persons, and the public. A total of 1012 people, 159 women and 853 men, participated in the program.

### **5.2.1 District level Right to Information Related Programs**

#### **A. Charikot, Dolakha**

National Information Commission conducted a district-level interaction program in Charikot, the headquarters of Dolakha district, at the District Coordination Committee's Hall on September 15, 2022. The program was conducted under the Chairmanship of Information Commissioner Mr. Ratna Prasad Mainali where the head of the District Coordination Committee Mr. Barjuram Ghatani was the chief guest.

Chief guest Mr. Barjuram Ghatani while inaugurating the program requested the Commission to take special initiative to reach this information to the public level

as right to information is an important right of the citizens.

Information Commissioner Mr. Ratna Prasad Mainali stated that the activities of all the bodies under the Office of the President to Ward Office should be transparent as they are all public bodies. He added that the activities and the conducted tasks by all the I/NGOs cannot be inaccessible to the general public and further mentioned that the local level is the government at the doorstep of the citizens and as there is most lively relation with citizens, citizens are closely monitoring the activities conducted by the local level.

The Guest for the program was Chief District Officer Mr. Bhoj Raj Khatiwada, and Secretary of Commission Mr. Diwas Acharya presented a working paper. There were representatives of different security agencies, chairpersons of public bodies and Information Officers and media persons, and campaigners with a total of 106 attendees including 17 women, and 89 men. The program cost amounted to NPR 1,26,465.

## **B. Achham, Mangalsen**

National Information Commission conducted the right information-related district-level interaction program on December 28, 2022, in Mangalsen, Achham. The program was chaired by the Chief Information Commissioner of the Information Commission Mr. Mahendra Man Gurung and the chief guest was the head of the District Coordination Committee of Achham Mr. Lalit Bahadur Kunwar.

During the program inauguration, chief guest Mr. Lalit Bahadur Kunwar requested everyone to ensure information is accessible to the general public and comply with the right to information.

Chief Information Commissioner Mr. Mahendra Man Gurung emphasized that all the officials of public bodies, people's representatives, media persons, and civil society should be actively involved in implementing right to information. Chief Commissioner mentioned that there are complaints from the citizen level regarding the implementation of right to information even though the head of the office and Information Officer of public bodies are aware of the constitutional and legal system regarding right to information and he added that it is everyone's responsibility to execute and enforce the constitutional and legal system and therefore nobody can shirk from their responsibility of implementing right to information. Mr. Gurung emphasized that the information guaranteed by the Constitution and legally demanded by citizens should be immediately provided and added that no one should disobey the law.

The guest for the program was the Chief District Officer of Achham district Mr. Ram Dutta Pandey and the Secretary of the Commission Mr. Diwas Acharya presented a working paper. Heads of offices of different offices, Information Officers, security agencies, media persons, and campaigners were present. The total participants were 75 with 2 women and 73 men. The program cost amounted to NPR 1,40,370.

### **C. Jomsom, Mustang**

National Information Commission conducted right to information related district-level interaction program on May 15, 2023, in Jomsom, Mustang district. The program was chaired by the Chief Information Commissioner Mr. Mahendra Man Gurung and the chief guest was the head of the District Coordination Committee Ms. Ram Maya Gurung.

The head of the District Coordination Committee Ms. Ram Maya Gurung thanked the Commission for conducting the important program related to right to information in the Mustang district and committed to implementing it.

Chief Information Commissioner Mr. Mahendra Man Gurung emphasized that all the officials of public bodies, people's representatives, media persons, campaigners, and civil society should be actively involved in implementing right to information. Information Commissioner Mr. Gurung emphasized that the relationship between the information requester and the responsible officials of information-providing bodies should be improved and requested the heads of public bodies, Information Officers, and everyone to respect right to information.

The guests for the program were the Chairperson of Gharapjhong Rural Municipality Mr. Mohan Singh Lalchan, Chief District Officer Mr. Anup K.C., General of the Military Higher Education Directorate Mr. Sunil Singh Rathore and President of the Federation of Nepalese Journalist of Mustang Mr. Sundar Lal Gauchan. Secretary of Commission Mr. Diwas Acharya presented a working paper. There were heads of offices of different offices, Information Officers, representatives of security agencies, media persons, and campaigners with 76 total participants including 9 women and 67 men. The program cost amounted to NPR 1,17,000.

### **D. Tansen, Palpa**

National Information Commission conducted right to information related district-level interaction program on June 12, 2023, at Tansen of Palpa district. The program was chaired by the Information Commissioner Ms. Kamala Oli Thapa and the chief guest was the head of the District Coordination Committee (Palpa) Mr. Tanka Nath Khanal.

Information Commissioner Ms. Kamala Oli Thapa stated that the sharing of information should be developed as a culture to practice the right to information and for that, she emphasized increasing the creative role of mainly women and non-governmental organizations. She briefed the activities conducted by the Commission and further stated that the Commission will not back down to punish the head of the public bodies if they do not comply with the constitutionally granted citizens' right to receive information.

The guests for the program were the Mayor of Tansen Municipality Mr. Santosh Lal Shrestha and the Chief District Officer Mr. Bandhu Prasad Bastola. Under Secretary of Commission Mr. Ram Prasad Khanal presented a working paper. The program was attended by the head of offices of different public bodies, Information

Officers, media persons, and campaigners where the total participants were 91 with 14 women and 77 men. The program cost amounted NPR 1,15,765.

### **E. Besishahar, Lamjung**

National Information Commission conducted right to information related district-level interaction program on July 5, 2023 at Beshisahar, the headquarters of Lamjung district. The program was conducted in the District Coordination Committee's assembly hall and the program was chaired by the Information Commissioner Mr. Ratna Prasad Mainali. The chief guest was the head of the District Coordination Committee of Lamjung Mr. Purna Bahadur Gurung.

The head of the District Coordination Committee of Lamjung Mr. Purna Bahadur Gurung expressed that demanding information is the right of citizens and therefore working in a public body and not providing the information is denying the responsibility towards citizens, constitution, and legal system. Information Commissioner Mr. Ratna Prasad Mainali requested the head of the public bodies and Information Officer to respect the constitutional fundamental right of citizens to information and instructed to appoint an Information Officer to make the information demanded by citizens easily accessible, regularly auto published timely and keep a separate record of the information demanded. Information Commissioner Mr. Mainali mentioned that a sacrificial struggle has been made to establish the right to information and therefore it is the duty and responsibility of everyone to respect the rights secured this way. Referring to the events of the national and international context of good governance by usage and practice of right to information along with working paper, he further mentioned that the right to information is important to make public bodies accountable by maintaining good governance. A total of 74 participants including 6 females and 68 males were present in the program. The program cost amounted to NPR 93,450.

The Mayor of Beshisahar Municipality Mr. Guman Singh Aryal and the Chief District Officer of Lamjung Mr. Ramkrishna Adhikari were the guests for the program. Under Secretary of Information Commission Mr. Ram Prasad Dhakal presented a working paper.

### **F. Gorkha, Gorkha**

National Information Commission conducted a right to information related district-level interaction program on July 6, 2023, at the headquarters of Gorkha district. The program was chaired by the Information Commissioner of Information Commission Mr. Ratna Prasad Mainali and the chief guest was the head of the District Coordination Committee of Gorkha Mr. Mohan Bahadur Thapa Magar.

Thanking the Information Commission for organizing right to information-related program in Gorkha district despite the busy schedule of rice plantation, the head of the District Coordination Committee Mr. Mohan Bahadur Thapa added that the essence of the right to information would have worked properly if the program was conducted by keeping the local level representatives and staffs together.

Mentioning the historical context of the right to information, Information Commissioner Mr. Ratna Prasad Mainali highlighted the responsibility of local bodies for its implementation. He discussed the legal system of providing the information in a way as demanded by citizens and further explained in detail about the importance of right to information to make government and public bodies accountable by maintaining good governance and the method of using the right to information, the step taken by Commission after receiving the appeal. Mr. Mainali emphasized in providing the information demanded by citizens easily and for this matter, local bodies should create an information-friendly, simple, and easy environment.

The guests for the program were the Mayor of Gorkha Municipality Mr. Krishna Bahadur Rana Magar, the Chief District Officer Mr. Dinesh Sagar Bhusal, Vice President of the Federation of Nepalese Journalism of Gorkha Mr. Narendra Dhakal, and the President of National Federation of Gorkha for Right to information Mr. Rajendra Neupane. Under Secretary of Commission Mr. Ram Prasad Dhakal presented a working paper in the program.

Heads of offices of different public bodies, Information Officers, representatives of security agencies, media persons and campaigners totaling 82 participants (5 women and 77 men) participated in the program. The program cost amounted NPR 81,950.

## **G. Bidur, Nuwakot**

National Information Commission conducted right to information related district-level interaction program on July 10, 2023 at Bidur, Nuwakot district. The program was chaired by the Information Commissioner Ms. Kamala Oli Thapa and the chief guest was the head of the District Coordination Committee of Nuwakot Mr. Rajendra Singh Thakuri.

Information Commissioner Ms. Kamala Oli Thapa presented a working paper and stated that the sharing of information should be developed as a culture to practice the right to information and for that, she emphasized on increasing the creative role of mainly women, and non-governmental organizations.

The guests for the program were the Deputy Mayor of Bidur Municipality Ms. Prabha Bogati and Chief District Officer Mr. Kiran Thapa where Secretary of Commission Mr. Diwas Acharya presented a working paper. The program was attended by heads of offices of different offices, Information Officers, and representatives of security agencies with a total of participants 101 including 11 women and 90 men. The program cost amounted NPR 99,750.

### **5.2.2. Local-level Interaction Program**

#### **A. Kamalamai Municipality, Sindhuli**

National Information Commission conducted right to information related local-level interaction program on September 16, 2022, at Kamalamai Municipality of Sindhuli district. The program was chaired by the Information Commissioner

Mr. Ratna Prasad Mainali and the chief guest was the Mayor of Kamalamai Municipality Mr. Upendra Kumar Pokhrel.

The Mayor of Kamalamai Municipality Mr. Upendra Kumar Pokhrel stated that there is no financial transparency in non-governmental organizations and the directors of service-oriented organizations are profit-oriented. He further added that non-governmental organizations conceal the information of financial transactions of the amount received for social welfare and have been collecting crores of amount over poor people's destitute condition. He emphasized that organizations making fake documents and not maintaining transparency should be brought under the law.

Information Commissioner Mr. Ratna Prasad Mainali committed that the Information Commission will provide the information if the Commission gets an appeal in case the non-government organizations that are here to teach transparency and good governance do not follow the law and provide information. He further added that the law is equal to everyone and therefore non-government organizations cannot conceal the information and emphasized that all such organizations should also appoint Information Officers and those who conceal and misuse information are punishable by law.

Secretary of Commission Mr. Diwas Acharya presented a working paper regarding the legal system under Right to Information Act and its practical usage. The guest for the program was the Chief District Officer of Sindhuli district Mr. Ramesh Neupane. The program was attended by people's representatives of Kamalamai Municipality, staff, civil society leaders, and media persons where the total participants were 67 with 19 women and 48 men. The program cost amounted NPR 1,07,895.

#### B. **Badimalika Municipality, Bajura**

National Information Commission conducted right to information related local-level interaction program on December 29, 2022, at Badimalika Municipality of Bajura district. The program was chaired by the Information Commissioner Mr. Ratna Prasad Mainali and the chief guest was the Mayor of Badimalika Municipality Mr. Amar Khadka.

Mayor of Badimalika Municipality Mr. Amar Khadka informed that the decisions of the Executive Committee are being published on the website and the Municipality is intensely working to provide access to information to the public that is available with Municipality. He added that he is also aware of the importance of information and is also considering establishing an information center and providing information.

Chief Information Commissioner Mr. Mahendra Maan Gurung expressed that there are issues in the implementation of right to information even though the head of office and Information Officers are aware of the constitutional and legal system regarding right to information and he added that it is everyone's

responsibility to execute and enforce the constitutional and legal system of right to information. Chief Information Commissioner Mr. Gurung instructed to provide every information as there is no possibility of any information to be kept confidential except for personal information at the local level and he further drew the attention of the participants that no one should be exempted from the rule of law as we are the citizens from the country of rule of law.

The guest for the program was the Acting Chief District Officer of Mr. Lokendra Bahadur Bista where Secretary of Commission Mr. Diwas Acharya presented a working paper and the program was attended by Ward Chairpersons of Badimalika Municipality, principals of schools, head of offices, Information Officers, heads of security agencies, media persons and campaigners. There were 94 total participants with 13 women and 81 men. The program cost amounted NPR 1,43,100.

**C. Kushma Municipality, Parbat**

National Information Commission conducted right to information related local-level interaction program on May 17, 2023 at Kushma Municipality of Parbat district. The program was chaired by the Chief Information Commissioner Mr. Mahendra Man Gurung and the chief guest was the Mayor of Kushma Municipality Mr. Ramchandra Joshi.

In the program, Chief Information Commissioner Mr. Mahendra Man Gurung expressed that good governance will be maintained and democracy will be strengthened if right to information is effectively implemented and added that we should work to implement as right to information is also included in the sustainable development goals. Emphasizing on providing easy access to office functions and activities to citizens, Information Commissioner Mr. Gurung instructed to not delay in circulating right information of the office.

The guests for the program were the Deputy Mayor Ms. Swasthani Rijal and Chief District Officer Mr. Prem Prasad Acharya. Secretary of Commission Mr. Diwas Acharya presented a working paper. The program was attended by Chief Administration Officer Ms. Chandika Poudel, Municipality representatives, public representatives, staffs, representatives of civil society, Right to Information campaigners, and media persons with 92 total participants including 21 women and 71 men. The program cost amounted NPR 1,15,350.

**D. Putalibajar Municipality, Syangja**

National Information Commission conducted right to information related local-level interaction program on June 11, 2023, at Putalibajar Municipality of Syangja district. The program was chaired by the Information Commissioner Ms. Kamala Oli Thapa and the chief guest was the Mayor of Putalibajar Municipality Mr. Tulsi Ram Regmi.

Mentioning that information is vital and necessary to everyone and no one should be deprived of it, Mayor of Putalibajar Municipality Mr. Tulsi Ram Regmi



said he would provide possible help to make information flow easy.

Information Commissioner Ms. Kamala Oli Thapa emphasized that sharing of information should be developed as a culture to practice the right to information and stated on increasing the creative role of mainly women, non-governmental organizations.

The guests for the program were Deputy Mayor Ms. Shree Devi Aryal, Chief District Officer Mr. Shishidhar Ghimire and Vice President of the Federation of Nepali Journalists Ms. Bhawani Adhikari. Under Secretary of Commission Mr. Ram Prasad Dhakal presented a working paper. The program was attended by 23 women and 60 men with a total of 83 participants including public representatives, civil society members, Right to Information campaigners, and media persons. The program cost amounted NPR 1,30,000.

#### E. **Tadi Rural Municipality, Nuwakot**

National Information Commission conducted right to information related local-level interaction program on July 9, 2023 at Tadi Rural Municipality of Nuwakot district. The program was chaired by the Information Commissioner Ms. Kamala Oli Thapa and the chief guest was the Mayor of Tadi Rural Municipality Mr. Santa Maan Tamang.

Mayor of Tadi Rural Municipality Mr. Santa Maan Tamang mentioned that he would work to provide the information demanded by citizens and emphasized that no one would be deprived of information.

Information Commissioner Ms. Kamala Oli Thapa emphasized that sharing of information should be developed as a culture to practice the right to information and for that, she emphasized in increasing the creative role of mainly women, and non-governmental organizations.

The guests for the program were Deputy Mayor Ms. Sanju Pyakurel and Chief Administrative Officer Mr. Khemraj Chhinal. Under Secretary of Commission Mr. Sudarshan Dhakal presented a working paper. The program was attended by public representatives, civil society leaders, Right to Information campaigners, and media persons with a total of 71 participants including 19 women and 52 men. The program cost amounted NPR 1,20,570.

### **5.3 Days, Celebrations Related to Right to Information**

#### **5.3.1. 16<sup>th</sup> Annual National Information Day Program**

The National Information Commission organized the 16th National Information Day on August 19, 2022, in Kathmandu in the Chairmanship of Chief Information Commissioner Mr. Mahendra Man Gurung. The chief guest for the program was Honorable Minister of Communication and Information Technology Mr. Gyanendra Bahadur Karki.

Honorable Minister of Communication and Information Technology Mr. Gyanendra Bahadur Karki made a commitment to support from government level to enhance

and strengthen the Information Commission. Mentioning that government has always been serious in the support of right to information as it is the pillar of democracy, Communication Minister Mr. Karki added that government and local bodies should conduct its operation in an open and transparent manner.

Chief Commissioner Mr. Mahendra Man Gurung mentioned that the law on right to information came into force on August 20, 2007, the day National Information Day is marked in Nepal, and further added that although the demand of information is increasing recently by utilizing the Act issued for the citizen empowerment, we are not able to reach the information enough among the public that demanding and receiving information is the fundamental and legal rights and this will help in maintaining good governance.

Chief Information Commissioner Gurung also highlighted the pressing necessity for heightened engagement in utilizing, practicing, and advocating for the right to information. It was underscored that all stakeholders advocating for the enactment of laws facilitating the exercise of the constitutional right to seek and obtain information must exhibit increased diligence.

Information Commissioners Ms. Kamala Oli and Thapa and Mr. Ratna Prasad Mainali participated in the celebration program where President of Federation of Nepali Journalist Mr. Bipul Pokhrel, President of National Federation for Right to information Mr. Umid Bagchand expressed their good wishes on the occasion of 16th National Information Day. The participants in the program were welcomed by Secretary of Commission Mr. Diwas Acharya and the program was initiated by Under Secretary Ms. Sita Phuyal. There was the participation of former Information Commissioners, former Secretaries, representative of security agencies, head of different local bodies and Information Officers, right to information campaigners and staffs of Commission with total 106 participants including 24 women and 82 men.

### **5.3.2. International Day on Universal Access to Information (28<sup>th</sup> September)**

The National Information Commission organized the International Day on Universal Access to Information on September 28, 2022 in Kathmandu. The program was conducted in the Chairmanship of Information Commissioner Mr. Mahendra Man Gurung and the chief guest for the program was Speaker of House of Representatives of Federal Parliament honorable Mr. Agni Prasad Sapkota.

Speaker Sapkota expressed his belief that all the challenges can be overcome if the will and intentions of people of all three bodies are clear and added that along with development in technology, it is important to have debate on philosophy, principle and belief. He discussed that belief, principle and science have continued human civilization and emphasized to broaden the thinking even if we could not become renowned scientists. He further emphasized that since law is a product of consciousness and circumstances, law cannot be obstacle in achieving science and technology development. Adding that more

the information flows, the more beneficial it is and this makes citizens powerful, he emphasized in being conscious and increasing nation's capacity prior to facing challenges as we can only be powerful by infrastructure development along with technology.

Chief Information Commissioner Mr. Mahendra Man Gurung emphasized in motivating everyone to seek information and added that the meaningful celebration of this Day is only by creating medium through Constitution, making laws and commitment to implement right to information to strengthen citizen's right to information. Chief Information Commissioner Mr. Gurung mentioned that there have been complaints that even literate, aware citizens and employees are not getting information in today's context and the organizations working in this field including the Commission have still not been able to reach among the public level. He spoke about making digital Nepal framework an information technology and said that we should be able to utilize the opportunities that will be created by artificial intelligence and e-governance. Senior journalist Mr. Tara Nath Dahal presented a working paper on historical development of right to information, Nepal's present context and usage of artificial intelligence. Commentators, Joint Secretary of Ministry of Information and Communication Technology Mr. Anil Kumar Dutta and President of National Federation of Right to Information Mr. Umid Bagchand made comments on working paper and offered their recommendations.

Information Commissioners Ms. Kamala Oli Thapa and Ratna Prasad Mainali also participated in the program and Secretary of Commission Mr. Diwas Acharya welcomed the participants. The program was attended by Joint Secretary of Ministry of Information and Communication Technology Mr. Anil Kumar Dutta, honorable Prime Minister, Joint Secretary of Cabinet Office Mr. Manoj Acharya, Nepal Telecommunication Authority's Acting head Mr. Arjun Ghimire, Former President of Federation of Nepalese Journalist Mr. Tara Nath Dahal, President of National Federation of Right to Information Mr. Umid Bagchand, information officials of various bodies, representatives of Federation of Nepalese Journalist, campaigners of right to information, media persons, and employees of the Commission with total 114 participants including 20 women and 134 men.

### **5.3.3 16<sup>th</sup> Foundation Day of National Information Commission**

On the occasion of completing 15 years and entering into 16th years, National Information Commission conducted 16th Foundation Day on May 5, 2023 with the chief guest Right Honorable Speaker Mr. Dev Raj Ghimire in Alfabeta Complex of Baneshwor, Kathmandu.

The program was conducted in the Chairmanship of Chief Information Commissioner Mr. Mahendra Man Gurung and the special guest for the program was Honorable Communication and Information Technology Minister Ms. Rekha Sharma. The program was attended by Information Commissioners Ms. Kamala Oli Thapa and Ratna Prasad Mainali, Secretary of Ministry of Communication

and Information Technology Mr. Krishna Bahadur Raut, Secretary of Commission Mr. Diwas Acharya, Former Information Commissioners and Secretaries of Information Commission, President of Federation of Nepali Journalist Mr. Bipul Pokhrel, President of President of National Federation of Right to Information Mr. Umid Bagchand, representatives of security agencies, the head and the representatives of various public bodies and information officials, campaigners of right to information, employees of the Commission with 65 total participants including 10 women and 55 men.

## **5.4 Capacity Building Program**

### **5.4.1 Women Empowerment Program on Right to Information**

National Information Commission conducted a program on empowerment of women in Right to Information on January 24, 2023 in Biratnagar of Morang district. The guest for the program was Deputy Speaker of Koshi Province Honorable Ms. Srijana Danuwar where the program was chaired by Information Commissioner Ms. Kamala Oli Thapa.

Information Commissioner Ms. Kamala Oli Thapa emphasized that officials of public bodies, public representatives, mass media world, civil society and everyone should work effectively to practice right to information. Under Secretary Ms. Sita Niraula welcomed the participants and Secretary of Commission Mr. Diwas Acharya presented working paper in the program. The guests for the program were Deputy Mayor of Biratnagar Sub Metropolitan City Ms. Shilpa Niraula and Chief Administrative Officer Mr. Bishnu Prasad Koirala. The program was attended by representatives of security agency, information officials of various public bodies with total 126 participation including 108 women and 18 men.

### **5.4.2 Stress Management and Capacity Building Training**

A two-day training was organized from June 2-3, 2023 for the employees of the Commission with an objective to motivate the employees to effectively participate in the activities of the Commission by Information Commissioner and Secretary of Commission as the resource persons.

Information Commissioner Ms. Kamala Oli Thapa and Secretary Mr. Diwas Acharya presented working paper for participants on various topics related to stress management. Comedian actor Mr. Narad Khatiwada and singer Mr. Dij Raj assisted in stress management through the medium of entertainment. Under Secretary of the Commission Mr. Laxman Bikram Thapa welcomed the participants.

### **5.4.3 School Level Orientation Program**

The National Information Commission has been conducting school level right to information related program as it found effective to make right to information accessible to citizen level through students. Under Secretary of Commission Mr. Sudarshan Dhakal and other employees informed about right to information on June 27 to the class 10 students of Vishwa Niketan Secondary School. Similarly, on June 27 Under Secretary of Commission Mr. Laxman Bikram Thapa and other employees

informed about right to information to the grade 10 students of Bhanu Secondary School (Durbar High School). On the same day, Secretary of Commission Mr. Diwas Acharya and other employees informed about right to information to the students of class 10 of Ratna Rajya Secondary School.

## **5.5 Publication and Dissemination**

### **5.5.1 'Information My Right' Quarterly Bulletin**

For the effective implementation of right to information, with an objective to inform general public and keep records of the activities conducted by the Commission and other various bodies and organizations, the Commission has been publishing a bulletin named **"Information My Right"** by covering the activities conducted every quarter. The Commission has been able to publish only three quarterly bulletins this year due to budget limitation. The English version of this bulletin **"Information My Right"** has been published every three months.

### **5.5.2 Activities Conducted through Radio Nepal**

As per the approved program of the National Information Commission for the fiscal year 2022-23, the Commission made a contract with Radio Nepal to make and broadcast the program named 'Information My Right' in the coordination of Radio Nepal. As per the contract, 11 programs were broadcasted through radio Nepal with a purpose to secure citizen's right to information.

The Commission believes that the 11 programs of 15 minute broadcasted through Radio Nepal has made a vital contribution to increase awareness among the citizens living in the remote areas by informing them about the important knowledge on right to information.

### **5.5.3 Program Conducted with Gorkhapatra Corporation**

As per the approved program of the National Information Commission for the fiscal year 2022-23, the Commission made contract with Gorkhapatra to publish informative and knowledgeable information and education communication materials in collaboration with Gorkhapatra and published 8 such materials to secure the citizen's right to information. The Commission believes that the citizens living in accessible and remote regions have been able to read about the right to information and have become informed due to this program.

### **5.5.4 Programs Conducted through Nepal Television**

The contract was signed with Nepal Television for the "Information My Right" for the fiscal year 2022-23. As per the contract, Nepal Television conducted 8 talk shows. As these 8-episode programs were conducted in the participation of Chief Information Commissioner, Information Commissioner, Secretary, Former Secretary and officials, and other personnel who have made a special contribution in the field of Information circulation, it is believed to have made an important contribution for the protection, promotion, awareness and transparency in the field of right to information. The program increased awareness on the constitutionally available right to information

to the citizens of city area and the areas with electricity access.

Having experts on the right to information as speakers at the event conveyed to the public the notion that every citizen plays a pivotal role as an advocate for the country's right to information.

#### **5.5.5. RTI Journal**

In the RTI usage sector, there is continuous development of new study, research and principle. There is an important contribution of scholars working, contributing, studying, utilizing, and researching in the right to information sector. The Commission has been publishing RTI Journal every year considering the fact that it is necessary and useful to provide knowledge of the tests and achievements of the scholars of this field. This Journal includes the articles written by the scholars who study and research in the field of right to information. Total of 21 articles were included in the RTI Journal published this fiscal year. The journal was launched in a program by the chief guest Right Honorable Speaker Mr. Dev Raj Ghimire on the Foundation Day of the Commission on May 5.

### **5.6 Activities Related to the Commission**

#### **5.6.1 Handover of the Annual Report to the Prime Minister**

The Commission presented the annual report that included the activities conducted in the fiscal year 2022-23 to Right Honorable Prime Minister Mr. Pushpa Kamal Dahal "Prachanda" on February 1, 2023. As per Right to Information Act (2007), Section 25, Subsection (1), there is a provision of presenting Annual Report of Commission to the Legislative Parliament through Honorable Prime Minister. As per the same provision, Chief Information Commissioner Mr. Mahendra Man Gurung presented the annual report of the Commission to Honorable Prime Minister Mr. Pushpa Kamal Dahal "Prachanda" in the Office of Prime Minister and Council of Ministers, Singhadurbar.

Upon receiving the report, the Prime Minister thanked the Commission for submitting it and acknowledged the activities it had conducted. He recalled the contributions made to the right to information during his second tenure. Prime Minister Mr. Dahal emphasized that the right to information is crucial for civilian monitoring and control of state affairs. He underscored the importance of implementing the right to information and committed to supporting the recommendations and issues raised by the Commission. He stated that better governance can be achieved by keeping civilians well-informed.

Presenting the annual report, Chief Information Commissioner of the Commission Mr. Gurung emphasized on the commitment from Nepal government as right to information is the important democratic right provided by the Constitution of Nepal and Right to information Act and access has to be increased on the information available in public bodies.

In the same event, Chief Information Commissioner of the Commission Mr. Gurung highlighted the main points from the annual report. The event was attended by Information Commissioners of the Commission Ms. Kamala Thapa Oli and Mr. Ratna

Prasad Mainali, Chief Secretary of Nepal Government Mr. Sankar Das Bairagi, Secretary of the Commission Mr. Diwas Acharya, and the employees of the Commission and Office of Prime Minister and Council of Minister.

### **5.6.2. Delegates of Sri Lanka's Right to Information Commission Visit Nepal**

A delegation of Right to Information Commission of Sri Lanka headed by Chair of the Commission Justice Upaly Abeyrathne Rtd visited Nepal in May, 2023. The four-member delegation completed a study and observation visit on legal system and implementation status of right to information. During the visit to Nepal from May 24-29, the delegates discussed the implementation status of Right to Information in Nepal, legal system and process with the Chief Information Commissioner Mr. Mahendra Man Gurung, Information Commissioners Ms. Kamala Thapa Oli and Ratna Prasad Mainali along with Secretary Mr. Diwas Acharya in the office of the National Information Commission. There was a sharing of the best practices regarding right to information and agreement was made between the Commissions of two countries for a joint effort to a mutual understanding to implement the right to information effectively.

During their stay, the delegation visited United Nations Development Programme (UNDP), Federation of Nepali Journalists, Press Council Nepal, Freedom Forum, Nepal Bar Association, National Federation for Right to Information and NGOs and shared their experience.

The team also made an on-site visit to the Dhulikhel Municipality of Kavrepalanchok to observe the exercise of right to information in the local level. The further discussions were made on the preparation of a memorandum of understanding between the National Information Commission of Nepal and Sri Lanka and to proceed jointly in the coming days.

### **5.6.3 International Conference of Information Commissioners**

The 14th Annual International Conference of Information Commissioners was conducted in Manila, the capital city of Philippines from June 19-21, 2023. The program was organized by Presidential Communications Office, Philippines and Freedom of Information Philippines in Philippines International Convention Centre (PICC).

The Conference was inaugurated by His Excellency President Mr. Bongbang Marcos of Philippines on 19th of June. Working papers were presented followed by group discussions in the program. On the second day, work progress and review of the working group were presented and discussions were held on some papers. Different meetings of regional level were held on the third day. Along with this, closed session was conducted with the representatives of member countries. Legislative amendment proposal was presented by Nepal. Germany was selected as the 16th edition Conference organizer and Bangladesh, South Africa, Argentina and Barmuda were declared as new Executive Committee member countries in the closed session.

The participants from Nepal were Chief Information Commissioner Mr. Mahendra Man Gurung, Information Commissioner Mr. Ratna Prasad Mainali, Secretary Diwas

Acharya, Under Secretary Ram Prasad Dhakal and Ajay Das (The Asia Foundation). From Nepal, Chief Information Commissioner Mr. Mahendra Man Gurung presented working paper on “the role of access to information in parliament”.

The program featured several working papers and panel discussions, incorporating recommendations from the Nepali perspective. Given that the ICIC’s Johannesburg Charter, the fundamental law, does not explicitly address the establishment of regional networks, Nepal proposed an amendment to formally acknowledge and support existing regional networks. Following the vote, the amendment proposal garnered approval with 55 members voting in favor.

#### **5.6.4 Bagmati Province–level Open Government Interaction Program**

A one-day interaction program on open government was conducted for the members of the Provincial Assembly of Bagmati Province in Hetauda of Makawanpur district on February 22, 2016.

The program was conducted on the Chairmanship of National Information Commissioner Mr. Ratna Prasad Mainali and the chief guest for the program was Honorable Chief Minister Mr. Salikram Jamkattel.

Inaugurating the program, the Honorable Chief Minister of Bagmati Province Mr. Salikram Jamkattel discussed the importance of right to information for good governance. Chief Minister expressed that right to information can play a vital role for good governance as transparency can be maintained from the usage of right to information and the citizen can get information about the activities conducted by public body and added that he has no disagreement with the fact that the decisions made by the government should be open and transparent.

Information Commissioner Mr. Ratna Prasad Mainali emphasized that everyone including officials of a public body, people’s representatives, media and civil society should be actively involved for the implementation of right to information and expressed that if the members of the Provincial Assembly are able to play an active role through their political party, Provincial Assembly and assembly’s thematic committees to make the effective usage of right to information, this can make an important contribution for good governance.

Chief Secretary of Bagmati Province Mr. Mukunda Niraula opined that all the service providers should be responsible for implementing right to information and Tara Nath Dahal from Freedom Forum presented a working paper on open government. The program conducted in collaboration with the National Democratic Institute (NDI), Nepal saw 25 participants who were 25 members from different political parties, representatives of Bagmati Province Assembly, and civil servant staffs.

#### **5.6.5 Koshi Province–level Program on Open Governance**

A province–level program on open governance organized by National Information Commission was conducted in Biratnagar of Morang district on January 23, 2023. The program was chaired by the Information Commissioner of National Information Commission Ms. Kamala Oli Thapa and the chief guest for the program was the



Honorable Chief Minister of Koshi Province Mr. Hikmat Bahadur Karki.

Chief Minister Mr. Hikmat Bahadur Karki assured that the province government will move in the direction of open governance by being moral and honest as much as possible to fulfill the objective of cooperation, coexistence and equality and also stated that he will not miss anywhere in the process of practicing open governance.

Information Commissioner Ms. Kamala Oli Thapa expressed that the state should be accountable towards citizens in democratic system, democracy is not just a governance system to fulfill formality, in modern democracy, the limited class does not rule with the arrogance of being a ruler. She said that democracy is a system of guaranteeing a transparency, open and good governance to the people.

Expressing that democratic policy should be promoted in cooperation with each other, Information Commissioner Ms. Oli emphasized that everyone should know about right to information and also practice it.

Former Chief Information Commissioner of the Commission Mr. Krishna Hari Baskota presented a working paper on Open Governance Partnership in the program where the Secretary of Commission Diwas Acharya welcomed the participants and highlighted the objective of the program. The participants in the program were Provincial Assembly members of Koshi Province Assembly, Chief Secretary, employees under Provincial Ministry and media persons. The program was organized with the support of National Democratic Institute (NDI), Nepal.

#### **5.6.6 Training of Trainer Program Organized by National Federation for Right to Information**

Training of trainer on right to information was organized by National Federation for Right to Information from May 31 to June 1, 2023 in Kathmandu in the support of National Information Commission. Chief Information Commissioner of National Information Commission Mr. Mahendra Maan Gurung inaugurated the program and highlighted the importance of right to information. Honorable Member of National Dalit Commission Ms. Mina Devi Soba expressed that right to information has provided citizens the right to question. The program was Chaired by the President of National Federation for Right to Information Mr. Umid Bagchand. Welcome speech was delivered by National Federation for Right to Information, Valley Committee's Chairperson Mr. Tara Bahadur Bhandari.

#### **5.6.7 The Draft of the Regulation Regarding the Protection of the Whistleblower**

Considering the context of the necessity of regulation for the effective implementation of the system related to the whistleblower's protection ensured by Section 29 of the Right to Information Act, the National Information Commission received the suggestions and feedback from stakeholders and general public and finalized the draft related to whistleblower's protection which was approved by the meeting of the Commission on September 1, 2022. The Commission has submitted the draft to Nepal government through Ministry of Communication and Information Technology for approval. In recent times, the whistleblowers have complained in the Commission for being punished by public bodies for releasing the information of the irregularities

occurring in the public bodies.

Realizing the importance of regulation for easy investigation of the received complaints, the Commission included the issue in its annual program last year. After continuous discussion over the draft and feedback program, it was published in website and feedback was taken also from public before finalizing the draft. The draft includes 14 points. The draft of regulation includes the topics like definition, information to be provided, information to be kept confidential, information to be provided in complaints, complaint filing, and investigation procedure, among others.

#### **5.6.8. Right to Information on Gender-based Violence**

On the occasion of 16 days campaign against Gender Based Violence, expressing solidarity towards the campaign, National Information Commission organized a seminar on Right to Information on Reducing Gender Violence in Politics on December 7, 2022 in Kathmandu. The program was Chaired by the Chief Information Commissioner Mr. Mahendra Maan Gurung while the chief guest for the program was the Honorable Minister of Women, Children and Senior Citizens Ms. Uma Regmi.

Honorable Minister Uma Regmi stated that politics being a mother of policy should bring policy of intervention for the reduction of violence against women, and emphasized on increasing access to financial rights of women. She expressed that the expensive election system should be improved and media should be more women-friendly while reporting news related to violence against women.

Chief Information Commissioner Mr. Mahendra Man Gurung, mentioning the context that the Commission planned the event on the occasion of 16 days global campaign against gender-based violence, stated that the violence has not stopped since 1990 when the campaign started and even after 31 years of campaign, not being able to create violence-free society is indeed sad. Chief Information Commissioner Mr. Gurung mentioned that violence is also committed against women by making fake identities and stated that this is being very difficult to trace even with technology.

The working paper on violence against women active in politics was presented by Ms. Ingina Panthi from Panos South Asia and the working paper on women in Nepalese politics and the status of online violence against gender and sexual minorities was presented by Ms. Neela Sharma from Purple Foundation. Information Commissioner Ms. Kamla Oli Thapa commented on the papers.

Secretary of National Information Commission Mr. Diwas Acharya welcomed the participants which included Information Commissioner Mr. Ratna Prasad Mainali, representatives of different organizations, media persons, and employees of the Commission. The program was organized in the support of National Democratic Institute, Nepal.

#### **5.6.9 Federation of Nepali Journalists' Program on Right to Information**

Federation of Nepali Journalist completed awareness program on promoting right to information with the support of National Information Commission on June 5, 2023. The program was chaired by the Acting President of the Federation of Nepali Journalist

of Salyan chapter Mr. Shankar K.C. and the chief speaker for the program was the Chairperson of Social Development Committee of Karnali Province Mr. Ghanshya Bhandari. Central Vice President of the Federation of Nepali Journalists Mr. Uday G.M. trained the participants while Central Treasurer of Federation Mr. Kalendra Sejuwal presented a working paper. The program included 78 participants.

## **5.7 Programs in Collaboration with Various Bodies**

### **5.7.1 One-day Orientation Program on Right to Information**

A one-day orientation program on right to information was organized by Bhagwatimai Rural Municipality of Dailekh district of Karnali Province on April 7, 2023, where Information Commissioner Mr. Ratna Prasad Mainali was the chief guest for the program and the program was chaired by the Mayor of the same Rural Municipality Mr. Ganesh Bahadur Thapa.

During the program, Information Commissioner Mr. Mainali made a presentation on the legal system on right to information, practical usage, work, duties and rights of National Information Commission, worldwide practice on right to information and status of Nepal and positive contribution on good governance in national and international level by the use of right to information.

Information Commissioner Mr. Ratna Prasad Mainali and Deputy Mayor of Bhagwatimai Rural Municipality Ms. Mina Kumari Khadka jointly distributed certificate to the participants of the program. There were more than one hundred participants including ward chairpersons and members of Palika, 34 principals from community and private schools, health officials, information officials, media persons and ward secretaries of all 7 wards.

### **5.7.2 Interaction Program on Right to Information in Bajura and Mugu**

The interaction program on right to information was conducted in the Bajura district on May 17, 2023, where the Information Commissioner of National Information Commission Ms. Kamla Oli Thapa was the chief guest for the program. The program was conducted with the support of Jagannath Rural Municipality and the program was chaired by Mayor of Jagannath Rural Municipality Mr. Kali Bahadur Shahi.

Information Commission Ms. Thapa requested rural municipality to make access to information easy and simple. Mayor of Jagannath Rural Municipality Mr. Kali Bahadur Shahi stated that no any citizen within Municipality will be deprived of right to information and informed that nothing as such has ever happened and committed to provide right and truthful information to the citizens.

Similarly, on May 19, 2023 a one-day interaction program on right to information was organized in Khatyad Rural Municipality of Mugu district. Information Commissioner Ms. Kamala Oli Thapa was the chief guest for the program. Commissioner Ms. Oli highlighted the importance of right to information, its necessity and work, and the duties of the Commission in the program.

On May 21, 2023, a one-day interaction program on the right to information was

completed in Budhinanda Municipality of Bajura district. Information Commissioner Ms. Kamala Oli Thapa was the chief guest for the program while the program was chaired by the Mayor of the Municipality Mr. Janak Bohora. Ms. Thapa called on all to utilize the right to information as this is directly connected to citizens. Around 100 people, both males and females, participated in the program.

### **5.7.3 Orientation Program on Right to Information Promotion**

The National Federation for Right to Information conducted an orientation program in Kathmandu on August 25, 2019, aimed at preparing advocates for the practical implementation of Right to Information laws. During the program, Ratnaprasad Mainali, Information Commissioner of the National Information Commission, addressed the importance of the Right to Information Law and its potential benefits for the public and the nation. He also highlighted the role played by the Information Commission in this regard. Continuing to facilitate the program, Umid Bagchand, President of the National Federation for Right to Information, expressed confidence that these initiatives will contribute to promoting the practical application and awareness of the right to information.

### **5.7.4 Orientation Program on Right to Information by Kathmandu Metropolitan City and Lion's Club**

On the 113<sup>rd</sup> Women's Day, Kathmandu Metropolitan City organized a program centered on cybercrime and legal system along with women violence and inevitability of right to information on March 19, 2023. The participants in the program were the ward representatives of all 32 wards, information officials and women representatives of organizations where Information Commissioner Ms. Kamala Oli Thapa highlighted importance and necessity of use of right to information, the legal process of information-seeking, the responsibilities of public bodies, and service provided to women.

Similarly, a one-day interaction program was conducted on July 3, 2023 by Lion's Club of Kathmandu on right to information. Information Commissioner Ms. Kamala Oli Thapa was the chief guest while the program was chaired by the Chairperson of Lion's Club Ms. Rajya Shree Shrestha.

### **5.7.5 Right to Information Awards**

This year, Constitutionalist Mr. Kashi Raj Dahal received the Sastika Basnet Right to Information Award, and media person Mr. Roshan Hari Adhikari was honored with the Sastika Basnet Incentive Award for Right to Information. The awards were presented by Koshi Province's Head of State, Honorable Mr. Parashuram Khapung, on March 30, 2023, during a program organized by the Federation of Nepali Journalists, Morang Chapter. Mr. Khapung emphasized the growing importance of the right to information for good governance and urged everyone to actively engage in its effective implementation.

Expressing gratitude to Mr. Kedar Bahadur Basnet, who established the award, Chief Information Commissioner of the National Information Commission, Mr. Mahendra Man Gurung, highlighted the importance and current status of the right to information. He

detailed the Commission's efforts in promoting its implementation and encouraged individuals to file appeals if public entities do not comply with the right to information requests.

Mayor of Biratnagar Metropolitan Mr. Naagesh Koirala, Chief District Officer of Morang District Mr. Tirtha Bhattraï, Mr. Kedar Bahadur Basnet, and the awardees also shared their views on the significance of the right to information. The program was chaired by Mr. Sanjeev Khanal, the President of the Federation of Nepali Journalists, Morang Chapter.

### **5.7.6 Right to Information for Good Governance**

On May 16, 2023, the United Mission to Nepal (UMN) organized an orientation program on importance of right to information for promotion of good governance in local level to its employees at Dhulikhel of Kavrepalanchok district.

Information Commissioner Mr. Ratna Prasad Mainali oriented participants on historical and theoretical aspect of right to information, legal system, main duties of the public bodies, use of right to information for making public bodies accountable towards citizens, use of right to information for good governance and transparency, role of Information Commission for making public bodies accountable towards citizens, good governance and transparency, complaint, notice and appeal related to right to information, national and international events and contexts on good governance from the use of right to information, how non-government organizations can provide information to the citizens about the use of right to information for good governance, among other issues. There was the participation of 16 members including employees of UMN working in various clusters and sectors.

### **5.8 Awards and Honors**

As per the decision of the National Information Commission to award one former official every year for their contribution to protection, promotion and practice of right to information, Former Acting Chief Information Commissioner Mr. Shree Acharya was honored on the occasion of 16<sup>th</sup> National Information Day on August 19, 2022. The distinguished guest at the event was the Honorable Gyanendra Bahadur Karki, Minister of Communication and Information Technology. During the ceremony, Minister Karki paid tribute to Acharya by presenting him with a traditional '*Dosalla*' adorned with a letter of commendation. Recalling the challenges when he ordered to make public the confidential information of government during his first term in the National Information Commission and the challenges after the formation of the Commission, the honored former acting Chief Commission Mr. Acharya objected to limiting the right to information by changing or trying to change the right to information Act and regulations.

The program was conducted in the chairmanship of Chief Information Commissioner of National Information Commission Mr. Mahendra Maan Gurung. Information Commissioners Ms. Kamala Oli Thapa and Ratna Prasad Mainali, former Information Commissioner Ms. Sabita Bhandari Baral, Secretary Mr. Diwas Acharya, President of Federation of Nepali Journalist Mr. Bipul Pokhrel, President of National Federation for Right to Information Mr. Umid

Bagchand, media persons, campaigners and employees of the Commission participated in the program.

The budget allocated for the right to information related award was not released by the Ministry of Finance even till the end due to which the Commission was unable to honor the employees and the campaigners of right to information this year.

## **5.9 Activities Conducted from Other Bodies**

### **5.9.1 Major Activities Conducted by the Office of the Prime Minister and Council of Ministers**

- The NIC received over 77 notices addressing the information officials of Office of the Prime Minister and Council of Ministers to provide information as per Right to Information Act. Necessary action was taken and information provided.
- Written reply was prepared and sent to the Commission regarding 3 writ petitions filed related to right to information against the Office of the Prime Minister and Council of Ministers as opponent.
- As per Section 5 Sub Section (4) of the Right to Information Act, the details of the major quarterly activities conducted by this organization are regularly prepared and auto- published and made public on the website.

### **5.9.2 Activities Conducted by Central Coordinating Unit under the Office of the Prime Minister and Council of Ministers**

The unit meeting was held on September 23, 2022 to support the effective implementation of right to information. The following decisions were sent to all the Ministries and bodies for implementation:

- Request the concerned Ministry to prioritize and implement the practical and immediately implementable recommendations from among the raised or presented recommendations in the National Information Commission's annual report of the fiscal year 2022-23.
- The Commission will coordinate with Ministry of Communication and Information Technology and Ministry of Finance regarding the separate property and building for the National Information Commission and forward solid proposal with various alternatives and Office of the Prime Minister and Council of Ministers will provide necessary facilitation for implementation.
- For the effective implementation of right to information, Information Officer should participate mandatorily in the important meetings and policy discussions.
- To make provision that concerned branches and divisions should timely provide the details asked by Information Officer for circulating the information regarding the notice received from the information seekers to provide information on any subject related to the office.
- Since it was found that some public bodies do not have Information Officer appointed as prescribed by law, drawing the attention of all concerned and requesting all the

public bodies to immediately appoint Information Officer, updating his/her details and posting the details of Information Officer in the website and the main entrance of the office.

- In the Monitoring Guidelines of Implementation of Right to Information (2019) there is a provision of Provincial level monitoring unit and district monitoring unit. In the context that some provinces and districts were found not forming the monitoring units as per the guidelines or are inactive, to request every public body to form province and district level monitoring units immediately as per the guidelines and deploy in monitoring and supervision of implementation status of right to information.
- As per the decision made by the meeting of central coordinating unit held on April 13, 2022, the Ministry of Communication and Information Technology will coordinate with National Information Commission and conduct central level interaction/orientation programs for the capacity building of Information Officers of central level bodies.
- Regarding province and district level implementation status of right to information, the issues and challenges in information flow and the possible measures to be taken in future for effective implementation of right to information, officials of central coordinating unit will interact with monitoring officers and concerned stakeholders in province and district levels and collect feedback through interaction and present in the next meeting for discussion.
- Regarding the implementation/progress status of the decisions from the meeting of central coordinating unit, the implementation monitoring unit formed as per the Section 4 of the same Guideline will regularly monitor and present periodic reports in the meeting of central coordinating unit.

### **5.9.3 Activities conducted by Implementation Monitoring Unit under Ministry of Communication and Information Technology**

- By making provision of effective monitoring of the implementation of legal provisions related to right to information, Monitoring Guidelines on Implementation of Right to Information (2019) is being implemented to maintain transparency in the operation of public bodies. Section 4 of the aforementioned directive delineates the responsibilities, obligations, and authorities entailed in overseeing the execution of the right to information across diverse ministries and central-level agencies. These duties encompass crafting consolidated reports, quarterly submission of these reports to the Central Coordination Unit, and executing directives issued by both the Commission and the Central Coordination Unit. Consequently, an implementation monitoring unit has been instituted within the Ministry of Communication and Information Technology and is currently operational. During the fiscal year 2022-23, a total of 41 agencies underwent monitoring. The issues and challenges encountered during this process are enumerated as follows:

- Failure in classification of the information as directed by law.
- Since Information Officer does not have access to all the information of the office and the requested information is not given by concerned branch on time, it is difficult to timely provide information to the information seekers.
- There is a tendency to provide different, incomplete and sabotaged information. Also, the information seekers demand bulk information and it is unclear what information is actually requested for.
- There is a tendency of office employees being not so willing to take up the responsibility of Information Officer and consider it as an additional work load.
- Only Information Officer is being held accountable for not receiving the information timely from concerned branches and divisions.
- There is lack of capacity building opportunity and motivational work environment for the Information Officer and employees involved in information management.
- Weak coordination between public offices.



## Chapter- 6

**Financial and Physical Progress****6.1: Budget Allocation and Expenditure Statement**

In the fiscal year 2022–23, 85.14 percent of the allocated budget was designated for current expenditures, while 36.13 percent was allocated for capital expenditures. The overall financial progress reached 83.67 percent, accompanied by a physical progress rate of 92 percent. Detailed information is provided in the subsequent table.

**Table no. 6: Details of Allocated Budget and Expenditure for the Fiscal Year 2022–23**

**Capital Expenditures**

<b>Expenditure/Financial Indicator</b>	<b>Last Budget</b>		<b>Remaining Budget</b>
Machineries and Tools	1,100,000.00	470,525.00	629,475.00
Furniture and Fixtures	300,000.00	35,256.00	264,744.00
	1,400,000.00	505,781.00	894,219.00

**Current Expenditures**

<b>Expenditure/Financial Indicator</b>	<b>Annual Budget</b>		<b>Balance</b>
Staff Salary	11,364,000.00	11,176,066.30	187,933.70
Officials' Salary	3,336,000.00	3,333,791.80	2,208.20
Uniform	200,000.00	150,000.00	50,000.00
Medical Expenses	200,000.00	195,000.00	5,000.00
Dearness Allowance	500,000.00	364,600.00	135,400.00
Staff Meeting Allowance	200,000.00	73,500.00	126,500.00
Other Allowance	100,000.00	26,300.00	73,700.00
Officials Meeting Allowance	200,000.00	196,500.00	3,500.00
Expenditure on Contributory Pension and Gratuity Fund	100,000.00	0	100,000.00
Contribution-based Insurance Fund Expenses	100,000.00	73,200.00	26,800.00
Water and Electricity	400,000.00	327,770.00	72,230.00
Communications Expenses	900,000.00	448,755.00	451,245.00

Fuel (Officials)	664,000.00	660,901.00	3,099.00
Fuel (Office Purpose)	790,000.00	776,032.00	13,968.00
Vehicle Maintenance Expenses	1,550,000.00	1,304,176.00	245,824.00
Insurance and Renewal Expenses	500,000.00	481,910.00	18,090.00
Office Supplies	1,850,000.00	1,726,575.00	123,425.00
Books and Material Expenses	50,000.00	5,400.00	44,600.00
Fuel (Other Purpose)	186,000.00	53,400.00	132,600.00
Newspapers, Printing and News Publication Expenses	300,000.00	216,746.00	83,254.00
Service and Consultation Expenses	260,000.00	158,640.00	101,360.00
Contractual Service Expenses	6,294,000.00	6,048,936.00	245,064.00
Skill Development, Awareness Training and Seminar related Expenses	2,600,000.00	1,887,510.00	712,490.00
Program Expenses	2,800,000.00	2,226,301.00	573,699.00
Varied Program Expenses	5,300,000.00	668,583.00	4,631,417.00
Monitoring and Evaluation Expenses	1,471,000.00	1,283,735.00	187,265.00
Miscellaneous Expenses	700,000.00	601,775.00	98,225.00
House Rent	4,600,000.00	4,438,896.00	161,104.00
	<b>47,515,000.00</b>	<b>38,904,999.10</b>	<b>8,610,000.90</b>

## 6.2: Overview of Budget Allocation and Expenditure Over the Past Decade

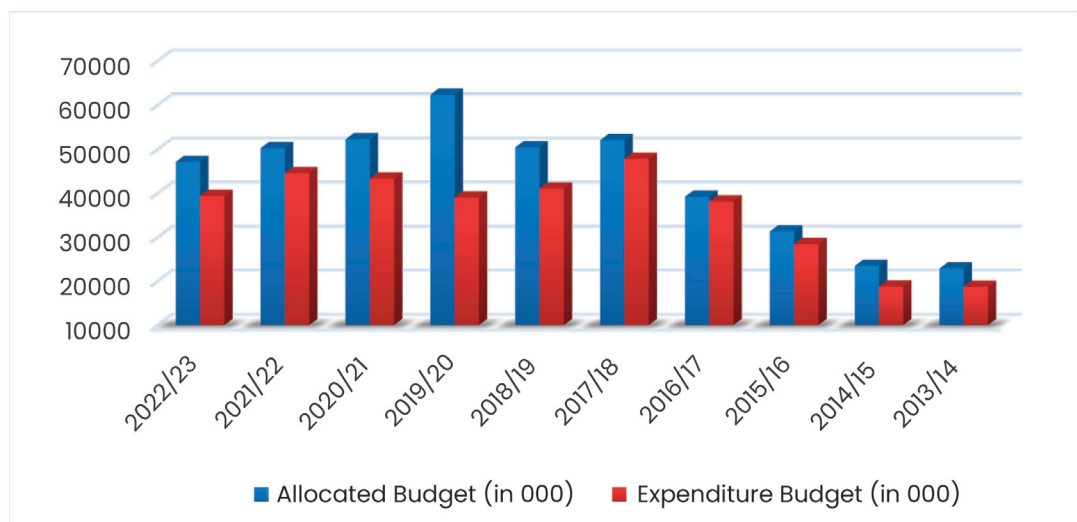
The table below provides detailed information regarding the allocated budget, expenditure amounts, and corresponding percentages over the last ten fiscal years.

**Table no. 7: Overview of Budget Allocation and Expenditure Over the Past Decade**

SN	Fiscal Years	Allocated Budget (in thousands of rupees)	Expenditure Budget (in thousands of rupees)	Expenditure Percentage
1	2022-23	47100	39410	83.67
2	2021-22	50225	44550	88.70
3	2020-21	52233	43317	82.93
4	2019-20	62341	39030	62.61
5	2018-19	50399	41072	81.5

6	2017-18	52045	47800	91.9
7	2016-17	39201	38122	97.3
8	2015-16	31333	28440	90.8
9	2014-15	23464	18757	80
10	2013-14	22893	18699	81.7

**Chart no. 2: Overview of Budget Allocation and Expenditure Over the Past Decade**



Upon analyzing the budget allocation for the Commission, it is evident that the allocated amount has been gradually decreasing each year since the fiscal year 2019-20. Consequently, there has been insufficient support for activities aimed at safeguarding, advancing, and promoting the right to information. The constraints posed by budgetary limitations have hindered the implementation of promotional initiatives and the scope of citizen orientation programs regarding the right to information has been constrained.

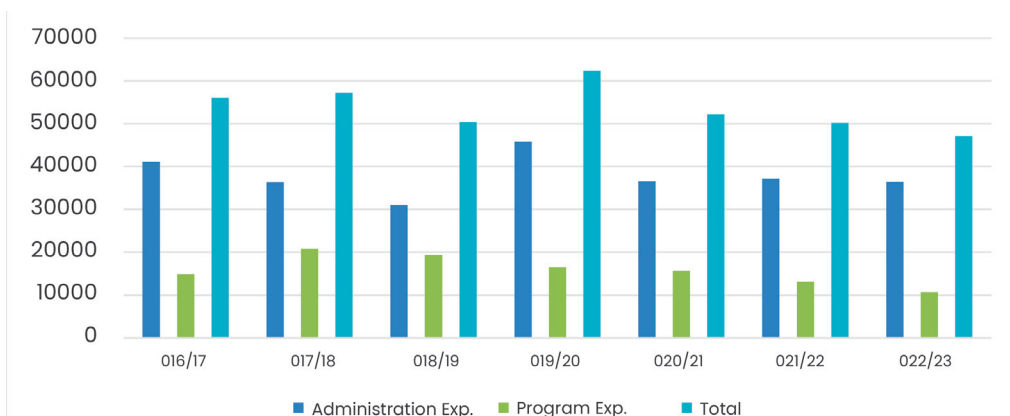
### 6.3 Administrative and Program Expenses:

The table delineates the Government of Nepal's allocation for administrative and program expenses of the Commission across various fiscal years. A discernible trend is observed wherein the total budget allocation is diminishing, resulting in a more rapid decline in essential program expenses necessary for advancing the promotion of the right to information. This trend underscores the insufficiency of resources available to the Commission for fulfilling its mandated responsibilities regarding the promotion, advocacy, and dissemination of the right to information as stipulated by the Right to Information Act. For instance, in the fiscal year 2018-19, program expenses accounted for 38.48 percent of the total budget allocation, whereas in the fiscal year 2022-23, this figure dwindled to a mere 22.72 percent, highlighting the imperative for adequate budgetary provisions to bolster the Commission's endeavors.

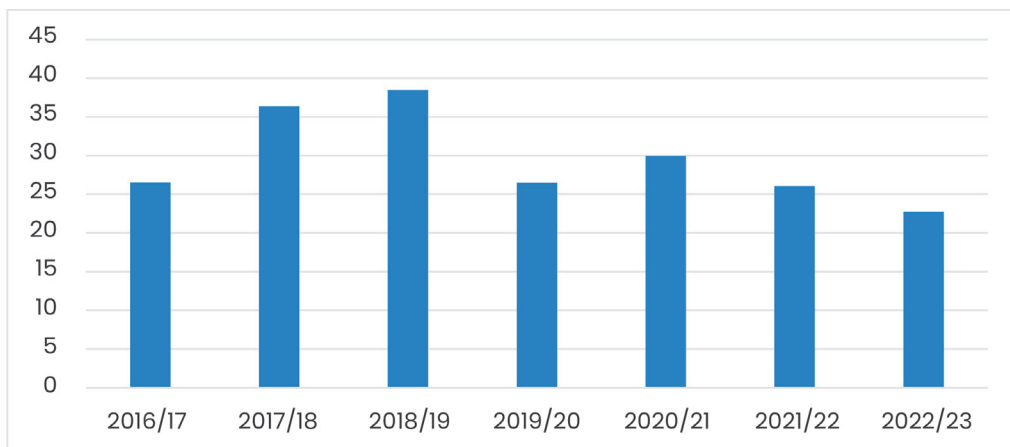
**Table no. 8: Breakdown of Administrative and Program Expenses Allocation Over the Past Seven Years (in thousands of Nepalese Rupees)**

SN	Fiscal Year	Administrative	Percentage	Program	Percentage	Total
1	016-17	41165	73.46	14876	26.54	56041
2	017-18	36377	63.61	20807	36.39	57184
3	018-19	31005	61.52	19394	38.48	50399
4	019-20	45841	73.52	16500	26.47	62341
5	020-21	36583	70.04	15650	29.96	52233
6	021-22	37125	73.92	13100	26.08	50225
7	022-23	36400	77.28	10700	22.72	47100

**Chart no. 3: Allocation of Administrative and Program Budget Over the Past Seven Years (in thousands of Nepalese Rupees)**



**Chart no. 4: Percentage of the Budget Allocated for the Program**



## 6.4 Collaboration and Partnerships

By the agreement signed between the Ministry of Finance and USAID on February 6, 2023, the USAID Civil Society and Media Program has been operationalized for a five-year duration spanning from October 19, 2022, to August 18, 2027, with an approved total budget of US\$ 18,500,000.00. Pact Inc and The Asia Foundation have been designated as Prime Partners for program implementation, while the National Information Commission has been tasked with governmental coordination and facilitation responsibilities. Presently, the program is underway in the Lumbini and Madhesh Provinces, with a Letter of Exchange signed between the National Information Commission and The Asia Foundation extending program operations until September 30, 2023, in alignment with the agreed terms.

## 6.5 Details of the Payment Received by Commission Officials:

During the fiscal year 2021-22, the Commission officials received compensation in accordance with the provisions outlined in the Right to Information Regulations (2008) encompassing Rule (10) through Rule (15). This includes details regarding salaries, allowances, housing stipends, maintenance expenses, telephone charges, water and electricity expenses, medical treatment expenditures, as well as daily visit allowances, as determined by the Government of Nepal.

**Table no. 9: Breakdown of Payments by Commission Officials in Fiscal Year 2022-23**

Name	Salary (inclusive of festival bonuses)	Meeting Allowance	Residence Maintenance or Rental Cost	Telephone, Water and Electricity	Medical Reimbursements	Daily Visit Allowance	Total Deposits	Fuel Consumption in Liters	Remarks
Mahendra Man Gurung	1049191	24000	18000	18000	65000	195168	1369359	960	*
Kamala Oli Thapa	992979	24000	14400	18000	65000	46875	1164854	840	
Ratnaprasad Mainali	992979	24000	14400	18000	64350	57500	1175479	840	

*\*During the fiscal year 2022-23, officials of the Commission incurred tour expenses amounting to Rs. 153,293 while attending the 14th International Conference on Right to Information.*

## Chapter- 7

## **NIC's Recommendations for Enhancing the Implementation of Right to Information**

Since its establishment on May 4, 2008, the National Information Commission has consistently provided recommendations in its annual reports. Pursuant to Section 11 of the Right to Information Act (2007), this autonomous commission, established to safeguard and advance citizens' right to information, has presented its thirteenth annual reports to the Federal Parliament via the Honorable Prime Minister.

Throughout these reports, the Commission has consistently provided recommendations aligned with the mandate to suggest and advocate for protecting, promoting, and advancing the right to information, as outlined in Article 19 of the Right to Information Act and other relevant sections.

The recommendations provided by the Commission to the Government of Nepal are documented in Schedule 13. As this report marks the third term since the establishment of the Commission, and in alignment with the suggestions outlined in the preceding 13 reports, the following important supplementary recommendations are deemed essential by the Commission to enhance the effectiveness of safeguarding, promoting, and implementing the right to information. These recommendations have been identified as crucial steps that have been acknowledged but whose implementation remains pending.

### **Recommendations:**

1. The legal framework of safeguarding individuals' right to privacy, encompassing aspects such as personal life, residence, property, documents, data, correspondence, and matters related to character, aims to ensure the protection and responsible utilization of personal information within public entities or institutions. Furthermore, it seeks to uphold a dignified standard of living by preventing undue intrusion into individuals' privacy. The Privacy Act was enacted in 2018 to address these objectives. Provisions have been made allowing concerned individuals to lodge complaints in the appropriate district court for any offence committed under this Act, except those delineated in Subsection (1) of Section 30 and Subsection (3) of Section 29. Considering the feedback provided by stakeholders, who have highlighted the challenges faced by ordinary citizens in accessing district courts when their personal privacy is violated, and observing the trend in some countries where Information and Privacy Commissioners are appointed to oversee both the right to information and privacy matters under a single entity, it is proposed to amend the Act. This amendment would designate the National Information Commission as the entity responsible for adjudicating initial complaints regarding privacy violations.
2. The majority of political parties, which have been instrumental in establishing the constitutional framework by enacting the Right to Information Act (2007), thereby upholding the fundamental right of Nepali citizens to access information from public

institutions as articulated in Article 27 of the Constitution of Nepal, are failing to fulfil their obligations mandated by the right to information legislation. Enhanced transparency, accountability, and responsibility on the part of political parties foster greater engagement and enthusiasm among the general populace. Therefore, in adherence to the provisions outlined in the right to information law, political parties must appoint information officers and proactively disclose requested information for public access.

3. The execution of the Right to Information Implementation Monitoring Guideline (2019), ratified and enforced by the Government of Nepal, is of paramount importance for the effective enforcement of the right to information and the facilitation of information requests. However, there has been a notable lack of improvement in its implementation. To ensure the effective execution of these guidelines, it is imperative to activate the Central Coordinating Unit within the Office of the Prime Minister and the Council of Ministers, the Implementation Monitoring Unit within the Ministry of Communication and Information Technology, the Provincial Monitoring Unit within the Office of the Chief Minister and the Council of Ministers, and the District Monitoring Unit within the District Administration Office. Therefore, it is essential to promptly activate these units.
4. Information has not been categorized in accordance with the provisions for information classification outlined in Section 27 of the Right to Information Act (2007). It is imperative to align with global efforts towards transparency when classifying information, recognizing that accountability, transparency, and responsibility are essential for the stability of democracy, meeting the expectations of ordinary citizens, and confirming conditions conducive to good governance. Furthermore, surpassing the legal framework established in 2007 is essential, ensuring that only a minimal amount of crucial information is kept confidential for a limited duration. Information should be classified in a manner that does not restrict the information provided to Nepali citizens by the Constitution of Nepal and the Right to Information Act in any way.
5. In 136 countries worldwide where right to information laws are enforced, the autonomy of the commissions overseeing this right is being scrutinized. Despite possessing autonomy in several aspects, the National Information Commission is perceived as lacking financial autonomy, resulting in its weakened standing in international assessments. To address this issue, provisions should be made to allocate the Commission's budget based on decisions made by a committee following consultations involving the Ministry of Finance within the Parliamentary Committee on Right to Information.
6. The right to information constitutes a fundamental constitutional and legal entitlement for ordinary citizens. Nonetheless, instances of abuse directed towards information requesters by certain public bodies have been observed, with some individuals facing threats to their safety. Consequently, the government of Nepal must implement measures aimed at ensuring the safety and protection of information requesters.
7. The draft of the Whistleblower Protection Regulations, which underwent finalization by the National Information Commission last year, incorporated input from stakeholders, conferences, and public feedback. This process was undertaken to address the imperative need for regulations facilitating the effective implementation of provisions

concerning whistleblower protection as stipulated in Section 29 of the Right to Information Act. Following approval by the Commission on September 1, 2022, the draft regulations have been forwarded to the Government of Nepal for approval via the Ministry of Communication and Information Technology. Steps should be taken to promulgate these regulations accordingly.

8. The National Information Commission, tasked with safeguarding and advancing the right to information, is encountering difficulties in fulfilling its responsibilities and obligations due to a reduction in budget allocation. Particularly, the persistent shortfall in program budgeting exacerbates these challenges. Hence, it is imperative to address this matter with utmost seriousness and allocate the budget accordingly to ensure the Commission can effectively carry out its duties.





Chief Information Commissioner Mahendra Man Gurung presenting the commission's annual report for 2078-079 to the Right Honorable Prime Minister Pushpa Kamal Dahal 'Prachanda'.



Commission officials gather for a group photo after presenting the annual report of fiscal year 2078-079 to the Prime Minister.



Right Honorable Speaker Devraj Ghimire, Honorable Minister of Communication and Information Technology Rekha Sharma, and Commission officials participating in the program marking the 16th Foundation Day of the Commission.



Right Honorable Speaker Agni Prasad Sapkota releasing the 2078 test report on the implementation of the right to information.



Honorable Minister of Communication and Information Technology Gyanendra Bahadur Karki honoring former Information Commissioner Sri Sri Acharya at a program organized by the Commission on National Information Day 2079.



Honorable Minister for Women Kalyani Regmi attended a program organized by the Commission during the 16-day campaign against gender-based violence.



Chief Information Commissioner Mahendra Man Gurung delivering a speech at the International Conference of Information Commissioners held in Manila, Philippines.



Chief Information Commissioner Mahendra Man Gurung and Information Commissioner Ratna Prasad Mainali joined participants at the International Conference of Information Commissioners in Manila, Philippines.



**NATIONAL INFORMATION COMMISSION**

Kathmandu, Nepal

Phone : 01-4596544, 01-4593984

Fax : 01-4596945

E-mail: [info@nic.gov.np](mailto:info@nic.gov.np), Web : [www.nic.gov.np](http://www.nic.gov.np)

