

# Right to Information in Nepal Some Basic Facts



**National Information Commission**  
Devinagar, Baneshwor, Kathmandu, Nepal





NIC Commissioners and Secretary with Rt. Hon. President Mrs. Bidhya Devi Bhandari.



NIC Commissioners and Secretary with then President Rt. Hon. Dr. Ram Baran Yadav.

## National Information Commission



**Krishna Hari Baskota**  
*Chief Information Commissioner*



**Kiran Kumar Pokharel**  
*Information Commissioner*



**Yashoda Devi Timsina**  
*Information Commissioner*



**Sarad Raj Bista**  
*Secretary*

## PREAMBLE OF THE RTI ACT 2007

Whereas; it is expedient to make the functions of the state open and transparent in accordance with the democratic system and to make responsible and accountable to the citizen; to make the access of citizens simple and easy to the information of public importance held in public bodies; to protect sensitive information that could make adverse impact on the interest of the nation and citizen, and for the necessity to have legal provisions to protect the right of the citizen to be well-informed and to bring it into practice, the 'Legislature-Parliament' has enacted RTI Act.

## RIGHT TO INFORMATION

1. Every Citizen shall have the right to information subject to RTI Act.
2. Every citizen shall have access to the information held in the public Bodies.

## PROVISION REGARDING COMMISSION

1. An independent National Information Commission will be established for the protection, promotion and practice of right to information.
2. A Chief Information Commissioner and two other Information Commissioners will be in the commission.
3. In order to appoint Chief Information Commissioner and Information Commissioners, there will be a committee comprised as follows:
  - a. The Speaker - Chairperson
  - b. Minister or State Minister for Information and Commission - Member
  - c. President, Federation of Nepalese Journalists - Member
4. The Government of Nepal on the recommendation of the Committee under Sub-Section (3), will appoint a Chief Information

Commissioner and Information Commissioners; while appointing in this way, at least one female will have to be included.

5. The Committee in accordance with Sub-Section (3) will follow inclusive principles as much as possible while recommending for appointment of Chief Information Commissioner and Information Commissioners.
6. The procedures of recommendation in accordance with Sub-Section (3) will be as determined by the Recommendation Committee itself.

## FUNCTIONS, DUTIES AND POWERS OF THE COMMISSION

In addition to the functions, duties and powers stated elsewhere in the Act, the functions, duties and powers of the Commission will be as follows:

1. To observe and study the records and documents of public importance held in Public Bodies,
2. To order for maintaining list of information related with document and records held in such Body orderly,
3. To order concerned Public Body to make information public for citizen's notification,
4. To prescribe timeframe and order concerned Public Body to provide information demanded by applicant within such timeframe.
5. To order concerned party to fulfill liabilities in accordance with this Act.
6. To provide necessary suggestions and recommendations to Government of Nepal and various other bodies related to information and communications regarding the protection and maintenance of right to information.
7. To issue other appropriate orders regarding the protection, promotion and exercise of right to information.

## WHY RTI

RTI Act 2007 gives you the right to ask for and receive information about any activity from a public body.

Public Bodies include the following entities:

- Bodies formed under the Constitution
- Bodies established by the Act
- Bodies constituted by the Government of Nepal
- Public-service provider organizations or foundations established as per the law
- Political party & organization registered under prevalent laws
- Organized institutions under the full or partial ownership or under control of the Government of Nepal, or organized bodies receiving grants from the Government of Nepal
- Organized institutions formed by the Bodies established by the Government of Nepal or any other agencies lawfully formed through an agreement
- Non-Governmental Organizations/ Institutions directly or indirectly funded by the Government of Nepal or Foreign Government or International Organizations/Institutions,
- Other Bodies or Institutions defined as Public Bodies by the Government of Nepal through a notice published in Nepal Gazette.

Information Officers (IOs), also known as Public Information Officers (PIOs) in different places, must disclose and provide information available to them, whenever people come to ask for it. PIO should give a valid reason if the information sought cannot be given.

Information up to ten pages is provided free of cost.

- Nepali people can access information that concerns themselves as well as the public, not only from government but also from public bodies. They can study their records and make copies of it.
- Work done by government or public bodies will no longer be secret. Openness will be the norm and secrecy will be the exception.



## HOW TO ASK FOR INFORMATION

The seeker of information has to submit a written application to the concerned Information Officer. It is important for the applicant to clearly specify the information sought. Unclear requests make things difficult to provide correct information. Hence, requests for information should be as clear and specific as possible.

The types of information sought may vary, depending on issues and topics concerned. A sample application provided here could give an idea on how to make a formal request for information. This can be used as a basis to write applications. You may also seek help from local organizations that provide support to write applications.

Every Public Body will have a (P) IO to provide information to the public.

## SAMPLE OF FIRST APPEAL WHEN AN APPLICANT'S REQUEST FOR INFORMATION IS NOT RESPONDED

If the Public Body fails to act upon your request for information, you can make your first appeal to the concerned agency in the following manner:

Dear Public Information Officer,

(Office, Section, or name and address of the concerned public body)

Subject: Request for information under RTI Act 2007

I had filed an application at this office/department on .....to get information about..... As I am yet to get a satisfactory answer I would like to request you to make available the following information.

1. What kind of action has been taken on my application? What was done on what date?
2. Which staff has my application? How long did my application stay with a particular staff? What kind of action did the

No fees will be charged for the first half hour of monitoring in Public Bodies or getting information from work place, getting records, or undertaking records inspection and observation. After that the charge is Rs. 50 per person, per hour.

concerned staff take on my application? Please provide me the name, level, and phone number of all those employees.

3. According to the rules of your organization, directory, citizen's charter, how long will it take for your organization to act on my application. Please make available a photo copy of that rule or directory.
4. Is there any provision to punish the employee who fails to adhere to the rules and regulations? Have any rules and regulations been violated regarding my application? If yes, then what kind of punishment will be given according to what rules and regulations? I would like to know that.
5. I have suffered mental and physical torture due to the negligence of the officers. Is the concerned officer responsible for the torture or not? if yes I would like to know the law that details the kind of punishment that will be given to the concerned officer.
6. When will any action be taken on my application? When will my request/problem be answered/resolved?

**Please kindly provide me with the information**

outlined above.

Sincerely/Requester

Signature of Applicant:

Name of Applicant:

Address:

Phone no:.....

Date:.....

There are no fees for inspection in public libraries and public places where information is made available.

## PROVISION OF INFORMATION OFFICER

- Public Bodies will nominate a staff as an Information Officer for the public's ease of access to information
- The head of the office should provide information to the PIO to disseminate it in accordance to Sub-Section (I) of RTI Act.
- An Information Section will be set up in all public bodies to disseminate information.

**Public Importance** refers to a subject related directly or indirectly to the interest of citizens. This could be regarding the process from planning to building of roads, bridges, culverts, schools, hospitals, etc.

**Information means** any written document, material or information related to the functions proceedings thereof, or decision of public importance made by the Public Bodies.

**Written Document** means any kind of scripted, written document and any audio visual materials collected and updated through any medium, or those that can be printed or retrieved.

**'Written Documents' also implies** records, documents, memos, emails, thoughts, suggestions, advice, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data stored electronically or digitally and according to prevalent law any kind of public information that can be accessed from public bodies.

## FORMATION UPDATE AND PRO-ACTIVE SCLOSURE

The (P)IOs of government offices and other public bodies have to regularly update and publish the following information:

- Structure and nature of the Body,
- Duties, responsibilities and powers of the Body,
- Number of employees and working details of the Body,
- Services to be provided by the Body,
- Branch and responsible officer of the service providing Body,
- Fee and time limit required for service,
- Decision making process and authority,
- Authority to hear appeal against decision
- Description of functions performed

The information relating to areas mentioned above can also be asked for verbally. The PIOs of Public Bodies have to proactively disclose their updated information every three months so that it could be immediately accessed.

- Name and designation of the Information Officer as well as the Chief of Office
- List of Acts, Rules, By-laws or guidelines
- Updated description of income and expenditure, as well as financial transactions.
- Description of any programs conducted by a Public Body in the previous financial year
- Website address (URL) of the Public Body, if available
- Description of any information of the Public Body that might have been published elsewhere
- Particulars relating to foreign aid, loan, grants and technical assistance received by the public bodies
- Programs conducted by the public bodies and progress report on the same.
- Name of the classified and protected information and prescribed period for the protection of such information.
- Application relating to the request for information in the public bodies and details for information provided on the same
- Other particulars as may be specified.

The RTI Act anticipates that Public Bodies store (archive) their information going as far back as 20 years from the commencement of the RTI act. Hence people can hope to access those information.

PIOs regularly update their information and keep records regarding their work plans, expenditure, financial transactions, rules, regulations, laws, and directives. So they can provide this information to people as and when required.

### NOTE:

- You don't need to pay and fee to make a request for information. Also, documents up to ten pages is provided free of cost.
- You, as a citizen, can also inspect files relating to any public construction work. You can also make field trips to the construction site to inspect the work there, after paying a certain amount in fee. You can inspect and check any document, record or work of public interest. You can make notes from the document or report, copy extracts and makes references from the certified copy. You can also take materials from the certified samples. You

can acquire information through various means – print, electronics as well as others--such as publications, disks, pen-drives, tapes, and video cassettes.

- It is the duty of the PIO to inform people about the fee required to get the information. In case you feel you were over-charged, you may acquire the correct information from the Chief of office or lodge complaint with the National Information Commission (NIC).
- The citizen should get a receipt from the PIO once the request for information is submitted.
- Once the application is submitted, the PIO should make the information available as soon as possible. If the information cannot be provided immediately, the PIO should make it available within fifteen days from receiving the application. The PIO must give reasons to the applicant in case the information cannot be provided by that time.
- If the information requested for concerns with the safety and security of someone's life, then the information must be provided within twenty-four hours.
- The PIO should make the information available in the form demanded by the applicant. However if the information gets distorted in that form, the PIO should give reasons and provide it in the best available form.
- If the information requested for does not concern with his or her office, the PIO has to convey the message to the applicant as soon as possible.

## INFORMATION FEES

### Upon acquiring information:

A4 size photocopy – Rs. 5 per page

Larger than A4 paper – Rs. 10 per page

Information CD, Diskette or other electronic medium – Rs. 50 per item

Observation ½ hr. – Rs 50 (as per cost.)

### The following information might not be available:

- Information harmful to sovereignty, integrity, national security public security, law and order of the country; and information that can jeopardize international relations;
- Information that could have direct bearing on research, investigation and prosecution of a criminal case
- Information harmful to economic, financial, monetary wellbeing or posing threat to someone's intellectual property rights, as also to banking and financial secrecy
- Information that could jeopardize the harmonious relations subsisting between various castes and communities
- Information posing threat to a person's right to privacy, personal security, health and property

But unless there are reasonable and sufficient grounds to validate those exceptions, Public bodies cannot evade responsibility to disclose information.

If a public body has both information in its record that can be made public and that cannot be made public in accordance with this Act, the information officer shall have to provide information to the application after separating the information which can be made public.

## WHAT IF YOU ARE DENIED INFORMATION

- What would you do if your request for information is rejected or ignores, or not responded to on time, or, say, you are charged more than what you feel reasonable? And what if you are denied information without giving any valid reason, or given wrong or misleading information, or in situation when the file and records of the information you ask for are destroyed?
- In such case you can make an appeal to the Chief of the concerned office to get information within seven days. The Chief of the Office should inform the applicant whether the information can be provided within that time frame. If the information can be given, the PIO must provide it within seven days.

The PIO ought to provide information to the people when they ask for it. If for any reason the PIO cannot give the information asked for, he or she has to give a valid reason for this.



## NOT SATISFIED

In case you are not satisfied with the decision rendered by the Chief of Public Body, you may file an appeal before NIC within 35 (thirty-five) days of the decision received. The NIC will give its final decision on the matter within 60 (sixty) days of the appeal filed.

If the Commission finds that Chief of Public Body or Information Officer has held back information without any valid reason, or refused access to the information, or providing only partial or wrong information or destroyed information it can impose a fine to such chief or Information Officer, ranging from Rs. 1000 to 25000. If the concerned Chief or Information Officer happens to be in a position liable for departmental action in relation to the case, then the Commission can write to the concerned body for appropriate departmental action. If the Chief of the Public Body or Information Officer delays in providing information, without furnishing any reason, he or she shall be punished with a fine of Rs. 200 per day for the number of days the information is unreasonably delayed.

In case individuals are found to have misused the information they receive from the public bodies, the Commission may fine them in the range between Rs. 5000 to 25000 depending on the gravity of the misuse. Information acquired from Public Bodies must be used for the purpose it was obtained for.

Information is your fundamental right. To know about this right, please see RTI Act 2007 and RTI Regulation 2009. Thank you.

You can file your appeal to the Commission either by directly approaching the Commission office or getting it registered in the concerned office or through the concerned District Administration Office. Alternatively, you can also mail your appeal directly to the NIC, via any postal services.

Transparency and Accountability of public bodies are the foundation for Right to information of the Citizen. Use your right to know. Please seek and get public information. Let us give and take information and respect the citizen right.

Every citizen has the right to know the facts, figures, certified and digital copies of public records help by public bodies. It is your fundamental right to get and seek public information or strengthening democracy, transparency and accountability to ensure good governance.

Let us use right to information to seek and get public information to ensure good governance through improved public service delivery, transparency and accountability. It is your right and duty. Together we can change for the betterment.

National Information Commission (NIC)

E-mail: [Info@nic.gov.np](mailto:Info@nic.gov.np)

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