

## **HOUSE PASSES RIGHT TO INFORMATION BILL: MAHARA ASSURES IMPLEMENTATION IN LETTER, SPIRIT**

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The interim legislature parliament Wednesday unanimously passed the much awaited 'Right to Information Bill 2007' after a 16-year-long tug of war between the givers and receivers of information.

The bill with five exemptions will be effective after a month as per its provision. The bill has brought the political parties and non-governmental organisations, organised institutions and academy established for public service within the ambit of the bill. Under the definition of the right to information the bill has provisioned to ask and get the information of public importance, to observe such documents, places where activities of public importance are taking place.

### **Five exemptions**

The bill has mentioned five areas of exemption for withholding the information. The information, which might have serious and adverse impact on the country's sovereignty, integrity, national security and public peace and law and order and international relations, will be withheld.

Information that might hamper the investigation and filing of criminal cases; economic and commercial interest of the country and the intellectual property rights; banking and commercial secrecy; that disrupt communal harmony; and personal lives, security and other secrecy will be withheld.

But the public organisations under the bill will not be allowed to avoid providing information until there is an appropriate and sufficient reason for withholding the information. The public organisations should provide the information to the applicants, after classifying the information to establish a distinction between exempted information and information which could be provided under the existing law.

### **Duties specified**

The bill has specified the duties of public organisations to respect and protect citizens' right to information. The duties include categorising and updating information from time to time, making them public, making the public access to information simple and easy, making all activities open and transparent, managing training to the employees.

Under the provision of updating various information, the bill has mentioned that the public organisations should update the information dating back to at least 20 years. They should also prepare a list of 11 types of information related to their works and services. Such information should be made public within three months after the act is implemented and such information should be updated every three months.

The bill has provisioned to appoint an information officer for disseminating the information in each public office. They could also manage separate information section as per the need. The chief of the office should provide information regularly to the information officer.

A citizen who wants information should apply for the same and he should be provided

information instantly if possible and if not within 15 days. The officer handling the information should provide a valid reason elaborating why the applicant is not entitled to receive the information.

If the information is related to one's life, it should be provided within 24 hours. As far as possible the information should be provided in the desired form to the applicant. If the desired information is not related to the office, the applicant should be informed about that. The applicant should pay for the information that he receives according to its worth.

If the information officer gives false and partial information and denies providing information with a bad intention, the applicant can complain to the chief of the office and the chief can take action against the officer.

The bill has provisioned a separate an independent national commission to protect, preserve and implement the right to information.

A committee headed by the speaker of the parliament including Minister for Information and Communications and President of Federation of Nepalese Journalists as members will appoint chief information commissioner and information commissioners including at least one female. The two third majority of the parliamentary committee related to information could remove the commissioners from the post.

The commission has been entrusted the duty of monitoring the public organisations in relation to implementing the right to information. It can even instruct the organisations and the government to implement the law. It has power to conduct hearings on the complaints related to the right and it should give necessary decision within 60 days.

The bill has made separate provision for classifying the information, which falls under the need of preservation. A committee will be formed to classify information headed by chief secretary of the Nepal government and related secretary and chief or related expert recommended by the chief as members.

The committee can keep the confidentiality of certain information until 30 years at the maximum as per the nature of information. The committee should review exempted information every 10 year. While reviewing, the committee can extend the duration of exemption and also can make public if not needed for exemption.

The bill has made separate provision for preserving personal information secured by the state and has arranged for providing such information to the related person.

The bill has also mentioned the provision for protecting the information provider under the whistleblower law. If any employee provides information related to corruption, irregularities and criminal activities within his organisation, the law would protect the employee.

Any officer or chief officer who escapes from the duty of providing information or who gives false and partial information could be subjected to Rs. 1000 to 25,000 fine and departmental action. The person, who misuses the received information, could also be fined Rs. 5000 to 25,000. The officer who denies providing information without genuine reason could be fined Rs. 200 for each day of delay.

The bill has also provisioned for the giving of compensation to those who incur damages because they were deprived of the demanded information.

Mahara responds

Replying to the queries of the lawmakers, Krishna Bahadur Mahara, Minister for Information and Communications said that the right to information law will help to institutionalise the democratic system and bring about forward-looking changes. He expressed his commitment that the government would show preparedness to implement the law in its letter and spirit.

The state and even public bodies should be transparent in a democracy, he said.

Earlier, Raghuji Panta of CPN-UML, Homnath Dahal of Nepali Congress (Democratic), Harihar Dahal of Nepali Congress and Narayan Prasad Regmi of CPN-Maoist said that the passage of the bill was a historical achievement after the restoration of the democracy.

Bal Bahadur Rai, the chairman of Environment, Communication and Technology committee of the parliament had presented the bill at the House with the report of the committee. The committee had unanimously passed the amendments to the original bill presented by the government a few days back.

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