



Success Stories from Nepal



*Empowering Citizens through
Right to Information*

Success Stories from Nepal





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Foreword

It took more than 17 years to establish the legal provisions of Right to Information (RTI) even though the citizens' access to information of public concern and importance was enshrined as a fundamental right in the constitution of Nepal. During this interval, the Supreme Court made some landmark decisions on RTI and four ordinances were drafted stressing the need to formulate the RTI Act. However, awareness and knowledge of RTI among people was still very low. The RTI Act was promulgated one year after the historic people's movement of 2006.

Merely having the legal and institutional set-up was not enough to fulfill the purpose of the RTI regime. It was therefore realized that there was a need to make the demand side effective and proactive, and use the RTI to make public agencies responsive, transparent and accountable. Realizing this, we took the initiative to launch a strategic campaign on seeking information using the use of RTI law. As a result, we are now obviously linked to the success stories of the use of RTI in Nepal. We practiced RTI in different sectors and made people aware that they have in their hands a powerful tool in the Act.

Freedom Forum has been in the forefront of the RTI movement in Nepal. Importantly, the organization campaigned extensively for the promulgation of the RTI Act-2007. In order to promote the RTI Act more effectively, the Forum launched a strategic information request campaign and filed some 100 applications at

various public agencies. In order to draw the attention of a broad range of stakeholders including the government, civil society organizations, media, legal practitioners and academics, the Forum organized the First National Convention on the Right to Information in 2010. The Convention in turn issued a 47-point Declaration endorsing measures needed to implement the new RTI law.

In order to promote more effective implementation of the RTI Act, the organization has so far nurtured over 84 RTI activists in various parts of the country. It has also set up an RTI support centre at its central office in Kathmandu to help citizen's request information. Similarly, the Forum played a catalytic role in the creation of the Society of Information Officers, Nepal (SION) – an organization of public information officers for central government agencies– and imparted capacity-building training to more than 54 information officers. All in all, the organization has aggressively worked to build an enabling environment for RTI in Nepal on both the demand and supply sides.

Freedom Forum is pleased to bring out this volume of success stories on the practice of RTI in Nepal to document its impact. The success stories are based solely on requests filed for strategic information from various public agencies with the aim of exposing irregularities, corruption, or poor administration. The reality is that the use of RTI, so critical for democracy, is still nascent in Nepal with weak implementation on the

supply side and low usage on the demand side. It is in this context that we launched the information request campaign to deepen the practice of RTI and contribute to the development of a culture of information disclosure as a means of strengthening participation, transparency, and responsive government.

In the course of making various public agencies internalize the adherence to RTI, we went through a long struggle, and sometimes came across very interesting stories too. In the initial years of the RTI, numerous applications seeking information were ignored by the concerned agencies. But the unrelenting campaign of seeking information in parallel with capacity-building on RTI resulted in gradual progress. Most of the applications filed early on went unheeded until the National Information Commission was moved. This is proof of the lack of a culture of willingly sharing information. Indeed, our cases testify to the many procedural hurdles that confront those seeking information under RTI.

We initially considered including some 50 cases in this volume but later winnowed this to just 18. Various cases were found relating to a common theme. For instance, there are several cases of seeking copies of

answer sheets in the same board of examination, and, many other boards have similar cases. An RTI case relating to the Tribhuvan University reached right up to the Supreme Court (SC). After the SC ruled in favor of the RTI, it built pressure on other boards of examination to initiate change. There are several other types of information sought from government bodies at the local level. However, only selected success stories have been included in this volume and many of them have inspired people to use the RTI and helped increase demand for good governance.

Rigorous work was done to prepare the case studies. I express my gratitude to my research fellow Yekraj Pathak and all Freedom Forum colleagues including Executive Director Krishna Sapkota for this. I would also like to thank Binod Bhattarai for editing the case studies. I also acknowledge the help of all others who contributed with suggestions.



Taranath Dahal

Chairperson, Freedom Forum.

Abbreviations

| | |
|---|--------------|
| Civil Society Organizations | CSOs |
| Commission for Investigation of Abuse of Authority | CIAA |
| Constituent Assembly | CA |
| Department of Roads | DOR |
| District Development Committee | DDC |
| District Education Office | DEO |
| Higher Secondary Education Board | HSEB |
| Inland Revenue Department | IRD |
| International Criminal Court | ICC |
| Liquefied Petroleum Gas | LPG |
| Ministry of Finance | MOF |
| National Information Commission | NIC |
| National Planning Commission | NPC |
| Nepal Oil Corporation | NOC |
| Non-governmental Organizations | NGOs |
| Office of the Prime Minister and Council of Ministers | OPMCM |
| Right to Information | RTI |
| School Leaving Certificate | SLC |
| School Management Committee | SMC |
| Value Added Tax | VAT |
| Village Development Committee | VDC |

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Overview

Nepal's Right to Information (RTI) Act came into effect on 20 August 2007. Although the 1990 Constitution included RTI as a fundamental right, it was practically useless for the lack of a law. The Interim Constitution of Nepal 2006 continued with the provision (Article 27). Following the restoration of democracy in 2006¹, the government began formulating the RTI Act in 2007. The National Information Commission (NIC) was formed six months after the enactment of the RTI Act. The RTI regulations were enacted in 2009.

Nepal's ongoing political transition that began in 2006 has remained a major challenge to the effective implementation of RTI. The first phase of the transition ended in May 2012, after the term of the Constituent Assembly—elected in 2008—ended without promulgating a constitution. RTI implementation remained on the sidelines of the political agenda throughout this period. Civil society advocacy has therefore been vital for operationalizing the law. In this regard Freedom Forum has been a major civil society group that has been advocating for and testing RTI implementation in Nepal.

The government made two attempts to constrict the scope of the RTI Act by classifying information, and failed on both counts following civil society protests. The most recent attempt was made in 2012, when it tried to classify 140 types of information as secret. The government was forced to withdraw the effort following a Supreme Court order in response to petitions made by civil society organizations (CSOs). Generally, government agencies have been hesitant even in meeting the proactive disclosure requirements of the law, but some ministries have made efforts to be open. The Ministry of Finance stood out in this respect when it published a document to meet the requirements of Section 5 (proactive disclosure) of the Act². The report was published in September 2012. Another positive development has been the decision by the government to set up a nodal agency for coordinating RTI implementation at the Office of the Prime Minister and Council of Ministers (OPMCM). RTI principles have also been included in the government's governance reform strategy, which however, remains to be implemented.

¹ Between February 2006 to April 2006 Nepal was under direct rule. Democracy was restored following a movement of the political parties and the Maoists (then engaged in a 'People's War') after which the parliament, dissolved in 2002, was reinstated.

² Suchana Ko Hak Sambandhi Ain 2064 ko Dafa 5(3) Bamojim Prastut Gariyeko Artha Mantralaya Sanga Sambandhit Sarbajanik Bibaran. (Information on the Ministry of Finance related to Section 5(3) of the RTI Act 2007)

Meanwhile, civil society groups have made several attempts to seek information using RTI. They have carried out public awareness programs, and training and orientation on the law, and also helped citizens in using the tool to seek information. The media has widely covered information disclosed through RTI appeals and this has assisted the process of building awareness.

It was not possible to record all information provided by public agencies proactively following the enactment of the law but there are records of nearly 300 complaints filed with the NIC following denials, which is an indication that information is not easily available. The following table shows the number of appeals made to the NIC by different citizen groups.

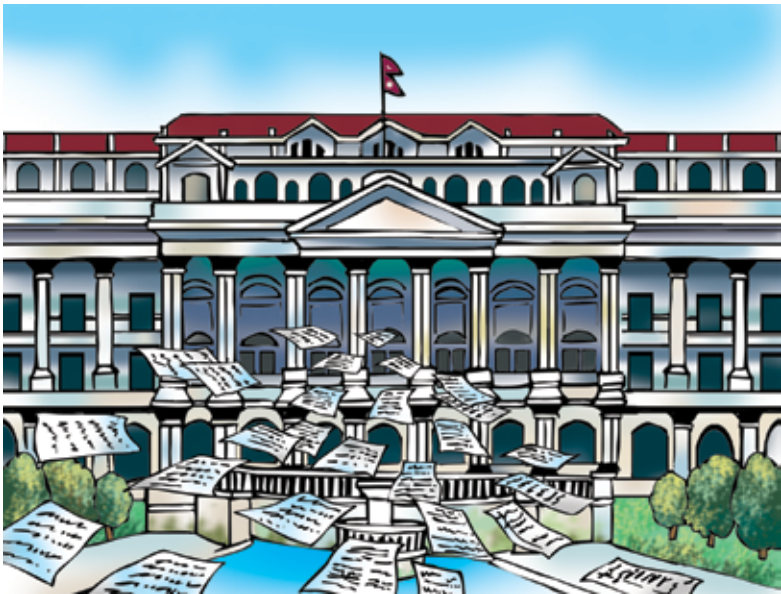


TABLE 1: INFORMATION APPEALS AT NIC FILED BY CITIZEN GROUPS (2008-2012)

| Year | Govt. officials | Students | Busi-nessmen | Legal practitioners | Judges | General public | Journalists | Total |
|---------|-----------------|----------|--------------|---------------------|--------|----------------|-------------|-------|
| 2008/09 | 3 | 1 | - | - | - | 6 | 2 | 12 |
| 2009/10 | 10 | 11 | - | 3 | 1 | 11 | 3 | 39 |
| 2010/11 | 9 | 14 | 6 | 2 | - | 13 | 3 | 47 |
| 2011/12 | 22 | 20 | 4 | 4 | - | 57 | 2 | 109 |
| 2012/13 | 30 | 52 | 22 | 11 | 1 | 71 | 17 | 204 |
| Total | 74 | 98 | 32 | 20 | 2 | 158 | 27 | 411 |

Source: NIC

Members of the general public filed the largest number of complaints with the NIC while students and government officials actively sought information. The number of journalists making RTI requests was low. The NIC data (Table 1) that is based on complaints does provide an indication of who is seeking information and also shows that there are denials, which is why the complaints reach the NIC.

Most of the appeals reaching the NIC were adjudicated in favor of the applicants. This publication is an attempt to analyze some RTI cases where citizens were able to obtain information. It includes only cases that reached the NIC and from among them only those that were unique either in terms of information sought or the agency that was involved. The length of time to resolve a case depended on the nature of the information sought, whether it was readily available, and the willingness of state agencies to cooperate.

All the success stories presented here have their own importance and substantially showcase the power of information and its multiple effects in different sectors. The stories (cases) were selected after detailed research and observation of the use of RTI as a tool to access strategically important public information, and are successful in demonstrating how public agencies can be held to account. The success stories are developed in six thematic areas including exposing misuse of public resources, RTI use among the youth, information in the public interest, RTI for protecting whistleblowers, RTI and democracy and RTI in local governance.

'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

-Article 19, Universal Declaration of Human Rights (UDHR), 1948

Exposing misuse of public resources

RTI and VAT fraud investigation

In spring 2010, Nepal's Inland Revenue Department (IRD) seized fake Value Added Tax (VAT) invoices that were being sold at local stationeries. Amid reports that companies used these invoices to evade taxes a story appeared on CNN online about a report prepared by the IRD on VAT evasion having gone missing, possibly because business elites had influenced the Finance Minister. The CNN piece reported that fake VAT invoices had been used to evade almost Rs. 20 billion in taxes, and also named some businesses that were allegedly involved in the scam. These reports surfaced in the wake of the resignation of the Finance Secretary who was said to have quit following 'disagreements' with the Finance Minister. Some newspapers even speculated that it was possible he resigned over a dispute with the minister on how to handle VAT evasion. Parliament had also raised questions on this issue to which the government had not provided a satisfactory response.

In the meantime, Freedom Forum obtained information from the Ministry of Finance (MOF) that the Depart-

ment of Revenue Investigation had formed a special five-member task force led by a deputy director, for the investigation in 2010. It had submitted its report to the Director-General of IRD, who had forwarded it to MOF after which there had been no decision. The information received by Freedom Forum suggested that 515 businesses had used fake invoices to evade about Rs.10 billion in taxes. No action had been initiated because a decision was pending.

RTI process

Taranath Dahal, Chair, Freedom Forum, filed an RTI application with the MOF seeking information on the tax evaders, on 08 May 2011. He wanted to know the names of VAT evaders (both individuals and businesses) and also the amount of revenue lost. He had asked for copies of the 'Investigation Report on Tax Evasions using Fake and Duplicate VAT Invoices, 2010' and its annexures 1-7.

The MOF did not provide the information within 15 days of the application, as required by law. Neither was the peti-

tioner given a reason for not being provided the requested information. Next Dahal took his case to the Finance Secretary, the first appellate authority, on 09 June 2011. The Finance Secretary did not respond immediately, and later said he was unable to make the disclosure. Responding to the resulting appeal, on 11 July 2011, the NIC ordered the Finance Ministry to provide, within three days, either the requested information, or an explanation to the Commission. The MOF did not comply with the order. Dahal made another appeal to the NIC on 15 August 2011.

On its part, the MOF, on 20 July 2011, sought the opinion of the Attorney General's Office and was advised against disclosure because of the 'confidential' nature of the information under tax laws. Earlier, on 21 June, the Ministry of Finance, through a ministerial decision, had also decided that the information could not be disclosed. It had used a similar argument to deny information while responding to the NIC's 11 July order.

Disclosure

Eventually, the Ministry of Finance disclosed the information on 30 October 2011. This was in response to the NIC's final decision that stated that the requested information was a matter of public concern and therefore the petitioner had the right to be informed. The NIC added that it was the public's right to know if the taxes they

paid had reached the exchequer, or had been stolen, and that people had the right to know how certain businesses might have taken the money using fake invoices. The order read, "If such scandals are made public, the concerned can be discouraged, and similar crimes are likely to be prevented. Transparency discourages while concealment of public information could encourage such malfeasance. Therefore, people will be deprived of information if the probe report on tax evasions is kept secret".³

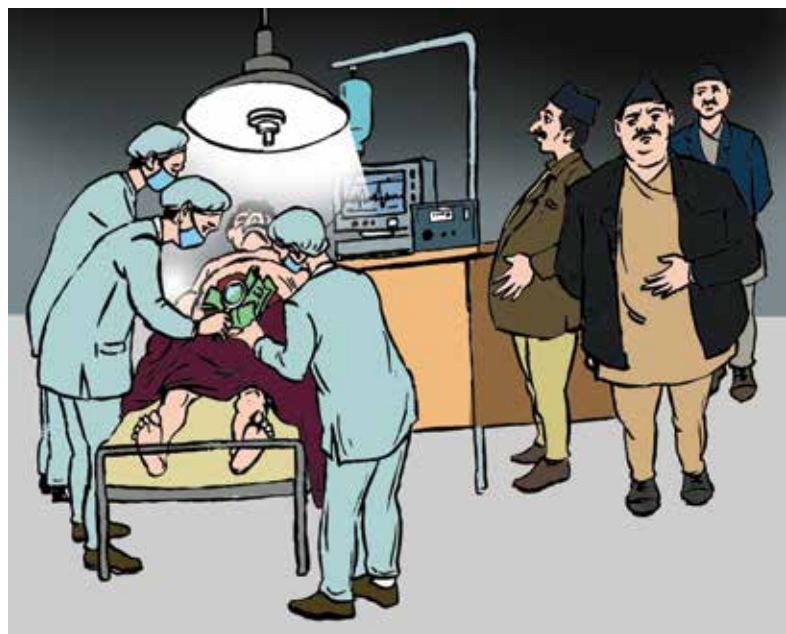


³ Translated from Nepali

The Ministry of Finance disclosure said that a total of 518 companies had been investigated but information on only 437 was disclosed. While the reported loss in taxes was Rs. 10 billion, because information on 81 companies in the probe report was not released, there was reason to suspect that the losses could have been higher. The remaining information was not available because the NIC directed the MOF to make public information contained in only four out of the seven annexes that had been requested. The remaining 81 firms were still under investigation at the time and this information was later obtained from IRD.

Follow-up requests

Not satisfied with the partial disclosure, Dahal made another information request at IRD. He asked for the names of the 518 companies, their owners, the violations and the total amount to be recovered. IRD refused to register the application on 06 August 2012, saying the information sought was protected under the Right to Privacy. Next, he took the application to the Director-General (28 August 2012), the head of office, where first appeals for information denial ⁴ are filed. The next day a director at IRD provided some information that said the government needed to recover Rs. 6.59 billion of evaded taxes but did not disclose the names of companies that had defaulted. The tax office said the information was pro-



tected under Section 3.2 of the RTI Act and also Section 74 of the Revenue Act that has provisions for protecting taxpayers. An appeal was filed before the NIC on 07 October 2012. The RTI Act gives the NIC 60 days to take a decision on a complaint or appeal. After this time had elapsed, the applicant wrote to the NIC requesting a response on the status of the application.

Interestingly, on 14 February 2013, IRD Director-General Sharma filed a case against Freedom Forum and the Na-

⁴ By law the appellate authority is the head of office of the concerned public agency

tional Information Commission at the Supreme Court, demanding certiorari and mandamus order in his favor. In this regard, Freedom Forum took the stand that those evading tax are not taxpayers but criminals. So, they need not have their privacy protected as argued. With this stand, Freedom Forum submitted its written response to the SC on 15 March 2013, and reasoned that it had the right to get the information sought. The case was sub-judice at the SC when this document was prepared.

Impact

The information received showed how policy level in-action could affect public interest, particularly on an issue that was tantamount to stealing from the treasury. The disclosures also provided moral support to honest policymakers, government officials and law enforcers, who were previously unable to disclose the information because of the influence of some big businesses on the government. There was higher tax collection in 2012 in comparison with 2011, and this could have been influenced by the RTI disclosures. On 12 August 2012, Saurya Dainik (a vernacular daily) published a report that said revenue collection had increased by 27 percent in the first month of the fiscal year. The Monthly Tax Bulletin of IRD in July-August 2012 also reported an increase in collection by Rs. 3 billion, and it attributed this to successful reforms in revenue administration. The disclosure also received wide coverage in the media. The knowledge that some tax information could be disclosed can also serve as deterrent to potential defaulters. The govern-

ment began action to recover the defaulted tax but was challenged by businesses at the Revenue Tribunal. On 04 September 2012, the tribunal ruled in favor of the government, and all of this was possible even though the disclosure of information was only partial.

RTI and free fuel coupons

Nepal Oil Corporation (NOC) is the monopoly state company that deals with petroleum products—diesel, petrol, liquefied petroleum gas (LPG), kerosene and aviation fuel. It has the sole rights to purchase, transport, store,



and distribute petroleum products. It purchases petroleum products from India, fixes prices with government consent and sells and distributes petroleum through private and public sector retailers and dealers. It is also the agency that can license petrol and diesel retailers.

Despite the monopoly, NOC has a history of huge losses, largely because prices were always artificially (politically) suppressed. Almost every attempt to raise prices to match international prices has met with widespread protests because of the lack of transparency in how NOC conducts business. Both NOC and the government have justified every price hike as something necessitated by increasing losses. However, the same losses did not prevent NOC employees from receiving salaries and payments for up to as many as 27 months in a year under different budget lines. Further, there have been many reports in the media accusing NOC of indulging in corruption during price fixation, licensing, and transportation contracts, and while appointing dealers.

Following an attempt to raise prices in October 2011, the Minister for Supplies told the media that NOC faced losses because “of managerial lapses and distribution of free coupon(s),” in addition to the differences in the buying and selling rates (Karobar daily, 24 October 2011.) The information that some individuals obtained free coupons for petroleum products triggered an information request by Freedom Forum.

Process

The information request made on 06 December 2011 sought the following:

1. Number of coupons and volume of fuel distributed since 17 July 2006, names and addresses of individuals receiving free coupons, and of outlets that distributed free petroleum products
2. Certified copies of criteria or policy/directive, standard or decisions for distributing free coupons
3. The volume of oil and LP gas purchased, and dated cost and selling prices after 17 July 2006.

Upon failing to obtain information, Freedom Forum appealed to the NIC. NOC did not provide the information and informed Taranath Dahal of Freedom Forum that it did not have an Information Officer. Next Dahal filed another application addressed to the Executive Director, also the appellate authority, (27 December 2011) requesting the same information, and reasons if it could not be disclosed. The Executive Director provided neither the information nor the reasons for denial.

Dahal then appealed to the NIC on 16 January 2012, and on 19 January 2012 the Commission ordered NOC to provide the information within seven days or provide an explanation for not doing so. NOC did not comply following which the NIC sent a reminder on 15 February 2012, asking for the status of the implementation of its order. On 20 March 2012, Freedom Forum went back

to the NIC seeking legal action against the NOC Executive Director for non-compliance. The NIC then issued another order giving NOC 15 days to comply with the information request. It also asked the Executive Director to appear in person at the NIC with a written response on his failure to implement previous orders.

In response, NOC sent two separate letters to the NIC. The letter signed by a director, on 26 March 2012, said the disclosure was delayed for lack of human resources to search out the information. Attached with the letter was a page listing the cost and selling prices of petroleum products from 2007/2008 to 2011/2012. But costs could not be compared with the changes in prices of petroleum products and were not certified by NOC.

The second letter had a 75-page attachment, but it did not have information on whether there were criteria, policy, directives or decisions on the distribution of free coupons. It only stated coupon numbers, some vehicle numbers and amount of petroleum products distributed. It contained the information from 2008/009 to 2011/012 (not from 2006 as requested). The recipients were not named and this information was also not certified. This information was provided on 05 April 2012.

Not satisfied with the information, Dahal made another appeal to the NIC on 10 April 2012. The NIC wrote to the NOC Executive Director again on 03 June 2012, ordering that the information sought be provided within a week, failing which legal action would be taken. Thereafter NOC sent more information to the NIC, with copies to Dahal. This 12-page document had information on the cost prices of petroleum products on different dates, and some sections of the ledger with records of profit and loss signed by its auditors for 2006/2007, 2009/2010 and 2010/2011. NOC, however, did not disclose the cost of distributing free coupons, other administrative costs and the fully audited accounts.

On 28 June 2012, Dahal made another appeal reminding the NIC to take a decision on his request within 60 days, as provided by law. He also sought information on action taken on his appeal dated 10 April 2012. Eventually, on 11 July 2012, the NIC invited both Dahal and the NOC Chief Executive to its office for a meeting on 16 July 2012. The meeting was attended by the NOC Executive Director, his legal advisor and Dahal where NOC stated that it was not its intention to hide information and it was making all efforts to make it available. At the meeting the NOC chief estimated that free coupons worth around Rs. 170 million could have been distributed in

the period under question without proper records and said that the distribution of coupons had not stopped. He also assured the information seeker that NOC would make efforts to provide all information, which had not been possible because of poor record-keeping.

A month later, on 22 August 2012, NOC sent Dahal a letter with a 101-page document. The document provided cost prices of petroleum products purchased on different dates, selling prices fixed at 10 different depots and the information it had sent the NIC earlier. All information that had been requested was received 142 days after the first appeal. Though it was not possible to obtain information on who received the free coupons, it was established that the head of NOC had done that arbitrarily, which is a matter that needs to be investigated by anti-corruption bodies.

Impact

- It took nine months to receive the information from NOC. The information was widely covered by the media and therefore is expected to serve as a deterrent to distributing free oil to individuals in positions of power and influence.
- The information requests and appeals were also able to establish that no public agency is beyond the scope of the RTI law.
- NOC has appointed an Information Officer and has begun posting price information on digital displays at three locations. The display provides the cost price, expenses, and updates on profit and loss. It has also begun publishing a bi-monthly bulletin 'Nepal Oil News'.

RTI use among the youth

RTI and higher education

The education system in Nepal has long been questioned for its quality and fairness in evaluation. Students have at times either boycotted examinations or resorted to violence when not pleased with the outcome. This has been a problem with all major educational institutions, and centrally administered school-level examinations, including School Leaving Certificate (SLC). The RTI Act has allowed students at different levels to seek access to their examination answer sheets when they've felt the evaluation was unfair. In most cases, the outcome was a correction of the score that was initially allotted.

RTI Process

The first information request related to examinations was made on 14 June 2009. This was when Bijay Aryal, a BBS⁵ 1st Year student, and four others, wrote to the Information Officer at Tribhuwan University—the country's oldest and largest—seeking access to their examination answer sheets in Business Statistics and English. Failing to obtain information from the Information Officer, they knocked on the doors of the Chief Examinations Controller, the appellate authority, on 30 June 2009. The appeal eventually reached the NIC that ruled in favor of the students.



However, the university did not provide the students access to their papers following which the NIC wrote again to Tribhuwan University asking for an explanation for the denial. The university responded on 25 August 2009, saying that it was unable to provide the answer sheets because its laws and regulations did not permit access

⁵ Bachelor in Business Studies

to examined answer sheets but allowed students to request a re-totaling of their marks. It added that it maintained confidentiality of answer sheets that were verified and scrutinized by well-qualified and competent academic resource persons and said that disclosing the information could put the examiner at risk. Other reasons for non-disclosure were: (1) Answer sheets are disposed of six months after the publication of the results. (2) The applicant had applied long after the results were published (the result was published 13 June 2008 and the applicant applied on 14 June 2012). The answer sheets have already been destroyed. (3) The Right to Information Act Article 3 (3) (e) has a provision for not disclosing information that may put a life at risk, or damage property, health or may result in a threat. It also asked the NIC to nullify the information request.

The NIC, however, decided otherwise and ordered the university to provide copies of the requested answer sheets as per Section 2 (a) of the RTI Act. The section obligates all public institutions to make the disclosure. The NIC order stated that examinations and evaluations by a public institution like the Office of Examinations Controller are matters of public concern and therefore citizens have the right to access the information. On the university's claim that the life of individuals could be endangered the NIC responded that there was no need to cover up work that was carried out honestly and accurately. While making the decision, it also said answer sheets that had been destroyed need not be disclosed.

Not satisfied with the NIC verdict, Tribhuwan University challenged the decision at the Supreme Court. The court, however, not only ruled in favor of the NIC on 18 May 2011, but also ordered the university to formulate rules to make answer sheets available to students. It also added that the examiner's identity could be kept confidential while providing the certified copies of answer sheets. The court decision says:

- a) An applicant can request his/her own answer sheets only.
- b) No applicant can request answer sheets of others, or do so even with consent of the person concerned.
- c) Students would require admission cards of the examination to make the request and collect the answer sheets.
- d) The university can determine the fees and deadline for providing the information.
- e) The university would be the sole authority for re-totaling or re-examining the answer sheets in case there are mistakes.
- f) The identity of the examiner of examination papers shall be kept confidential.

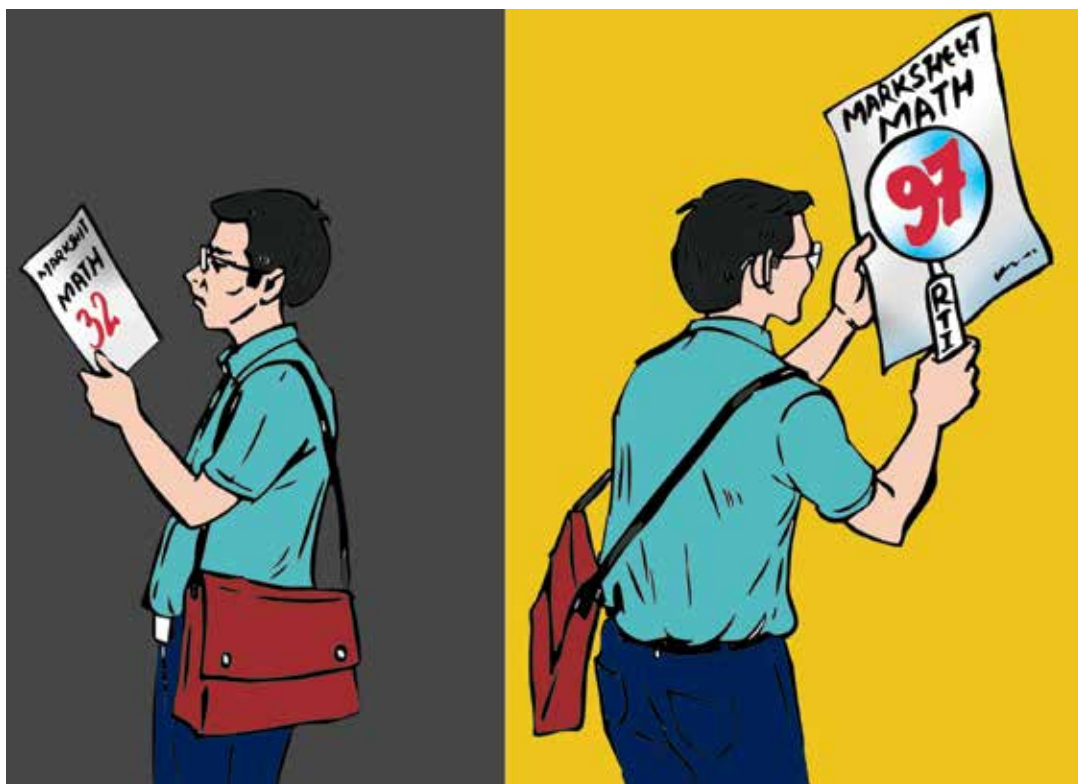
Tribhuwan University had not prepared the rules for providing students access to answer sheets when this report was prepared. However, the information request and the court verdict triggered a series of information requests at other academic institutions and in almost all cases the students were able to get their grades revised. Some academic institutions have also used the court verdict to set high fees to deny access to students.

RTI and School Level Examinations

Ashesh Neupane, a student of Suryodaya Jyoti Secondary School, Ghattekulo, Kathmandu, filed an application at the Office of the Examinations Controller on 19 July 2011, seeking access to his answer sheets. The request was denied, leading to an appeal to the NIC. On 21 July 2011, the NIC ordered the Examinations Controller to either provide access to answer sheets in accordance with the Supreme Court decision or explain reasons for not doing so. The Examinations Controller Surya Prasad Gautam responded saying his office did not have authority to provide copies of the requested answer sheets. Following that the NIC issued another order asking the Controller's Office to provide access to answer sheets without disclosing the examiner's name. In another case San-

gam Biswokarma, from Makwanpur, was unhappy with his marks in Mathematics (32%) and appealed for access to his examination paper. Upon review he ended up scoring 97%. Nine other students had made similar requests and of them four were able to get their marks corrected.

In another case, Sushma Subedi of Morang District had failed in Population Studies in her Grade XI examinations. The results showed that she was absent on the day of the test. She filed an information request to access her mark sheet at the Higher Secondary Education Board (HSEB) in Biratnagar but was denied information. Upon pursuing her case in Kathmandu, she discovered that she had scored 19 out of 20 marks in the examination.



BOX 1: HIGH FEES BAR CITIZENS FROM ACCESSING INFORMATION

Raj Shrestha, a Purbanchal University student in Biratnagar, had sought information on rules related to accessing answer sheets and was able to obtain it following NIC intervention. Disclosure by the university on 03 December 2012 revealed that it had set an unusually high fee for the service: Rs. 5,000. The university's Executive Council had approved this rule on 08 August 2012. The fee was in violation of the RTI Regulations that information up to five pages has to be provided free of cost with each additional page costing Rs. 5. The NIC then issued another directive asking the university to lower the fees.

High fees can be a major obstacle to accessing information. There has been one instance where a person was unable to obtain copies of information he sought because of the cost involved. Balaram Dahal had requested the tax statements of Constituent Assembly members. He was unable to obtain copies because copying would have cost Rs. 80,000. The applicant did not go back to parliament because the information sought could have involved copying about 16,000 pages.

Other Cases

Ashesh Pradhan of Khairhani, Chitwan, did not find his name among those selected for scholarship at the Ministry of Education. Not satisfied with the selection he asked for a copy of his exam papers and was able to find out his actual score, which is not generally published in the announcement of the candidates selected for scholarships.

Sangam K C, a student of the Nepal Medical College affiliated to Kathmandu University, and seven others⁶ filed an appeal with the NIC on 11 April 2010, saying the university's Examinations Controller had rejected their application for information they had sought. The students wanted access to the scores for practical examinations held at the college. The NIC ruled in favor of the students but the university responded saying there was no practice

of keeping a record of practical exams. On 03 November 2010, the NIC ordered the Ministry of Education and all universities to keep records of all practical papers and make them available to concerned information seekers.

Impact

In most cases related to students and examinations the NIC has ruled in favor of the students. Tribhuvan University tried challenging the decision in court but the NIC verdict was upheld. The NIC's order on accessing answer sheets has brought transparency to the education system and has also caused teachers to be more diligent while grading students, because there is a likelihood of the answer sheets being accessed by students. The NIC orders have also forced educational institutions to take measures to improve record keeping.



⁶ Srijana Poudel, Shikha Shah, Shradda Pradhan, Susan Pradhan, Nischal Puri, Ranjan Ranabhat and Dhiraj Shah.

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

- Article 19, International Covenant on Civil and Political Rights (ICCPR), 1966

Information in the public interest

RTI and the status of ICC Statute Ratification

The International Criminal Court (ICC) is a body that can adjudicate cases of crimes against humanity. It can intervene when national governments fail to take action against people accused of committing serious crimes against humanity. The ICC was established in July 2002 under the Rome Statute; by May 2013, 122 states had become a party to the Statute and 31 states had endorsed it. Nepal did not ratify the statute despite a July 2006 directive of the House of Representatives. The Foreign Minister's proposal for taking a bill to parliament in February 2011 failed to get cabinet approval. The government had also formed a task force on 18 October 2006, to study the obligations resulting from ratification of the Rome Statute but this document had not been made public.

Process

On 25 December 2011, Taranath Dahal submitted an application seeking information on the report from the

Information Officer at the Ministry of Foreign Affairs. He had asked for a copy of the task force report (formed 18 October 2006) that had been presented to the Deputy Prime Minister and Minister for Foreign Affairs on 14 December 2006. He also sought information on work done by the government in connection with ratification, and when the government planned to take the bill to the Legislature-Parliament.

Failing to obtain the information, Dahal made his request to the Secretary at the Ministry of Foreign Affairs, the appellate authority. In response a section officer wrote back saying that the information sought could not be provided since it was "about issues related to the views Nepal would adopt in terms of bilateral, regional and multilateral relations and (also because) a meeting of the Information Classification Committee chaired by the Chief Secretary had decided that such information need not be given." (At about the same time the government had made public a list of 140 kinds of information it had categorized as 'classified', which the Supreme Court later stayed.)

Freedom Forum appealed to the NIC on 06 February 2012. In addition, it asked the Commission to annul the government classification system. The NIC decided on the appeal the same week and ordered Durga Prasad Bhattarai, Secretary at the Ministry of Foreign Affairs, to provide the information sought within seven days. The Ministry of Foreign Affairs provided the information about 15 days after the NIC order.

Impact

The Ministry of Foreign Affairs provided photocopied pages of the task force report and explained that the cabinet had not approved its decision to take a ratifica-

tion proposal to parliament in February 2009. It was also this case that for the first time referred to the government's attempt to classify information, which was subsequently annulled by the Supreme Court.

Investigation committee reports

Formation of investigation committees has been a normal practice in Nepal as has been the tendency to let matters rest after the reports are prepared. Successive governments have not thought it necessary to make the reports public. As with the case of the investigation on the murder of J.P. Joshi, the government had not released the report of the investigation on civil disorder in Kapilvastu District in 2007.



Report on the riots in Kapilvastu

Riots had spread across the district following the murder of one Moit Khan, a resident of Ward No. 7 of Birpur VDC, by unidentified gunmen. Violence in 12 VDCs had resulted in the loss of 23 more lives and destruction of property. The leader of a committee of victims requested the Home Ministry to provide information on its assessment of the riots, as it was the basis of compensation they would receive from the government.

He filed an application for information seeking access to the report of the investigation committee (formed 21 September 2007) in May 2010. In response the Information Officer said the copy of the report could not be provided because the Council of Ministers had not decided

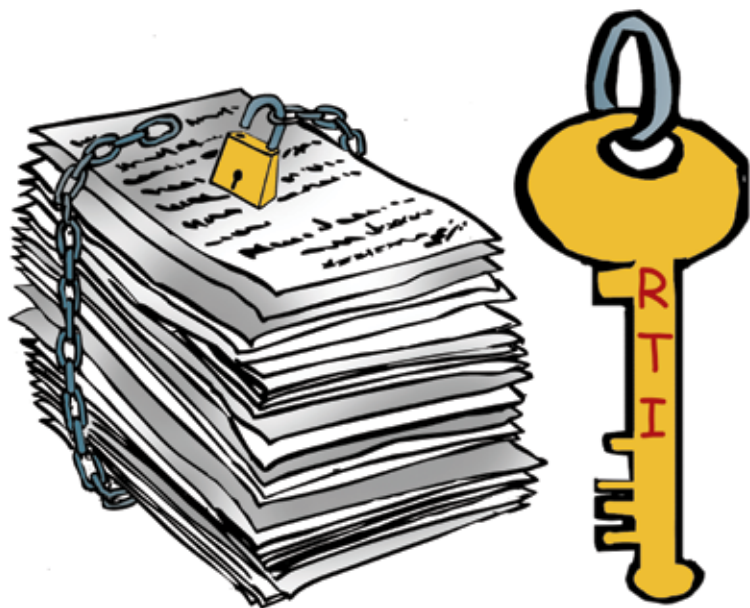
on making it public. The petitioner then filed another application addressed to the Secretary at the Home Ministry and failing to obtain the report, appealed to the NIC on 18 August 2010.

On 02 September 2010, the NIC ordered the Home Ministry to provide the information. However, the Information Officer responded saying the information could not be provided in accordance with the classification of information in the RTI Act. The NIC wrote back to the Ministry on 31 January 2011 asking why the head of the Ministry could not be punished. Eventually, it provided the information to the NIC on 11 February 2011.

Report on property investigations

In fiscal year 2001/02 His Majesty's Government of Nepal had formed a judicial commission led by Supreme Court justice Bhairab Prasad Lamsal to investigate the property of all individuals who had held public office after 1990. The commission had submitted its report to the government based on which the CIAA had detained some politicians and government officials for further investigation. The courts were still examining some cases filed by CIAA when this report was prepared. Further, some of the accused were serving jail terms after the courts had decided that they had erred.

The investigation report, however, had not been made public and there were accusations that the CIAA had arbitrarily targeted some suspects and ignored others. Taranath Dahal and Sanjeeb Ghimire of Freedom Forum



filed an information request at the CIAA seeking access to the report. They asked for names of individuals facing corruption charges based on the commission's report, and the statements of the suspects. They also wanted information on the status of cases that the commission had recommended for further investigation and the names of public agencies whose officials faced corruption charges and investigations, among others.

CIAA did not provide the information sought within the RTI law's deadline nor did it provide reasons for the denial. Next the applicants took up their case with the Chief of CIAA to no avail. The appeal was then taken to the NIC. CIAA provided partial information after an NIC order (20 December 2012) but withheld some information.



CIAA provided names of individuals charged in 33 cases of graft based on the report (that had recommended charges against 508 individuals) and details of the charges. It also revealed that investigations had been undertaken against another 474 individuals recommended for further investigations but the probe had not been finalized. It did not make names of those who had been charged on the basis of the additional investigations public.

Journalist uses RTI to access information

Unidentified assailants had killed a journalist in Kailali District on 28 November 2008. On 03 December, the government formed an investigation committee headed by Umesh Prasad Gautam, a lawyer, and gave it 15 days to submit its report. The committee included a representative of the police and a journalist. It submitted its report 11 months after it was formed. The report was submitted to Prime Minister Madhav Kumar Nepal on 01 November 2009. All this while the family of Joshi had not received any support from the government, which had also made no effort to arrest the culprits.

Ramji Dahal, a journalist at Himal Khabarpatrika, sought information on the committee's work and published a story. Information obtained using the RTI Act helped him disclose that the team had spent Rs. 3 million on the probe that was supposed to have been completed in 15 days.

On 26 January 2010, Dahal asked the Home Ministry for information, including bills and receipts, on the committee's expenditures. The next day the Home Ministry informed him that it had no reports on the probe committee and its work.

However, the same day a source at the Ministry provided some information about the funds that had been released for the investigation and some details of the expenses. This information showed that the committee had a budget of Rs 3.096 million and it had spent Rs. 2.9 million in 11 months. The story was published by Himal Khabarpatrika following which a Council of Ministers meeting, on 24 January 2011, decided to provide Rs one million as compensation to the family of the slain journalist.

Because the information sought was not complete, Dahal made another request to the Secretary at the Home Ministry on 02 February 2010. Unable to obtain the information in seven days, Dahal appealed to the NIC on

07 March 2010. Thereafter on 19 March, the NIC ordered the Home Ministry to provide the information sought by Dahal or furnish reasons why it could not be provided. The Ministry, on 22 March 2010, responded saying that the information seeker had been provided the requested information but it was not possible to provide the bills and receipts because the accounts had not been audited. The NIC took another decision on 17 May 2010, ordering the Ministry to provide the information, as there were no lawful reasons for not doing so. Thereafter, it provided the copies of the bills and receipts sought by the applicant.

The information released showed that the committee members has spent Rs. 14,000 on purchasing telephone recharge cards, and Rs. 90,000 on petrol purchase on a single day. However, a look at the vehicle's travel log revealed that the vehicle had not travelled outside the Kathmandu Valley on that day. The government had, however, not disclosed information on whether or not a First Information Report on the case had been filed.



RTI for protecting whistleblowers

The RTI Act of Nepal has extensive provisions to protect whistleblowers. Section 29 requires employees of public bodies to provide information on corruption or irregularities, or the possibility thereof, and makes it a duty of the information receiver to protect the identity of the whistleblower. Another section of the law says the whistleblower shall not be harmed for having provided information, who if punished, can seek compensation and revocation of the decision causing harm. This provision was tested in a decision of school authorities against a teacher in Far-Western Nepal.

RTI helps in reinstating teachers

Pushpa Karki, a teacher at Saraswoti Lower Secondary School in Dhangadhi in the Far-Western Region, had disclosed information on irregularities taking place at her school to the media revealing how teachers discriminated against Dalit students. Following the publication of media reports, on 27 May 2009, the school authorities wrote to her asking her to stop taking classes.

After receiving the letter she asked the school for reasons for the decision, and her request was denied. She then filed an application with the District Education Office (DEO), Kailali, seeking the same information. The DEO told her she was being transferred with 'good intention' to make it easy for her to continue working at a place closer to her home. However, the office had also withheld her salary and allowances after she had begun seeking information.

On 25 August 2009, Karki appealed to the NIC to assist her in annulling the transfer decision and for obtaining information leading to the transfer, claiming that she had been victimized for disclosing information. In response, on 27 August, the NIC ordered the DEO, Kailali, to make arrangements for her to work at her old workplace and to continue providing her salary and allowance until a final decision was made on her petition.

The District Education Officer responded to the NIC on 13 November 2009 saying that the School Management Committee (SMC) has the right to take action against a

teacher and also that the school officials did not discriminate against Dalits as disclosed by Karki. The letter also blamed Karki of violating the code of conduct for teachers and said it was wrong of her to have approached the NIC. The allegations against Karki also increased over time. The school authorities wrote letters to the DEO accusing her of manhandling their family members, opening the school on a public holiday without permission and taking possession of important documents.

She informed the NIC about the collusion of school authorities with the DEO and clarified that the allegations

against her were wrong, and requested it to expedite a decision on her appeal. She also apprised the NIC of the fact that its order of 21 February 2010, asking the DEO to let her continue working at the school, and to release her salary and allowances, had not been complied with.

The NIC wrote a second letter to the DEO, Kailali, asking why action should not be taken against him in accordance with Section 32 of the RTI Act for not implementing its earlier directive, adding that the law allows the NIC to levy a fine of up to Rs. 10,000 for non-compliance. The DEO did not respond even after the second order, caus-



ing the NIC to issue a third one on 13 May 2010. This time it decided to find out whether the teacher had been punished for disclosing information or for something else and ordered the DEO to submit the necessary documents. This letter was also copied to the Ministry of Education. After examining the documents the NIC decided that she had been punished for disclosing information on discrimination and other malpractices at the school.

The NIC ruled that no action could be taken against any employee for barely making information public, particularly information that could be disclosed. It also decided to penalize the DEO for not abiding by its earlier order and also for not furnishing convincing reasons for not doing so. Concluding that the order was flouted deliberately, the NIC ordered the DEO to pay a fine of Rs 5,000 under Section 32 (5) of the RTI Act.

The DEO appealed against the fine at the Appellate Court and also petitioned the NIC (13 August 2010), requesting withdrawal of the fine. Karki has been reinstated at her school (she is currently on deputation in Lalitpur District). The Appellate Court was examining the writ filed by the DEO when this report was prepared.

In another case related to a school, Devendra Pratap Singh, a teacher at Budhanilakantha School in Kathmandu, requested information on recruitment and promotion of employees, enrolment, volume of transactions,

budget and audit reports. He made the request at his school on 16 December 2011. The Principal refused to part with the information and instead fired him from his position as Head of the Department of Social Sciences on 17 January 2012. Singh appealed the school's decision to the NIC on 20 January, seeking protection under Section 29.

In response, on 30 April 2012, the NIC ordered the school principal to furnish information that was the basis of taking actions against Singh. In his reply the Principal said Singh had been removed from his job for committing actions against 'the betterment of the school, under the influence of unscrupulous elements and for his involvement' as secretary of the Staff Union. He clarified that the action had not been taken just because he had sought information.

Not convinced with the response, on 10 August 2012, the NIC invited the Principal to its office with his responses. Eventually on 02 October 2012, it issued a directive asking the school to reinstate Singh who it concluded had been fired for seeking information. It also concluded that the claim made by the Principal that Singh had produced and submitted some misleading documents to the NIC and had acted to bring disrepute to the school was not true. The school informed the NIC of Singh's reinstatement on 05 October 2012. The Principal of the school resigned after the National Vigilance Centre began investigating some of the charges made by the whistleblower.

‘Every citizen shall have the right to demand or obtain information on any matters of concern to himself or herself or to the public.’

-Article 27, Interim Constitution of Nepal, 2007

RTI and democracy

Nepal held the election of its first Constitution Assembly (CA) on 10 April 2008. Its 601 members were required, by statute, to promulgate a new constitution in two years. Having failed in this endeavor, it extended its term several times until it was dissolved in May 2012, following a Supreme Court ruling. The inability of the assembly to produce a constitution had led to widespread criticism of lawmakers, particularly the resulting waste of public resources. In this background Freedom Forum made several attempts to seek information from the Parliament Secretariat.

Information on activities and expenses of Constituent Assembly Members

On 26 May 2011, Taranath Dahal of Freedom Forum filed an application seeking information on the activities and expenditures of parliament. He asked for information on:

- The number of CA meetings in three years, with date, time and attendance
- The number of committee meetings, with attendance and the records of the meetings
- The number of Legislature-Parliament meetings after 2008, with date and time

- The number of bills approved by the CA and Legislature Parliament, with titles, date and time
- The details of salaries, expenses and perks of all members
- The number of foreign trips made by the 601 members, with names, and countries visited
- The names of members who had health check-ups with dates and costs
- The expenses of CA members on district and constituency visits, with names of members and tour programs
- The expenses of the CA in drafting the constitution with details of the relevant budget and expenditure lines.

Unable to obtain the information in 15 days, he filed an application with the Chairman of the CA and Legislature-Parliament Secretariat. The Parliament Secretariat provided most of the requested information in about a month. The expenditure details were not included but the information seeker was assured that he would be provided those at a later date. (This was largely because of the inadequate records at the Secretariat)



Salaries and perks of parliament members

On 04 June 2012, the Coordinator of the Anti-corruption Campaign, Mahottari, Sharada Bhusal asked the Parliament Secretariat for information on the expenses of CA members. She asked for details of all meetings held, their minutes, progress reports of CA activities and the names of all the different committees formed by the CA and their duties and responsibilities. The Parliament Secretariat provided Mrs. Bhusal with the information on 08 June 2012. According to the records, the expenses, including salaries, allowances and perks, added up to Rs. 2.93 billion.

RTI helps a judge's reinstatement

In 2004, the Judicial Council dismissed Chitra Dev Joshi, a judge at the Syangja District Court, for allegedly commenting on politics. He was accused of making defamatory remarks against King Prithivi Narayan Shah, Nepal's founder. Joshi denied making defamatory remarks and challenged the Council for not allowing him to make a statement before dismissal. He was also not provided access to documents that had led to the dismissal.

Joshi sought information on his dismissal from the Information Officer at the Judicial Council, on 11 January 2010. He wanted to examine the documents used by the Council to take the decision. The information officer refused the request and his subsequent appeal to the head

of office was also refused. Next Joshi appealed to the NIC seeking its assistance to obtain the documents.

On 01 March 2010, the NIC asked the Council for reasons for not providing the information and the Council responded with several justifications. It argued that Article 27 of the Interim Constitution allows it to withhold 'information that should be kept secret under law' and that its regulations also do not require such information to be made public.

The NIC then summoned the head of the Council to its office on 16 March 2010, but the letter was ignored. The NIC wrote to the Council again on 15 April 2010, asking its representatives to appear at the Commission within a week.

After the second letter, the Council responded to the NIC saying that the information could not be released because the case had reached the Supreme Court and that it would be required to present the documents in court. It also sent its section officer, Madhav Prasad Poudel, to inform the NIC about the decision.



On 19 May 2010 the NIC wrote again to the head and the Information Officer at the Council ordering it to provide the information that was requested within 15 days. It had interpreted the same act of the constitution cited by the Council and the Judicial Council law and regulations to explain its decision. But the Council did not provide the information.

Eventually, after continuous follow-up by the NIC, the Judicial Council provided the information to the Commission on

09 February 2011. Meanwhile, it had also filed a writ at the Supreme Court challenging the NIC decision saying that it had caused it to breach the law by making the disclosure.

The information revealed that the applicant had not used the words he had been accused of using, and that the recording of the speech did not provide enough grounds for dismissal. He was eventually reinstated to his position after the Supreme Court delivered a verdict ruling that the dismissal was illegal.



RTI in local governance

Nepal's last election of local government bodies was held in 1997. Nepal has a two-tier local government structure: Village Development Committee (VDC) and Municipality, and District Development Committee (DDC). In the absence of elected representatives the government began the practice of appointing office holders at the local bodies in 2002. King Gyanendra, who began ruling directly in February 2005, held municipal elections that were boycotted by the major political parties. Even though officials had been elected to the municipalities, this vote had low turnout and the result was annulled after the popular movement that led to the restoration of parliament and change in government in 2006.

Following the political changes of 2006, the government made arrangements to run local bodies through a mechanism comprising local representatives of seven major political parties that were in parliament. This body was put in charge of managing and distributing public services and facilities. However, in the absence of local accountability many of the local bodies had become seats of corruption and misuse of public resources. Meanwhile, the Supreme Court had taken two decisions instructing the government to hold local elections. But the government was neither able to hold elections nor stop corruption and leakages at the local level.

By law each VDC receives at least Rs. 10 million for local development activities each year, while the municipalities receive a minimum of Rs. 20 million. The DDC implements development programs in all VDCs, municipalities and the district, and coordinates the programs of over 25 government line agencies, and international and national non-governmental organizations (NGOs). In all, the government had spent about Rs. 45 billion through local government bodies, a large portion of which was misused.

RTI in local development

Jumla is among Nepal's most under-developed districts. It lies in the country's northwestern region and is one among five districts of the Karnali Zone. Three village development committees (VDCs)—Ghode Mahadev, Raralihi and Malika Dhanta—had come together in 2011 to build a road to connect their villages. Their idea was to open up a track and lobby the government to support the construction of a bridge on the Tila River.

Following a meeting in December 2011, 18 villagers and three VDC secretaries decided to travel to Kathmandu to lobby for bridge-building support. The team included representatives from all wards of the three villages. The team of 57 had come to the capital with Rs. 200,000

BOX 2: A RARE CASE OF RTI COMPLIANCE WITHOUT NIC INTERVENTION

Two women and a man from Banauli-Danuli VDC in Mahottari District started a fast-unto-death demanding investigation into the corruption in their VDC. They were seeking investigation of, and action against, the guilty. After 13 days the Prime Minister's Office sent a team to the area and convinced the hunger strikers to break their fast by assuring them that the government would make efforts to address their demands.

The assurances did not result in action following which one of the two women hunger strikers, Sharada Bhusal, filed an information request at the Ministry of Home Affairs. She wanted a copy of the investigation commission's report. She obtained a copy of the report after about 35 days of the request. This report confirmed their allegations and showed that corruption was widespread. The report had also recommended remedial actions by the Ministry of Local

Development and further investigation by the Commission for the Investigation of Abuse of Authority (CIAA).

However, following the CIAA probe, the accused VDC secretary, who had earlier been suspended, was allowed to continue working.

Bhusal, on 30 October 2012, filed an application at CIAA demanding that its report be made public. CIAA refused to provide the information saying that the investigation was still underway. She also asked why the suspension of the VDC secretary had been lifted. It was only after an appeal at the NIC that CIAA provided some information, but there was still no explanation on why the suspension of the VDC secretary had been lifted. Bhusal then filed another appeal seeking the information but no decision had been taken when this document was prepared.

drawn from the development budget of each of the three VDCs.

In Kathmandu, the team stayed in cheap lodgings and spent about a month (January 2012) lobbying for the bridge. They met the Prime Minister, ministers, and members of the National Planning Commission (NPC) and were assured that the government would allocate a budget for the bridge. Their meeting with the Prime Minister was also covered as a main story by the state-run newspaper Gorkhapatra. It said that the bridge

was a government priority. The team returned to Jumla with confidence that their application had reached the Department of Roads from NPC, and that construction would begin the following year.

Seven months later Dan Bahadur Basnet, a young activist from Malika Dhanta, came to Kathmandu for a week-long training on RTI. As part of the training he filed an RTI application seeking information on the status of the request made by the villagers. He filed his application on 11 September 2012, at the Department of Roads (DOR)



and received a call five days later asking him to come and collect the information. The file signed by a DOR officer said the bridge on the Tila River had been listed as a project but its 'survey, design and estimation' had not been carried out for lack of a budget. It also said that from 2013, bridge construction over local rivers would be done by the Local Infrastructure Development and Agricultural Roads Office under the Ministry of Local Development.

Dan Bahadur took the information back to Jumla and provided copies to all three VDCs. After receiving the information the locals asked their VDC secretaries to account for the spending of the development budget used in the Kathmandu visit. Some local youth have also been demanding that local party members included in the trip to Kathmandu pay back the money. The three VDCs had spent some Rs. 900,000 on the lobbying trip, where government officials had provided them assurances that their request for support would be considered. In the end it turned out that the assurances had not been followed up with a budget.

RTI and municipal transparency

Municipal bodies managing Kathmandu Valley's public parking spaces had never done it transparently. They had not made public calls for quotations for selecting contractors nor prepared rules on the fees. Parking contractors charged different rates for parking in different areas and often, even local organizations arbitrarily changed

the fees while there was no information on where the money went. On 19 July 2012, Sanjeev Ghimire of Freedom Forum filed an information request at the Kathmandu Metropolitan City, and the Lalitpur Sub-Metropolitan City seeking the following:

- Copies of policies, guidelines and decisions on parking spaces
- Information on public spaces designated as parking zones
- Details on parking spaces leased out to contractors or individuals, their names, the conditions of the contractors, etc.
- Parking income of municipal bodies from 2008 to 2011, with details for each parking area, and
- Number and types of vehicles that used the parking lots from 2008 to 2011, with separate information for each parking area.

The municipal bodies failed to provide the information within 15 days of the application. After several reminders, the applicant took a petition addressed to the Chief Executive, which was not registered because the clerk said he needed a go-ahead from higher officials before accepting an application. The Chief Executive could not be contacted and, instead, the officiating chief offered to provide information but not the permission to register the appeal with the organizational appellate authority. In the next attempt, the applicant visited the office when the chief was present, and this time he was provided additional information on 28 August 2012, but not all that was requested.

On 03 October 2012, Ghimire took his appeal to the NIC. He had named officials of Lalitpur sub-metropolitan city also as defendants. The NIC ordered the municipal bodies to provide the information, which however was not done. Kathmandu municipal officials eventually provided the information but withheld the contractual documents.

The information confirmed the arbitrary leasing of parking spaces. Further, since the contractual documents were not provided, there is reason to suspect irregularities. The case also revealed that the municipal bodies—local government organizations – were not aware of RTI and were unwilling to disclose information.





Freedom Forum is an independent, non-governmental and not-for-profit civil society organization working for the cause of democracy and human rights focused on press freedom, freedom of expression and right to information in Nepal.

Incepted in 2005, Freedom Forum has emerged as a prominent national organization in promoting access to information and freedom of expression through dialogue, research, training, public advocacy and campaign and programme implementation.

With its firm conviction and untiring efforts to establish Right to Information in practice, the Forum has stood in the forefront of RTI movement in Nepal since its establishment.

Among the major initiatives carried out by the Forum to establish RTI better practices include proactive involvement in the RTI bill drafting process, public awareness and advocacy for the enactment of RTI Act, strategic information campaign, RTI use process facilitation, capacity building, sensitization and mainstreaming RTI efforts by holding the First National Convention on Right to Information-2011 and subsequent adoption of the Kathmandu Declaration.

The Forum has brought out numerous books, research journals, newsletters, periodic reports and analytical papers on different dimensions of RTI and its efforts to establish it as a crosscutting issue of empowerment and transformation.

The organization is also working on the issues of public finance management, budget transparency, open data and aid governance, political and parliamentary accountability and electoral reform based on its on-hand experience and learning.



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