

**Right to Information Act, 2064**  
**Act to provide for Right to Information**

**Preamble:** 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 agencies; 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 this Act.

**Part 1**  
**Preliminary**

**1. Short Title and Commencement**

- (1) The name of this Act is "Right to Information Act 2007".
- (2) This Act shall come into effect on the date after thirty days of certification.

**2. Definition** Unless the subject or context otherwise requires, in this Act:-

- (a) By "Public Agency" denotes the agency and institution according to the following list:-
  1. Agencies under the Constitution.
  2. Agencies established by the Act.
  3. Agencies formed by the Nepal Government.
  4. Organizations and Foundations established by the law to provide public services.
  5. Political Party or Organization registered under the prevalent law.
  6. Organized institution under the full or partial ownership or under control of the Nepal Government; or organized body receiving grants from Nepal Government.
  7. Organizations formed by the agencies established by the Nepal Government or the Law through any agreement.
  8. Non-governmental organization or institution operated obtaining money directly or indirectly from the Nepal government or foreign government or international organizations or institutions;
  9. Other agencies or institution mentioned as public agency by the Nepal Government publishing notification in the gazette.

- (b) "Information" denotes any written document, material or information related to the functions, proceedings thereof or decisions of public importance made by the public agencies.
- (c) "Public Importance" denotes a subject related directly or indirectly with the interest of citizens.
- (d) "Written Document" denotes any kind of scripted written document and the word shall also denote any audio visual materials collected and updated through any medium or that can be printed or retrieved.
- (e) "Right to Information" denotes the right to request and obtain information of public importance held in public agencies and this term shall also include the right to study or observation of any written document, material held in public agency or proceedings of such public agency; to obtain a verified copy of such written document, to visit or observe the place where any construction of public importance is going on and to obtain verified sample of any materials or to obtain information held in any type of machine through such machine.
- (f) "Information Official" denotes a person appointed pursuant to Sec.6.
- (g) "Chief" denotes the chief of public agency.
- (h) "Commission" denotes the National Information Commission constituted pursuant to Section 11.
- (i) "Chief Information Commissioner" denotes the person appointed pursuant to Section 11.
- (j) "Information Commissioner" denotes the person appointed pursuant to Section 11.
- (k) "Prescribed" or "As prescribed" means prescribed or as prescribed in Rules framed under this Act.

## **Part 2**

### **Right to Information and Provision regarding the flow of Information**

#### **3. Right to Information:**

- 1) Every Nepali Citizen shall have the right to information subject to this Act.
- 2) Every Nepali Citizen shall have the access to the information held in the public agencies.
- 3) Notwithstanding anything provided in the sub-section 1 & 2, the information held in the public agencies on the following subject matters will not be released;
  - a. Information which seriously jeopardizes the sovereignty, integrity, national security, public peace, stability and international relations of Nepal.

- b. Information which directly affects the investigation, inquiry and prosecution of crimes.
- c. Information having serious impact on protection of economic, trade or monetary interest or intellectual property; or banking or trade privacy.
- d. Information that jeopardizes the harmonious relationship subsisted among various casts or communities.
- e. Information that interferes on individual privacy and security of body, life, property or health of a person.

Provided that, public agency shall not refrain from the responsibility of flowing information without appropriate and adequate reason not to flow information.

- 4) If a public agency has both the information in its record that can be made public and that cannot be made public pursuant to this Act, The information officer shall have to provide information to the applicant after separating the information which can be made public.

#### **4. Responsibility of Public Agency:**

- 1) Every Public Agency shall respect and protect the right to information of citizen.
- 2) Public Agency shall have following responsibilities for the purpose of subsection (1);
  - a) Classify and update information and make them public, publish and broadcast;
  - b) Make the citizens' access to information simple and easy,
  - c) Conduct its functions openly and transparently.
  - d) Provide appropriate training and orientation to its staffs.
- 3) Public agencies may use different national languages and mass media while publishing, broadcasting or making information public pursuant to Sub Section 2(a).

#### **5. Update and Publication of information:**

- 1) Public agencies shall update information related to them.
- 2) Public Agencies shall. as long as possible, update information related to them for at least 20 years prior the commencement of this Act, pursuant to Subsection (1).

- 3) Public Agencies shall make a list of the following information relating to their agencies and publish them;
  - (a) Structure and nature of agency
  - (b) Duties, responsibilities and powers of agency
  - (c) Number of employees and job description
  - (d) Service to be provided by the Agency
  - (e) Branch and responsible officer of the service providing Agency
  - (f) Fee and time limit required for service
  - (g) Decision making process and officer
  - (i) Authority to hear appeal against decision
  - (j) Description of functions performed
  - (k) Name and designation of Chief and Information officer
  - (l) List of Acts, Rules, By-laws or Guidelines,
  - (m) Updated description of income and expenditures, financial transactions,
  - (n) Other particulars as prescribed.
  
- 4) Public Agency shall have to update and publish information pursuant to the sub-section 3 within three months from the date of commencement of this Act and in every three months afterwards.

#### **6. Provision of Information Officer:**

- 1) Public agency shall arrange for Information Officer with the purpose of disseminating information held in its office.
- 2) For the purpose of disseminating information pursuant to the Sub Section (1), Chief shall have to regularly provide information held in the office to the Information Officer.
- 3) Public agency may set up Information Division for the purpose of disseminating information as per necessity.

#### **7. Procedures of acquiring information:**

- 1) Nepali citizen who seeks to obtain any information pursuant to this Act shall submit an application to the related information officer mentioning the reason.
- 2) If an application is received pursuant to Subsection 1, Information officer shall provide the information immediately if the information by its nature could be provided immediately and the officer shall have to provide within fifteen days from the date of application if the information by its nature could not be provided immediately.

- 3) If it is not possible to provide information immediately pursuant to Subsection 2, Information officer shall instantly provide a notice with the reason to the applicant.
- 4) Notwithstanding anything provided in Subsection 3, if information which is requested is related to security of life of any person, the Information officer shall provide information within 24 hours of such request.
- 5) Information Officer shall have to provide the information in the format demanded by the applicant as much as possible.
- 6) Notwithstanding anything provided in Subsection (5), If any possibility exists that the source of information may be damaged or destroyed or spoilt if it is provided in the format as requested by the applicant, the Information Officer shall mentioning the reason thereof and provide such information in appropriate format.
- 7) If any person submits an application to study or observe written document, materials or activities pursuant of Sub section (1), Information officer shall provide an appropriate time to the applicant for the study and observation of such written document, materials or activities.
- 8) If it is found after examining the application received pursuant to Subsection 1 that the information is not related to the agency, the Information Officer shall have to provide notification to the applicant immediately.

#### **8. Fee for information:**

- 1) Applicant shall pay fee as prescribed while requesting information pursuant to Section 7.

Provided that, the fees shall be in accordance with the provision of prevalent laws, if different fees are prescribed for any specific information.

- 2) While prescribing the fee pursuant to Subsection 1, the charge shall be based on the actual cost of providing information.
- 3) If the fee prescribed pursuant to Subsection (2) is deemed more than cost price, the concerned person may appeal to the Commission.
- 4) While examining the appeal pursuant to Subsection (3), the Commission may order to revise the fee if the fee charged is found in contrary to the Subsection 2.

#### **9. Provision for Complaint:**

- 1) If information officer do not provide information, deny providing information, partially provides information, provides wrong information or does not provide information denying the applicant as stakeholder, the concerned person may submit a complaint to Chief within 7 days from the date of information denied or partial information received.
- 2) While investigating the complain received pursuant to the Subsection (1), the chief shall order the Information official to provide information as demanded by applicant if it is found that the information was denied or partially provided or wrong information was provided, and the information officer has to provide information to the concerned applicant if such order is issued.
- 3) During the investigation pursuant to Subsection (2), if it is found that the information officer denied to provide information or partially provided the information knowingly or with malafide intention or provided wrong information, the Chief may take departmental action against that information official.
- 4) In the investigating pursuant to Subsection (2) if it is found that the information can not be provided, the Chief shall make a decision accordingly and provide a notification stating the reasons to the applicant.

#### **10. Provision for Appeal:**

- 1) A person aggrieved by the decision of the Chief pursuant to the Subsection (4) of Section 9 may appeal to the commission within 35 days of the notice of decision received.
- 2) Commission shall summon and take statement of the concerned Chief or Information Officer, order to submit written document, take statement of witness and evidence or demand any document from public agency while investigating and deciding the appeal received pursuant to Subsection (1).
- 3) While investigating and deciding the appeal pursuant to the Sub section (2), the commission shall do the following;
  - a) May order the concerned Chief to provide information to the appellant without fee, if appeal is found reasonable.
  - b) Dismiss the appeal if it is found not reasonable.
- 4) The commission has to give final verdict on the appeal within sixty days of appeal submission.
- 5) The other procedures to be followed by the commission during appeal pursuant to this Section shall be as prescribed.

## **Chapter 3**

### **Provision Regarding Commission**

#### **11) Provision regarding Commission:**

- 1) An independent National Information Commission shall be established for the protection, Promotion and practice of right to information.
- 2) There shall be Chief Information Commissioner and two other Information Commissioners in the Commission.
- 3) In order to appoint Chief Information Commissioner and Information Commissioners there shall be a committee comprised as follows;
  - a) The Speaker - Chairperson
  - b) Minister or State Minister for Information and communication - Member
  - c) President, Federation of Nepalese Journalist - Member
- 4) The Nepal Government shall appoint a Chief Information Commissioner and Information Commissioners on the recommendation of the Committee pursuant to Subsection (3). While appointing in this manner, at least one female shall have to be included.
- 5) The Committee pursuant to Subsection (3) shall follow inclusive principles as much as possible while recommending for appointment of Chief Information Commissioner and Information Commissioners.
- 6) The procedures of recommendation pursuant to Subsection 3 shall be as determined by the Recommendation Committee itself.

#### **12. Qualifications:**

To be appointed for the position of Chief Information Commissioners and Information Commissioners should have following qualification:

- (a) Should be a Nepalese Citizen
- (b) Should hold a Bachelor's Degree from a recognized University
- (c) Should have more than 15 year of working experience in the field of Mass communication, Law and justice, public administration, information technology or management.

#### **13. Ineligibilities:**

The following persons shall be ineligible to be appointed in the position of Chief Information Commissioners and Information Commissioners.

- a) Not having the qualification pursuant to Section 12.

- b) Convicted by a court on any criminal offence involving moral degradation.
- c) Incumbent employee of Government and Public Institution.
- d) Incumbent in political position.
- e) Person disqualified to be appointed under the prevailing laws.

**14. Term of Office:**

- 1) The term of office of the Chief Information Commissioner and Information Commissioner shall be for 5 years and he can not be re-appointed in that post.
- 2) Notwithstanding Subsection (1), the Information Commissioner can be re-appointed in the post of Chief Information Commissioner under the provision of term of office pursuant to same subsection.
- 3) The Recommendation Committee pursuant to Subsection 3 of section 11 shall make recommendation for new appointment one month prior the expiry of the term of Chief Information Commissioner and Information Commissioners.

**15. Post to be vacated:**

The post of the Chief Commissioner and Commissioners shall be considered vacant under the following conditions:

- a) If the person dies;
- b) If the person reaches the age of 65;
- c) If he tender resignation to the Prime Minister;
- d) If his term is completed;
- e) If the person is convicted by the court on any criminal offence involving moral degradation
- f) If he is removed from his post pursuant of Section 16.

**16. May remove from office:**

The Chief Information Commissioner or Information commissioner shall be removed from his office if a meeting of Parliamentary Committee concerned with information and communication, with the two third quorum, recommends for removing Chief Information Commissioner or Information Officer on the basis that he is not fit to hold office for the reason of incompetence or misbehavior or not carrying out the duties honestly with two third members present in the meting of the committee.

*Provided that,* the Chief Information Commissioner or Information Commissioner charged with such accusation shall not be denied an appropriate opportunity to present his case to clear the charge.

### **17. Provision regarding the conditions of service:**

The remuneration, condition of service and facilities for Chief Information Commissioner and Information Commissioners shall be as prescribed.

### **18. Oath of Office:**

Before taking charge of Office, the Chief Information Commissioner shall take the oath of office from the Prime Minister and the Information Commissioners from the Chief Information Commissioner respectively, in the format as laid down in Schedule I.

### **19. 19 Functions, duties and powers of the Commission**

In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the Commission shall be as follows:

- (a) To observe and study the records and documents of public importance held in public agencies;
- (b) To order for maintaining list of information related with documents and records held in such agency orderly;
- (c) To order concerned public agency to make information public for citizen's notification;
- (d) Prescribe timeframe and order concerned public agency to provide information demanded by applicant within that timeframe. ;
- (e) To order concerned party to fulfill liabilities pursuant to this Act;
- (f) Provide necessary suggestions and recommendations to Nepal Government and various other bodies related to information and communications regarding the protection and maintenance of right to information.
- (g) To issue other appropriate orders regarding the protection, promotion and exercise of right to information.

### **20. Power Delegation:**

The commission may delegate any of the functions, duties or powers, except the power to hear and decide on appeal under Section 9, to chief information commissioner, information commissioners or any agency or officials, subjects to prescribed terms and conditions.

### **21. Office of the Commission:**

The central office of the Commission shall be set up in Kathmandu Valley and the Commission may open its offices in various places of the country according to the necessity.

### **22. Staffs of the Commission:**

- 1) Necessary numbers of staffs shall be there at the Commission.
- 2) The Nepal Government shall provide staffs necessary for the Commission.

**23. Expenditure of the Commission:**

- 1) The Nepal Government shall arrange budget necessary for the Commission.
- 2) The commission may obtain financial resources necessary for it from other sectors with prior permission of Nepal Government.

**24. Need to cooperate with the Commission:**

Public agencies have to provide necessary cooperation in the activities of Commission.

**25. Annual Report:**

- 1) The Commission shall have to submit annual report on its activities to the Legislature-Parliament through Prime Minister every year.
- 2) The Commission shall publish the Annual Report pursuant to Subsection (1) publicly for public notification.

**26. Contact with the Nepal Government:**

The commission shall maintain contact with the Nepal Government through the Ministry of Information and Communication.

**Part 4  
Provision Regarding Protection of Information**

**27. Provision Regarding Classification of Information:**

1) For the protection of the information related to Subsection 3 of Section 3, held in public agency, there shall be a committee as following to classify the information in policy level.

- |   |           |
|---|-----------|
| a) Chief Secretary of Nepal Government  | -Chairman |
| b) Secretary of relevant Ministry   | -Member   |
| c) Expert of concerned subject prescribed by the Chief of Office or Chairperson | -Member   |

- 2) The committee pursuant to Subsection (1), regarding the classification of information pursuant to Section 3(3), shall inform the commission by determining the no. of years the information should be kept confidential and techniques for information protection.
- 3) Person not satisfied with the classification made by the Committee pursuant to Subsection (2) may appeal the Commission for revision, demanding such information to be public.
- 4) During the course of review of an appeal pursuant to Subsection (3), if the Commission finds that certain information need not be kept confidential, it shall order to make such information public.
- 5) The information classified pursuant to Subsection (2) may be kept confidential for maximum 30 years, according to the nature of the information.
- 6) Notwithstanding anything contained in Subsection (5), the committee shall review in every ten years if any information classified as confidential is necessary to keep confidential or not.
- 7) While reviewing pursuant to Subsection 6 the committee, if finds necessary to keep that information confidential for additional period, may decide the duration and classify as confidential for that period or may classify as non-confidential if finds not necessary to keep confidential.

## **28. Protection of Information:**

- 1) Public agency shall protect the information of personal nature held in for preventing unauthorized publication and broadcasting.
- 2) Personal information held in public agency, except in following situation, shall not be used without written consent of concerned person.
  - a) In case of preventing a serious threat to life and body of any persons or public health or security;
  - b) if required to be disclosed pursuant to prevailing laws;
  - c) if related to investigation of offence of Corruption.

## **29. Protection of Whistleblower:**

- 1) it shall be a responsibility of employee of public agency to provide information on any ongoing or probable corruption or irregularities or any deed taken as offence under the prevailing laws.
- 2) It shall be the duty of information receiver to make the identity of whistleblower pursuant to Subsection (1) confidential.

3) No harm or punishment shall be made to bear any legal responsibility to the whistleblower for providing information pursuant to Subsection 1.

4) If any punishment or harm is done to the whistleblower against the Subsection 3, the whistleblower may complaint, along with demand for compensation, to the commission for revoking such decision.

5) While investigating the complaint pursuant to Subsection 4, the commission may make order including to revoke the decision of removal from the office if he is removed from office and for the compensation if any damages is occurred to the whistleblower.

### **30. Provision Regarding Providing Personal Information:**

1) Concerned agency shall have to provide information related with the public post to the concerned person, if any person demands information of during his service in the public agency.

2) Information shall have to be provided to the concerned person if a person demands for Information related with him held in public agency.

3) The procedures for demanding and acquiring information pursuant to Subsection (1) shall be as mentioned in Section 7.

4) Fees shall be charged pursuant to Section 8 while acquiring information pursuant to the Subsection (1).

### **31. Information not to be misused**

1) Any person who obtains any information from any public agency shall not misuse the information not using it for the purpose that is acquired.

2) The concerned public agency may complain to the Commission against any person who misuse the information against Subsection (1).

## **Part 5**

### **Provision Regarding Punishment and Compensation**

#### **32. Punishment:**

1) If the Commission finds that Chief of public agency or Information Officer has held back information without any valid reason; refused to part with information; provided partial or wrong information; or has destroyed information; it may impose a fine between Nrs. 1,000 to 25,000 to such Chief or Information Officer, and if such chief or

Information officer is in a post to be punished by Department, it may write to the concerned agency for departmental punishment.

(2) If the chief of public agency or information official delay to provide information to be provided on time without reason, they shall be punished with a fine of Nrs 200 for each day the information is delayed to provide.

(3) If the Commission writes to the concerned agency for Departmental action in accordance with Subsection (1), the public agency shall have to take departmental action against that Chief or Information Officer within three months and notify commission about that.

(4) The Commission may impose a fine between NRs. 5,000 to Nrs. 25,000 considering the seriousness of misuse of information if any person is found misusing the information acquired from public agency instead of using it for purpose it was obtained for.

(5) The Commission may impose a fine of up to NRs.10, 000 to the concerned person in case its decision or order pursuant to this Act is not obeyed.

### **33. Compensation:**

1) If any person incur losses and damages due to not providing information, denying to provide information, providing partial or wrong information or destroy the information by the Chief of public agency or Information Officer, such person may appeal to the Commission for compensation within 3 months from the date of not acquiring information, acquiring partial or wrong information or destroyed information.

2) If the application pursuant to the Sub section (1) is found reasonable after the investigation; the Commission, considering the actual losses, may compensate the applicant from the concerned agency with reasonable amount.

### **34. Appeal:**

Any person not content with the decision rendered by the Commission pursuant to Section 32 may appeal to the Appellate Court within 35 days of decision received.

## **Part 6 Miscellaneous**

### **35. Information may be corrected**

(1) If anyone believes that the information in public agency on a certain topic is wrong, he may appeal to the concerned Chief along with necessary evidences for the correction of the information.

(2) The chief shall conduct necessary investigation regarding the application pursuant to the Subsection (1) and if the information in his agency is found wrong during the course investigation, he shall correct the information and inform the applicant within seven days from the date of application received

**36. Immunity for works done in good faith**

Notwithstanding anything contained elsewhere in this Act, no case shall be filed and no punishment shall be imposed against the Chief or Information Officer for his works regarding the information dissemination done in good faith.

**37. To be in accordance with this Act:**

All the matters written in this Act shall be carried out according to this Act, while other matters shall be dealt in accordance with prevalent laws.

**38. Right to Frame Rules:** The Government of Nepal, in consultation with the commission, can frame necessary rules to implement the objectives of this Act.

**Schedule  
(Related to Section 18)**

**Oath**

I .....hereby faithful to the state and the people promise with truth and trust / take the oath in the name of God that highly respecting the will expressed by the people through the people's movement that Nepal's state authority and sovereignty is to be vested only on the people, professing allegiance to the constitution of Nepal and laws of the land, I will carry out my responsibilities with honesty and without any fear, sycophancy, partiality, malice or greed, by honoring citizen's right to information and for the effective implementation and practice of laws pertaining to right to information.

Date

Signature