

Right to Information Rules, 2065 (2009)

In exercise of the power conferred by Section 38 of the Right to Information Act, 2064 (2008), Government of Nepal has framed the following Rules:

1. **Short Title and Commencement:** (1) These Rules may be called “Right to Information Rules, 2065 (2009)”.
(2) These Rules shall come into force immediately at once.
2. **Definitions:** Unless the subject or context otherwise requires, in these Rules-
 - (a) “Act” means Right to Information Act, 2008.
 - (b) “Secretary” means Secretary of the Commission designated pursuant to Rule 20.
3. **Information to be published:** In addition to matters stated in Sub-Section (3) of Section 5 of Right to Information Act, Public Body shall publish following information by listing thereof:
 - (a) Details of programme or project run by the Public Body in the previous fiscal year, if any,
 - (b) Details of website of the Public Body, if any,
 - (c) Details of information of the Public Body published or to be published elsewhere if any.
4. **Fees for Information:** (1) The fees in relation to the information requested by the applicant shall be as provided separately in the prevailing laws pursuant to Section 7 of the Act and in the absence of such provision, the following fees shall be submitted before the Public Body:
 - (a) Rs. 5/- per page for the information prepared or maintained on general size paper (8.3 inch width and 7 inch length)
 - (b) Rs. 10/- per page for the information prepared or maintained in as bigger size as mentioned in the Clause (a).
 - (c) Rs. 50/- for each Diskette, CD for the information to be

provided through Diskette, CD or other similar electronic devices.

- (d) Rs. 50/- per hour per person for the study or observation of any document, material held in or visit or observation of publicly importance undergoing construction site of the Public Body, if that has to be done for more than half an hour.

Provided that, no fees shall be charged for the observation of public library or public place available in free of cost.

(2) Notwithstanding anything contained in Sub-Rule (1), concerned public body shall have to provide information prepared or contained normal size paper upto five pages in free of cost.

(3) Notwithstanding anything contained in Sub-Rule (1), if cost would be incurred more than as stated in the sub-rule herein above, the concerned body shall determine the fee based on actual cost.

(4) Notwithstanding anything contained elsewhere in this Rule, public body may collect the fees for information in cash or may cause to submit deposit voucher of any particular bank or to affix the stamp (ticket) in the application as equal to the amount thereof.

(5) Fees as mentioned in this Rule, for information, shall be reviewed in every two years.

5. Registration of an Appeal: (1) A person, submitting an appeal pursuant to Sub-Section (1) of Section 10 of the Act, shall file the appeal before the Commission in a format as prescribed in the Schedule.

(2) The concerned person may file an appeal in person if s/he so wishes or through the concerned Public body or concerned District Administration Office or any Post Office in the course of filing an appeal pursuant to Sub-rule (1).

(3) If a person registers an appeal through Public Body or District Administration Office pursuant to Sub-Rule (2), the said Office shall forward the

said appeal to the Commission within three days upon issuing a receipt of acknowledgement to the person submitting an appeal.

(4) If, the secretary, finds the appeal received pursuant to Sub-rule (1) and (2) within the limitation as mentioned in the Act upon an inquiry, shall register such appeal accordingly.

(5) If the course of inquiry of an appeal pursuant to Sub-rule (1), if the secretary finds it elapse the limitation as mentioned in the Act, he/she shall endorse the same note in the appeal.

6. Proceedings and Decision of Appeal: (1) The Commission, while proceeding and making decision on appeal, shall have to decide thereof based the evaluation of the claim of the Appellant, reply of the concerned Chief and the obtained proofs and evidence.

(2) The Commission shall have to finalize the appeal within Sixty days from the date of appeal received by the Commission.

(3) While issuing an order in the name of the concerned chief based on the claim of the Appellant or issuing an order to quash the appeal, the Commission shall give reasons and justifications.

7. Procedure may be Determined:

(a) The Commission may determine the necessary procedure, in the course of proceeding and deciding the appeal, as to summoning to the concerned Chief, Information Officer or other related person for the statement before the Commission or producing document or proof and evidence from the concerned person.

(b) The Commission shall make public procedure laid down under Sub-rule (1).

8. Proceedings of the Commission: Except otherwise provided in the Act and these Rules all the proceedings to be carried out by the Commission shall be carried out by the decision taken in the meeting of the Commission.

9. Meeting and Decision of the Commission: (1) Meeting of the Commission shall

be held as per necessity.

(2) The Secretary shall provide the date, time and agenda for discussion of meeting of the Commission to the Information Commissioner as per the instruction of the Chief Information Commissioner,

(3) The quorum for the meeting of Commission shall be deemed to be complied when Chief Information Commissioner and at least one Information Commissioner or two Information Commissioners are present on the meeting. In case, there is a dissenting opinion (tie) in any matter to be decided in such meeting, such matter shall be submitted in the next meeting in which the Chief Commissioner or Commissioner who was not present earlier is present.

(4) The meeting of the Commission shall be chaired by the Chief Information Commissioner. In the absence of Chief Information Commissioner the senior most Information Commissioner among the present Information Commissioners shall chair the meeting and the Information Commissioner who, is chairing the meeting may exercise the powers of the Chief Information Commissioner.

(5) Opinion of the Majority Information Commissioner shall deem to be a decision of the Commission.

(6) The Secretary shall authenticate and maintain the decision of the Commission.

(7) The other procedures of the meeting of the Commission shall be as determined by the Commission itself.

10. Remuneration: The remuneration of the Chief Information Commissioner and the Information Commissioner shall be Twenty Four Thousand Three Hundred and Twenty Two Thousand Eight Hundred rupees respectively.

Provided that, notwithstanding anything contained in these rules, the Chief Information Commissioner and Information Commissioner shall be receive provided the remuneration as they are currently drawing at the time of commencement of these Rules.

- 11. Residence, Electricity, Water and Telephone Facility:** (1) Chief Information Commissioner and Information Commissioner, who do not have house within Kathmandu Valley in their own name or in the name of any family member staying jointly, shall be provided house rent of Twelve Thousand One Hundred Fifty Rupees and Eleven Thousand Four Hundred Rupees per month respectively.
- (2) Chief Information Commissioner and Information Commissioner having house within Kathmandu Valley shall be provided One Thousand Five Hundred Rupees and One Thousand Two Hundred Rupees per month respectively for house cleaning and maintenance.
- (3) Each of Chief Information Commissioner and Information Commissioner shall be provided One Thousand Five Hundred Rupees as Telephone, Electricity and Water facility.
- 12. Vehicle and Fuel Facility:** (1) Government of Nepal shall provide each of Chief Information Commissioner and Information Commissioner a vehicle with driver, 100 liter fuel per month and five liter lubricant on quarterly basis.
- (2) Government of Nepal shall provide an amount equal to the a light vehicle driver, 100 liter fuel per month and five liter fuel per month and five liter lubricant on quarterly basis to each of Chief Information Commissioner and Information Commissioner who use their private vehicle.
- (3) Periodic maintenance of the vehicle provided pursuant to sub-rule 1 shall be arranged by the Commission.
- (4) In the circumstances of non arrangement of vehicle in accordance with Sub-Rule (1) and (2), the Chief Information Commissioner and Information Commissioner shall be provided Fifteen Thousand and Twelve Thousand Rupees per month respectively for vehicle and fuel facility.
- 13. Treatment Expenses:** (1) Chief Information Commissioner and Information Commissioner shall be provided treatment expenses, the lesser amount, from either one month equivalent remuneration or real expense incurred as per invoice for the treatment.

(2) Notwithstanding anything contained in Sub-Rule (1), if the Chief Information Commissioner and Information Commissioner require additional treatment, Government of Nepal may provide the additional amount for treatment as found appropriate by the Government of Nepal, based on the recommendation of the Medical Board appointed by the Government of Nepal.

(3) Notwithstanding anything contained elsewhere in this Rule, in order to have treatment of Chief Information Commissioner and Information Commissioner, Commission may arrange for health insurance in consultation with the Government of Nepal shall and if such arrangement is made then treatment expense as per this rule shall not be provided.

14. Daily and Travel Allowance: (1) Chief Information Commissioner and Information Commissioner shall be provided daily and travel allowances, as follows for discharging their job related task within Nepal.

(a) Daily Allowance: Five hundred Rupees.

(b) Travel Allowance:

(2) If it requires night stay on travel pursuant to Sub-Rule (1) Chief Information Commissioner and Information Commissioner shall be provided at the maximum for Seven days not more than One Thousand Two Hundred Rupees as per the invoice of hotel registered for the tax purpose.

(3) Chief Information Commissioner and Information Commissioner shall be provided additional allowance for traveling in any remote district if that is so provided under prevailing law.

(4) While traveling outside the Nepal, to participate in different ceremony, festival, conference etc. on behalf of Government of Nepal or their job related task, Chief Information Commissioner and Information Commissioner shall be provided US\$ 175 as daily and travel allowance.

Provided that, for having night stay other than Chennai, Hyderabad, Bangalore, Mumbai, Delhi, Kolkata of India and Dhaka and Chatagaun of Bangladesh only fifty percent of such amount shall be provided.

(5) While traveling outside Nepal pursuant to Sub-Rule (2), full allowance shall be provided for the day of departure if so this Rule and in regards to the returning day from travel, half of the amount of the daily allowance entitled before returning day shall be provided.

(6) Notwithstanding anything contained in Sub-rule (2) Chief Information Commissioner and Information Commissioner shall be provided US\$ 25 per day as pocket expenses if the total cost of participation in ceremony, festival or conference is borne by the Foreign Government or Institution.

15. Festival Expenses: (1) Chief Information Commissioner and Information Commissioner shall be provided festival expense, equal to the amount of the remuneration for the amount of the remuneration for a month, every year, to celebrate festival according to their own religion, culture and custom.

(2) Chief Information Commissioner and Information Commissioner, once in a fiscal year, may receive the amount pursuant to Sub-Rule (1) to celebrate his/her their main festival in accordance with own religion, culture and custom.

16. Conduct: Chief Information Commissioner and Information Commissioner shall have to abide by the conduct in accordance to their service and designation and such provisions of conduct shall be prepared and implemented by the Commission itself.

17. Leave: (1) Chief Information Commissioner and Information Commissioner shall get six days of casual leave and six days festival leave with remuneration every year.

(2) Chief Information Commissioner and Information Commissioner shall get thirty days of home leave in maximum with remuneration every year.

(3) Chief Information Commissioner and Information Commissioner shall get up to twelve days of sick leave with remuneration every year.

(4) Chief Information Commissioner and Information Commissioner may reserve home leave and sick leave and s/he may get the total amount so reserved from home leave and sick leave at the rate of remuneration s/he has been receiving

even if s/he retires from the post for any reason.

(5) Chief Information Commissioner and Information Commissioner shall get mourning (*Kiriya*) leave not exceeding fifteen days with remuneration based on religious practice.

(6) If woman Chief Information Commissioner and woman Information Commissioner become pregnant, she shall get not exceeding sixty days of maternity leave at a time either before or after maternity period with remuneration.

18. Authority to issue Leave: (1) The Chief Information Commissioner may take causal leave and festival leave on his/her own and other leaves shall have to be approved by the Government of Nepal.

(2) Information Commissioner cause to approve all the leaves from the Chief Information Commissioner.

19. To work being as an Officiating: (1) At the time when the Chief Information Commissioner is on leave or has gone to abroad or his/her post is vacant, senior most information commissioner shall act as an officiating Chief Information Commissioner for the period of such leave, abroad staying or until the fulfillment of the vacant post.

(2) If an Information Commissioner works as an officiating Chief Information Commissioner pursuant to Sub-Rule (1) for a period of more than fifteen days, remuneration and facilities shall be provided to him/her as good as to the Chief Information Commissioner for the period of an officiating role.

(3) For the purpose of these Rules seniority shall counted based on the date of appointment and if the appointment date of all commissioners is the same, seniority shall be counted based on the roll of appointment.

20. Provision Relating to Secretary: (1) There shall be a Secretary to work as the administrative chief of the Commission.

(2) Government of Nepal shall assign to any Gazetted Special Class Officer of the civil service to work as the Secretary of the Commission.

21. Functions, Duties and Power of the Secretary: In addition to the provision contained elsewhere in these Rules functions, duties and powers of the Secretary shall be as following:

- (a) To work as an administrative chief of the commission,
- (b) To receive necessary documents from the concerned body required to appeal, application, and complaint submitted before the Commission or for other purpose,
- (c) To inquire with the documents attach with the appeal, application and complaint,
- (d) To execute or cause to execute the decision and order made by the commission.
- (e) To correspond or cause to correspond on behalf of the commission, if any contact is to be made with public body.
- (f) To cause to deposit the fees and amount collected by the Commission to the government fund.
- (g) To submit the appeal, application and complaint before the Commission after necessary inquiry.
- (h) To perform or cause to perform the promotional activities that has to be performed by the Commission.
- (i) To carry out other functions related with or as prescribed by the commission.

22. Complaint against the order made by the Secretary: (1) A person who is not satisfied with the order issued by the secretary in relation to the appeal, application and complaint registered before the commission pursuant to the Act and these Rules shall submit a complaint before the Commission within 15 days from the date of such order issued.

(2) In case of any complaint is registered pursuant to Sub-Rule (1), the Commission shall finalize it within seven days after making necessary investigation thereon.

23. Duration for making decision or providing information: (1) The Chief shall finalize the complaint registered pursuant to Sub-section (1) of Section 9 within seven days after necessary inquiry.

(2) While making an inquiry over the application pursuant to Sub-Rule (1), if it is found that the information has to be provided to the person who registered complaint pursuant to Sub-section (2) of Section 9, the Chief shall issue an order to the concerned Information Officer to provide information by giving seven days of time in maximum from the date of finalization of such complaint.

24. Procedure to submit a complaint in relation to misuse of information: (1) Any person, who obtained an information from any public body, has misused an information not using it for the purpose that was received, the concerned public body shall submit a complaint before the Commission within thirty five days of information received about the misuse of such information.

(2) While investigating such complaint received pursuant to Sub-rule (1), if it is found that information was misused by such person, the commission shall punish such a person pursuant to the Act.

(3) Before imposing any punishment if the Commission thinks appropriate, it may call upon such person before the Commission and record the statement.

25. Directives may be issued: (1) The commission may frame and issue necessary Directives to carry out its activities smoothly.

(2) Directives issue may pursuant to Sub-rule (1) will have to be published publicly.

Schedule

(Relating to Sub-rule 1 of Rule 5)

An Appeal Submitted before National Information Commission

Via: Office.

..... Appellant

Versus

..... Respondent

Subject:

Chief of a public body Mr. decided date on..... as not to provide information me/us on matters; but I/we are not satisfied with the decision on following ground and reasons, therefore, I/We hereby submitted this appeal within 35 days of time given by the Act.

- (a) ...
- (b) ...
- (c) ...
- (d) ...

Statement written herein above is true and correct, if found wrong will be borne as per the law.

Enclosed documents:

- (a) A copy of decision taken by the Chief of public body.
- (b)
- (c)

.....
Signature of the Appellant

Date: