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‘Right to information is the backbone of democracy’

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Krishna Hari Baskota, chief information commissioner, National Information Commission of Nepal **Rajib Dhar/Dhaka Tribune**

Krishna Hari Baskota, chief information commissioner of Nepal, explains the importance of RTI on ensuring transparency for better democracy, in an interview with the Dhaka Tribune

What role can the government and media play to make people aware of right to information (RTI)?

A country cannot claim itself to be democratic, if its people remain unaware about how the state is being run. Governments should be transparent about what they do; they have to make everything public.

The media plays an important role to create a bridge to the people so governments should use media as a tool to communicate and let the people know that RTI is their fundamental right.

How can the media play a role in the implementation of RTI?

In Nepal, the Federation of Nepalese Journalists (FNJ) encouraged our government and parliament to come up with the RTI legislation, and prepared the draft. The FNJ chairperson is part of a committee that recommended forming the National Information Commission (NIC) – meaning that the commission is appointed by FNJ's recommendation.

People benefit if journalists use RTI tools as their news sources, because such information is more authentic compared to that gathered from anonymous sources. I would like to encourage journalists working in Bangladesh and Nepal to use such RTI tools to ensure more transparency. In Nepal, we work closely with senior journalists and every year we award those who seek more information through RTI. (So) the media is one of the most vibrant instruments to implement RTI.

How are the governments responding to RTI in this region?

Almost every government in this region maintains a level of secrecy. They often like to speak of good governance, transparency, and accountability, but they are reluctant to maintain these – and there is the dilemma.

In reality, the governments in this region have failed to follow the legislation in order to maintain transparency. Three years after the RTI Commission in Nepal was constituted under my chairmanship, we started to hold effective meetings with our government. And now they understand the importance of RTI.

RTI is the backbone of democracy (and) if you believe in that, you have to maintain transparency. Thus our government understood the importance of right to information to transparency of the state, and has started enacting it at all levels.

How can RTI change the political scenario of a country?

The politicians must win the hearts of the people. If they become transparent, the bureaucrats will also be transparent. If they fail to do that, democracy will fail (and) they will lose people's faith. Transparency is the fundamental condition for democracy. In order to maintain good governance, being transparent to the people is a must. It will also help reduce corruption.

It is very unfortunate that only some of the government officials in this region have an understanding about right to information.

How prevalent is RTI legislation worldwide?

Only 116 countries have introduced right to information since its conception in Sweden in 1744. Of these, only 59 countries have adopted RTI legislation as one of the fundamental rights of people – which allows freedom of expression and press freedom.

In the RTI legislation global index prepared by the Centre for Law and Justice, Bangladesh secures the 23rd position and Nepal 27th. However, in the Transparency International Corruption Perceptions Index, Nepal is far behind. Out of 100 points, Nepal has only received 29 and our global position stands at 141. The scenario of business is also indicative of the actual situation of RTI in a country. In this regard, Nepal is not doing well. I think Bangladesh is not in any better position.

What are the obstructions to implementing RTI?

The first hurdle is the contradiction in the law. According to the RTI legislation, all governments must follow the open policy. If citizens do not file any petition through RTI, the government is responsible to publish its activities after every three months, which is called proactive disposal. But there are a few clauses in the law which allow governments to maintain secrecy.

In Nepal, there are 400 laws, of which 270 have direct or indirect secrecy clauses. We have urged our government to annul those in order to enact RTI effectively. As the RTI itself allows some areas to be kept confidential, there is no need to make other laws which enable more secrecy.

Secondly, the mindset of the government officials has not changed. They do not acknowledge that transparency will empower their capability. If government officials can understand the importance of RTI, they may play a significant role in creating corruption-free states. It will also help create a business environment. Governments can arrange training programmes about RTI and can create promotional opportunities.

How much do governments try to make RTI difficult by imposing laws to control press freedom?

Bangladesh and Nepal are both democratic countries in which the press is enjoying freedoms, as far as I know. The constitutions of both the countries ensure freedom of press. The governments cannot impose any type of policy which contradicts the RTI or freedom of press. There might be some misunderstanding between the media and the government (but) I have full confidence that the governments of Nepal and Bangladesh will not go against the freedom of press or the right to information; rather, they encourage people's freedom.

Where is the contradiction between a state's confidential information and the people's right to information?

To ensure the enactment of RTI, three pieces of legislation should be there: RTI legislation, privacy legislation, and whistleblower legislation.

If you look at the Nepalese constitution, we only have the RTI legislation. According to our constitution, Article 27 guarantees every citizen the right to seek and receive information on matters of their interest – apart from the information protected by law.

We have an information commission, but we do not have one for privacy – that is another dilemma. The privacy legislation would clarify what is regarded as private area and what as public. Security agencies and the judiciary body should also maintain transparency and accountability.

Moreover, we do not have an Whistleblower Protection Act which also protects the right to information. It would secure any public servant from disciplinary action if a senior official wants to charge him/her for disseminating information to the public under RTI Act.

RTI is applicable for everybody, regardless of who they are. But for the sake of security, if any information can jeopardise the sovereignty of a country it might be kept secret under the clause which classifies information, but that should be also clarified to the people.

An MoU regarding RTI has been signed by Bangladesh and Nepal.

The Information Commission of Bangladesh and the National Information Commission of Nepal have prepared [this MoU together](#).

As per the MoU, senior commission officials of both countries will hold meetings on a regular basis and exchange ideas to enhance their expertise, knowledge, and experience in the development of human resources. Among other things, the two commissions will also exchange their publications on RTI – which will remain effective for five years.

The MoU has paved the way for cooperation between the two information commissions. There will be discussions every year in both countries. Very soon a Bangladeshi delegation from the information commission will visit Nepal. There, we will discuss the RTI Act, open government data, and open government partnership