

# CHAPTER 1

## INTRODUCTION

This chapter describes the research context of Right to Information (RTI) policy implementation, research gaps, research questions along with the research objectives. The institutional mechanism of RTI policy implementation and the impacts of institutional trust are the fundamental tenets of RTI policy implementation.

### 1.1 Background

In a democratic system, the policies are made and implemented by the people's elected representatives. People are sovereign and in principle, they are to be ruled by themselves. However, all individuals can't participate directly in each action of the state's affairs, and hence, a representation system is adopted to govern a nation. The state's key organs – legislative, executive, and judiciary – are formed in a democratic structure for policy formation and implementation. People's representatives have to be accountable to the people who elect them rather than rule them. To examine, whether the representatives have fulfilled their accountability or not is the people's inherent right to know, the maximum possible information should be easily available to the public. This is known as right to information. RTI is also known as freedom of information (FOI) and right to know.

The basis of democracy is freedom of speech and informed citizens can participate effectively in the working of democracy (Meiklejohn, 1948, as cited in Barendt, 2005, p. 18). Information, communication and debates for the exchange of ideas and conclusions are essential for an enlightened society of an enlightened democracy (Kharel, 2012, p. 18). Since information is power and the spirit of democracy, high regard is given to the RTI which is considered a fundamental right. Every citizen has a right to know how the government is functioning. RTI empowers every citizen to seek any information from the government, inspect any government documents and seek certified photocopies thereof unless the information sought is listed as classified information. Some laws on RTI also empower citizens to inspect any government work or to take a sample of material used in any work.

FOI as a tool to make the government accountable is not a recent phenomenon (Naib, 2011, p. 1). The right to access information starts in the 18<sup>th</sup> century. The Swedish Freedom of the Press Act, adopted in 1766, set the principle that government records were by default to be open to the public and granted citizens the right to demand documents from government bodies. Although FOI has a long history, it is still evolving.

During the 1980s, the '*Thaha*' [to know] movement was carried out by pro-public politician Rupchandra Bista who was a legislator (member of the Rastriya Panchayat, the then legislature) twice in 1981 and 1987 AD. From the RTI point of view, Bista, who advocated and emphasized people adopting '*Thaha*' to excel in their lives and livelihoods, was the pioneer RTI leader in Nepal (Thaha, 2062 B.S.). *Thaha* movement had drawn the attention especially in capital city Kathmandu and Bista's constituency Makawanpur district.

The Constitution of Nepal (1990) 'provided the right for every citizen to demand information that concerns him/her or the public but does not compel anyone to provide any information that is required by law to be kept confidential' (Kharel, 2010, p. 232). The Right to Information Act (RTIA) came into effect in Nepal in 2007. Similarly, the Constitution, of 2015 also emphasized on the open government through the implementation of RTI policy. Thus, RTIA has been able to draw the attention of all government and non-government institutions, which are the prime focus for disseminating the information demanded by the citizens. According to this Act, 'public body' has been defined explicitly in a liberal way. Bodies that are constituted under the constitution, political parties, and even non-governmental organizations are defined as public body that seems on large scale. Prescriptions in the legal documents do not explain explicitly the level of policy implementation of RTIA because RTI policy implementation is circumscribed by the practice of state apparatus. How far RTI policy is brought into effect is still a curiosity for the general public.

## **1.2 Statement of the Problem**

Disclosure of public information adds to the main pillar of democracy. The guarantee of basic rights on liberties, right to expression, right to association, right to

freedom, and other fundamental rights enable debate and discussion upon the public bodies' performance. Such exercise enables democracy, making public bodies transparent (Odugbemi & Norris, 2010). Earlier, the legal constitutional frame did not offer the space for a ground for RTI provision. At that time, the service delivery and the interpreter of legal mechanisms were local/national administrators. As such, RTI emerged as a legitimate tool, which can be interpreted by people for the purpose to seek information from the needed institution that distress the life of citizens directly and indirectly (Ansari, 2008; Yadav, 2010). RTI would be the powerful tool to empower common people. Article 19 of the Universal Declaration of Human Rights (UDHR), declared in 1948 is the main source of RTI. This Article states:

...that everyone has the right to freedom of opinion and expression and 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.

For ensuring the right of citizens envisioned by UDHR 1948, International Covenant on Civil and Political Rights (ICCPR) was adopted by the UN in 1966. It enables people to enjoy a wide range of civil and political rights, including freedom of thought, religion, and expression. By ratifying and being the party of ICCPR, different countries have been respecting and fulfilling the obligations concerning. After the restoration of democracy in 1990, Nepal incorporated RTI as a fundamental right constitutionally. Likewise, Nepal agreed to 14 UN human rights instruments by ratifying or incorporating them as laws on 14 May 1991. Nepali people can enjoy human rights which have already been recognized by the Nepal Treaty Act, of 1990. According to clause 9(2) of this Act, the government has to enact laws immediately for the effective implementation of human rights instruments (INSEC, 1992, p. 27). That period reflects that Nepal adopted a new political system with the new constitution and expressed her commitment internationally by accepting various 14 treaties related to human rights.

All 189 members of the UN have made the commitment to RTI following the UDHR pronouncement on the United Nations Millennium Declaration (General Assembly Resolution 55/2) in September 2000. The member states including Nepal

promised to ensure the right to freedom that the public should have access to information without any disruption/intervention (Norris, 2010; Voltmer, 2010). This, later on, becomes the root policy on RTI.

Further, other conventions on human rights such as the European Convention on Human Rights, 1950, American Convention on Human Rights, 1969 and the African Charter on Human and Peoples' Rights, 1979 detailed the notion of UDHR emphasizing communication freedom, following the UN declaration (The Centre for Law and Democracy, 2015). Recalling UDHR Article 19, Millennium Development Goals (MDG) set human rights approach, in which transparency, participation, empowerment, and accountability were mentioned noticeably (James, 2005, p. 64). The same is continued and further detailed in Sustainable Development Goals (SDG), 2015. The convention also entails people's participation in the democratic process, rule of law, transparency of information, accountability, an independent judiciary, poverty reduction, and access to information as key elements of good governance. These provisions are the key enablers for the maturing democracy.

Besides, the Dakar declaration, of 2005 also emphasized open access to information with an aim of good governance (James, 2005, p. 65). It stressed and signified that the earlier forms and formats of information delivery were inadequate. This support was for an extension of RTI globally. It also showed the importance of information for development, governance, and administration. The notion of UDHR, the MDG, and the SDG's focus on human rights. Norris (2010) writes that The Dakar declaration focuses on responsive legislative, executive, judiciary, market, and civil society giving space for the early need of RTI.

Yilmaz (1999) noted that RTI is more applicable in developed countries than in developing countries. According to him, developed countries exercise RTI more properly due to well-mechanized government, and democratic practices whereas not in developing countries due to fragile and unstable societies and institutions. He added that unless those countries solved their social and developmental problems such as corruption, hunger, education, and economic status, the RTI would not work in the real sense.

In South Asian countries, RTI emerged as an influential tool, with a global alignment. RTI emerged as something better than nothing and has had effects compared to the earlier situation. It cultivated the ground for advocacy of good governance in South Asia. The situation in South Asia is not different from other developing countries. South Asian countries face poverty, hunger, and administrative malpractices. Amidst such situation in South Asia, RTI is enacted to strengthen democracy and reduce unruly situations. RTIA supports citizen to seek necessary information and service-related concern that matters life of citizen (Laskar, 2016).

RTIA's primary aim is to make state mechanisms accountable to the citizen and to promote the livelihood of the citizen through developing a culture of information transparency. It helps to bring change in understanding that information is citizens' property, instead of the government's (Janssen, 2012). There is growing consciousness regarding the perception of the government that it is only a guardian of information.

RTI has a primary focus on administrative and social reform (The Asia Foundation, 2014). It is not limited to public administration, as it is linked with the governance system i.e. government, market, and civil society (Enterplan, 2008). Janssen (2012) states RTI has two main aspects: i) the right to access information from public bodies on request; ii) government should actively disseminate the information that affects their life. This denotes that citizens have a right to access information from state or non-state bodies, and the government must be accountable to its people.

RTI enables citizens to make decisions as per their choices and facilitate constructive criticism to reduce corruption and abuse of authority. Informed citizens make informed decisions; proactive and informed citizens do even better. Kharel (2012) noted that:

Popular participation in the decision-making process is what strengthens a political system. This means empowerment of the people. But empowerment entails informed decisions. Without a well-informed society, public debate and decisions are weak. Authoritarian rulers and their cousins have no taste for public consultation and do not have much respect for the spirit of the sanctity of representative democracy and empowerment of people. (p. 4)

In the South Asian context, the rights-holders do not receive RTI as well as the procedure to access the information timely. This is the cause of corruption and malpractice. Rout (2014) and Laskar (2016) state that the information governance requires timely information where the citizen and government relations go intact through timely service delivery.

In the Nepali context, after the enactment of RTI law in 2007, public bodies, basically government institutions, have gradually appointed Information Officers (IO) with the terms of reference (TOR) to disseminate information of public concern. National Information Commission (NIC) has been established for the protection, promotion, and practice of RTI. Attempts were made twice to classify the information as provisioned by RTIA, but these classifications were not beyond criticism and got annulled. Information Classification Committee which is yet to classify information is headed by the Chief Secretary of government. On one side, the classification of information itself is debatable and a culture of openness is somehow narrowly practiced, on the other. There appears to be a vast gap between policy provision and its' practice.

The government of Nepal (GoN) drafted a policy related to information to make an open and transparent government so that people perceive and experience a democratic government in a real sense. But certain provisions of press-related laws (including the Press and Publication Act, 1991, National Broadcasting Act, 1993, Press Council Act, 1991, Advertising Regulating Act, 2019, Working Journalists Act, 1993, The Privacy Act, 2018, Electronic Transaction Act, 2006), and others (including The Public Procurement Act, 2007, Good Governance (Management and Operation) Act, 2008, Official Secret Act, 1981) have withheld information and created hurdles to implement RTI policy in true sense. As per the provision of RTIA, the decisions made by any kind of public body should disseminate information about their particular organization proactively and supply information on demand. However, the condition for the information to provide will apply. Thus, there are tradeoffs between proactive and conditional disclosure of public information, the secrecy of public information and disclosure of public information on demand, and the official mandate to deliver services and the effects of public information disclosure upon the official mandate to continue its operation.

On such purview paradoxes of RTI policy implementation, the ground reality of public bodies and society to implement RTI policy and the reality of public official's thinking and perception of RTI policy implementation, as well as the awareness level of the Nepali society, are yet to be known. Likewise, the knowledge required to implement RTI policy for the governing bodies is also yet to be explored. The relationship of causal factors (policy standards, resources, inter-organizational communication, characteristics of implementing agencies, and disposition of implementers) of policy implementation through the practice is yet to be known when it concerns RTI policy implementation. Besides, the values, norms, and beliefs of public bodies and their officials as well as the Nepali citizens (institutional trust) are yet to be noticed empirically.

Therefore, it is noteworthy to know about RTI policy implementation and institutional trust because of RTI policy implementation in Nepal. Thus, the main research problem of this study is: what is the implementation status of the RTI and the impact of institutional trust in the public bodies?

The research questions of this study are as follows:

- (a) What is the ground reality of RTI policy implementation in Nepal?
- (b) How are RTI policies implemented?
- (c) How do public values, norms, and beliefs affect RTI policy implementation in Nepal?

### **1.3 Objectives of the Study**

Policy implementation theorists and practitioners have established a positive relationship between policy mandates, institutional capabilities, socioeconomic factors, and actors in any policy implementation. Besides, institutional trust and policy implementation have a significant relationship, theoretically. The main objective of the study is to analyze RTI policy implementation in Nepal.

By keeping this in mind, the specific objectives are as follows:

- (a) To examine the government and public bodies' role to disseminate information as penetrated by RTI law.

- (b) To elucidate the effects of public bodies' operational mechanism on the RTI policy implementation;
- (c) To examine the influence of the institutional trust of public bodies to implement the RTI policy in Nepal.

#### **1.4 Significance of the Study**

The study aims to explore the relationship of independent variables, like government intention, institutional capacity, resources, social sector, and other interlocutors for the effective implementation of RTI in Nepal. It also tries to find out the culture of transparency to demand and disseminate information for the making of an informed society by respecting and fulfilling legal obligations created by the ICCPR and the constitution of the country.

The scope of the study is the first of its kind. Public institutions should be accountable and responsible towards citizens and society as well as committed to rule of law. RTI can be a tool to control corruption and achieve good governance. So, the relevancy of this study is quite high in this regard. This study identifies the institutional mechanism that hinders RTI policy implementation. Institutional trust, which has also a significant relationship with RTI policy implementation, makes differences in the policy implementation. The institutional mechanism and the existing institutional trust make perceivable accountable governance when it concerns RTI policy implementation. Eventually, institutional mechanisms and institutional trust strengthen democracy through the implementation of RTI policy. Therefore, this study shows the way to modify working culture and operational anomalies, i.e., guidelines and training manuals of public institutions, and changes in administrators, politicians, and other actors' behavior. In general, the study is useful for policymakers, researchers, academicians, and other stakeholders.

#### **1.5 Limitations of the Study**

This study includes the following limitation in two forms: access to the data collection and generalization. The study covers data on public institutions' mechanisms and institutional trust of the public institutions which were in Kathmandu valley only. On the one hand, there might be a risk of leaving data on the RTI policy



implementation in other aspects of RTI policy implementation. On the other hand, it does not cover the public institutions which are in the peripheral regions of Nepal. It may not be generalized throughout the country.

## **1.6 Chapter Plan**

The study report comprises eight chapters. The first chapter deals with the introduction of the study and explains the research gaps followed by the research questions and the research objectives of the study. It also deals with the significance of the study.

In the second chapter, a literature review is detailed to conceptualize the RTI policy implementation in Nepal theoretically. As a result, the conceptual framework of the RTI policy implementation is developed. The identified variables find the significance of the relationship with RTI policy implementation. As a result, the hypotheses of the research are developed based on the policy implementation theory.

In the third chapter, the policy provisions related to access to information are reviewed to find out the policy implementation paradoxes in Nepal. This chapter discusses RTI initiatives in global, South Asian and Nepali context. Discussing various principles of information dissemination, this chapter, presents the Nepali scenario in detail.

Likewise, the research methodology is presented in chapter four. The philosophy of the research, research design, data collection procedures, characteristics of respondents, methods of data analysis, ethical considerations in the research, and research validity and reliability are described in detail.

Chapter five is exclusively focused on RTI policy implementation based on the policy provision. It deals with the ground reality of policy provision implementation in Nepal. It discusses the implementation of RTIA objectives, various provisions of the Act and performance of National Information Commission (NIC).

Similarly, the relationship between institutional mechanism and RTI policy implementation is tested in chapter six. Within policy implementation mechanism, this chapter deals to policy standards, resources, inter-organizational communication,

characteristics of implementing agencies and disposition of implementers considering RTI policy implementation.

Likewise, the correlation between institutional trust and RTI policy implementation is established in chapter seven which examines the confidence in public institutions, professional trust in RTI implementation and civil service trust on RTI implementation.

In the final chapter, the conclusion is presented based on policy design, policy implementation, implementation mechanism and institutional trust. Policy implication and further research issues are also presented.

## **CHAPTER 2**

### **PUBLIC POLICY IMPLEMENTATION: A THEORETICAL AND CONCEPTUAL DISCUSSION**

This chapter is dedicated to reviewing the theory of public policy implementation and institutional trust. The top-down approach, bottom-up approach, and the synthesis of the two are generalized approaches to policy implementation are explained in this chapter. Besides, the institutional trust and its relationship with the policy implementation is also illustrated.

#### **2.1 Introduction**

The term 'policy' is used in this study except in areas where it is necessary to name specific 'law'. Policy refers to a law, regulation, rule, procedure, administrative action, incentive, or voluntary practice of governments and other institutions. Implementation of public policies has become an issue of enormous concern in many developing countries including Nepal. This includes the implementation of RTIA along with its regulation, which was formulated in 2007 and 2009 respectively. In exploring how RTI is implemented in Nepal, this chapter presents the theoretical framework of policy implementation.

The theories discussed are the top-down and bottom-up perspectives, as floated by various writers on policy implementation. In generating a conceptual framework, the chapter reviews implementation concepts and arguments developed by Van Meter and Van Horn (1975), Hogwood and Gunn (1984), Pressman and Wildavsky (1984), and Sabatier (1986). These perspectives are then applied to Nepal.

#### **2.2 The Concept and Perspective of Implementation**

Generally, a policy is defined as a course or principle of action adopted or proposed by a government, party, business, or individual. Thomas R. Dye (1975, p. 1) defines policy as "whatever government chooses to do or not to do." Public policies are fundamental decisions, commitments, and actions of elected and selected public officials (Gerston, 2008, p. 7). William Jenkin (cited in Howlett & Ramesh, 2003, p.

6), public policy is "a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors."

Implementation means putting decisions into action. In its literal meaning, it denotes to carry out, accomplish, fulfill, produce or complete any action. Conceptually, there is no universally accepted definition. For some, economists who are among the chief architects of the great society, emphasized markets, incentives, and production functions. Sociologists are caught up in theories of scientific management and subscribed to Weberian notions of hierarchical authority and bureaucratic control. According to Max Weber, A German social scientist, bureaucracy is preferable to conventional institutions. In a bureaucratic organization, everyone is treated equally, and each employee's specific job duties are laid out in detail.

Implementation is the specification of objectives and translation of policies into practice. Implementation means literally to carry out, accomplish, fulfill, produce, or complete. The classical theorists on public policy implementation have argued that policy clarity, consistency, and tractability affect the implementation of public policy. Some of them are as follows:

Founding fathers of implementation, Pressman, and Wildavsky (1984) define implementation in terms of a relationship to a policy as laid down in official documents. According to them, the implementation may be viewed as a process of interaction between the setting of goals and actions geared to achieve them.

Policy implementation encompasses those actions by public and private individuals (or groups) that are directed at the achievement of objectives outlined in prior policy decisions. According to Van Meter and Van Horn (1975), policy implementation includes both one-time efforts to transform decisions into operational terms, as well as continuing efforts to achieve the large and small changes mandated by policy decisions.

One of the renowned definitions formulated by Mazmanian and Sabatier (1983) reads:

Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problems(s) to be addressed, stipulates the objective(s) to be pursued, and, in a variety of ways, "structures" the implementation process. The process normally runs through many stages beginning with the passage of the basic statute, followed by the policy outputs (decisions) of the implementing agencies, the compliance of target groups with those decisions, the actual impacts – both intended and unintended – of those outputs, the perceived impacts of agency decisions, and finally, important revisions (or attempted revisions) in the basic statute.

Here the starting point is the authoritative decision; as the name implies, centrally located actors are seen as most relevant to producing the desired effects. In this definition, authors categorized three types of variables affecting the achievement of legal objectives throughout this entire process. These variables can be divided into three broad categories: tractability of the problem(s) being addressed; the ability of the statute to structure favorably the implementation process; and the net effect of a variety of political variables on the balance of support for statutory objectives.

O'Toole (2003) defines a policy implementation as what develops between the establishment of an apparent intention on the part of the government to do something or stop doing something and the ultimate impact of the world of actions. More concisely, O'Toole et al. (1995) remarked that policy implementation refers to the connection between the expression of governmental intention and the actual result.

Policy implementation relates to how governments put policies into effect (Howlett & Ramesh, 2003). In this sense, it is a process whereby programs or policies are carried out, the translation of plans into practice. While some decisions have been made on the general shape of a policy, still others are required for it to be set into motion. Funding must be allocated, personnel assigned, and rules of the procedure developed, among other matters (ibid).

According to Liu (2003, p. 1), government policy usually has the following characteristics: (1) it corresponds to specific issues which are on the government agenda; (2) it is based on formally articulated decisions that are stated in a legal document; (3) it affects a significant number of people (hence the definition here is equivalent to public policy); (4) it needs rules for operation and guidelines for implementation (cited in Koirala, 2013).

The concept of politics and administration were considered separate wings (Wilson, 1887). Politics is concerned with policy formulation. Political leaders set policy preferences which are then carried out into execution through the administrative machinery that serves the government (Clarke, 1992). This view emphasized the variety of managerial and organizational design principles on how to maximize the match between political intent and administration action. Similarly, scientific administration emphasizes finding and executing the best way for administrators to implement policies (Howlett & Ramesh, 2003). However, it is criticized as too mechanistic.

In the 1950s and 1960s, however, the scientific nature of these principles came under attack as critics like Herbert Simon (1946) pointed out they are often contradictory and proverbial- rather than scientific – nature. It was also noted that this approach assumes that decision-makers provide implementers with clear goals and direction.

Since the early 1970s, Pressman and Wildvsky (1973) brought the issue of policy implementation to the forefront. They argue that there is a gap between policy decisions and practice. The policy decisions have been realizing failure rather than success due to constraints/ hurdles experienced while bringing them into practice. Such types of hurdles and constraints vary from country to country. However, implementation researchers have been constantly focusing on the issues of how policy can be implemented in a normal way.

In general, implementation research is categorized into three generations. The first generation of implementation analysis discovered the problem of policy implementation - the uncertain relationship between policies and implemented programs - and sketched its broad parameters.

The first generation was a more systematic effort during the 1980s to understand the factors that facilitated or constrained the implementation of public policies (Sabatier & Mazmanian, 1981). This analysis shows how local factors such as size, intra-organizational relations, commitment, capacity, and institutional complexity model respond to policy (McLaughlin, 1987). The first-generation research is characterized by pioneering but largely theoretical studies such as Pressman and Wildavsky's implementation.

The second-generation implementation studies in the policy sciences focused on describing and analyzing relations between policy and practice. Such researches including McLaughlin (1987) generate important lessons for policy, practice, and analysis, for example, a policy cannot always mandate what matters to outcomes at the local level; individual incentives and beliefs are central to local responses; effective implementation requires a strategic balance of pressure and support; policy-directed change ultimately is a problem of the smallest unit.

In the third generation, more scientific implementation research (Goggin et al., 1990; McLaughlin, 1987) focused on policy design rather than traditional administrative techniques by integrating the macro world of policymakers with a micro world of individual implementers.

**Figure 2.1**

*The Generation of Policy Implementation*

Generation	Research focused on
First	<ul style="list-style-type: none"> <li>• Revealing the problem of policy implementation is wide-ranging.</li> <li>• Identifying the relationship between policies and implemented programs.</li> <li>• Considering local factors such as size, intra-organizational relations, commitment, capacity, and institutional complexities.</li> <li>• Case study domination</li> </ul>
Second	<ul style="list-style-type: none"> <li>• Describing and analyzing relations between policy and practice.</li> <li>• Lesson created on policy, practice, and analysis.</li> </ul>
Third	<ul style="list-style-type: none"> <li>• Policy design (developing conceptual framework)</li> <li>• More scientific implementation.</li> <li>• Micro and macro analysis</li> </ul>

Source: developed by the researcher.

### **2.2.1 Successful Implementation**

The study of implementation examines those factors that contribute to the realization or non-realization of policy objectives (Van Meter & Carl Van Horn, 1975). Common advice for effective implementation from top down perspective is: to make policy goals clear and consistent (Van Meter & Van Horn, 1975; Mazmanian & Sabatier, 1983); minimize the number of actors (Pressman & Wildavsky, 1973); limit the extent of change necessary (Van meter & Van Horn, 1975, Mazmanian & Sabatier, 1983); and place implementation responsibility in an agency sympathetic to the policy's goal.

Till now, no general implementation theory has emerged, although many implementation scholars have developed such a theory (Winter, 2003). However, as implementation research evolved, two schools of thought developed as to the most effective method for studying and describing implementation: top-down and bottom-up. Besides, both thoughts have been applied to research implementation as a synthesis.

Hogwood and Gunn (1984) offer propositions that can be considered as recommendations to policymakers. They are for policymakers ensuring a successful implementation, and paving way for favorable external circumstances to the implementing agency; adequate time and sufficient resources; minimal dependency relationships of other agencies; perfect communication among, and coordination of, the various elements involved in the programs; etc.

Elmore identified four main ingredients for effective implementation: (1) specified tasks and objectives that accurately reflect the intent of the policy, (2) a management plan that allocates tasks and performance standards to subunits; (3) an objective means of measuring subunit performance; (4) and a system of management controls and social sanctions sufficient to hold subordinates accountable for their performance. According to Elmore (1978), failures of implementation are, by definition, lapses in planning, specification, and control.

Successful implementation, according to Matland (1995), requires compliance with statutes' directives; compliance with statutes' goals; achievement of specific



success indicators; and improvement of the political climate around a program (quoted from Hill & Hupe, 2002). Besides this, policy success depends critically on two broad factors: local capacity and public will.

Questions of motivation and commitment (or will) reflect an implementer's assessment of the value of a policy or the appropriateness of a strategy. Motivation or will is influenced by factors largely beyond the reach of policy environmental stability, competing centers of authority, contending priorities or pressures, and other aspects of the social-political milieu that can influence implementer willingness profoundly. Hill and Hupe (2002) give emphasis on individual motivation and internal institutional conditions implies that external policy features have limited influence on the outcome, particularly at lower levels in the institution.

Yet another lesson learned is that successful implementation generally requires a combination of pressure and support from policy (Elmore & Mclaughlin, 1982; Fullan 1986). Pressure by itself may be sufficient when policy objectives contain their implementation directions. Pressure alone may be sufficient when policy implementation requires no additional resources or normative change. But pressure alone cannot affect changes in attitudes, beliefs, and routine practices typically assumed by reform policies. Opportunities for cooperation, symbolic response, or non-compliance are multiple in the loosely structured, multi-layered world of schools and education policy, for example.

Support also would be a limited strategy for significant change because of the competing priorities and demands that operate with the implementing system. In particular, vague mandates and weak guidelines provide an opportunity for dominant coalitions or competing issues to shape program choices.

Giacchino and Kakabadse (2003) assessed the successful implementation of public policies on decisive factors. According to him, these are the decisions taken to locate political responsibility for initiative; the presence of strong project management/team dynamics, and the level of commitment shown to the policy initiatives.

## **2.3 Implementation Approaches**

Although several implementation academics have suggested various concepts, no general implementation theory has yet emerged. To analyze and describe implementation, two schools of thought—top-down and bottom-up—have emerged. Also, a synthesis of both ideas has been applied to the implementation of research.

### **2.3.1 Top-down Approach**

The top-down approach assumes that policy goals can be specified by policymakers and that the implementation can be carried out successfully by setting up certain mechanisms (Palumbo & Calista, 1990). This approach is 'policy centered' and represents the policy maker's perspective. A vital point is the policymaker's capability to exercise control over the environment and the implementors (Younis & Davidson, 1990). Van Meter and Van Horn (1975) and Mazmanian and Sabatier (1978) see implementation as a concern with the degree to which the actions of implementing officials and target groups coincide with the goals embodied in an authoritative decision. Pressman Jeffrey and Aaron Wildavsky (1973) look at the extent to which successful implementation depends upon linkages between different organizations and departments at the local level. Brian Hogwood and Lewis Gunn (1978) made recommendations for policymakers to make effective implementation.

From a top-down perspective, a strong desire for generalizing policy advice is exhibited. This requires finding consistent, recognizable patterns in behavior across different policy areas (Matland, 1995). It emphasizes formal steering problems and factors which are easy to manipulate and lead to centralization and control. Elmore (1978) states that the interest will be directed towards such things as funding formulas, formal organization structures, and authority relationships among administrative units, regulations, and administrative controls like budget, planning, and evaluation requirements. Elmore (1978) noted that:

It begins at the top of the process, with as clear a statement as possible of the policy-makers intent, and proceeds through a sequence of increasingly more specific steps to define what is expected of implementers at each level. At the bottom of the process, one states, again with as much precision as possible, what a satisfactory outcome would be, measured in the terms of the original statement of intent.

The top-down approach largely restricts its attention to actors who are formally involved in the implementation of a specific program (Winter, 1990, 2003). The top-down researchers focused on a specific political decision, normally a law. They followed the implementation down through the system, often with a special interest in higher-level decision-makers. They would typically assume a control perspective on implementation, trying to give good advice on how to structure the implementation process for the above to achieve the purpose of the legislation and to minimize the number of decision points that could be vetoed.

The top-down approach to policy implementation assumes that policymakers can successfully implement policies by creating mechanisms to achieve policy goals. This approach emphasizes formal structures and control mechanisms such as funding formulas, regulations, and administrative controls. Policymakers are assumed to have control over the environment and implementers, and it is expected that their actions should coincide with policy goals. This approach is primarily concerned with actors who are formally involved in policy implementation and may overlook the influence of informal networks and the broader social and political context.

### **2.3.1.1 Criticism of Top-down Approach**

However, Richard E. Matland (1995) made the following criticism of the top-down approach to implementation. First, top-down models take the statutory language as their starting point. This fails to consider the significance of action taken earlier in the policy-making process. Second, top-downers have been accused of seeing implementation as a purely administrative process and either ignoring the political aspects or trying to eliminate them (Berman, 1978; March & Sætren, 1986). Besides, this prescription fails to recognize the political realities that account for policies with multiple goals, vague language, and complex implementation structures (May, 2003). Third, top-down models have been criticized for their exclusive emphasis on the statute framers as key actors. This criticism has two primary variants. From a normative perspective that local service deliverers can have expertise and knowledge of the true problems; therefore, they are in a better position to propose purposeful policies. Another criticism is that the top-down approach neglects the reality of policy modification or distortion at the hands of the implementer. They object to the implicit assumption that policy-makers control processes that affect implementation. This

model assumes that all priorities are known and that they can be ranked. Another weakness is that it has no behavioral basis. As the rational model is unachievable in practice, the result will always be implementation failures (Elmore, 1979). Similarly, Berman argues that choosing a top-down strategy can lead to resistance, disregard, and pro forma compliance.

Top-down models, however, see local actors as impediments to successful implementation, agents whose shirking behavior needs to be controlled. The second variant argues from a positive perspective that discretion for street-level bureaucrats is inevitably so great that it is simply unrealistic to expect policy designers to be able to control the actions of these agents.

### **2.3.2 The Bottom-up Approach**

The bottom-up approach directs attention to the formal and informal relationships constituting the policy sub-systems involved in making and implementing policies (Howlett & Ramesh, 2003). This perspective has its starting point as a problem in society. The focus is on individuals and their behavior, and the street-level bureaucrats are central.

The street-level bureaucrats are considered to have a better understanding of what clients need as it is they who have direct contact with the public. Michael Lipsky (1980) developed a theory on 'street-level bureaucracy. Street-level bureaucrats are defined as 'public service workers who interact with jobs and who have substantial discretion in the execution of their work' (Lipsky, 1980). As per his definition, street-level bureaucrats are those, who focus on the discretionary decisions that each field worker or 'street-level bureaucrat' as Lipsky prefers to call them – makes concerning individual citizens when they are delivering policies to them. The discretionary role in delivering services or enforcing regulations makes street-level bureaucrats' essential actors in implementing public policies. Indeed, Lipsky claims that street-level bureaucrats are the real policymakers (Winter, 2003). However, according to Elmore (1978), implementation failure is connected with discretion and routine, together with personal malfunctions, and one has to identify where the discretion is congregated and which of an organization's repertoire of routines needs changing.

Similarly, Hull and Hjern's (1981) bottom-up approach is to identify the many actors that are affecting the problem and to map relations between them. In these network analyses, both public and private actors become essential, and the analyses often include several policies that affect the same problem whether or not it is intended in those policies.

Hull and Hjern (1987) focus on the role of local networks in affecting a given problem in the implementation process, and they also develop a way of identifying the networks. It is a combination of a snowball method and a socio-metric method (cited in Winter, 2003). This method enables them to map a network that identifies the relevant implementation structure for a specific policy at the local, regional and national levels and allows them to evaluate the significance of government programs vis-à-vis other influences such as markets. It also enables us to see strategic coalitions as well as unintended effects of policy and the dynamic nature of policy implementation (Matland, 1995). According to them, central initiatives are poorly adapted to local conditions. Program success depends in large part on the skills of individuals in the local implementation structure who can adapt the policy to local conditions; it depends only to a limited degree on central activities. Therefore, their analysis is important in drawing attention to implementation activities and structures at the local operational level.

According to Berman (1978), policy implementation takes place on two levels- macro and micro levels. At the macro implementation level, centrally located actors devise a government program; at the micro implementation level, local organizations react to the macro level plans, develop their programs, and implement them. However, he argues that most implementation problems stem from the interaction of a policy at the micro-level institutional settings. Central-level actors can indirectly influence micro-levels factors. It is because the rules created by central actors are dominated by the local implementing contextual factors.

The bottom-up approach focuses on the formal and informal relationships between policy sub-systems involved in making and implementing policies. Scholars argue that program success depends on the skills of individuals in the local

implementation structure who can adapt the policy to local conditions. Central-level actors can indirectly influence micro-levels factors, but the rules created by central actors are dominated by the local implementing contextual factors.

### **2.3.2.1 Criticism of Bottom-up Approach**

The bottom-up approach does not provide a satisfactory solution to the problems of public policy, as its rejection of the authority of policy-makers is questionable in the light of democracy. Policy control should be exercised by actors whose power derives from their accountability to sovereign voters through their elected representatives. Matland (1995) states that the authority of local service deliverers does not derive from this base of power.

Another criticism is that the model cannot successfully explain why coping strategies occur and why they vary. It is difficult to think of ways to change street-level behavior in the context of this model, and no thought is given to how to use discretion as a device for improving the effectiveness of policies at the street level (Elmore, 1978). It has also been demonstrated that people with very little education and poor social background are less likely to benefit from social services compared to more educated and wealthier people. This is the case even when these social services are targeted primarily at the former category. Hence creaming is done not only by street-level bureaucrats but also by the self-selection of the target groups themselves (Winter, 1990).

From the methodological perspective, it overemphasizes the level of local autonomy. Michael Lipsky (1978) emphasized street-level bureaucrats likewise Hull and Hjern (1987) on local networking. In such situations, variations in action can be explained largely by local-level differences, yet all actions may fall within a limited range where the borders are set by centrally determined policy. While central actors do not act in detail or intervene in specific cases, they can structure the goals and strategies of those participants who are active. Matland (1995) states that the institutional structure, the available resources, and the access to an implementing arena may be determined centrally and substantially can affect policy outcomes.

### **2.3.3 Synthesis (Top-down and Bottom-up Approach)**

Both top-down and bottom approaches are useful in drawing attention to the implementation process. However, there is contention between both approaches. Each tended to ignore the portion of the implantation reality explained by the other. Here, some of the synthesizers of both top and bottom approaches are explained.

Richard Elmore (1978) put forward four models in his *Organization Models of Social Program Implementation*. His models were 'implementation as systems management, 'implementation as a bureaucratic process,' 'implementation as organization development, and implementation as conflict and bargaining.' He argued in these models draw on established traditions of organizational inquiry and they accord with certain common-sense explanations of why social programs fail. The second argument is that the evidence on social program implementation is skimpy.

Elmore (1982, 1985) attempts to combine top-down and bottom-up perspectives. He argues that policy designers should choose policy instruments based on the incentive structure of target groups. Forward mapping consists of stating precise policy objectives, elaborating detailed means-ends schemes, and specifying explicit outcome criteria by which to judge policy at each stage. Backward mapping consists of stating precisely the behavior to be changed at the lowest level, describing a set of operations that can ensure the change, and repeating the procedure upwards by steps until the central level is reached. By using backward mapping, policy designers may find more appropriate tools than those initially chosen. This process ensures consideration of the micro implementers' and target groups' interpretations of the policy problem and possible solutions. However, Elmore's model has no predictions as to generalized behavior. No specific interrelationships are hypothesized; effectively there are no hypotheses to test. As a tool, Elmore's discussion is useful; as a theory, however, it lacks explanatory power.

Richard E. Matland (1995) presents the 'ambiguity and conflict model' as a combination of two top and bottom approaches. In his model, he suggests that their relative value depends on the degree of ambiguity in the goals and means of a policy and the degree of conflict. Four policy implementation paradigms are low conflict-low ambiguity (administrative implementation), high conflict-low ambiguity (political

implementation), high conflict-high ambiguity (symbolic implementation), and low conflict-high ambiguity (experimental implementation). He spells out how ambiguity and conflict affect policy implementation. This model provides a more theoretically grounded approach to implementation. However, Matland also avoids seeing the level of policy discretion as something explicitly chosen by policy formers, recognizing how it may be a function of policy conflict. According to Hill and Hupe (2006), the question in their argument is then: How easy is it to label policies in the way he does?

Another kind of synthesis is suggested by Winter (1990, 1994) in his integrated implementation Model'. Unlike previous attempts, the purpose here is not to make a true synthesis between top-down and bottom-up perspectives but rather to integrate a number of the most fruitful theoretical elements from various pieces of implementation research – regardless of their origin – into a joint model. Its main factors in explaining implementation outputs and outcomes are policy formation and policy design, inter-organizational relations, and street-level bureaucratic behavior in addition to target group behavior, socio-economic conditions, and feedback mechanisms.

Malcolm Goggin, Ann Bowman, James Lester, and Laurence O'Toole (1990) develop a model which is based on the communications theory perspective on intergovernmental implementation but also included many variables from previous top-down and bottom-up approaches. The model indicates that implementation is influenced by a combination of inducements and constraints from the states themselves along with federal and local levels. It is also influenced by state decisional outcomes, and by a state's capacity to act. Exactly how does the implementation process in specific policy areas depend on the interaction of these elements of the model? Thomas and Grindle (1990) present an answer to such a question.

Thomas and Grindle (1990) propose an Interactive Model of implementing policy reform. They consider the process of implementing policy reform as interactive rather than linear. Their framework for policy study looks at "how reform proposals get on the agenda for government action, what factors influence decision-makers and the linkages between agenda setting and decision-making process". The central quest in the model is that a policy reform initiative may be altered or reversed at any stage in its life cycle in response to pressure and reaction. This model views policy reform as a process, one in which interested parties can exert pressure for change at many



points. Some interests might be more effective at influencing higher-level officials in government, others at affecting the managers of the implementation process or those who control the resources required for implementation. Understanding the location, strength, and stakes involved in these attempts to promote, alter or reverse policy reform initiatives is central to understanding the outcomes (ibid.). Hence, the Interactive Model of implementing policy reform pays respect to dialogic importance. For this model feedback, in the form of communication in different phases need to be added.

In addition to this, Fritz Scharpf (1978) carries out research on network analysis of the implementation process. Randall Ripley and Grace Franklin (1981) specifies policy types in implementation. Paul Sabatier (1986) also suggests a synthesis of top-down and bottom-up approaches toward the advocacy coalition approach. Jan-Erik Lane (1986) clarified the normative issues in implementation.

The analysis of the above theoretical discussion indicates that many studies use outcomes as dependent variables (Hill & Hupe, 2006), not the outputs in most cases. Examples of outcome variables used by implementation studies include unemployment level; child employment; equal education opportunities; pollution level; performance of street-level bureaucrats and policy outcome of implementing agencies. Soren C. Winter (2003) argues that implementation outputs and outcomes are two distinct analytical processes. Some want to focus on the implementation process as a dependent variable (Lesser & Goggin, 1998), while others examine implementation performance/output as a dependent variable (Lipsky, 1980). Besides, McLaughlin (1987) argues that the policy cannot always mandate what matters to outcomes at the local level; individual incentives and beliefs are central to local responses; effective implementation requires a strategic balance of pressure and support; policy-directed change ultimately is a problem of the smallest unit.

Similarly, as mentioned in the above study, there are varied independent variables. These variables are the linkage between different organizations; policy standards and objectives; resources; economic, social, and political environment; target groups; street-level bureaucrats, size, intra-organizational relations, commitment, capacity, institutional complexity, and so on (McLaughlin, 1987). Hill and Hupe (2006) categorize these independent variables into seven groups such as i) policy characteristics; ii) policy formation; iii) vertical public administration; iv)

factors affecting the responses of implementation agencies; v) horizontal inter-organizational relationships; vi) the impact of responses from those affected by the policy; and vii) wider macro-environmental factors. These independent variables vary in a different context in different countries. However, it is not easy to draw distinctions between some of these categories. Mazmanian and Sabatier (1983), and Van Meter and Van Horn (1975) point to the ways that implementation is limited by key attributes of policies (that is lack of goal clarity and inconsistency in goals), complex chains of implementing actions, and indirect control (multiple actors, decision points and levels of action), and by other non-statutory factors (such as problems intractability unresponsive political environments).

Nevertheless, it is evident from the above analysis that these theories/approaches have basic concerns in terms of methodology. In terms of methodology, implementation analyses have been dominated by single case studies allowing the complex phenomena of implementation to be studied in detail and context. Some even use qualitative and quantitative methods for implementation research.

Sætren (2005) put forward the following arguments:

First, there is nothing in the changing state-society interface toward more cooperative and negotiated networks that precludes an implementation perspective. On the contrary, representative governments still exist whose translation of policies into practice, even in some broader sense, is a challenge and a legitimate concern. The multitude of reports on implementation issues produced by governments and various international agencies each year attest to their endemic nature. Second, the criticism concerning bias toward failure cases is probably less relevant today than it once was (O'Toole, 2000). Third, although some caution concerning the use of the metaphor of the stage is justified, some of them find its total dismissal by Sabatier and others unwarranted and hence misguided. Fourth, we are not even close to a well-developed theory of policy implementation, although as several commentators have pointed out, some progress has been made (e.g., O'Toole, 2000; Winter, 2003).

In this respect policy scholars have lost interest in researching a phenomenon for which they are theoretically better equipped than any other group of scholars. This

fact bestows both analytical primacy and special responsibility upon policy scholars concerning spearheading theorizing about policy implementation. Hence, the following are the responsible factors for policy implementation.

#### **2.3.4 Agents/Agencies**

Agents/agencies are one of the most crucial variables and occupy an important position in the process of policy implementation. There is no exact rule to ascertain the agents/agencies. The policy implementation process is a matter of bringing policy decisions into practice and several principal actors and groups are involved in it.

##### **2.3.4.1 Agents**

**Political Actors:** All the actors holding political power are included in this category and therefore, they are not only necessarily the rulers but also significant actors in decision-making affecting the implementation process (Howlett & Ramesh, 2003). Besides, political forces that shape policy design also greatly influence policy implementation (Brodkin, 1990) because every process of implementation must stem from it. Moreover, its success requires not only the initial consent of the government but also continuing and purposeful attention at the highest political levels. The political actors largely regard administration as an instrument with which they maintain the political system as well as implement their (party) views and policies. Hence, "the political leadership sets the tone of implementation structures" and its reforms as well. However, May (2003) states that the political environments foster implementation and design challenges, and politics shape choices about policy instruments and implementation structures.

**Street-level bureaucrats:** In Michael Lipsky's (1980) term, as bureaucrats who not only deliver but actively shape policy outcomes by interpreting rules and allocating scarce resources. Through their day-to-day routines and the decisions, they make, these workers in effect produce public policy as citizens experience it. They include teachers, police officers, welfare workers, health and safety inspectors, and other public employees who control access to public programs or enforce public laws and regulations. As such, they occupy a unique and uniquely influential, position in the implementation process. For instance, they are responsible for many of the determining program eligibility to allocating benefits, judging compliance, imposing sanctions, and exempting individuals and businesses from penalties.

**Experts and Academicians:** The other category of policy implementation agents belongs to the group of endogenous experts. They include technocrats, ex-bureaucrats, and academicians within the country. Being a highly technical job, certain aspects of the process of implementation require technical skills and for having an experienced and less-biased insider's view, opinions of top-level retired bureaucrats also become essential. Similarly, academic expertise seems to be the most vital one at the policy-formulation stage of public policy. For this reason, and because it allows them a wide scope to operate, the experts tend to favor broadly focused, substantive programs on policy implementation. Their proposals are, thus, criticized for being highly technical, ambitious, and complex. Even then, there has been an increasing reliance on domestic consultants and experts in the formulation and implementation of public policy. This is largely due to the "failure of foreign models; increasing nationalism; and the need to integrate the indigenous culture, values, and practice in the policy implementation process."

**Foreign consultants and experts:** In many developing countries, foreign consultants and experts are among the important actors involved in public policy formulation and implementation. They may include the United Nations technical advisors and other experts and consultants invited for the purpose through bilateral and multilateral agreements.

Largely due to foreign experts' failures in recognizing the receiving countries' socio-cultural context, strategies for policy implementation developed by foreign consultants have not been successful in developing countries. Most of their recommendations often stress (often without proper adaptation) transplanting or adopting a western model where the environmental context is entirely different. Failure in recognizing the reality of the Third World has been one of the main reasons behind the continuous attacks on foreign consultants and other expatriate advisors. It is, therefore, suggested that policy reforms for proper implementation must be made by the reformers and the leaders within the country concerned and not by outsiders or foreigners. However, the flow of foreign consultants in developing countries is a persistent phenomenon. Ever since the growth in the volume of international funding and assisting institutions, such as the Asian Development Bank, World Bank, and United Nations specialized agencies, foreign consultants continued to work on various

projects and programs funded by these international agencies. Compulsion in accepting the prescribed consultants along with the project fund has become a more or less common feature in almost all developing countries. Rejection of them, sometimes, may even antagonize the potential aid.

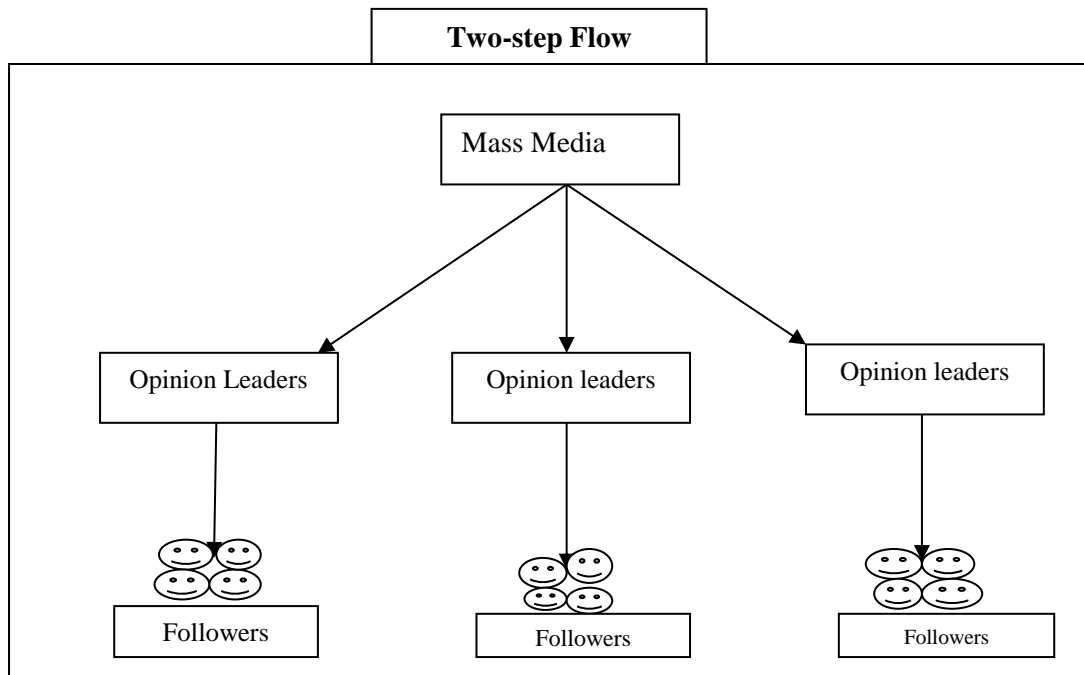
**Interest/target group:** This is the group of individuals who have formed themselves into an organization to advance their particular interests. They are organized public. They are the groups whose behavior is intended or expected to be altered by government action and play a major direct and indirect role in the implementation process. The political and economic resources of target groups, especially, have a major effect on the implementation of policies (Montgomery, 2000). They are of greater concern to the implementation of policies because they are capable of giving or withholding resources more effectively than can individuals. According to Winter (2003), the target group of public policies, that is, citizens or firms, play an important role not only in the effects of the policy but also in affecting the performance of street-level bureaucrats through positive or negative actions in co-producing public services.

**Attentive public/General public:** Attentive public also called opinion leaders refers to individuals who are reasonably well-informed also influential. They have some definite opinions on and valuations of the outputs and outcomes of the public policy after implementation. The general public includes persons who are neither organized nor particularly attentive.

Sociologist Paul Lazarsfeld (1944) describes that ideas flow from mass media to opinion leaders, and from them to a wider population. Elihu Katz and Lazarsfeld (1955) elaborate on this concept which is known as the two-step flow theory. This theory, which has major three components— gate-keepers, opinion leaders, and opinion followers— stresses the importance of opinion leaders in the formation of public opinion. Gatekeepers are those people who screen media messages and pass on those messages that help others share their views. According to Baran and Davis (2000), opinion leaders are those who pass on information to opinion followers and opinion leaders are those who receive information from opinion leaders who influenced people like themselves rather than those above or below them in the social order (pp. 129-130).

**Figure 2.2**

*Two-step Flow of Communication*



Source: Figure drawn by the researcher based on Elihu Katz and Lazarsfeld (1955).

Agents and agencies are among the most important factors and play a significant role in the process of putting policies into practice. Agents are essential to the implementation of policies. These include political actors with political clout, bureaucrats who provide services on the ground, experts and academicians with knowledge and expertise, foreign consultants and experts who support development initiatives, interest or target groups who speak out in favor of particular agendas and exert pressure on state institutions, and an informed public, also known as opinion leaders, who can influence for the better agenda.

**2.3.4.2 Agencies**

Agencies for administrative reform may be the legislature, the executive, executive branches of the government, and specialized bodies or commissions.

**Legislature:** It is an assembly with the power to enact laws for a political unit, such as a nation or city. Where the competitive political parties are in cooperation, the

legislature stands as one of the most effective sources of the impetus for the idea and action of public policy decisions. Therefore legislature, in democratic countries, is an important juncture wherefrom the idea of policy reform generates and gets its momentum, where the programs to be implemented are sanctioned or enacted, and where a voice for their follow-up is raised. The legislature may directly undertake for implementation process by its law-making power or appoint a committee within it, or authorize the executive to execute the public policy. It may also create other statutory bodies (such as committees or commissions) incorporating its representatives, executive branch, and other private sectors for the initiation and implantation of public policy.

**Executive:** The Executive branch of government is the main source of policy implementation along with its line agencies. Many agenda-setting, reform ideas, and bringing into practice in developing countries and elsewhere, are often the will of the chief executive. These are implanted directly through executive orders or ordinances. Preparing planning, interest aggregation, mobilization of available resources, coordination of stakeholders, etc. have to be addressed by the executives. These are the major variables that affect policy implementation. The executive branch is responsible for implementing and administering the public policy enacted and the Judiciary is responsible to interpret (explaining or clarify) and applying laws and adjudicating disputes. Here, the role of the judiciary ensures rule of law.

## **2.4 Institutional Trust and RTI Policy Implementation**

Institutional trust is a discourse. There are various lists of institutions explored; political institutions, central government, provincial government, local government, educational institutions, civil service, educational sectors, and so many others. The result of the research is not the same in terms of institutional trust in the aforementioned institutions because of the many complexities and consequences of institutional trust. Trust is defined and measured differently in different disciplines which makes it difficult to concretize its common definition and develop a comprehensive theory. On this purview, it is clear that institutional trust legitimizes democracy, aids good governance, facilitates social interactions, and maximizes organizational productivity. However, institutional trust has been on the decline in recent years in the USA (Twenge, Campbell, & Carter, 2014). Between 1972 and

2012, Americans became significantly less trusting of each other and less confident in large institutions, such as the news media, businesses, religious organizations, the medical establishment, congress, and the presidency. In Nepal, many scholars assume that people's confidence in public institutions is declining. The forms of institutional trust are intertwined (Möllering, 2014) because institutions are composed of individuals, groups, and the system. E. Erikson (1950) identified basic trust versus basic mistrust as the critical conflict for healthy development in any society. Trust can have important consequences not only for an individual but for society as well. Trust at an individual level has both psychological and behavioral effects while seeking services from public institutions. It can promote civil engagements (Gastil et al., 2010). At the societal level, trust contributes to social capital such as efficient service delivery, the productivity of services, and better livelihood of people (Fukuyama, 1996). Among the more common constructs associated with institutional trust are notions of confidence, institutional performance, and institutional images in its various manifestations in the form of procedural, distributive, and interpersonal communication of institutional activities (Colquitt & Rodell, 2011; Lind & Tyler, 1988). Yet even then, the precise nature of the relationship is far from the clarity of policy implementation in general, especially RTI policy implementation.

#### **2.4.1 Institutional Trust**

Institutional trust focuses on the trustworthiness of public institutions (Askvik & Jamil, 2013) when it concerns RTI policy implementation. Public institutions are created to deliver public goods and services as per legal mandates. Thus, such institutions are combined structures of rules, roles, and human actors who generate activities, and people may trust and distrust such entities (Askvik et al., 2011, p. 418). Citizen's interface and interact with these institutions for public goods and services. The pattern of interactions and interfaces between citizens and actors who rendered public services through public institutions causes to make cognitive ideas of citizens which determine the level of trustworthiness of public institutions.

Jackson and Gau (2016, p. 60) identify three measuring elements of institutional trust which include the belief in properly using power, confidence in public authorities, and the power exercised according to the rule of law. Likewise, the rudiments of trustworthiness of public institutions as proposed by Kim (2005) are credible commitments, benevolence, honesty, competency, and fairness. According



to Kim (2005), institutional actors need to honor their commitment. They have to do well to citizens and tell the truth. For that, they require knowledge, skills, and the necessary attitude in delivering their services. Likewise, every citizen has to be treated equally irrespective of sex, race, caste, socio-political stance, and the like. This can be assessed when the citizens get information from the institutions in a due manner as per RTI policy's protocol. The main idea of RTI policy implementation revolves around the institutional trust concerning its implementation. A higher level of institutional trust enhances the RTI policy implementation.

**Confidence in an institution:** Confidence is a feeling and belief that citizens can rely on public institutions for the sake of goods and services as per RTI. In the words of Luhmann (1988), risk is associated with trust whereas it is not in the case of confidence. Confidence is an assessment of the morality of trustees (public servants), the shared values of institutions, and expectations from the institutions in the future. More confidence in public institutions means more trust in public institutions. People's confidence in public institutions is sine qua non for the implementation of RTI policy.

**Professional Image:** Professional image – an indicator of institutional trust – is a reflection of the activities carried out by each profession whether or not the profession meets the expectation of citizens under rules, regulations, and existing norms and values. Askvik et al. (2011, p. 418) argue that citizens' trust in public institutions indicates institutional trustworthiness which is based on the relevant institutional [professional] images it has constructed. It accords with whatever criteria they use to decide whether or not an institution [profession] can be deemed trustworthy. The professional image of a public servant attracts citizens to seek information from a public institution. Moore and Kalupa (2002, p. 109) argue that [professional] image determines the institutional profile of corporate image in the public mind by ascertaining the attitudes of people toward an organization, how well they understand it, and what they like and dislike about it. The level of the professional image determines the level of RTI policy implementation.

**Institutional Performance:** The performance-based trust is evaluated based on the policy output achieved and the development carried out by public institutions.

Institutional trust depends on the performance of the government and institution (Ma & Yang, 2014). Citizens' assessments of government performance are highly associated with trust in government (Mishler & Rose, 2001; Van de Walle & Bouckaert, 2003). Orren (1997) indicates distrust is the result of a gap between expected performance and actual performance. The main idea is that when citizens are satisfied with the output of relevant institutions, they tend to trust and support those (Askvik et al., 2011, p. 419). In this performance perspective, a question is asked to what extent public institutions' services are satisfactory in Nepal as per RTI policy. The assumption in this research is the performance of public intuitions as per RTI policy assures the achievement of the objectives of RTI policy when it concerns its implementation.

## **2.5 Implementation in Developing Countries**

The models as narrated and discussed above outline variables (linkage between different organizations; policy standards and objectives; resources; economic, social, and political environment; target groups; street-level bureaucrats, size, intra-organizational relations, commitment, capacity, and institutional complexity and so on) that affect the policy implementation. These models with few exceptions are developed in the developed country context. One prominent question concerns the implementation status when applying these models in the context of a developing country. Sætren (2005, p. 568), in a comprehensive literature survey about public policy implementation, finds approximately 7,301 English publications using implementation or implementation as a title word. He categorizes the publication based on region. The share of research in the developing country goes only 16 percent (ibid.). It shows the research on policy implementation in developing county is very few.

The study conducted by Amany, R. (2006) entitled "policy implementation in Ghana- the Case of Free compulsory basic education (FCUBE) program," aims to explore how the relationship between the main actors and other stakeholders affects the implementation process. The major independent variables are available resources, and programs of FCUBE. He applies both models of Van Meter and Van Horn and Pressman and Wildavsky. At the end of his research, he derives the conclusion that

the lack of adequate policy resources; lack of inter-organization collaboration and coordination as well as ambitious policy objectives hinder the successful implementation of the programs with limited achievements.

Rosemary Mruma (2005) carries research on "Implementation of the National Environment Policy", employing a comparative case study. To examine the implementation of the National Environment Policy (NEP), both top-down and bottom-up are used. The researcher uses the NEP policy itself, local authority, and network among the organization as independent variables and implementation as the dependent variable. The researcher applies the policy implementation model – (Van Meter and Van Horn-1975), the interactive model of implanting policy reforms (Thomas Grindle -1990), and the contextual factor analysis of policy implementation (Norman Flynn-2002). According to Mruma, there are many problems associated with the NEP implementation such as the weak linkage between decentralization and implementation of the NEP, poor institutional structure, inappropriate legal framework, and insufficient technical personnel.

Priyantha (2006) from the case of Sri Lanka, researches "Challenges of Implementing New Public Management Initiative in Developing Countries". The hypothesis of the study covers the extent of implementing New Public Management (NPM) reforms that are dependent on the political environment, bureaucratic environment, socio-economic environment, and institutional environment. Based on this study, there should be an effectively favorable political environment; support and compliance of implementers; capable institutional structure with flexible and protective legal provisions, sufficient resources, and compatible inter-organizational communication for successful NPM reforms implementation.

The study carried out by Beniwal (2005) on the "implementation of citizen charter in India," shows that there is no successful implementation of citizen charter due to traditional bureaucratic machinery, lack of political will, ignorant citizen, and the like.

A case study conducted in Ghana by Buabeng (2005) reveals that ambiguous poverty reduction policy standards and objectives, inadequate financial and human resources, improper implementation structures, politics, and lack of or ineffective beneficiary participation constrain the effective implementation of poverty reduction programs.

In the case of Nepal, Timalsena (2003, p. 307) identifies that bureaucracy is not properly safeguarding people's right to know. He further observes that civil servants who are unaware of the constitutional protection of the right to information are guided by their oaths which forbid disclosing information.

## **2.6 Problems/Constraints of Policy Implementation**

The basic contention that poorly framed statutes and complex implementation structures are a source of implementation problems has been established by research addressing the 'statutory coherence' framework.

Morgan's metaphorical models in an organization (1986, 1993) explore the value of adopting alternative perspectives on implementation failure. He shows that using a different metaphor means looking at and labeling the causes and consequences of implementation as a result of a poor chain of command and problems with structures and roles (machine metaphor); as a result of difficult 'human relations' or the environment (organism metaphor); as a result of poor information flows or 'learning' problems (brain metaphor); as a result of labor/management conflict (domination metaphor); as result of the 'culture' of an organization (culture metaphor); as a result of subconscious forces, group-think ego defenses or repressed sexual instinct (psychic metaphor); as a result of a 'self-referencing' system (auto poetic metaphor); or as a result of power in and around implementation process (power metaphor) (Parson, 1995).

The implementation of policies can be hindered by various factors, such as lack of clarity and consistency in the goals of policies, complex chains of actions, multiple actors involved in decision-making, and non-supportive political environments. These issues are highlighted in studies by Mazmanian and Sabatier (1983), Van Meter and Van Horn (1975). Moreover, Matland (1995) identifies that the failure of policy implementation can also be attributed to the routine and discretion of individuals involved in the implementation process, which can result in ineffective behavior, poor interpersonal skills, and lack of motivation.

## **2.7 Summary**

From the literature review, the conceptual framework for undertaking scientific research on the impact of public policy implementation is developed. Although these researches are of western societies, by the virtue of the basic nature of the human society they can be generalized some of the factors that influence the implementation of public policy in developing societies like Nepal.

This chapter has reviewed the literature on policy implementation, approaches, agents and agencies, and the constraints. Based on these guidelines, the chapter presents top-down, bottom-up, and a synthesis of both approaches' theoretical discussions concerning implementation which guides the analysis. In this study, it is argued that the extent to which a policy is implemented depends on issues like the availability of resources, policy instruments, clear policy objectives, policy standards, and institutional trust.

## CHAPTER 3

### REVIEW OF RIGHT TO INFORMATION POLICY

This chapter presents RTI policy in global as well as Nepali context describing history and trend of freedom of information, initiatives taken by various organizations, and different principles of information dissemination. Chapter reviews the constitutional provisions and other legal provisions related to RTI in Nepali context. Likewise, it presents dependent and independent variables along with conceptual framework of the study.

#### 3.1 History of Freedom of Information Laws: Global Context

FOI as a tool to make the government accountable is not a recent phenomenon (Naib, 2011, p. 1). The right to access information starts in the 18<sup>th</sup> century. The Swedish Freedom of the Press Act, adopted in 1766, set the principle that government records were by default to be open to the public and granted citizens the right to demand documents from government bodies.

The French Declaration of the Rights of Man of 1789 demanded that access to financial data be made openly available. All citizens have the right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put, according to the declaration. A similar declaration adopted in the Netherlands in 1795 stated, “everyone has the right to concur in requiring, from each functionary of public administration, an account and justification on his conduct.”

In the United States, the founding fathers recognized the power of the executive to control information as a means of limiting participation. In the Declaration of Independence, one of the complaints against the British rule recognized how preventing open government and meetings undermined democratic activities and Patrick Henry railed against the secrecy of the Constitutional Congress, saying “The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.”

For over 100 years, Sweden (and to some extent Finland) and Colombia remained alone among nations in taking this principle to a legal right. It was not until following the Second World War with the creation of the United Nations and international standards on human rights that the right to information began to spread and countries began to enact comprehensive laws for access to government-held documents and information.

### **3.1.1 Initiatives Taken by Different Organizations**

Although FOI has been around for 250 years, it is still evolving. It has been only a decade since many countries adopted FOI basically after 2000 (Banishar, 2006). There has been an actual revolution in recent years in terms of RTI, commonly understood as the right to access information, held by public bodies. In 1990, there were only 14 countries that had adopted the national right to information, but now 134 (as of 2021 stated in rti-rating.org) countries have adopted it and there are under active consideration in another few countries.

The organized initiative was taken by the United Nations General Assembly in 1946. The General Assembly passed a resolution and highlighted the importance of the right to information as a crucial right for promoting overall human rights. Calling an international conference on FOI, the resolution of the 65th plenary meeting held on 14 December 1946 states,

FOI is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated; FOI implies the right to gather, transmit and publish news anywhere and everywhere without fetters; Understanding and cooperation among nations are impossible without an alert and sound world opinion which, in turn, is wholly dependent upon FOI.

The UN General Assembly passed a resolution in 1948 declaring FOI as a fundamental human right thus recognizing people's right to have access to official information. Article 19 of United Nations UDHR, 1948 states;

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 of the International Covenant on Civil and Political Rights (ICCPR) protects the right to hold opinions without interference and FOE. The Covenant, an international law, explains the freedom of expression explicitly and allows imposing certain restrictions in lieu of national security or public order and public health or morals. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of his choice.

FOI is now becoming widely recognized in international law. Starting with the United Nations, there are several treaties, agreements, and statements by international and regional bodies that require or encourage nations to adopt FOI laws (Naib, 2011, p. 5). International treaties and conventions have adopted FOI as a human right.

In 1993, the United Nations Commission on Human Rights appointed a Special Rapporteur on Freedom of Opinion and Expression who declared that Article 19 of the ICCPR imposes 'a positive obligation on States to ensure access to information, particularly concerning information held by the government in all types of storage and retrieval system.'

In 2003, the General Assembly approved the UN Convention on Anti-corruption which encourages countries to adopt measures to improve public access to information as a means to fight corruption.

**The Rio declaration:** At UN Conference on Environment and Development, basically known as Earth Summit 1992, the Rio Declaration on Environment and Development called on nations to adopt improved access to information and participation.

UN documents and resolutions protect RTI as an integral part of FOE. The trend in regional mechanisms is similar. Separate European, African and American conventions on human rights have recognized RTI as a part of FOE. Article 10 of the European Convention on Human Rights, Article 13 of the American Convention on Human Rights, and Article 9 of the African Charter on Human and People's Rights recognize RTI.



**Council of Europe:** In 1979, the Council of Europe (founded in 1949) is the oldest political organization in Europe) Parliamentary Assembly (PA Recommendations 854), recommended that the Council of Ministers call on national governments to adopt laws on access to information. In 2002 council of ministers approved a recommendation for member states on FOI.

**European Union:** The European Union (EU) is liberal to access the documents of the institution. Article 255 of the Treaty of the EU states:

- a) Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to European Parliament, Council and Commission documents, subject to the principles and the conditions to be defined by paragraphs 2 and 3.
- b) General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the Council, acting under the procedure referred to in Article 251 within two years of the entry into force of the Treaty of Amsterdam.
- c) Each institution referred to above shall elaborate on its own rules of procedure-specific provisions regarding access to its documents (As quoted in Naib, 2011, p. 7).

The EU has adopted directives that require member states to adopt laws to provide access to information in specific areas including environmental protection, consumer protection, and public procurement, and most recently, a law on the reuse of public information.

Nearly all EU countries adopted national laws on access to information following a 1990 directive on access to environmental information (Naib, 2011, p. 8). Today, 43 European countries have a comprehensive law on access to information.

**African Union:** African Union has also emphasized access to information. Article 9 of the African Charter on Human and People's Rights reads: 'Each state party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offenses.'

**Commonwealth:** The Commonwealth adopted a resolution encouraging its members to enhance citizens' access to information in 1980. As of 2011, there are 12 out of 53 countries associated with the commonwealth have enacted FOI law.

### **3.1.2 Freedom of Information Trend**

Different countries in Europe have a long history of having incorporated RTI in the constitution and the law. Sweden guaranteed FOI through the constitution in 1766. Swedish society has a deep-rooted practice of the concept that activities of government institutions should be transparent unless any special law protects otherwise. In 1951, Finland adopted the law to public official documents. Denmark and Norway formulated access to information law in 1970.

In the US, RTI Act of 1966 was amended in 1974 after the 'Watergate' scandal (It was a major political scandal in the United States involving illegal activities by the administration of U.S. president Richard Nixon from 1972 to 1974 that led to his resignation). Following this trend, several western democracies enacted their laws (France and Netherlands in 1978, Australia, New Zealand, and Canada in 1982, Denmark in 1985, Greece in 1986, Austria in 1987, and Italy in 1990). It would thus be seen that RTI is a global phenomenon. Most democratic countries have recognized RTI in one way or the other. International experience shows that it can also be co-related to development.

As many as 43 countries in Europe, 17 in North America, 10 in South America, and 6 in Australia have enacted RTI laws so far. In Africa, 26 countries enacted RTI laws only after 2000, but they have poor implementation levels. Jordan (2007) was the first country to have an RTI provision in the Arab world whereas Yemen (2012), Kuwait (2020), and Saudi Arabia (2020) have adopted RTI legislation (rti-rating.org, 2021).

In Asia, 32 countries have adopted FOI laws including Kazakhstan (1993), South Korea (1996 and amended in 2004), Japan (1999 and amended in 2003), Georgia (1999), Armenia (2003), Azerbaijan (2005), Kyrgyzstan (2007), China (2008), Indonesia (2008), Iran (2009), Yemen (2012), Mongolia (2011), Vietnam (2016) and Lebanon (2017).

Within South Asia, only India, Bangladesh, and Sri Lanka do not have a constitutional provision regarding RTI. The rest of the SAARC countries have guaranteed RTI as a fundamental right in their constitution and formulated RTI Act. Among the South Asian countries, Pakistan (2002), India (2005), Nepal (2007), Bangladesh (2009), Afghanistan (2014), Maldives (2014), and Sri Lanka (2016) have adopted RTI-related legislation at different times. Only Bhutan does not yet have any legislation guaranteeing citizens' RTI. In Bhutan, RTI Bill 2014 was approved by National Assembly in 2015 but later it was withdrawn by National Council.

Goal 16, one of the 17 goals of Sustainable Development Goals (SDG) established by the United Nations in 2015 is about peace, justice, and strong institutions that seek to "promote peaceful and inclusive society for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels." SDG 16 has twelve targets and 24 indicators including 'ensure public access to information and protect fundamental freedoms' (target 16.10 of SDG) and the number of countries that adopt and implement constitutional, statutory, and/or policy guarantees for public access to information (indicator 16.10.2 of SDG). After the SDG, many countries have taken initiatives for RTI legislation.

According to Article 19, an international organization dedicated to the freedom of expression movement, 90 percent of the world's population live in a country with an RTI law or policy. Likewise, 96 countries specifically include the RTI in their constitution. While 121 countries have adopted comprehensive RTI laws, six countries have adopted RTI decrees or policies instead of laws to give people the right to information. These are generally less effective than laws in providing access to information. Seventy-eight countries have joined the Open Government Partnership.

These facts show that RTI is becoming the issue of wider concern. The number of the countries having RTI legislation is 134 (see the detail list in annex v).

### **3.1.3 Different Principles of Information Dissemination**

Various institutions have set out different principles of information dissemination. These principles have emphasized RTI as a fundamental right and it is

the duty of public bodies to provide information at maximum level. United Nations has set out the following principles for public bodies to disseminate information which reads:

- (a) Public bodies should disclose information and every member of the public has a corresponding right to receive information; "information" includes all records held by a public body, regardless of the form in which it is stored;
- (b) FOI implies that public bodies publish and disseminate widely documents of significant public interest, for example, operational information about how the public body functions and the content of any decision or policy affecting the public;
- (c) As a minimum, the law on FOI should make provision for public education and the dissemination of information regarding the right to have access to information; the law should also provide for several mechanisms to address the problem of a culture of secrecy within the Government;
- (d) A refusal to disclose information may not be based on the aim to protect Governments from embarrassment or the exposure of wrongdoing; a complete list of the legitimate aims which may justify non-disclosure should be provided in the law and exceptions should be narrowly drawn to avoid including material which does not harm the legitimate interest;
- (e) All public bodies should be required to establish open, accessible internal systems for ensuring the public's right to receive information; the law should provide for strict time limits for the processing of requests for information and require that any refusals be accompanied by substantive written reasons for the refusal(s);
- (f) The cost of gaining access to information held by public bodies should not be so high as to deter potential applicants and negate the intent of the law itself;
- (g) The law should establish a presumption that all meetings of governing bodies are open to the public;
- (h) The law should require that other legislation be interpreted, as far as possible, in a manner consistent with its provisions; the regime for exceptions provided for in FOI law should be comprehensive and other laws should not be permitted to extend it;

- (i) Individuals should be protected from any legal, administrative, or employment-related sanctions for releasing information on wrongdoing, viz. the commission of a criminal offense or dishonesty, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty or serious failures in the administration of a public body.

Article 19, a global organization dedicated to free expression, presents international principles which include 9 principles for a global campaign for free expression. These include: Principle of maximum disclosure, obligation to publish, promotion of open government, the limited scope of exceptions, processes to facilitate access, costs, open meeting, disclosure takes precedence, and protection of whistleblowers (Article 19, 1999).

### **3.2 Nepali Context**

History backs more than seven decades that Nepal had guaranteed freedom of speech, expression, and press as fundamental rights. The first constitution of Nepal, *Nepal Sarkar Baidhanik Kanun*, 2004 B.S. (The Government of Nepal Act, 1948 AD), which was never implemented, had included freedom of speech and liberty of the press in Article 4). Although such provisions were included in the later constitutions of 2007 B.S. (1951 AD), 2015 B.S. (1959 AD), and 2019 B.S. (1962 AD), the subordinate legal arrangements were undemocratic until '*Panchayat*', a party-less political system under absolute monarchy incepted in 1961, the regime that ended with the restoration of democracy in 1990.

Nepal enjoys a liberal press system since the restoration of democracy in 1990 (2046 B.S.). FoE, press freedom, RTI, and other fundamental rights are ensured by all constitutions promulgated after 1990 that include 'the constitution of the kingdom of Nepal, 1990 (2047 B.S.), the interim Constitution of Nepal, 2007 (2063 B.S.) and the Constitution of Nepal, 2015 (2072 B.S.).

The three notorious Cs – censorship, cancellation of registration, and closure – were scrapped by the Constitution of 1990. It was a breakthrough for press freedom in Nepal. This provision guaranteed the FoE, press freedom, and RTI as fundamental rights. Despite a strong voice raised by the non-governmental sector, RTI law could

not be framed during the period of the new democratic constitution of 1990. It used to be claimed that the constitutional provision for the press was regarded as the strongest provision in comparison to other South Asian countries.

Liberal media laws were formulated which include Press and Publication Act, 1991 (2048 B.S.), Press Council Act, 1992 (2048 B.S.), National Broadcasting Act, 1993 (2050 B.S.), Working Journalist Act, 1994 (2051 B.S.) to pave the way for media freedom. The constitutional and legal protection of the press created a positive atmosphere for investing in and professionalizing the media. The private sector invested in broad-sheet dailies and the broadcasting sector remarkably gradually develop as an industry.

Strict censorship was imposed on the media during the direct rule (1 February 2005- 24 April 2006) of King Gyanendra. However, after 15 months of the king's direct rule, the restored parliament formulated the 'Interim Constitution, 2007' which again ensured press and publication rights and other fundamental rights more precisely. When the king had taken over the executive powers, all telephone and internet services were initially interrupted. In response to such a situation, the Interim Constitution, of 2007 provisioned that 'no communication means including press, electronic broadcasting and telephone shall be obstructed except in accordance with law' (Article 15.4). The same provision was continued in the Constitution of 2015.

RTI is a relatively new phenomenon in Nepal. Although the Constitution of 1990 mentioned it under article 16 for the first time, it took another 17 years to formulate the law on RTI. Although initiatives were taken from governmental and non-governmental sectors to formulate the law earlier, the unstable political situation could not give proper attention to this regard (Aryal, 2011). For the pre-RTI movement, FNJ, NPI, and other CSOs working for media freedom took the initiative to introduce a separate RTI Act and got involved in a nationwide advocacy campaign to spread awareness of RTI. These organizations were in the campaign by submitting a model draft RTI law to the government (Kasajoo, 2013; Dahal & Kafle, 2011). Urging the government to formulate the RTI Act, The Federation of Nepali Journalists (FNJ), under the leadership of Suresh Acharya had taken various decisions on 22 December 1999 (7 Poush 2056 B.S.). FNJ had given top priority to RTI Act. The FNJ organized programs such as debates and seminars with various informed

people about RTI and prepared a model law of RTI which was given to the government later. Such model law was prepared for a satirical pressure campaign that the government and MPs do not know how to make law (Suresh Acharya, personal communication, 24 Aug 2022). Acharya informed that Nepal Press Institute had provided the expenses of a few programs in this campaign. Lack of political will was a reason for the continued delay in introducing the relevant RTI Act (Kharel, 2005, p. 73). Frequent political changes stood as a major hindrance to the enactment of FOI law in Nepal. In 1993, the government tabled the first draft of RTIA in parliament. However, the draft was rejected by the parliamentary committee following the opposition of the stakeholders including the media. The civil society argued that the draft was aimed to create a formal secrecy regime instead of giving effect to the constitutional guarantee. Timalsena (2003) focused on the philosophical ground of RTI and Nepal's initiatives to incorporate this right into the Constitution of 1990.

Before promulgating the Act, organizations FNJ, NPI, Action Aid, and ICIMOD, working for freedom of expression and media freedom took the RTI campaign nationwide producing reading materials about why RTI is necessary. During the same period, a few activists took a few cases to the SC for a constitutional explanation of the RTI provision. The Supreme Court gave the order to the government to provide information as demanded by the writ petitioner and explained the provision of the right to information of article 16 of the 1990's constitution (Basnet, 2008). Although Supreme Court issued directives to the government to formulate RTI law in the cases of *Lauda Air* (2002) (2058 B.S.), a ban on news broadcasting through FM Radio (2003) (2059 B.S.), the appointment of ambassador (1992) (2048 B.S.), the Tanakpur project (1992) (2048 B.S.) and Arun III hydropower project (1995) (2051 B.S.). But the government did not prepare any RTI law.

After the April uprising in 2006, Interim Constitution 2007 was promulgated to address the nation's new democratic setup of the nation. This statute also guaranteed RTI as a fundamental right. The legislature-parliament approved RTI Act and authenticated it on 21 July 2007. With the regulation of this Act coming into effect in 2009, there is no situation of a legal vacuum. For the effective implementation of the RTI Act and Regulation, an independent body National

Information Commission (NIC) was established in May 2009. The Commission, in its Annual Report (2013), claimed that it played the role of facilitator for the free flow of information from public institutions.

As RTIA has been in operation, there is ample opportunity for news media for investigative reporting (Kharel, 2012, p. 64). He writes that 'Nepali news media have ample room for frequent investigative reporting after RTIA implementation. They need to demand and obtain the mine of information allowed by the existing relations. Credibility is the soul of professional media for earning public trust, described as a social construct based on the quality of news media.'

### **3.2.1 The Constitution of Nepal, 2015**

The latest Constitution of Nepal has guaranteed the right to freedom, the right to communication, and RTI as a fundamental right. In its preamble (paragraph 6), the Constitution has expressed commitment to fundamental rights and complete press freedom including other democratic values. It reads:

Expressing commitment to creating the bases of socialism by adopting democratic norms and values, including peoples competitive multi-party democratic governance system, civil liberty, fundamental rights, human rights, adult franchise, periodic elections, complete press freedom, and an independent, impartial and competent judiciary and the concept of rule of law.

By including 'complete press freedom' in the preamble, the constitution has safeguarded the chances of misinterpretations of the constitutional provision and other laws which relates to press freedom. The state's commitment to 'complete press freedom' should, in theory, guide the parliament and the government while drafting and discussing new laws, policies, and guidelines (Acharya & Sigdel, 2016). Under the section of 'fundamental rights and duties, personal liberty, freedom of opinion and expression, and freedom to engage in any occupation are guaranteed in article 17 of the constitution. The freedom of opinion and expression is not absolute and is governed by the 'reasonable restrictions' on the proviso:

Provided that, nothing shall be deemed to prevent the making of an Act to impose reasonable restrictions on any act which may undermine the



sovereignty, territorial integrity, nationality, and independence of Nepal or the harmonious relations between the Federal Units or the people of various castes, tribes, religions or communities or incite caste-based discrimination or untouchability or on any act of disrespect of labor, defamation, contempt of court, incitement to an offense or on any act which may be contrary to public decency or morality (Article 17 (2) (a) (1) of the constitution).

While considering media as a profession, industry, or business, freedom to practice any profession is not absolute. It is also governed by 'reasonable restrictions' on the proviso:

Provided that, nothing shall be deemed to prevent the making of an Act to prevent any action which may undermine the harmonious relations between the Federal Units or any act which may be contrary to public health, decency, or morality of general public or to confer on the State the exclusive right to undertake any specific industry, trade or service, or to prescribe any condition or qualification for carrying on any industry, trade, occupation, employment or business (Article 17 (2) (f) (6) of the constitution).

However, the reasonable restrictions in the Constitution of Nepal 2015 are vague, ... Whereas the restrictions attempt to address the issue of national security, hate speech, and human rights, the wordings are such that they leave a lot of blank space for interpretations and pose multiple threats to press freedom (Acharya & Sigdel, 2016).

There is a provision for the 'Right to Communication' in Article 19 of this constitution. Under this provision, the constitution guaranteed no prior censorship for contents, no closure/seizure or cancellation of registration for media, and no interruption in the means of communication. This constitution has synchronized international practice by keeping this provision in article 19. Before this, such provision had been incorporated in article 15 of the constitution of 2007 as the 'right regarding publication, broadcasting, and press' and in article 13 of the constitution of 1990 as 'press and publication right'.

The new constitution has adopted additional provisions for reasonable restrictions. The state may make a law to impose reasonable restrictions on any act

which may undermine any act of hatred to labor and on any act of incitement to caste-based untouchability as well as gender discrimination. Other regular items for reasonable restrictions are any actions that may undermine the sovereignty, territorial integrity, or nationality of Nepal or the harmonious relations between the Federal Units or the harmonious relations between various castes, tribes' religions, or communities, or on any act of sedition, defamation or contempt of court or incitement to an offense, or on any act which may be contrary to public decency or morality.

### **3.2.2 Constitutional Provision of RTI**

Nepal, being a signatory country to 'The ICCPR, 1966', which prioritizes the importance of access to information, has given priority to RTI. After 1990, all constitutions of Nepal have provisioned the 'RTI' with similar words within the fundamental rights section.

Article 27 of the Constitution of Nepal, 2015 states that "every citizen shall have the right to seek and receive information on any matters of concern to her/him or the public." But its explanation section states that "provided that nothing shall be deemed to compel any person to provide information about which confidentiality is to be maintained according to law." The constitutional provision related to the right to information is not beyond the scope of criticism.

The provision of 'every citizen' has limited the right to Nepali citizens only. In the case of organizations and foreign or non-Nepali citizens, no right to seek and receive information (Dhungel, 2021). Likewise, "...but according to the law that information can be kept confidential" has been interpreted in conjunction with the confidential provision in the sectoral laws which have limited the free flow of information. For example, there are provisions in the law relating to income tax and value-added tax to keep the information of the taxpayer confidential. Similarly, laws related to security, audit, consumer protection, public procurement, and personal privacy have provisions to keep the information confidential.

The NIC (Annual Report, 2020/2021), which works for the protection, promotion, and practice of RTI, has recommended amending this restrictive clause to the effect that 'no one shall be compelled to provide information which is not

permitted in the law relating to RTI.' On the other hand, according to the global trend, not only the right to seek and receive information but also the right to 'flow' should be added, and 'every person' should be made instead of 'every citizen'. Because the word citizen refers only to Nepali citizens. Now that the Nepali Diaspora has become wider and foreign direct investment has been increasing and Nepal's affiliation with the international mechanism/network has also become wider, it is necessary to make amendments to keep people instead of citizens (Ibid).

### **3.3 Feature of RTI Act of Nepal**

The RTI Act, 2007 has clearly stated the reason for making this Act and also mentioned the policy objectives which are: making the government's operations transparent and accountable; making easy and simple citizen's access to information; and protecting the sensitive information. As stated in the preamble, the Act aims that:

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 bodies; to protect sensitive information that could make an 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.

Section 2 of this Act has defined 'public body' explicitly in a liberal way. But the open definition has also created ambiguity to implement the law (International Alert, FNJ and Equal Access, 2013). Constitutional bodies, political parties, and even non-governmental organizations are under the basket (periphery) of a public body.

In addition, International Alert, FNJ, and Equal Access (2013) recommend that different projects and all legal persons who get direct or indirect state funds should be accommodated in the definition of public bodies (p. 51).

The Act has defined information and the right to information separately. The Act reads, 'Information means any written document, material or information related to the functions, proceedings thereof or decision of public importance made by the

Public bodies (section 2b).' Likewise, according to Act, RTI means 'the right to request and obtain information of public importance held in the public bodies and this term shall also include the right to study or observation of any written document, material held in public body or proceedings of such public body; to obtain a verified copy of such documents, 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 the such machine (section 2e).'

### **3.3.1 Principle of Maximum Disclosure**

RTI should be directed by the 'principle of maximum disclosure' which means information of public bodies, based on general rule, are to be publishable and limited information can only be prohibited from publication (Basnet, 2008; Aryal, 2011 & Dahal, n.d.). Such information remains as exceptional. Public institutions should disclose their information themselves although none demanded of them.

Chapter 2 of the Act has mentioned the flow of information. Section 3 (1) states that every citizen shall have the right to information subject to this Act and 3 (2) reads 'every citizen shall have access to the information held in the public bodies.' Notwithstanding anything provided in sections (1) and (2), the Act has protected the information in different five areas like (a) national security, (b) crime investigation, (c) economic, trade, or monetary interest and property right, (d) social disorder and (e) privacy. These provisions are also incorporated into the constitution and should not have to mention in this Act. (International Alert, FNJ and Equal Access, 2013). This provision seems contradictory to RTI itself. The official could deny providing information as demanded by showing the above clauses. The Act assumes to make more responsible and transparent public agencies, but the practice and previous culture of not being open and friendly to disclose key information could lead nowhere.

Whether or not the information is demanded, the public body should publish its information. If they fail to disclose information, they have to provide the reason for being not able to do so. Aryal (2011) stresses that the public institutions are required

to publish certain key information by themselves on their initiative. Section 5 (3) of the Act requires a public body to publish thirteen types of information relating to their body after making list thereof (detail list in annex III).

The Act has tried to make the public body more responsible to update, maintaining, and disclosing information related to them. According to the Act, NIC will be established as an oversight body. Commission has responsibility for the protection, promotion, and implementation of the right to information. As prescribed by the law, NIC has been already established under this Act on June 14, 2008.

The Act has the provision for an Information Officer (IO) to disseminate information held in the office. The office chief has to provide related information to IO and the public body has to set up an information section to disseminate information as necessary.

### **3.3.2 Classification of Information and Protection of Information**

To protect the information under Clause 3 (3), the Act has the provision of classification of information in Clause 27. Under the chairmanship of the Chief Secretary of the GoN, a three-member committee comprising the secretary of the relevant ministry and an expert of the concerned subject assigned by the chief of office as a member will classify the information at the policy level (Clause 27.1). This committee has to inform NIC established under section 11 by determining the number of years the information should be kept confidential and the method for the protection of information. Classification of information had been carried out twice in 2008 and 2011 (2065 and 2068 B.S.). But both classifications were repealed.

For the protection of information, Clause 28 is also important which pertains to information of personal nature. Clause 30 further clarifies personal information. Under this provision, the concerned body will have to provide information related to the public post to the concerned person and information have to be provided to the concerned persons if the information is related to them.

Regarding information classification, the Act related to the secrecy of documents (2039 B.S.) has also a provision to classify into three categories of documents. Under this Act also, the chief secretary and secretary of the concerned ministry classify the documents related with secrecy.

Every public body has to respect and protect the right to information of citizens (Clause 4.1). To fulfill this purpose, public bodies have (a) to classify and update information and make this public, publish, and broadcast, (b) to make the citizens' access to information simple and easy (c) to conduct its functions openly and transparently and (d) to provide appropriate training and orientation to its staffs (Clause 4.2). Likewise, a public body may use different national languages and mass media while disseminating information. Timalseña (2003) identifies that mismanagement of official documents is another problem in the path of the right to official documents (p. 308).

### **3.3.3 Protection of Whistleblower**

The Act has protected the whistleblower (Clause 29 of RTIA) and has made different provisions. According to that provision, it is the responsibility of employees of a public body to provide information on any ongoing or probable corruption or irregularities or any deed taken as an offense under the prevailing laws. No harm or punishment is made to bear any legal responsibility to the whistleblower for providing information. Furthermore, even if any punishment or harm is made to the whistleblower, the whistleblower may complain, along with demand compensation to the commission for revoking such a decision (Clause 29.1). This provision is equally important to journalists that they have to protect their sources of news if necessary.

International Alert, FNJ and Equal Access (2013) have stressed to make it more transparent to a public body and to free society from any criminal and unethical activities, there should be more strong provisions to protect whistleblowers.

This Act has the provision punishment to the chief of the public body and compensation to the petitioner. If the chief of a public body or information officer has held back information without any valid reason, refused to part with information, provided partial or wrong information, or destroyed information then such officials may get punishment. If any person incurs losses and damages due to not providing information, partial and wrong information then such person is entitled to compensation (Clause 32 and 33 of RTIA).

A study report on the implementation status of a major human rights convention carried out by Informal Sector Service Centre (INSEC) in 2013 suggested

training government employees on RTI, to increase awareness it needs to be taught through school curriculum and the necessity of separate law for the management and archiving of government information.

### **3.3.4 Provincial RTI Act**

As the country entered into a federal structure, there are initiatives taken at the provincial levels for RTI regime. The NIC has demanded its provincial mechanism to expand the role of the Commission on the one side, and provincial governments have promulgated separate RTI laws on the other side. So far, only Bagmati Province has passed RTIA but it has not been implemented. No member of the 'Information Appellate Committee has been appointed and the regulation has not been issued.

The RTI Act of the Bagmati Province has incorporated provisions similar to RTIA, 2007. The preface, definitions, obligations of public bodies, updating and publishing information, and condition of information dissemination is the same. Likewise, provisions including the procedure for obtaining information, the status of complaint and appeal, provision of information officer, classification and protection of information, and protection of informant are the same. The only difference is that the word 'subordinate to the province' has been added where necessary to clarify jurisdiction. The main feature of this Act is that there is the NIC at the center and provision of the 'Information Appellate Committee' in the state.

**Information Appellate Committee:** The Appellate Committee shall consist of a chairperson and two other members, at least one of whom shall be a woman. A three-member committee consisting of the Minister of Internal Affairs and Law under the state government, the state attorney general, and the chairperson of the Federation of Nepali Journalists' provincial committee will nominate the chairperson and members of the Information Appellate Committee for the provincial government appoint.

**Classification of Information in the States:** For the classification of information, there is an arrangement to form a committee, similar to the one at the center, under the chairmanship of the state chief secretary. The committee will also have to determine certain criteria for how long a piece of information should be kept confidential and how to protect it. However, the appellate committee may review the classification and

order that the information is made public if it is not found necessary to keep it confidential. Depending on the nature of the classified information, the classification can be kept secret for a maximum of 30 years and the classification will be reviewed every five years.

### **3.4 Provision of Other Laws**

Laws that directly or indirectly affect freedom of expression and the free flow of information are discussed in this section. Some provisions of the Press and Publication Act, National Broadcasting Act, Advertising Regulating Act, Electronic Transaction Act, Personal Privacy Act, Media Council Bill (Proposed), Good Governance Act (GGA), Civil Code and Criminal Code, and Espionage Act are directly related to freedom of expression and free flow of information. Similarly, laws relating to professional security and promotion related to the media sector have been discussed in some aspects.

There are various provisions for restricting the freedom of expression. The government controlled the free flow of information during the emergency period to control the then-Maoist conflict. Likewise, FM Radios were banned to cast news during the period of the elected government in 2000 (2057 B.S., GP Koirala government) and direct rule of the king (Feb 2005 onwards).

#### **Press and publication Act, 1991 (2048 B.S.)**

This Act has been formulated for the management of the print sector to give concrete form to the constitutional provision regarding freedom of expression and the right to communication. The provision of this Act, which reads "printing press shall not be confiscated or closed for printing news, articles or other textual material by registered publication houses (clause 4)" has expressed the commitment of the state and provides a conducive environment for the media industry.

The preamble of the Act states that "it is necessary to make legal arrangements regarding printing and publishing to maintain good relations, ethics, etiquette, and morality among the people of different classes and religions and to create an



environment in which the country's journalism sector can enjoy the freedom of expression in a dignified and responsible manner." Clause 15 of the Act discusses the issues that are banned from publication. Issues include as follows:

- (a) Inflammation of Nepal's sovereignty and integrity,
- (b) Disrupting Nepal's security, peace, and order,
- (c) To create animosity and spread communal hatred among people of different castes, religions, classes, regions, sects, and
- (d) Any news items that may harm the morality, decency, and dignity of the people

Considering the national interest, the GoN may prohibit the publication of news and other materials relating to specific topics, events, and areas for a fixed period (Clause 16). This clause also states that the government may control the importation of materials published abroad on matters prohibited by Clause 15 and on the disruption of relations with foreign states and governments. Violation of these provisions will result in a fine and imprisonment. The Act has also provisioned the press representative system and an accreditation card has been provided accordingly.

### **National Broadcasting Act, 1993 (2049 B.S.)**

The Act has been formulated to protect and promote the freedom of expression and the right of the people to be informed as guaranteed by the constitution. The Act is responsible for permitting and overseeing the broadcast media, radio, television, and satellite broadcasting centers. The GoN may issue a license to any person or organization wishing to broadcast educational, entertaining, and news programs (clause 6).

**Prohibition on Broadcasting:** Considering the interest of the nation and nationality, the GoN may, by publishing a notice in the Nepal Gazette, prohibit the broadcasting of any program related to any particular subject, event, or region without extending it once in six months (clause 7). Clause 8 states that the license of a broadcasting organization can be revoked.

The law provides that broadcasters can produce and broadcast programs within the limits set by the right to freedom of expression of the constitution. In clause

11, while producing and broadcasting programs, the Broadcasting station should give priority to developmental programs such as agriculture, education, industry, and environmental protection; programs to enhance harmony among caste, language, and class; programs to increase national consciousness and moral awareness; programs to uplift Nepal's language and culture; and programs that do not adversely affect diplomatic relations.

Advertising of substances such as tobacco and liquor which are harmful to public health is discouraged to broadcast (Clause 14). In addition to this, the issues that are not allowed to advertise in this Act have been mentioned. The following contents may not be advertised: Contempt for political parties; obscene materials; material intended to overthrow the elected government by force; creating unnatural fear and terror in the minds of the people; contents contradictory to Nepal's non-aligned foreign policy; and insulting and devaluing any caste, language, religion, and culture.

### **Press Council Act, 1991 (2048 B.S.)**

The preamble of the Act mentions that Press Council Nepal (PCN) is established for the development and promotion of healthy, independent, and responsible journalism by way of maintaining the highest professional ethics of journalism. The Act has designed the PCN as an autonomous and corporate body having a perpetual succession (Clause 4). But the appointments in the Council are politically motivated and fail to maintain professional integrity.

The Council is tasked with advising the government on policy and development in the field of journalism, preparing and implementing a code of conduct for the development of healthy journalism, keeping up-to-date records of the distribution status of newspapers and reach of viewers and listeners, hearing complaints of published news and investigating anti-social and objectionable matters published in newspapers (Clause 7) and broadcasters in an extended role. The PCN has not yet been able to create an appropriate atmosphere for the development of healthy journalism which is the basic objective of the council. It has issued and updated its Code of Conduct regularly, but there are numerous cases of violation of ethics.

The PCN has accepted on its annual report that it is unable to work as desired due to the lack of essential technology, skilled humans, and other resources. The front article of the annual report 2021/2022 (2077/078) entitled 'PCN is on the heap of challenges' has identified numerous problems. The report reveals that there is 'syndicate' journalism and the media industry is working as an agenda setter, which is distinguished as professionalism. There is a widespread practice of 'partiality' which resulted in 'losing credibility' by the media sector, the report says.

'Self-censorship' tools adopted for own interest, the annual report claims that those which claim 'so-called big media' and 'professional' are being indulged in 'syndicate' (p. 2). The report says that there is growth in several media (of all forms) but they failed to enhance professional quality. Another major role of the PCN is to hear complaints under the Code of Ethics. But there is public skepticism towards PCN and grievances (complaints) are not registered as expected. PCN has not functioned effectively in implementing a code of ethics.

Likewise, an Audit Committee of Circulation of Newspaper under PCN will determine the number of publications based on the circulation of papers and maintain an up-to-date record of that, and it will classify papers on the basis, *inter alia*, of the number of publications made (Clause 10, 11). Classification of the newspaper by the PCN is not free from criticism.

### **Good Governance (Management and Operation) Act, 2008 (2064 B.S.)**

The GGA, enacted in the year of enactment of RTIA, aims to make the public administration of the country people-oriented, accountable, transparent, inclusive, and participatory. The basic objective of this Act is to provide services quickly and cheaply by assimilating the basic character of good governance such as rule of law, corruption-free and efficient administration, decentralization, economic discipline, and efficient management of public works and resources. This Act has provisioned for a spokesperson.

In this Act, the work, duties, and rights of the employees from the center to the local level have been provided. The rights and roles of the civil servants working from the Chief Secretary to the Head of the Office have been explained in detail. But in this study, provisions related to making information public are discussed.

The Act stipulates that a city charter should be kept, a public hearing should be held and a grievance box should be kept in a visible place. Pursuant to Clause 35 of this Act, each ministry, department, and government body and office shall appoint a spokesperson to inform the stakeholders about their works. Clause 24 of the Good Governance (Management and Operation) Rules, 2008 (2065) has fixed the functions, duties, and powers of the spokesperson as follows:

- (a) Receiving information to be made public in the body spokesperson is working for,
- (b) To make public the information regularly with the approval of an officer above him,
- (c) To provide the information under the prevailing law if anyone asks for information on a particular subject related to the office. But the spokesperson will not be obliged to provide information on a such subject that is against the public interest, and
- (d) To attend the meeting of the spokespersons.

According to this Act, civil employees are more responsible and committed to their duty in a hierarchical order when compared to RTIA. At this point, it can be said that civil employees have taken ownership of this Act but they are somehow ignoring RTIA and its provisions. Clause 34 of the Regulation stipulates a time limit for government offices to coordinate with each other. Replies should be sent within two days for an immediate tag, within five days for very urgent, within seven days for urgent, and within fifteen days for the simple category.

### **The Privacy Act, 2018 (2075 B.S.)**

This Act has ensured the right of privacy of every person on matters related to life, residence, property, document, data, correspondence, and character. Similarly, the Act provides for the protection and safe use of personal information in public bodies or institutions.

In Clause 11, there is a provision that everyone has the right to privacy of his/her documents. This provision seeks to prevent the flow of material through the media on the qualifications, citizenship, vehicle, property details, etc. of persons

holding public office. Likewise, there is a risk of shrinking citizen rights as the confidentiality of the data in Clause 12 does not cover issues like the security of data of CCTVs in public places or on the streets, child-related data, and data with ISP. Clauses 25, 26, and 27 contain provisions for the protection of collected information, the use of personal information without consent, and the processing of sensitive information. This provision would reduce the right to reuse public body data in studies, research, and investigative journalism, and could adversely affect RTI.

Similarly, this Act has made privacy issues a criminal offense which may create a hurdle for transparency and the free flow of information. The Act provides for prosecution for offenses related to search, photography, surveillance or espionage, use of drones without permission, unauthorized access to personal information, and processing of sensitive personal information. Furthermore, this law has not defined what a public place is. Similarly, the issue of confidentiality of a person holding a public office and his/her residence is undefined.

### **Electronic Transaction Act, 2006 (2063 B.S.)**

This Act was promulgated to manage electronic transactions primarily targeting the business and trade sector to dispatch, receive, and acknowledge electronic records. It was authenticated on 6 December 2006.

But Clause 47 of the Act which is about the 'publication of illegal materials in electronic forms' is being used to control the social media and online news portals by the state authority. It shows the authoritative intention of the state and punishment provisions are quite strict and high. This may control fair criticism against state activities and could control the free flow of opinion and ideas. Clause 47 reads:

(a) If any person publishes or displays any material in electronic media including computer, internet which is prohibited to publish or display by the prevailing law or which may be contrary to public morality or decent behavior or any type of materials which may spread hate or jealousy against anyone or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes and communities shall be liable to the punishment with the fine not exceeding One hundred Rupees or with the imprisonment not exceeding five years or with both.

(b) If any person commits an offense referred to in Sub-section (1) from time to time he/she shall be liable to the punishment for each time with one and one-half percent of the punishment of the previous punishment.

There is widespread criticism that the state has misused this provision to control digital platforms including social media and online news portals. Journalists and human rights activists argue that Clause 47 of this Act has violated the freedom of expression guaranteed by the constitution and demanded its amendment. There were several cases in the state had arrested people who had criticized political leaders through social media platforms. Activists have demanded a separate law for managing online news portals and hate speech through social media.

To replace this Act, the Ministry of Communication and Information Technology prepared a bill and registered it in the House of Representatives on 2 February 2019 (2 Falgun 2075). There was wide criticism of the stringent provisions in the bill. Members of civil society, journalists' associations, and human rights activists protested in the streets when the bill was presented to the parliament. The bill is still under consideration in parliament.

### **Advertising Regulating Act, 2019 (2076 B.S.)**

For regulating the advertising sector, the Advertising Regulating Act, 2019 bans 23 items for advertising. Twenty-three items are included in Clause 5(1) and 5 (2) of the Act. These provisions do not match the freedom of expression, which gives wide space to the authorities to interpret the law. There is a risk of misinterpretation of issues related to defamation, moral values, obscenity, sedition, contempt of court, and public decency among others. This Act, which bans advertisement on issues 'contrary to prevailing laws', gives extensive power to the authority for misusing it.

Clause 10 mentions that without acquiring the consent of a person, no one can send advertorial content through email or SMS. But this provision has been frequently breached by the financial sector and by the political sector during elections. Clause 25 (2) has provisioned a penalty of up to Rs. 100,000. It could not come into action due

to the weak performance of law enforcement agencies. Clause 14 has provisioned the 'Advertising Board' comprising nine members including a woman. This does not reflect the spirit of inclusive representation.

### **The National Penal (Code) Act, 2017 (2074 B.S.)**

This Act considers libel and slander activities as criminal offenses. The Criminal Code states that no person shall defame another person (clause 306). According to Clause 306 (2:a) of this Act, activities intended to lower the personal or moral character, conduct, or reputation of any person, whether directly or indirectly, through publishing or in any other way, knowingly or to defame the dignity of others will be considered as libel. Likewise, publishing or knowingly selling or distributing anything as a means of insulting someone will be considered defamation.

If such libel is committed, according to Clause 307, s/he will be imprisoned for two years or fined up to Rs. 20,000 or both. Moreover, if the defamation is carried out through electronic or other means of communication, the punishment will carry an additional year of imprisonment and an extra fine of Rs. 10,000. In the same way, the offender can also be made to bear the cost of filing the lawsuit.

Libel provision has been misinterpreted and there is a lot of possibility of scaring the media sector. But the term of this provision is fixed for three months. No complaint will be lodged after three months. Likewise, Label and Slander Act, 1959 (2016 B.S.) states that an accusation or publicity made knowingly to damage a person's character or with the motive of making a false allegation may be held as a libelous act.

This law has identified certain circumstances for not upholding a label claim. Any task performed for the interest of the general public, expressing any opinion in good faith, or publishing a true report to court proceedings shall not be deemed to be a libelous act.

### **Nepal Treaty Act, 1990 (2047 B.S.)**

The Nepal Treaty Act, 1990 is an important law for the provision that all international instruments (treaties, agreements, contracts, and covenants) agreed by

Nepal remain in force as good as the laws of Nepal. After the restoration of democracy in 1990, the interim government led by Krishna Prasad Bhattarai accepted 14 instruments related to human rights including ICCPR on 14 May 1991.

Clause 9 of the Nepal Treaty Act, 1990 has provisioned that the treaty is enforceable as good as laws. Clause 9 (1) states, "In case of the provisions of a treaty, to which Nepal or Government of Nepal is a party upon its ratification, accession, acceptance or approval by the parliament, inconsistent with the provisions of prevailing laws, the inconsistent provision of the law shall be void for that treaty, and the provisions of the treaty shall be enforceable as good as Nepali laws." Clause 9 (2) states, 'Any treaty which has not been ratified, accede to, accepted or approved by the Parliament, though to which Nepal or GoN is a party, imposes any additional obligation or burden upon Nepal or GoN, and in case of legal arrangements need to be made for its enforcement, GoN shall initiate action as soon as possible to enact laws for its enforcement.'

Clause 6 has the provision that the GoN has the power to sign and enforce a treaty. It reads, " A treaty on any matters other than those as mentioned in section 4 or sub-clause (2) of article 126 of the constitution may be signed as per the decision of GoN and Nepal or GoN shall be considered a party to that treaty, and such treaty shall be considered to have been accepted. Clause 4 elaborates procedure relating to the ratification and accession of treaties. According to this provision, if necessary, government shall table a resolution before parliament for ratification, accession, acceptance, or approval. Then after, it shall be adopted by a majority of the members present in the House of Representatives.

### **3.5 Conceptual Framework of the Study**

Based on the theoretical review of policy implementation and the RTI policy review, the following conceptual framework of the study is developed.

#### **3.5.1 Dependent Variable of the Study**

The degree of implementation of RTIA is the dependent variable in this study. The extent of RTIA implementation is assessed in the study. Various provisions are made in the Act that the public body should perform. All annual reports of the NIC



(from 2010 to 2020) identified the reluctance of both government and non-governmental agencies to make public their activities. The policy objectives and provisions were analyzed for measurement. The extent to which RTIA is implemented is analyzed by looking at the extent to which and how the policy objectives (of RTIA) are met. This depends on the assessment of the following:

- a) Whether the Public Bodies have updated and publicized information?  
(According to the law a Public Body, as long as possible, has to update at least twenty years old information).
- b) Whether the public IOs or nodal officers are assigned or trained.
- c) What approaches are used to make a transparent society?
- d) Whether the public information was disclosed proactively or not?
- e) What are the languages used by the public authorities to disseminate information?

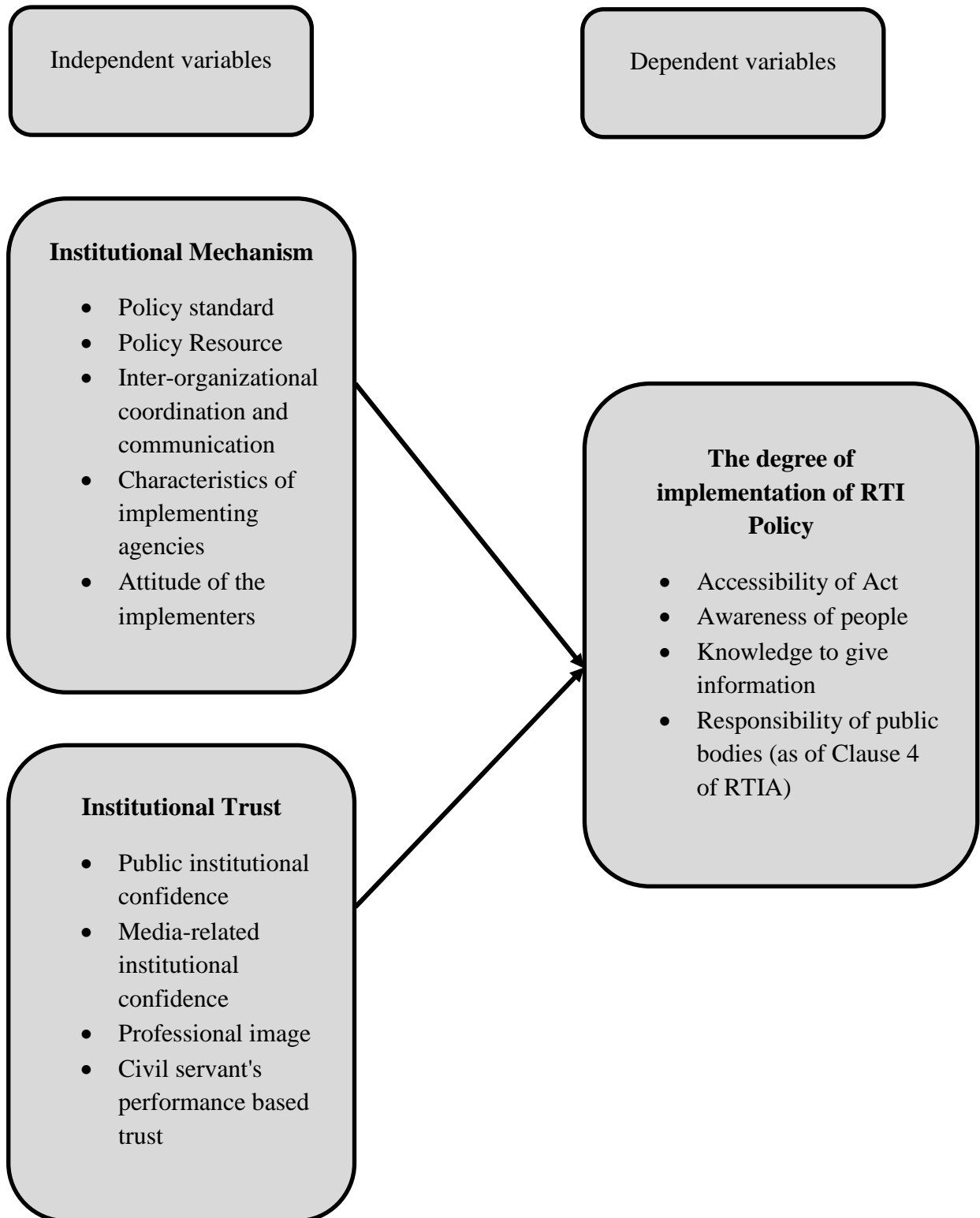
### **3.5.2 Independent Variables of the Study**

Independent variables in this study are factors that influence the implementation of RTIA. Van Horn and Van Meter (1975) pointed out variables that link policy and performance. They stressed the psychological and human factors that can influence implementers' behavior. These include the attitude of the implementers, characteristics of the implementing agencies, resources, and social and economic conditions. Collectively, these variables refer, in this study, to the institutional mechanism. Besides, institutional trust, institutional confidence, professional trust, and civil servant performance trust are factors that determine the RTI policy implementation. Therefore, the extent to which these factors determine the implementation of RTIA is examined in the study. These factors caused the outcome of the policy to be as intended or not as intended. For this study, independent variables include policy standards and clear objectives; financial, human, and technological resources; inter-organizational communication, characteristics of implementing agencies, disposition of implementers and enforcement activities. Besides, confidence in public institutions, confidence in journalism-related institutions, professional images, and civil servants' performance-based trust are institutional trust related to independent variables that influence the RTI policy implementation.

The relationship between variables is presented in the following sketch.

**Figure 3.3**

*Variables for the Study*



### **3.6 Summary**

Freedom of speech and expression (later RTI) was long discussed and specific norms are adopted in Western societies. The theory of maximum disclosure was coined to make the government more open to its people. RTI encourages proactive disclosure.

Although FOI has been around for 250 years, it is still evolving. It has been only two decades ago that many countries adopted FOI basically after 2000 (Banishar, 2006). There has been a revolution in recent years in terms of RTI, commonly understood as the right to access information held by public bodies. In 1990, there were only 14 countries that had adopted RTI, but now 134 (as of 2021) countries have adopted and there are under active consideration in another few countries.

Most countries suffer a top-down approach to information disclosure. However, there are different principles set for maximum disclosure, obligation to publish, promotion of open government, the limited scope of exceptions, open meetings, and protection of whistleblowers, among others.

A study on the implementation of RTIA in Nepal could be of great significance not only to the policymakers but also to the general citizens regarding how the Act is functioning to create an open, transparent government. This chapter has reviewed the literature on Nepali laws related to the flow of information including RTIA.

## CHAPTER 4

### RESEARCH DESIGN AND METHODOLOGY

This chapter describes the methodology of RTI policy implementation. The research design, population and sample, data collection methods, and analysis are the focus of this study. The reliability and validity of the data including ethical considerations are also discussed in this chapter so that the introduction of research and literature review issues will be addressed through proper methodology.

#### 4.1 Introduction

This chapter deals with the research design and methodology of the research, given that 'Research designs are plans and the procedures for research that cover the decision from broad supposition to detailed methods of data collection and analysis. It involves the intersection of philosophical assumption, strategies of inquiry, and specific methods (Creswell, 2009, p. 233).' It is a blueprint for undertaking scientific research. It refers to 'the way an investigator applies a logical structure to the research project' (McNabb, 2015, p. 40; Yin, 2003, p. 33, and Paudel, 2012, p. 52). Research design includes the research method, the definition of population and sample, strategies for data collection and analysis, and the validation, reliability, and generalization of the findings.

#### 4.2 Research Methodology

This study employed mixed research (Quan-qual) approach. It is based on a historical explanatory approach that identifies the cause-and-effect relationship of the policy implementation in lieu of RTIA in Nepal.

In this study both rationales are applied: for the secondary data (survey, logical interpretation, and justification), and the empiricist approach (key informant interview). 'Mixed research method is an approach to inquiry that combines both qualitative and quantitative forms of research. It involves philosophical assumptions, the use of qualitative and quantitative approaches, and the mixing of both approaches in a study (Creswell, 2009, p. 230).' The mixed method is applied to the study to

widen and deepen the understanding of the research problem by amalgamating both qualitative and quantitative research. In this study, the deductive approach is employed to test the extant theories on information dissemination.

'The sequential explanatory strategy is a popular strategy for mixed method design that often appeals to a researcher with strong quantitative leanings (Creswell, 2009, p. 211).' It is conducted with the sequence of "Quan-Qual" as proposed by John W. Creswell. In the first phase, quantitative data were collected and analyzed. Based on the results derived from quantitative approaches, semi-structured interviews and expert interviews with policy drafters, policy implementers, administrators, academicians, policy advocators (journalists and RTI campaigners), and professionals in different organizations were organized to collect qualitative data. The qualitative data were collected and analyzed in the second phase to conclude from the results of the quantitative analysis.

#### 4.2.1 Variables

In this study, both deductive and inductive approaches are implied. Key questions of the research, its variables, and the segmentation of the questions are depicted below:

**Table 4.1**

*Variables of the study*

Variables	Research questions	Items on survey
<b>Dependent variable</b> ( RTI policy implementation)	What factors are affecting the performance of RTIA?	The first part of the questionnaire.
<b>Independent variables</b> <b>1. Policy mandate</b> (clarity, consistency, and simplicity) <b>2. Institutional capacity</b> (Human resource, information, infrastructure, budget)	To what extent performance is affected?	Rest of the questions
<b>3. Intervening variables:</b> (Authority and discretion, Coordination, Risk management, Monitoring, and Evaluation)	To what extent do the intervening variables affect the voluntary compliance of RTIA?	Last part of the questions
<b>4. Institutional trust</b> (Confidence, professional image, performance)	How does institutional trust affect RTI policy implementation?	The middle part of the questions

### 4.3 Population and Sample of the Study

The total number of units and elements from which a sample is drawn is called the study population and the small group of units and elements from whom the required information is generated to estimate the prevalence of the attributes in the population is called the sample. There are different stakeholders and participants in the functioning of a spokesperson. From individual officers in each department to each citizen, the concern is for an open and transparent society. To draw the sample size, 17 types of public bodies are selected to analyze the RTI policy implementation. The basis of selections of these public bodies is: (i) public entity, (ii) dissemination of public information to the citizens, (iii) Research and teaching. They are mostly media-related public institutions that are responsible for the reporting. The total sample size is determined from the list prepared by the FNJ. As per the records (as of 2019), there are Kathmandu Valley based 2,153 Journalists registered in these public entities. Among them, 315 journalists are selected systematically. The sample size resembles 14.6 percent which is more than the minimum required sample size of 3 percent. The sample size (Table 4.2) of the following categories mentioned below is determined from the list.

**Table 4.2**

*Population and Sample Design*

S.N.	Group	Sample Size
1.	Parliamentary affairs reporters	30
2.	Business beat reporters under the Society of economic journalists, Nepal (SEJON)	30
3.	Gorkhapatra Corporation (Gorkhapatra and The Rising Nepal)	25
4.	Rastriya Samachar Samiti (RSS-National News Agency)	25
5.	Kantipur daily (including district reporters)	25
6.	Nagarik daily (including district reporters)	25
7.	Broadcast journalist (including online media, radio, and TV)	25
8.	Journalism students (Master and Bachelor level)	30
9.	Working women journalists (including Sancharika Samuha)	25
10.	Administrators of different media outlets	25
11.	RTI Activists (FF, RTI Network, and Center for Media Research)	25
12.	Academicians of TU, Nepal Sanskrit, and Kathmandu Universities	25
	Total questionnaires	315

Source: Field Study 2020/21

For the sake of qualitative information, 14 Key Informants Interview (KII) are selected purposively because of their research output, involvement in the RTI policy formulation, officials of the regulatory body of RTI policy, and their expertise.

It is heterogeneous in characteristics in terms of nature, size, and research tenure. See details in tables 4.3, and 4.4.

**Table 4.3**

*Population and Sample Design for Thematic Interview*

S.N.	Thematic interview Group	Sample Size
1.	Policy drafter/ administrative expert	1
2.	Policy implementer/ former and officiating officials of the NIC	3
3.	Former secretaries GoN who worked on information classification and management	2
4.	Academician/ researcher	2
5.	RTI campaigner/ advocator	4
6.	Journalists who used RTI for information collection in their reporting	2
	Total thematic interviews	14

Source: Field Study 2020/21

**Table 4.4***List of Key Informant Interviewees*

SN	Name	Designation	Reason of selection	Interview date
1	Kashi Raj Dahal	Administrative Expert, Chairperson of Administrative Court, Convener of High-Level Media Suggestion Commission, 2073 (2017)	Convener of RTI Bill Drafting Committee	2021 May 24 via zoom
2	Krishnahari Banskota	Former chief information commissioner of the NIC and former secretary of GoN	Led NIC (2015-2021)	2021 May 24 via zoom
3	Mahendra Man Gurung	Chief Information Commissioner of the NIC	Leading NIC from 2021 January to till the date)	2021 June 9 (Face to Face at his office)
4	Pratap Kumar Pathak	Former Secretary of GoN, Public Management Specialist	Served as a secretary during the second classification of information in 2068 B.S.	2021 May 21 via email
5	Krishna Gyawali	Former Secretary of GoN	The administrator informed on the nature of the media-government relationship.	2021 May 18 via zoom
6	Ramkrishna Timalsena	Former registrar of the Supreme Court of Nepal, Chairperson of ARTI, Nepal (During interview	Ph.D. degree holder in RTI Philosophy. Petitioner for challenging the second classification of information at the	2021 May 26 (Face to face at his residence)



		period, was appointed Chairperson of the National Inclusive Commission)	Supreme Court	
7	Kiran Pokharel	Former Information Commissioner of the NIC	Served with Baskota's tenure at the NIC. Prior background- journalist/editor	2021 May 14 via zoom
8	Maharaj Koirala	Director at Inland Revenue Department	Ph.D. holder on VAT policy in Nepal/ worked on information management at IRD	2021 May 7 via email
9	Kundan Aryal	Associate professor, CDJMC, TU	Media academic, Ph.D. holder, an observer of RTI-based issues	2021 April 30 via email
10	Taranath Dahal	Executive director, the Freedom Forum/ Former president of FNJ	RTI campaigner/ trainer	2021 May 21 via zoom
11	Dharmendra Jha	Former president of FNJ	RTI campaigner/ advocator/ trainer	2021 May 17, 18 via zoom
12	Hari Bahadur Thapa	An author and editor of www.ekagaj.com	Writer of 'anatomy of corruption, 'major cases of corruption in Nepal'	2021 April 26 via email
13	Ramjee Dahal	Editor of www.spacekhabar.com	Pioneer journalist to invoke RTI as a source of information	2021 April 28 via messenger
14	Tanka Aryal	Policy and legal advisor to FHI 360	RTI and digital rights campaigner	2021 May 18 via zoom

## 4.4 Data Collection

Data collection deals with data required for analyzing the research problem and how such data are collected taking into consideration of validation and reliability of the data. Data are both quantitative and qualitative.

A mixed method (both qualitative and quantitative techniques) is employed to collect the data for the study. Both qualitative and quantitative data are collected from multiple sources for increased the validity of data.

### 4.4.1 Primary Data

Primary data collected through a questionnaire and KII with government officials, NIC officials, academicians, and other stakeholders. The primary data for the study collected in two phases. In the first phase, data collected by administering a structured questionnaire and open-ended questionnaire with public official experts (bureaucrats of government offices, journalists, students, professionals, and other beneficiaries) to track the right to information policy implementation. The details of both questionnaires are presented in the annexes I & II.

**Online survey:** Online survey systems have already been in use for some three decades. They harnessed for use in computer-aided personal interviewing since the 1990s (Leisher, 2014). Theoretically, two types of logic seem appropriate for online surveys.

- (a) **Branching logic:** Conditionals that determine the differentiated sequential paths of different survey respondents.
- (b) **Display Logic:** Conditionals that determine whether particular survey respondents can view particular blocks or questions (or other parts of an online survey).

For this study, an online survey designed. There was no choice except an online survey as frequent nationwide lockdowns were declared starting from March 24, 2020 (Chaitra 11, 2076) due to the Covid-19 pandemic. The respondents could not be approached physically. In this research, single-barreled variables (questions) are designed. They represent one variable in one dimension. For the cross-tabulation,

multiple-choice questions and matrix questions are prepared. After collecting the response from an online survey, it is exported for analyses in SPSS software tools. Anything that is double-barreled or multi-barreled introduces noise into the data and makes it unclear what the survey respondent was responding to when indicating a particular response to a particular question.

Although substantial digital divides remain by age, gender, and socio-economics status in Nepal, the number of internet users has increased significantly since 2000. The use of online surveys is now well-established in both market and academic research.

#### **4.4.2 Secondary Data**

Apart from primary data, secondary data was collected from different sources. For this, Constitutional provision on FOE, right to privacy, RTI, and laws related to disseminating information (Acts, rules, regulations, periodic plans, guidelines, etc.); Classification of information by government, NIC's annual reports, printed articles, seminar papers, published and unpublished research reports and books are used as secondary data. These include:

1. Constitution of Nepal 1990, 2007, and 2015 on FOE and RTI
2. Right to Information Act, 2007
3. RTI Regulation, 2009
4. Province RTI Act, 2019 (B.S. 2076)
5. Good governance (management and operation) Act, 2008, and it's regulation
6. Press and Publication Act, 1992
7. National Broadcasting Act, 1993
8. Press Council Act, 1992
9. Working Journalists Act, 1994 (B.S. 2051)
10. Privacy Act, 2018
11. Electronic Transaction Act, 2006
12. National Penal (Code) Act, 2017
13. Libel and Slander Act, 1959 (2016 B.S.)

14. Official Secrets Act, 2039
15. Nepal Treaty Act, 1990 (2047 B.S.)
16. Different orders by Supreme Court on different dates (Precedents established by the Supreme Court)
17. Annual Reports and websites of NIC and other offices selected for the case study.

#### **4.5 Characteristics of the Respondents**

The socio-demographic characteristics of the respondent are grouped based on their gender, age, education, occupation sector, occupation status, and economic status (table 4.5). Out of 315 respondents, there are 21 percent female journalists, and 79 percent are male journalists. In the age category, 35 percent of journalist belong to the 16-30 years category whereas 38 percent in the 31-40 years, 18 percent of journalists in the 41-50 years category, and the rest in the 51 years and above category. There is a heavy domination of journalists who are below 40 years. Similarly, all respondents are literate and had acquired higher academic degrees. Among them, more than 66 percent of respondents have passed the Master's level and 22 percent obtained graduate degrees.

The working sectors of the respondents are of six categories- private firms, public sectors, NGOs, foundations, Universities, and Research institutions. Respondents working at private firms are 39 percent whereas 26 percent are in the public sector. Likewise, 14 percent of respondents are engaged in NGOs and 4 percent in foundations. Again, 14 percent of respondents belong to a University service and 6 percent to research institutions.

All of them are journalists – private and public sector journalists, freelancers, researcher journalists, student journalists, and academics of journalism. More than 53 percent journalists are privately run institutional journalists and 13 percent are public sector journalists. More than 50 percent of journalists, come from middle-class families. See details in table 4.5.

**Table 4.5***Socio-Demography of Respondents*

		Frequency	Percent
Gender	Male	250	79.4
	Female	65	20.6
Age	16 -30 Yrs	111	35.2
	31-40 Yrs	119	37.8
	41-50 Yrs	55	17.5
	Above 50 Yrs	30	9.5
Education	Secondary level	2	.6
	Higher secondary level	4	1.3
	Graduate degree	68	21.6
	Master's degree	207	65.7
	Master of Philosophy	26	8.3
	Doctor of Philosophy	8	2.5
Occupational sector	Private firm	96	38.6
	Public sector	64	25.7
	NGOs	34	13.7
	Foundations/ interest organization/ civil society	9	3.6
	University	32	12.9
	Research institution	14	5.6
Occupational status	Public sector journalist (including government-owned media)	36	13.3
	Private sector journalist	143	52.8
	Freelance journalist	25	9.2
	Researcher in the journalism field	14	5.2
	Student in journalism	25	9.2
	Campaigner of RTI	12	4.4
	People sometime	16	5.9
Economic class	Upper class	1	.3
	Upper middle class	5	1.6
	Middle class	158	51.1
	Lower middle class	62	20.1
	Working class	81	26.2
	Lower class/ poor class	2	.6
Total		315	100

## **4.6 Data Analysis**

After collecting primary and secondary information, data are analyzed employing descriptive and inferential statistics. The dependent variable, i.e., RTI policy implementation, is analyzed mostly in a descriptive way whereas the relationship of the institutional mechanism and institutional trust with the RTI policy employed inferential statistics, i.e., correlation analysis. The survey is analyzed using Statistical Package for Social Science (SPSS) for in-depth statistical analysis. Results after analyzing both qualitative and quantitative data match against each other to identify agreements or disagreements of the variables of the study. Then, intensive triangulation of qualitative response and quantitative data as well as data from secondary sources to research problems and questions are undertaken.

Triangulation is a technique to analyze the results of the same study using different methods of data collection. Most often, triangulation helps to validate research findings by checking that different methods or different observers of the same phenomenon produce the same results.

Triangulation refers to the use of multiple methods or data sources in qualitative research to develop a comprehensive understanding of phenomena (Patton, 1999). It has been viewed as a qualitative research strategy to test validity through the convergence of information from different sources.

## **4.7 Reliability and Validity of the Data**

Yin (2003) suggests that quantitative researchers need to document the procedure of their case studies and document as many steps of the procedures as possible. He also recommends setting up a detailed case study protocol and database (Creswell, 2009, p. 190). The reliability of the research denotes a stable and consistent result. While designing a research project, the reliability of the methodology deals with the stable and consistent responses from the respondents. Validity in research denotes the accuracy of the findings and convinces the readers of the accuracy.

The reliability of data is checked by employing the Cronbach Alfa test. Accordingly, 0.7 and above, the Cronbach Alfa is acceptable. The values of each sub-

variable of both institutional mechanism and institutional data are found above the 0.72 mark. Here, the reliability and validity of data have been endorsed by following systematic and scientific procedures.

**Table 4.6**

*Reliability of Data*

Variables	Cronbach's Alpha	No. of Items
RTI implementation	.850	13.000
Policy standard	.809	6
Available resources	.902	10.000
Inter-organizational communication and enforcement activities	.933	9.000
Characteristics of implementing agencies	.724	5.000
The disposition of implementers	.821	6.000
Public institutional confidence	.872	17
Media-related institutional confidence	.939	14
Professional image	.905	16
Civil servants' performance-based trust	.72	8

Source: Field Study, 2020/2021

Data are reliable quantitatively. The source respondents are journalists/watchdogs or fourth organs of the society listed in the Department of the Information, i.e., the government regulatory body of journalists. The main functions of a journalist are to inform the citizens and disseminate public information publicly so that the accountability of the governance system is ensured. To crosscheck their information, qualitative information is also used to draw the inference. The data have acquired validity internally and externally.

#### **4.8 Ethical Consideration**

There are laws regarding privacy and data protection that govern research in different countries. In internet research, however, the institutional and legal contexts may be uncertain because research participants may be online in any geographical context.

The ethical issues in the research are maintained. First, the research question and semi-structured interview and questionnaires are developed after reviewing the policies, laws, procedures, and overall operating system of spokespersons in lieu of Right to Information Act execution. Second, the interviews are transcribed and read out before the interviewee. Third, the privacy of the respondent is faithfully maintained. Fourth, data collection is carried out with informed consent while conducting the survey and interview. On the top of the questionnaire, a declaration is made for using the information they provided.

#### **4.9 Summary**

The research is conducted by applying a mixed-method approach in which mixing of quantitative and qualitative methods of data collection and analysis has been done. The research is done by following the "Quan-Qual" sequence in that quantitative analysis is followed by a qualitative investigation of research questions and the results coming out from the quantitative analysis. For the collection of primary data, tools like structured questionnaires, and semi-structured interviews are applied to validate the data gleaned through questionnaires, interviews, and other secondary sources. The validity, reliability, and generalizability of the research findings are maintained by applying unbiased, objective, and scientific tools and techniques of research. The ethical aspects of social research are also taken care of with integrity.



## CHAPTER 5

### DATA ANALYSIS AND INTERPRETATION

This chapter deals with the analysis and interpretation of both primary and secondary data. The test variable 'implementation status of RTI Act' is analyzed and it is based on indicators like policy mandates, mechanism of the policy implementation, and institutional trust admitting in the policy implementation process.

Indicators of RTI policy implementation such as, 'proactive disclosure of information, classification of information, citing private cause for not providing information, language used, access to information, appointment of IO/spokesperson, open and transparent public organization, training and orientation, complaint before the NIC, levying a fee, format for information seekers, meeting deadline after application, meeting main objectives of RTIA' were analyzed for this chapter to find out RTI policy implementation degree in Nepal.

#### 5.1 Proactive Disclosure

The prime goal of the RTIA is to make the democratic system more open and transparent by disseminating information with proactive disclosure. Proactive disclosure refers to an environment where information is released routinely. Proactive disclosure occurs when a public body releases information without being asked for it. RTIA encourages proactive disclosure. In other words, it is the act of releasing information even before it is requested. The RTI Act increases the flow of information from the government to the community and limits the need for formal applications.

RTIA defines public bodies in a wider way, consisting as they do of government and non-government institutions. NIC, an independent commission, for protecting, promoting, and practicing as well as punishing defaulters is provisioned for implementing RTI. It is the interest of research to find the status of these public institutions regarding the level of public information disclosure.

Disclosure of public information at the maximum level, which makes the government more open to its citizens, denotes the implementation of RTI policy to the

next level. Article 19 of the ICCPR, 1966 emphasizes the freedom to hold an opinion without interference regardless of frontiers. Likewise, the United Nations has set out the following principles for public bodies to disseminate information, which reads:

Public bodies have an obligation to disclose information and every member of the public has a corresponding right to receive information; "information" includes all records held by a public body, regardless of the form in which it is stored.

Article 19, an international organization working to enhance FOE, has prepared international principles which include 9 principles for a global campaign for free expression. These include the 'principle of maximum disclosure, obligation to publish, promotion of open government, the limited scope of exceptions, processes to facilitate access, costs, open meeting, disclosure takes precedence and protection of whistleblowers' (Article 19, 1999).

In Nepal, the type of organization and its structure, number of employees, types of public service delivery, methods, details of information officers, and the like information should be released proactively so that citizens would not have to engage much in obtaining the services as per RTI Act, 2007 (clause 5.3) and RTI Regulation, 2009 (clause 3). Public bodies also have an obligation to update and publish the information every three months. (See annex III for the list of proactive disclosure). Respondents for this study are asked a question to find out the public information disclosure level proactively.

**Table 5.1**

*Proactive Disclosure of Information*

	Frequency	Valid Percent
Disagree	162	52
Agree	145	48
Total	311	100

Source: Field Study 2020/21

From the field study, 48 percent of respondents agree that public bodies have been delivering information to their stakeholders proactively. But a majority of respondents which consists of 52 percent respondents disagree that public bodies in Nepal are not carrying out proactive disclosure of information (See the detailed strata table in annex IV). Quantitatively, the proactive disclosure of information from public bodies is in the mid-range. The stark question of 'why in the middle range' is raised.

In this study, all interviewees said that proactive disclosure carried out by public bodies is still in a deplorable condition. Because those public bodies, who are disclosing information proactively, are fulfilling the legal binding. Pratap Kumar Pathak, Public Management Specialist and Former Secretary of GoN said that public bodies have a 'weak enabling environment, lack of encouragement, weak institutional proactivity and not been recognized as the performance indicator.' In the words of Tara Nath Dahal, of FF, there is only 10 percent of public offices disclose public information proactively. He outlined that public information management system is lacking in public offices. Maharaj Koirala, Director of IRD, explained that public offices set the required policies for the disclosure of public information on one hand. On the other hand, Kashiraj Dahal, Administrative Expert, and the RTI Bill drafter informed that several laws have restricted the free flow of information. Dahal gave details as the following:

The Income Tax Act, the Statistics Act, the Police Act, and the Military Act contain provisions for restricting information. Before the enactment of the RTI Act, there were provisions for restrictions. But still, these provisions have not been amended. If RTI is to be considered, those restrictions must be removed. What I am saying is that other than the provision of exceptions prescribed by the RTI Act, no other law can prevent it.

Dahal suggested that the first thing is to amend other laws that restrict the principle of maximum disclosure and, secondly, there should be a culture of working transparently.

Hari Bahadur Thapa, an author, and journalist observed that 'The information provided by the public bodies does not cover the background, reasons, grounds, and justification of any decision.' He questioned the worthiness of the published information proactively so far.

Krishnahari Baskota, former Chief Commissioner of the NIC and former secretary of GoN raised questions on the proactive disclosure information checklist. In his opinion, foreign aid was not suitable. He argued the private sector, like Choudhary Group, and other private organizations do not receive any foreign aid. Baskota called for a redefinition of public bodies as to why they should be differentiated from civil servants, security agencies, the private sector, public enterprises, media, and NGOs. On the situations of public bodies, he cited the Ministry of Agriculture and the Ministry of Physical Planning; 'the Ministry of Agriculture released 180 pages of information while the Ministry of Physical Planning released only 3 pages of information. Such doing has not been supervised.' Baskota recommended two monitoring committees – one headed by the Secretary to the OPM and the second by the secretary of the MOCIT to ensure effective public information disclosure. He pressed for using the software named 'Proactive Disclosure Management (PDMS)' developed by the NIC. This software would make all public information available in one place. He dreamed that this could be a great revolution in the Nepali context. Despite these many facts, the Chief Commissioner of the NIC Mahendra Man Gurung pointed out that whatever there is for proactive disclosure, it is merely binding legal provisions.

Quantitative figure from the field (52% disagreed and 48% agreed) shows the practice of proactive disclosure is not outstanding. Some see that the practice of information disclosure is gradually improving while matching the data of the initial and the latest year of RTI regime (2008-2020.) in Nepal. However, there is a gloomy picture that a majority of public bodies are out of RTI frame, especially private sector organizations, political parties, and NGOs. Qualitatively, the reasons behind the gloomy picture of proactive information disclosure are the lack of enabling environment, weak mechanisms, weak institutional capacity, lack of an information management system, and others. The associated rules and regulations of RTI policy had also forbidden to disclose information proactively. Likewise, the nature of public bodies has differed. All public bodies cannot be covered under a one-window.

Even though every citizen in Nepal has the right to know, the activities of the government/public bodies, the practice of proactive public information disclosure is not remarkably encouraging. The practice of public information disclosure is only for formality, though the respondents with bureaucratic backgrounds claimed that gradual progress was occurring in the proactive disclosure of information.

Despite the mandatory legal provision to update and publish the information periodically, several institutions of the government including union ministries are not disclosing information periodically and proactively. While triangulating this inference with Indian experiences, the same kind of situation is revealed. For example, 14 ministries out of 23 have not updated information on their websites. Eight ministries that have updated and published information included the Office of the Prime Minister and Council of Ministers, the Ministry of Health and Population, the Ministry of Information and Communication, Ministry of Land Management as of April-September 2019. Likewise, key Ministries, in terms of power exercise, including Home Affairs, Foreign Affairs, Defense, and Finance have not given adequate attention in this regard.

## **5.2 Classification of Information**

Classification of information is another indicator to judge the level of RTI implementation. Many countries usually classify information for national security purposes. Such classification is incorporated generally under Official Secrets Act (OSA). There is a silent conflict about whether to continue the provision of OSA or how to manage the core spirit of transparency with the maximum disclosure of information prescribed by RTIA.

In Nepal, The Documents Secrecy Act, 1982 amended thrice so far. This Act classifies official documents into three categories: strictly prohibited, very confidential documents, and confidential documents. The Committee headed by the Chief Secretary has the responsibility of classifying the information/documents. As per RTIA, Chief Secretary heads the Information Classification Committee. The legal mandate explains that strictly prohibited documents should be sealed compulsorily and kept securely. Except for authorized persons, none are allowed to see such documents.

Very confidential documents should be kept confidential once for not exceeding 20 years and later for additional ten years. The confidential documents should be kept confidential for five years and during this period, nobody, except the concerned person without the permission of GoN, could see such documents. GoN can place a document in one category to be shifted to another category as per necessity or can convert it as declassified.

According to RTIA, 2007 in Nepal, a public body has a responsibility to classify and update information and make them public, publish and broadcast. The same provision of the Act also emphasizes the public body 'to enable the citizens' access to information simple and easy', 'to conduct its functions openly and transparently', 'to provide appropriate training and orientation to its staffs.' Likewise, 'public body may use different national languages and mass media while publishing, broadcasting or making information public accordingly.' The GoN attempted to classify information twice – in 2008 headed by Bhojraj Ghimire, Chief Secretary, and in 2011 headed by Madhav Prasad Ghimire, Chief Secretary. In all, 154 and 88 types of information were categorized by the respective committees. Information classification practices are also found in the USA, the UK, and India. Thus, it is curious as to how far the classification of information was applied to safeguard national sovereignty and make democracy citizen-centric. The classification of information added to the value of RTI implementation.

**Table 5.2**

*Classification of Information*

	Frequency	Valid Percent
Disagree	159	52
Agree	149	48
Total	308	100.0

Source: Field Study 2020/21

From the field study, 48 percent of respondents agree that public bodies are classifying and updating their information before disseminating it to stakeholders. Just a marginal majority of respondents which consists of 52 percent respondents thought that public bodies in Nepal are not classifying and updating information (See the detailed strata table in annex IV). Although Public Bodies have the responsibility 'to classify and update information and make them public, publish and broadcast', they are lagging in achieving this goal. The field study shows that some of the public bodies have done little progress in classifying information.

In some countries, RTI law does not incorporate the classification provision. But in Nepal, RTIA stipulates that classification be made. A key person, drafting the RTI Bill in Nepal, Kashiraj Dahal opined that the classification provision kept within RTIA because the government could paralyze the law by not making the required supplementary information classification law. Generally, for security purposes, information classification is kept in the official secrecy Act. Although 'The Documents Secrecy Act, 1982' is amended to customize with RTI Act, it is not brought into effect.

Although the classification of information was done twice in 2008 and 2011, the classification was not accepted. Classification of information is attempted for third time very recently on January 2023, but it is also cancelled for wider revision. Public bodies are providing only formal information. Information related to money (procurement, contract, expenses, etc.) is not provided easily. Other formal information is processed and provided by public bodies. Such activities limit the classification of information which determines the level of RTI implementation.

Pathak opines that public bodies still value 'confidentiality'. Koirala, argues that those public bodies that classified their information at the top level have not disseminated such decisions of information classification to their frontline offices. This shows that such kind of information classification is only for deceiving legal mandate. Baskota asserts that government does whatever it wants in classifying information.

Baskota cites one provision- 'The decisions of the meeting of secretaries chaired by the Chief Secretary should not be made public.' He questioned, 'Will it affect the sovereignty of the country? Will it affect the court's decision? Does it affect the economy? Will it disrupt ethnic harmony? Will it encroach on privacy?' Baskota wants a specific reason for not disseminating the decisions of the secretaries and opines that the classification of information not made yet meant that GoN is willing to provide all types of information.

Dahal of the FF argues that the relevant documentation of the Secrecy Act is enough for maintaining official secrecy. The classification of information was a latent conspiracy not to provide information to the citizens. Such a classification provision

under RTI law is not found in other countries including India. As many as 22 security agencies are excluded to disseminate public information under classified information in India. Dahal shares the background environment, and why classification is incorporated into RTI law:

The provision of classified information should be carried out at any cost through RTIA for a public purpose so that it might not remain un-enacted like Secrecy Act even after this was amended thrice since 1982.

Kashiraj Dahal, who is the convener of RTI Bill drafting committee, defends that government could ignore RTI law without classifying information as it has to do with Secrecy Act, 1982 which is still kept without activating. 'For making RTI law independently strong, classification provision kept', Dahal says, 'The drafting members suspected that the government would undermine the spirit of the RTI law and classification provision included in it.'

Dahal observes the latest situation that officials are also perplexed by not having a classification of information. Dharmendra Jha, an RTI campaigner, argues that the law has defined two types of information — which can be given and cannot be given immediately, by this provision, public bodies can supply information. 'It is a matter of attitude' Jha adds, 'There is no necessary information classification.'

Tanka Aryal, policy and legal advisor to FHI 360, stresses that the 'institutional classification' of information could have been done, although the Chief secretary's committee failed to accomplish the information classification as per RTIA. In such a condition, Kiran Pokharel, former Commissioner of the NIC, blames the Chief Secretary of GoN for not having information classification yet.

The detailing of information classification which was the basis to ascertain the degree of RTI policy implementation is lacking, though a checklist of classified information appears in the Act and regulation of RTI. The main hurdle for not having classified information since 2007, the inception of RTIA, is due to the dubious role of the Chief Secretary and its confusing provision prescribed in RTIA. These provisions are duplicated from the Secrecy Act.



### 5.3 Citing Private Cause

Information access is essential for both democracy and development. This pertains not just to the state guaranteeing free speech to the citizens and their media institutions. It is also in respecting that information held by or generated by, the state is equally the property of the people (UNESCO, 2009, p. 10).

In the face of calls for the Right to Information, many political leaders and civil servants spring immediately to a defensive posture of stressing the need to limit the circulation of 'sensitive' information. But there are also many others, especially when freshly elected, who see the value in democratizing access as a way to reform the state in the interests of transforming it that is, by exposing those officials appointed under a previous regime to the glare of a new day. It is exactly the purpose of FOI to throw open the curtains that conceal what happens in the corridors of executive power, thereby exposing officialdom to public scrutiny and accountability (UNESCO, 2009, p. 10).

FOI at the heart of participatory democracy was the essential ingredient of RTI policy implementation. Informed citizens make informed decisions (Kharel, 2012, p. 4). FOI promotes a true sense of ownership within society and therefore gives meaning to the concept of citizenship. Consider the consequences of an uninformed electorate going to the polls; consider the consequences when information flows are curbed or manipulated in times of political crisis or ethnic strife (UNESCO, 2009, p. 11).

The right to privacy sets a certain limitation on the right to FOE. It is protected under Article 12 of the UDHR, 1948 which states: 'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.'

In Nepal, 'The Privacy Act, 2018 was recently enacted which protects the personal privacy of the body, residence, property, documents, data, correspondence, and character of every person. Likewise, this Act protects the 'safe use of personal information remained in any public body or institutions.'

On the other side, RTIA promotes 'openness and transparency' with a free flow of information at the maximum level. Existing practice, however, seems, to contradict this. Therefore, the question of citing private cause constitutes one of the indicators to judge RTI policy implementation degree.

**Table 5.3**

*Citing Private Cause*

	Frequency	Valid Percent
Disagree	54	18
Agree	254	82
Total	308	100.0

Source: Field Study 2020/21

The field study shows that nearly 82 percent of respondents agree on the denial of information dissemination citing private causes. Only 18 percent of respondents disagreed that information dissemination had not been affected citing private cause (See the detailed strata table in annex IV). Based on the quantitative information from the field, it was a very poor situation for the flow of information. Citing private cause was to block the information flow. It meant a lesser degree of RTI policy implementation.

Likewise, Pathak observes, that citing privacy remains a 'highly valued cause because of managing the perceived risk of openness and transparency in sharing and dissemination of public information.'

Koirala noted that some laws had debarred some private information from the publication. 'Tax laws have assured taxpayers not to disclose their private and business information for the public consumption,' Koirala stated, adding that 'sharable information is not being shared due to the citing of the private cause in most cases.'

Kundan Aryal, of the CDJMC of TU, says that the concerned officials considered everything secret and they were not capable of defining official secrecy properly.

Baskota defends that information had been withheld for privacy reasons. He warns that public servants just say 'information cannot be given' without citing any reason. The meaning of such a tendency made RTI policy implementation even worse.

RTIA itself protects the information from not directly concerned people, Baskota explains that 'Clauses 28 and 30 of RTIA' permit that when the concerned person came to ask for information, it should be given, otherwise it should not be given. 'Matters of individual privacy are being protected, he adds.

Baskota clarifies the spirit of RTI policy that provisions for the public the 'right to know' over the doings of the state system whereas the general public has the right to privacy. Gurung observes that most public servants would not provide information if there were no obligatory legal provisions.

Dahal of FF states that 'right to privacy is against RTI'. He adds that clarity is needed between the provisions of the Privacy Act and the exemptions included in the RTIA. Aryal of FHI 360 observes that privacy cause has shown unduly for not providing information. He says that privacy has been cited merely of not to give information. He gives an example of Election Commission's denial of providing information.

It was a time for 10,000 people to sign and register the party. We had asked the Election Commission for information on who the signatories were. It was not given. Later, an issue was raised at the SC saying that it was a matter of privacy. There may be talk of secrecy over who to vote for, but here, privacy was claimed on party registration. However, the SC did not accept this argument. Privacy is unduly and improperly used.

From the thematic interview, people with bureaucratic background reveal that they do not take perceived risk of openness and transparency while disseminating public information; they obey other laws which protected information from publication; and they value the 'privacy'. But people with non-bureaucratic background allege that the 'culture of privacy' obstructs the flow of information. They argue that clarity in between right to know and right to privacy is needed to make more RTI policy implementation effective.

Whatever the reason given for not providing information, the actual cause adversely affecting the free flow of information is the indiscriminate and frequent invocation of protection of privacy. This has hampered commitment to RTI policy implementation.

#### **5.4 Language Used**

The language factor in the media and information disseminating organizations is considered a major indicator of RTI policy implementation. Language plays a critical role in educating the masses and creating awareness about the RTI Act. Despite the significance of the language, minority languages are – excluded and marginalized and where they are allocated space and air time, these are insignificant (Eventhough, 2015).

Eventhough (2015) argues that unless the language factor in media and information dissemination is taken seriously, ... particularly among minority language speakers, who do not have access through the media and information dissemination organizations to critical information related to the MDGs in the language they understand.

The arrival of the internet has brought about diverse opportunities for sharing information and knowledge in various languages. Today anyone, in principle, can produce content, share it with the rest of the world and receive feedback. In principle, the internet is open to all languages of the world when certain technical conditions are met, and when the necessary human and financial resources are in place.

Different advance countries have introduced a multi-language policy to publicize the official contents of the state. Constitutionally, the 1990 Constitution regarded Nepali language as the official working language. The Interim Constitution, 2007 has also enshrined Nepali language written in Devnagari script as the official working language. As the country entered into a federal set up after the promulgation of the Constitution of Nepal, 2015, Nepal is defined as 'multiethnic, multilingual and multi-religious nation' as mentioned in Article 4. The Nepali language in the Devnagari script shall be the official language of Nepal (Article 7.1), but at the provincial level, one or more than one languages of the nation spoken by a majority

and large number of people within the province can determine by a provincial law as its official language(s) in addition to the Nepali language (Article 7.2). All languages spoken as the mother tongue in Nepal are the language of the nation (Article 6).

Article 7(3) has provisioned the Language Commission and it will work on other matters relating to language. It reads, 'Other matters relating to language shall be as decided by the GoN, on recommendation of the Language Commission.' English has been used as an international language in Nepal. It is used in both written and spoken forms.

Local languages can be used at the primary levels of the local schools. Nepali language is being used widely as the medium of education and instruction. According to the 2011 census, some 123 different mother tongues (dialects) are spoken in Nepal. And now, language policies are being framed in different provinces by the respective local governments.

RTIA, 2007 (clause 4.3) reads, 'Public Body may use different national languages and mass media while publishing, broadcasting or making information public.' On the basis of the above background, language used in public bodies is a pertinent indicator to know the level of RTI policy implementation.

**Table 5.4**

*Language Used*

	Frequency	Valid Percent
Disagree	129	43
Agree	173	57
Total	302	100.0

Source: Field Study 2020/21

The field study shows that 43 percent respondent disagree with the multi-lingual publicity and broadcasting of information, while 57 percent respondents agree to the use of various languages while disseminating information (See the detail strata table in annex IV). This shows that using language in public bodies is a critical factor to implement RTI policy throughout the country. Language creates ownership to the

language community. People may receive information easily if they get it in their own language. Although the legal provision is made that a public body may use different languages and mass media while publishing, broadcasting or making information public, such practices are generally limited to either Nepali or English language.

Amid such situation, the issue of language is addressed not only using multiple languages, but also 'correct standard language', 'simple writing' and message delivery with common language. Pathak says that language is 'not standardized, problem of incorrect/inappropriate use of words, immaturity in language delivery, complex and misleading, in most of the cases.' Koirala says that the language used in sharing information has been formal, ambiguous, incomplete. The public notices are not written in simple language.

Baskota informs that 'the NIC published its publications in the five most spoken languages during his tenure.' He suggests to publish content in Nepali language as well as in other national language(s) of Nepal. Baskota elaborates:

It is considered that few local bodies can use the most widely used language of the concerned region. Along with Nepali language, Kathmandu and Lalitpur metropolitan cities can provide information in Newari and Janakpur can do it in Maithili. Kathmandu metropolitan city has written its signboard in Ranjana script of *Newar* community.

In the opinion of Timalsena, using Nepali language, lingua franca or contact language is appropriate in disseminating information. Pokharel, observes that the use of languages other than Nepali, is dismal. 'In Dang district, information was requested and provided just for once in Tharu language.' Thapa put stress on the use of simple language. He suggested provision for language training to spokespersons and IOs to become professional first.

Qualitatively, the discourse finds that using 'widely used language' may enhance RTI policy implementation effectively. Official documents are framed with official, complex and technical language. It is necessary to provide information in simple language.

As the country entered into the federal structure, voices were raised for using local languages as official languages. However, using multiple languages becomes expensive for the country like Nepal where 125 languages are in existence as per Census 2011. Managing their standard format seems critical because of diverse languages as well as diversified settlements in existing administrative division up to the district level. Nepal cannot afford distinctly separate language except 'Nepali', many elected units feel. Few municipalities might resort to the use of multiple languages if they build the cost bearing capacity and mobilize dual language speakers in Nepali, English and at least any one local language to make RTI policy effectively implementable by local public bodies. Using multiple languages has practiced by the Election Commission for the voter's educational purpose. Likewise, the Ministry of Health and Population has used various languages for health education.

### **5.5 Access to Information**

The freedom of and access to information is recognized as a fundamental human right. The first session of the United Nations General Assembly described it as 'the touchstone of all the freedoms to which the UN is consecrated' (as cited in Bresner, 2015, p. 40).

The right to access to information encompasses all records held by a public body, regardless of their form, storage or date of production, as well as records held by any other entity so long as they are carrying out a public function (Ibid).

The UN Special Rapporteur (UNSR) defines the right to access to information as 'both the general right of the public to have access to information of public interest from a variety of sources and the right of the media to access information, in addition to the right of individuals to request and receive information of public interest and information concerning themselves that may affect their individuals' rights.'

There has been an actual revolution in recent years in terms of the right to information, commonly understood as the right to access information held by public bodies. In 1990, there were only 14 countries which had adopted national right to information, but now 134 countries have been adopted it and there are under active consideration in a number other country.

In Nepal, another responsibility of public bodies is to enable the citizens to access information easily and simple manner (Clause 4.2.b. of RTIA, 2007).

Access to information could be enhanced through various publications, including periodic publication, annual report, audio-video material, information sheet, booklet, leaflet, brochure, poster etc. Thus, how far public information is access to the general public by the public institution is an indicator to find out the level of RTI policy implementation.

**Table 5.5**

*Access to Information*

	Frequency	Valid Percent
Disagree	157	51
Agree	154	49
Total	311	100.0

Source: Field Study 2020/21

The Field Study reveals that 51 percent respondents disagreed that public bodies made citizens' access to information simple and easy. While 49 percent respondents said that public bodies were providing information in an easy and simple manner. Field data show that majority of organizations were not providing information in an easy way (See the detail strata table in annex IV).

Pathak says, 'mostly, access to public information is more complex and problematic due to the lack of approachability, affordability, efficiency and culture of transparency along with the lack of citizen-responsiveness in public information delivery system.'

Aryal of CDJMC says that there continues the practice of '*aafno manchhe*' (own people) culture in this regard. The official arrangement is too tough to reach the public. We have to ask favorable person for simple public information, adds Aryal.

'Annual report of public organizations is produced and printed to fulfill the legal compulsion,' Baskota, points out, that no initiatives have been taken to increase



the access of information to people. Websites created by public bodies are not public friendly to access information. ICT illiteracy of the public is another reason in this regard. Gurung claims that access to information has increased by the role of NIC, media and NGOs.

Dahal of FF opines that government information argued that the access to information was not accessible to all walks of life. For example, people with blindness and other physically challenged people are deprived of information due to lack of Braille Script and unfavorable engineering structure of public offices.

Pokharel states that public bodies do not respect the basic intention of RTI to enhance access to information. 'IOs are to be appointed of the high rank of each public body at least of the second or third in rank after the head of the office', Pokharel says, expressing dissatisfaction over the appointment of lower rank-employee as IOs. He says:

In the case of the Ministry, the secretary level is high. Then there are three or four joint secretaries. But the undersecretary is appointed the IO. The ministry cites no availability of staff immediately next to the secretary.

Access to information is limited by many factors- lack of approachable physical structure of public offices, poor culture of proactive disclosure, weak attitude of public seeking information, nepotism and favoritism providing information. Besides, there is also a managerial issue of using official and local language associated with the access to information. Collectively these factors hurdle for the sake of information access.

## **5.6 Appointment of Spokesperson and Information Officer**

The appointment of spokesperson/IOs increases the prospect of RTI policy implementation. Spokesperson/IOs have the significant role to disseminate information, and to generate support towards their respective offices accordingly with their strategy, plan, action and implementation stages.

In Europe, the USA and other countries, responsible, knowledgeable and high-ranking officials are appointed as spokesperson. In the case of Nepal, a spokesperson

is appointed to report on all actions taken by the government as per the GGA, 2007 whereas RTIA, 2007 has provisioned IO to provide information to information seekers. The main concern of this study, is to find out how far an IO/spokesperson plays the role of accomplishing the legal mandate so that RTI policy implementation degree is assessed.

**Table 5.6**

*Appointment of Spokesperson/IO*

	Frequency	Valid Percent
Disagree	71	23
Agree	236	77
Total	307	100.0

Source: Field Study 2020/21

From the field study, it shows that 77 percent respondent confirm that public bodies have appointed spokesperson or IO to disseminate information. While 23 percent respondents disagree that public bodies have a spokesperson or IO (See the detail strata table in annex IV). Although the field data shows that several public bodies have appointed spokespersons or IOs, it is a curiosity to know their job accomplishment from the purview of RTI policy implementation.

Pokharel opines that recognition of IOs is widening and they are being quoted in news writing. 'Appointing spokesperson seems wide and well enough', Pokharel said, that 'IO feels inferior.' He defended the role of IO who disseminates authentic recorded information. He commented over the doing of a spokesperson:

Reality is that spokespersons have flattery or greasy attitude mindset to make good relationship with the ministry. They only entertain positive matters and try to manipulate information. But IOs are more responsible for fulfilling the constitutional right of citizens to be informed. This side is undermined. In various ministries and offices, the higher rank staff has been appointed as spokesperson and the junior rank staff appointed as IO. There is a mentality of paying more attention to spokesperson instead of IO, that is affecting for implementing RTI policy.

Thapa observes that spokespersons and IOs are not of professional nature and most of the government bodies treats them as reserve staff members. He argues, 'The responsibility of spokespersons/ IOs assigned, until their next job transfer, only for a short time.'

Pathak says that 'there is only as a formal deliberation without recognition of professionally competent spokesperson-ship or information responsibility' in public bodies. Aryal, media academic, observes that IOs are guided from line manager rather the code and policy of information dissemination. Baskota says that spokespersons seem proactive comparing to IOs. According to him, IOs will not be effective and efficient unless the state mechanism functions in a transparent manner. Jha argues that head of the public office is primarily responsible for implementing RTI policy, instead of IO.

Even though majority of public bodies appointed spokespersons/IOs, the roles and responsibilities accomplished by them are not similar. Spokespersons disseminated positive performance of the public bodies proactively whereas IOs had to disseminate certified information to information seekers. However, they worked for short period due to frequent transfers. Among employees, such positions were not found attractive. They also did not possess the profession skills to disseminate public information. Due to multiple causes associated with the appointment, the working environment, tenure and positional attractiveness seriously influenced for not implementing RTI policy.

## **5.7 Open and Transparent Public Organization**

Recent years have seen a strong and sustained call for greater government transparency; international organizations and NGOs advocate transparency as a necessary condition for better government quality and, greater accountability (Bauhr & Grimes, 2017).

Preamble of RTIA, 2007 reads, 'it is expedient to make the functions of the state open and transparent in accordance with the democratic system and to make

citizens responsible and accountable; to make the access of citizens simple and easy to information of public importance held by public bodies... to protect the right of the citizen to be well-informed and to bring it into practice, the 'Legislature-Parliament' has enacted this Act.'

According to the Organization for Economic Cooperation and Development (OECD, 2021), openness and transparency are key ingredients to build accountability and trust, which are necessary for the functioning of democracies and market economies.

Concept of open government partnership demands concrete improvement in key activities of government. OECD (2021) suggests various instruments which include: the principle for integrity in public procurement, the best practice for budget transparency, the principles for transparency and integrity in lobbying and the guidelines for managing conflict of interest in the public service.

Transparency carries the activities of political system of governance into citizens' access. Transparency helps to criticize fairly, to control and to evaluate on the doing of government. UNDP (1997) defines the transparency as 'exchange of information and openly performing system'. From the transparent behavior of the government, whether the policy and programs are adequate or not, can be checked.

Article 27 of the present Constitution of Nepal has guaranteed the 'Right to Information' as a fundamental right of the citizen. Previously, the Constitution of the Kingdom of Nepal 1990 had guaranteed 'Right to Information' in the article 16, but it took 17 years to safeguard this right through law in 2007. OECD (2013) states that e-government, internet-based technologies and applications will be crucial components for open, transparent and accessible governments.

Now the internet economy is on the rise. High-speed infrastructure, digital content, cyber security and privacy, consumer empowerment and protection, open internet economy and global participation for development are the seven key themes to work on internet economy era (OECD, 2013). Greater transparency is considered key factor to fight corruption.

**Table 5.7**

*Open and Transparent Public Organization*

	Frequency	Valid Percent
Disagree	169	55
Agree	137	45
Total	306	100.0

Source: Field Study 2020/21

The field study shows that public bodies don't conduct their functions openly and transparently as per the opinion of the 55 percent respondents while 45 percent respondents say that they function openly and transparently (See the detail strata table in annex IV). The field data indicates that slightly majority of public bodies are not open and transparent. This attitude impacts implementing RTI policy within organization. Baskota blames that private sector organizations have always cheated the government. Baskota, also a former finance secretary, reveals that private sector organizations maintain two accounts to avoid taxes; fake account is usually presented to government. He says:

Private sector claimed that the commercial deal remains confidential which is not accepted by their own law. Consumer Protection Act of industry and business sector urges to label any product and to include product details and description of ingredients used.

Dahal of FF opines that openness and transparency should start from public bodies' proactive disclosure to committing to provide easily. Gurung explains the situation of transparency as follows:

It is the responsibility of the public body to publicize the decisions which are not linked with national sovereignty or national security. The government had announced at some point that transactions worth more than Rs. 25,000 would be made public. Is that announcement implemented?

Timalsena think that maintaining website by public bodies, including RTI texts in PSC courses and maintaining periodic proactive disclosure are a few

achievements. He suggests formulating information policy and privacy policy of public bodies might be helpful disclosing public information. 'Banking sector and medical practitioners do not expose the privacy – developing a culture of honoring privacy', says Timalsena. Jha says that 'there is a talk of open government partnership, open data, open budget but not in practice.'

Public bodies usually took long hours for maturity of information, even if they wanted to provide information. Policy agenda and decision-making process, especially related to financial interest, are kept either secret or not disclosed easily.

From the quantitative data, marginally majority respondents opine that public bodies do not carry their business openly and transparently. It shows that the culture of openness is 'not good due to risk associated with individual privacy and unclassified information. Private sectors in general and especially the banking sector do not disclose information citing the tax related other than RTI policy. Such legal confusion created hurdles for RTI policy implementation despite the openness and transparency slogan chanting by public and private sectors. Comparatively, public sectors are open and transparent than private sectors despite their unsatisfactory attitude.

## **5.8 Training and Orientation**

A good training system is crucial for any organization to develop and retain high professionalism and comply with RTI policy. Training and orientation avoid mistakes already experienced to bring provisions of RTI policy into effect.

Creating a new service culture as per RTI policy within the civil service and to increase the responsiveness of the public service are primary objectives of training in these years in most countries (OECD, 1997, p. 9). Orientation encourages employees to adapt to the new roles and responsibility in accordance with RTI policy. It improves communication between public offices and information seekers. Thus, training and orientation based on RTI policy is an indicator to assess the degree of RTI policy implementation. The training and orientation programs based on RTI policy basically increases the probability of RTI policy implementation.

**Table 5.8***Training and Orientation*

	Frequency	Valid Percent
Disagree	129	44.0
Agree	164	56.0
Total	293	100.0

Source: Field Study 2020/21

The field study shows that 56 percent respondents agree that public bodies provide appropriate training and orientation to their staffs based on RTI policy whereas 44 percent disagree (See the detail strata table in annex IV). The training and orientation are neither good nor bad. Despite many training institutions for conduction training and orientation based on their professional services, training and orientation focusing on, there is lack of RTI policy implementation. As civil servants receive a general training when entering the service, but they do not get specific training suitable to RTIA implementation.

Pathak says, 'There is no specific training programs for capacity development of civil servants who are implementing RTI policy so that they develop professional competence and performance excellence to disseminate the business activities of public bodies to the public.'

Koirala observes that training and orientation of the spokesperson/IO is almost non-existent. Koirala adds that the spokesperson/IO are not professionally competent due to frequently change in their posting, weak and inadequate communication, and lack of effective language skills. Gurung says that the NIC, public bodies and NGOs are providing limited training and orientation because of budgetary constraints. Dahal, administrative expert, suggests that the RTI course be incorporated in training institution's curriculum.

Pokharel says that training and orientation is the responsibility of the NIC. Jha stresses the need of up-to-date training and orientation activities which could create positive impact on RTI policy implementation. He opines that the mood of the office head determined the fate of training and orientation opportunity to the spokesperson/IO.

Although all respondents value the need of up-to-date training and orientation based on RTI policy, the training and orientation programs are organized in a very limited number due to lack of budget in public offices. Based on both quantitative and qualitative information, there are no adequate specific training and orientation for RTI policy implementation. They reveal that training and orientation programs are not in the priority of public bodies because spokespersons/IOs are transferred frequently.

### **5.9 Complaint before NIC**

Complaint before the NIC by information seekers is an important indicator that determines the level of RTI policy implementation. In such case information seekers can make an appeal to the chief of the concerned office to get information within seven days. The chief should inform an applicant whether the information can be provided within that time frame. If the information can be given, the IO must provide it within seven days.

If for any reason the IO cannot give the information asked for, s/he has to give a valid reason for this. In case the information seeker is not satisfied with the decision rendered by the chief of public body, s/he may file an appeal before the NIC within 35 days of the decision received. The NIC will give its final decision on the matter within 60 days of the appeal filed.

If the commission finds that chief of a public body or IO has held back information without any valid reason or refused access to an information, or providing only partial or wrong information or destroyed information it can impose a fine on such chief or IO, ranging from Rs. 1,000 to 25,000. If the concerned chief or IO happens to be in a position liable to departmental action in relation to the case, then the Commission can write to the concerned body for appropriate departmental action. If the chief or IO delays in providing information, without furnishing any reason, s/he shall be punished with a fine of Rs. 200 per day for the number of days the information is unreasonably delayed.

In case individuals are found to have misused the information they receive from the public bodies; the Commission may fine them in the range between Rs. 5,000 to 25,000 depending on the gravity of the misuse. Information acquired from



public bodies must be used for the purpose it was obtained for. Information seeker can file an appeal to the Commission either by directly approaching the Commission office or getting it registered in the concerned office or through the concerned DAO. Alternatively, the information seek can also mail an appeal directly to the NIC, via any postal services.

As mentioned in the annual report of NIC, the number of appeals, complaints and applications over a period of last 14 years remained as follows:

**Table 5.9**

*Complaint and Application Number*

Fiscal Year	Appeal, Complaint and Application number	Cleared	Remaining	Percentage
2009 (2065-66)	12	11	1	91.67
2010 (2066-67)	39	29	10	74.36
2011 (2067-68)	47	22	25	46.81
2012 (2068-69)	136	90	46	66.18
2013 (2069-70)	260	199	61	76.55
2014 (2070-71)	470	409	61	87.02
2015 (2071-72)	777	765	12	98.45
2016 (2072-73)	678	674	4	99.41
2017 (2073-74)	497	494	1	99.79
2018 (2074-75)	1176	1175	1	99.99
2019 (2075-76)	1144	1144	0	100
2020 (2076-77)	1013	1013	0	100
2021 (2077-78)	753*	742	11	98.53
2022 (2078-79)	1083*	1077	6	99.44

\* Appeal number only.

Source: NIC Annual Report, 2022 (2078/079) (pp. 9-10)

During the RTI regime of Nepal in the last decade, the number of complaints gradually increased (Table 5.9.1). It also indicates that citizens are gradually educated and they are using RTI as a tool to acquire information. The secondary data of complaining frequency at the NIC is in increasing ratio. The main curiosity is to find out its effectiveness for RTI policy implementation.

**Table 5.9.1**

*Complaint Before NIC*

	Frequency	Valid Percent
Disagree	46	15
Agree	258	85
Total	304	100.0

Source: Field Study 2020/21

From the field study, 85 percent respondents agree that people who are not getting information from public bodies can complain and appeal before the NIC, 15 percent respondents disagree with this (See the detail strata table in annex IV). It means that, citizens are quite aware about their right to complain and appeal if they do not get information from public bodies.

Although legal provision encourages people to complaint before the NIC the last decade data showed (table 5.9.1) that complaint ratio seems limited to a few in comparison to the number of public offices and population. It is also an encouraging scenario that the NIC has cleared all complaints. Former NIC officials have interpreted the low complaint number as the effective implementation of RTI.

Jha says that the appeal rate is not very high, though there are two types of appeal; the first is to the office head and the second is to the NIC. He says, that 'There is no record file at office head, the NIC might claim the better implementation of RTI internationally despite lower appeal rate.' He describes the appeal process and scenario as follows:

People are not encouraged to appeal due to a burdensome process of appealing to seek information even though the time-limit fixed by law. At present,

general information seekers do not know how to use email. The commission has to take complaints through social media. Training has to be provided not only supply side but also to demand side. The government does not want to empower citizens.

Pathak says 'Because of weak demand side, the complaints from the common citizens before the NIC can be rated substantially low because of ineffective push and pull factors of information-seeking tendency.' Baskota defends that the complaining ratio is increasing. But Pokharel, who served during Baskota's tenure, denies that the rate of appeal to the NIC increased. He says:

During the first year of NIC in 2008, there were only 12 appeals. But during my tenure in 2018, there were 1,300 appeals received. Increasing rate of appealing could claim satisfactory record but not sufficient record. The latent secret was that citizens were also not active to seek information. The promotional cases applied by civil servants has a higher shared among the appeals. The weaker sections of the society did not access the NIC.

However, Gurung informs that the rate of requesting for information from the local level has increased significantly these days. According to him, about 50 percent of the information requested is related to local bodies. The NIC believes that the capacity of citizens to ask questions has been increasing at the local level.

Kashiraj Dahal, an administrative expert, points out the chain of complaints to its implementation from was too long. The delaying process discouraged information seekers to complain. He urges simplification of the appeal process. In this age of information and technology, it is quite a long period to sanction the information providing process, and hence the time should be shortened, now that the technology has made a great stride. Aryal of FHI 360, says that the credibility level of the NIC has declined. The NIC should gear-up its initiatives to change citizens psychology through its performance. Dahal of FF suggests three things to keep in mind while analyzing the rate of appeal. According to him,

First, it should be noted here that the NIC is in a position to issue orders against the defaulter but not to implement them. It should be followed up.

Second, the NIC has to decide on a complaint within 45 days and an appeal within 60 days. It has not been followed either. Third, there is no readiness of the NIC to provide information to the people seeking information. As people did not get information, they have to go before the Commission. But enthusiasm is waning.

Even though respondents are aware the provision for submitting complaint before the NIC to seek information from public bodies, the rate of complaining is low due to the time-consuming process involved and absence of using multiple means for receiving complaints by the NIC. Collectively these kinds of factors cause to have more complaints from the public side before the NIC. It means a relatively low degree of RTI policy implementation.

### **5.10 Levying Fee**

There are different provisions across the globe to charge fee for providing information. The United Nations has set out the following principle for the public bodies to disseminate information regarding levying fee.

The cost of gaining access to information held by public bodies should not be so high as to deter potential applicants and negate the intent of the law itself.

Article 19 (1999), an international organization for defending freedom of expression and information has set out the principle regarding cost which reads:

The cost of gaining access to information held by public bodies should not prevent people from demanding information of public interest, given that the whole rationale behind right to information laws is to promote open access to information. It is well established that the long-term benefits of openness far exceed the costs. In any case, experience in a number of countries suggests that access costs are not effective means of offsetting the costs of a right to information regime.

Generally, the principle should be that the information is provided at no or low cost and limited to the actual cost of reproduction and delivery. Costs should be waived or significantly reduced for requests for personal information or for requests

in the public interest (which should be presumed where the purpose of the request is connected with publication) and for requests from those with incomes below the national poverty line. In some jurisdictions, higher fees are levied on commercial requests as a mean of subsidizing public interest requests but this is generally not considered to be fully effective (Article 19, 1999, p. 10).

In Nepal, information fees for acquiring information is set out in RTI Regulation, 2009 (clause, 4). Charging cost for acquiring information may discourage citizen to demand information from public authorities. On the one hand, people might really be deprived of information due to the fee. On the other hand, unnecessary complaint also should be curtailed. Therefore, the discourse is emerged that why to charge fee for public information? The question is how far levying fee is suitable when it concerns RTI policy implementation.

**Table 5.10**

*Levying Fee*

	Frequency	Valid Percent
Disagree	100	36
Agree	179	64
Total	279	100.0

Source: Field Study 2020/21

The field study shows that 36 percent respondents disagree the provision of levying fee. While 64 percent respondent agree that public bodies should levy fee for the information seeker as per actual cost (See the detail strata table in annex IV). This data shows that majority respondent has no objection on current fee structure.

The principle issued by the UN says to provide information as free as possible. If this cannot happen, citizens shall not be discouraged to seek information due to the information cost. Interviewees to this study, consider the information fee is normal in Nepal.

Gurung opines that current fee could be expensive to common citizen so it should be reduced. He says, that right now the information seeker are media people

and fee is reasonable. Baskota considers the fee is normal. As the RTI is a fundamental right, during Baskota's time, the NIC had issued an order not to affix Rs. 10 postage stamp or levy any kind of charges on the request for information. Pathak opines that getting public information from various sources was very costly by means of time, effort, risk and expected benefits in Nepal.

Dahal of FF says that fee structure has become more intimidating than giving information. He adds, that a lot of fees charged. He says that if asked for documents of big projects, it will be naturally expensive as there is large volume. He suggests to have digital distribution of information minimize or free of cost. He points out that citizens, do not know to ask for specific required information, and ask more pages which becomes costly. The regulations stipulated that the fees would be reviewed in three years, Pokharel, says that this has not happened yet. Pokharel says that the fee fixed in 2008, has now become expensive. He urges to review it and to provide information free of cost.

Digital distribution of information may lower the cost of information. Printing mode of information could be costly and would take longer time. The quantitative data show that fee structure is not expensive and is affordable to information seeker. However, qualitative information does not approve of fee for public information in this digital age. All the information is digitalized and distribution can be arranged digitally. Affordability, digitally accessible and sorting pertinent information are a key element to be noted while levying fee on an information seeker so that it increases the probability of RTI policy implementation.

### **5.11 Format for Information Seekers**

Only a Nepali citizen, who is interested to obtain any information under RTI Act, shall submit an application before the concerned IO by stating the reason to receive such information (clauses 3 and 7 of RTIA, 2007). Likewise, it is a primary duty of public bodies to supply the information as demanded. If they fail to supply, they should provide valid cause for not supplying it.

Only a Nepali citizen can ask or demand the information (clause, 7.1). Nepali citizen has to register an application before IO for obtaining specified information

citing the purpose. After receiving the application, IO should provide the information immediately if the information by its nature could be provided immediately. If not immediately, IO should provide it within fifteen days from the date of application (clause, 7.2). If IO fails to provide information immediately, s/he should immediately give a notice with reason to the applicant (clause, 7.3).

IO has to provide information in the format as demanded by the applicant as much as possible (clause, 7.5 of RTIA). Sub-clause 6, states that the source of information may be damaged or destroyed or spoilt if it is provided in the format requested by the applicant, so the IO shall provide such information in appropriate format with stating reason thereof.

Likewise, if any individual submitted an application to study or observe a written document, materials or activities, the IO will provide a reasonable time to the applicant for the study and observation of such written document, materials or activities (Ibid, 7.7).

The RTIA encourages individuals to obtain information. If a public body denies to provide information, the RTI Regulation, 2009 has prescribed specific format for complaining to office chief and to NIC.

**Table 5.11**

*Format for Information Seekers*

	Frequency	Valid Percent
Disagree	57	19
Agree	245	81
Total	302	100.0

Source: Field Study 2020/21

From the study, 81 percent respondents agree that there is a format for the information seeker at public bodies whereas 19 percent respondents are not aware about the format (See the detail strata table in annex IV). The NIC has set a certain format to ask for information.

From the thematic interview, it is clear that format is not prescribed by law. Information supply should not be hampered because of format itself. The current template is simple and easy to use. RTI law has confined to only Nepali citizens the right to ask for information.

Jha speculates that there will be problem with second appeals to be submitted to the NIC with access and processing. He elaborates:

If a public body in Darchula delays without giving information, the main thing is how to approach the Kathmandu based NIC for appeal or how to establish access to it. Appeal to be given to the NIC consists defendant and applicant. It seems it will create a legal hassle. There is a fear that the format will be rejected due to mismatch. It should also be made normal.

Baskota opines that there is dilemma and fear that the format would be more complicated than the court settlement. He asks for simplifying the format. Pathak says that there is a template for asking for information. However, the knowledge level of ordinary citizen is far behind the expectation. Therefore, more proactive activities such as advocacy and sensitization programs by the NIC needs as a developmental intervention. Dahal of FF says that the format is not necessary to fulfill all the application process, and information seekers do not get help from the service desk. Information seekers need to consult a lawyer or an expert in order to get information. He suggests the NIC to accept verbal application from people who are unable to write applications. Timalsena says that if anyone does not know, s/he should be provided support.

A prescribed format can create hurdle to those who are illiterate. For the first appeal, IO can handle the situation. But for the second appeal, problem could be created. The current format is designed for simplicity not for mandatory.

Quantitative data show that there is template for information seekers which is a very positive progress in information dissemination process. In all, 81 percent respondents support the format whereas qualitative data reveal that there should not be specific template that create difficulties for demanding information. The bottom



line is that a format should not be complex. Even those who are not able to write, should get the information on verbal request.

Thus, the provision of 'stating reason' while seeking information creates uneasy situation. A few RTI campaigners say that officials of public bodies frequently create hassles because of this provision. But the information providers claim that this provision is designed to manage the 'possible unmanaged' situation of information supply.

The inference from the discussion reveals that simple format to ask information is needed so that it may be helpful to manage its finalization. The rigidity on the format causes hassles to the citizens. To the citizens who cannot read and write, verbal application should be accepted. Both simple format of application and verbal applications increase the degree of RTI policy implementation level.

### **5.12 Meeting Deadline after Application**

According to the provision of RTIA, clause 7.1, a Nepali citizen, who is interested in obtaining any information under this Act, shall submit an application before the concerned IO by stating the reason for seeking such information.

Clause 7.2 says, if an application is received pursuant to sub-clause (1), IO should provide the information immediately if the information by its nature could be provided immediately and has to provide within fifteen days from the date of application if the information by its nature could not be provided immediately. Clause 7.3 says, if information cannot be provided immediately pursuant to sub-clause (2), IO should instantly give a notice with reason to the applicant. Clause 7.4 says, notwithstanding anything contained in sub-clause (3), if the requested information is related to the security of life of person, the information officer should provide such information within 24 hours of such request.

### **Time Period for Supply of Information**

Table 5.12.1 shows the maximum time from the receipt of application which may be taken to dispose of the application in different situations:

**Table 5.12***Time Period for Information Supply*

S. no.	Situation mentioned in RTI Act, 2007	Time limit for disposing off application
1.	Supply of information in normal course (clause 7.2)	Immediately
2.	Supply of information in normal course (if not immediately) (clause 7.2)	15 days
3.	If information cannot be provided immediately according to 7.2	IO should give reason for not providing
4.	Supply of information if it is related to security of life of person (clause 7.3)	24 hours
5.	To study or observe the document, material or activity (clause 7.7)	Reasonable time
6.	If the demanded information is not related to the public body (clause 7.8)	IO should inform immediately
7.	If IO does not provided information, complaint can be made before chief of the office (clause 9.1)	7 days
8.	The chief may investigate and order to provide information, if IO was wrong, departmental action would be taken. Actual reason should be provided to information seeker (clauses 9.2-9.4)	Immediately after complaint received. No time fixed
9.	Appeal before the NIC (clause 10.1)	35 days (after the office chief's decision)
10.	The NIC has to give final verdict (clause 10.4)	60 days of appeal
11.	If not satisfied with the decision of the Commission, can be appealed to the Appellate Court.	Within 35 days (after receiving the decision of the NIC)

Source: RTIA, 2007

There is no provision of transfer of application and no provision of third-party information supply.

**Table 5.12.1**

*Meeting Deadline After Application*

	Frequency	Valid Percent
Disagree	145	50
Agree	147	50
Total	292	100.0

Source: Field Study 2020/21

From the field study, 50 percent respondents disagree on meeting dateline after application from information seeker while 50 percent respondents agree that public bodies are obliged to provide information within seven days after an information seeker submits application (See the detail strata table in annex IV). Field data portray the situation is moderate with equal level acceptance and rejection.

There is a tendency to delay providing information by the IOs or by civil servants, though they could have provided it immediately. Government agencies have been taking a long time to comply with the order.

From the thematic interview, all respondents urge to shorten time frame fixed by the law. Dahal, the drafter of the RTI Bill, urges for the deadline to be shortened, and says:

The first appeal period of 15 days and 7 days should be shortened. If you want to give information, you can give it immediately. If you don't give it, you can say it immediately. The period should be shortened.

Pathak, former secretary of GoN, presses for following sincerely the practice of 'citizen charter.' Baskota realizes that the period of 15 days for the IO, 7 days for the head of the office and 60 days for the NIC is a little long. He suggests for the classification of time as follows:

If it needs to submit and process the information, 15 days is fine. If it involves semi process, it should be 7 days; if it can be given without much process, it should be a maximum of 3 days. In case of appeal, the NIC, should categorize it is 15 days for easy, 30 days for medium and 60 days for difficult ones.

Gurung says as the NIC is located in the capital, 60 days period is fine. The period of 15 and 7 days given to the public bodies is a bit long. He says, that if information is requested today, it should be provided tomorrow. Dahal of the FF, is of the view that the NIC suffers without giving instructions or decisions within the stipulated time. Timalsena asks for changing the attitude of the civil servants to provide information on time.

Pokharel says that the intent of the law has been misinterpreted. It takes 15 days to obtain general information. He suggests for amending the law so that information is given immediately by the IO within 3 days, 5 days and 7 days depending on the nature of the information.

Jha points out a provision to provide information related to 'protection of life' within 24 hours, but the IOs are not available after office hours. 'Threat to the life' case is not limited to the office hours. It is the conviction that such information should be given immediately. To this matter, there is vast gap to address. He explains that there is a provision in the rules to impose a fine of Rs. 200 per day for delay. But procrastination is hard to prove.

The quantitative data show the moderate situation of meeting deadline for providing information. Time frame of 15 days and 7 days to office bearer for providing information is quite comfortable. However, there is wider practice of delaying to provide information. Reluctance of office bearer on one side and no adequate caring to information seeker is on another side.

Another peculiar fact is that there is no support system to provide information related to 'protection of life' which should be provided within 24 hours. IOs are active only for regular office hour.

Although the time frame for providing information seems quite well from the field data, the qualitative data reveal that unnecessarily longer times taken by office bearer cause delay in official dealing. Misinterpretation and delaying practices impact time frame of information seeking. Such phenomenon lowers the degree of RTI policy implementation.

### **5.13 Meeting Main Objectives of RTIA**

The main objective of RTIA, as mentioned in its preamble, is 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. Another major objective of RTIA is to protect the right of the citizen to be well-informed and to bring it into practice.

Likewise, making easy access to information of public importance held in public bodies; and protecting sensitive information which could have adverse impact on the interest of the nation and citizen are the other objectives of RTIA, as mentioned in its preamble. In the definition section of the Act, 'Right to Information' is defined:

... means the right to ask for and obtain information of public importance held in the Public Bodies and this term shall also include the right to study or observation of any written document, material held in Public Body or proceedings of such Public Body; to obtain a verified copy of such document, to visit or observe the place where any construction of public importance is going on and to obtain verified sample of any material or to obtain information held in any type of machine through such machine.

Although there is a mechanism to monitor the implementation of RTIA provision, an effective implementation is yet to be carried. Procedure related to implementation of RTI, 2006 has formed three tier monitoring units. Central monitoring unit, headed by secretary of Office of the Prime Minister and Council of Ministers (OPMCM) will monitor the provision of RTIA and Regulation. Other members of this central monitoring unit consist of secretary of Ministry of Communication and Information Technology (MOCIT), Secretary of the NIC, and joint secretary of OPMCM will act as member secretary.

Likewise, at the ministry level there is 'implementation monitoring unit' headed by secretary of the ministry. Other members consist of joint secretaries from OPMCM, ministry (who looks after communication department), NIC, director general of Post Officer Service Department; and IO of the ministry, who act as member secretary.

At the province level, 'province monitoring unit' will be constituted headed by the secretary of chief minister and council of ministers. Other members will be as decided by the provincial government.

Similarly, 'district monitoring unit' is headed by Chief District Officer (CDO). District coordination officer of District Coordination Committee is member and chief of the district post office works as member secretary.

**Table 5.13**

*Meeting Main Objectives of RTIA*

	Frequency	Valid Percent
Disagree	142	47
Agree	157	53
Total	299	100.0

Source: Field Study 2020/21

The field study shows that 47 percent respondents do not believe that the policy objectives of RTIA are fulfilled by public bodies while 53 percent respondents agree (See the detail strata table in annex IV). It shows the implementation situation of RTIA is 'not so good, not so bad'. Acceptance and rejection level is nearly in an equal ratio.

Baskota opines that measurable terms are not placed in the preamble regarding the objectives of the RTI Act. It reads that all the offices should be run in a democratic manner but does not explain what refers to democratic manner. It also says that public bodies should be accountable to the people but does not talk about what should be done to be accountable. 'It talks about having access to the people but

does not say how to increase it', he pointed out that 'Article 27 of the constitution mentions a little for the protection of information but should mention the RTI is the lifeline of a democratic system.' Administrative expert, Dahal opines that the objectives of the RTIA, which is incorporated with the concept of open government, has not been fulfilled. He says:

Transparency, prevention of irregularities, non-corruption and accountability are yet to be achieved. The annual reports of the Auditor General, the National Vigilance Center and the Commission for Investigation of Abuse of Authority are showing that irregularities and corruption are increasing every year.

Dahal observes that general citizens who go to ask for information do not get service properly. He says that journalists or researchers have asked for information. He highlights that farmer might ask which fertilizer is coming, but it has not happened. The supply information is provided only in case of clash or as desired by the provider, he adds. To demonstrate non-implementing status of RTI Act, Dahal gives the example of not publicizing reports of various commissions formed by government. He says:

The report of the Lal Commission, formed to investigate Madhesh movement, has not been made public. But why is it not made public? Likewise, the report of the Mallik Commission has not been made public. It has to be said that the report is not made public as it has to be kept confidential after studying five exemptions. It should be said that the report of the Lal Commission is not made public as it disturbs social harmony.

Pathak informs that the NIC has been conducting information auditing to examine the compliance and performance of meeting the objectives of RTI. Gurung admires the RTI law as exemplary, it works to make public bodies accountable. Dahal of FF, says that core objectives of RTIA are good governance, enhancing transparency and public participation which have not been fulfilled. Timalsena says that Nepali people are not performing as an 'accountable citizens.' 'Characteristics of Nepali society itself is encouraging corruption', he says, 'We have a tradition of not protesting until we have a problem. One has a habit of not speaking until s/he is affected.' Jha opines that the proper environment has not created to fulfill RTI

objectives. The flow of information has not made systematic. He says, that, in some cases, RTI has a positive effect in the context of VAT invoices; details of the Parliament Secretariat about the expenses incurred by the MPs; and looking answer sheet by student of the SLC exam.

From the thematic interview, it is revealed, that broader objectives of RTIA are yet to be fulfilled. Access to information is out of reach to general public.

Quantitative data shows that objectives of RTIA are fulfilled in a moderate way. This is the perception of general public. However, qualitative analysis shows that the objectives of RTI policy are not achieved by the public bodies. The fulfillment of its objectives means the implementation of RTI. Thus, RTI policy implementation status is below the average line. The fact, RTIA came into existence of 'open government' concept, the concept is limited to slogan only. Concept of good governance and accountability is hardly translated into action.

#### **5.14 Summary**

In summary, the right to information policy implementation is measured in proactive disclosure of public information, classification of such information, citing private cause and the language used, access to information, appointment of IO/spokesperson as an its indicator. Likewise, open and transparent public organization, training and orientation, complaint before NIC, levying fee, format for information seekers, meeting deadline after application and meeting main objectives of RTIA other variables for measuring RTI policy implementation.

From the field research, these indicators of RTI policy implementation are measured in 1 to 5 points Likert scale. The mean value of proactive disclosure found at 2.64. Similarly, the highest mean value found of complaint before the NIC at 3.63, citing private cause at 3.53, appointment of IO/spokesperson at 3.25, format for information seekers at 3.51 and levying fee at 3.10. Likewise, the lowest mean value found for open and transparent public organization at 2.58, proactive disclosure of information at 2.64, access to information at 2.66, classification of information at 2.67, meeting deadline after application at 2.71, meeting main objectives of RTIA at 2.73, language used at 2.85, training and orientation at 2.89.



**Table 5.14***Summary of Indicators of RTI Policy Implementation*

	Numbers	Mean	Std. Deviation
Proactive disclosure of information	311	2.64	1.405
Classification of information	308	2.67	1.309
Citing private cause	308	3.53	1.142
Language used	302	2.85	1.326
Access to information	311	2.66	1.363
Appointment of IO/Spokesperson	307	3.25	1.090
Open and transparent public organization	306	2.58	1.375
Training and orientation	293	2.89	1.302
Complaint before NIC	304	3.63	1.176
Levying fee	279	3.10	1.245
Format for information seekers	302	3.51	1.208
Meeting deadline after application	292	2.71	1.331
Meeting main objectives of RTIA	299	2.73	1.345

Note: The measuring indicators of RTI implementation is measured in 1-5 points scale where 1 is assumed as less and whereas 5 is as high.

Source: Field Study 2020/2021

The more pro-active disclosure, classification of information and so on are the implementation of RTIA. Standard deviation is about at 1.2 plus. It means the mean value of all indicators of RTI policy implementation oscillates minimum 1 point to 5 points. The range is a bit maximum and also minimum. It means RTI implementation in all public institutions as assumed in RTIA, 2007 and Regulation, 2009 is not at similar level. The inferences from the discussion are that RTI policy is not implemented properly. Particularly, easy access of information, making the process

simpler, updating information periodically, proactive disclosure through various medium and languages, appointment of IO/spokesperson, training and orientation, format for information seeker, levying fee, complaint process and other areas are still reminded critical factors for the effective implementation of RTIA.

Another key aspect to be considered for RTI policy enforcement is punishment to defaulter which is hardly sanctioned. Those office bearers who are delaying or denying information supply are hardly getting punishment. Thus, it shows RTIA, which has wide and vague objectives to achieve. Transforming public bodies into open and transparent, classification of information, monitoring of the functions, easy access of information has not met so far. Only the legal binding activities are being carried out. Proactive disclosure of information, training and orientation, appointment of IO, format for information seekers, meeting deadline after application and the performance of the NIC are partially fulfilled. Thus, the indicators of RTI policy implementation are not achieved as stated in RTIA, 2007 and its Regulation, 2009 due to lack of enabling environment for RTI policy implementation. Equally, weak mechanism of public bodies is also a critical factor. The apathetical culture of employees, frequent transfer of civil servants, weak demand side from public and lack of specific training and orientation being focused on RTIA are other critical factors creating hurdles in the way of achieving the objectives of RTIA. Likewise, legal controversies (Financial Secrecy, Secrecy Act, Tax Act, Foreign Aid Policy etc.) and language barrier (Official vs local) are created confusion to enforce RTIA effectively. The research reveals that RTIA implementation degree found in low degree despite of few achievements in this regard.

## CHAPTER 6

### RTI POLICY IMPLEMENTATION MECHANISM

In this chapter, the mechanism of RTI policy implementation is analyzed in public organizations when they are discharging their functions/service delivery. The mechanism would differ from public office to public office. However, in this research, the mechanism is focused on the variables which are identified by Van Meter and Van Horn (1975). These variables are policy standards, resources, inter-organizational coordination and communication, characteristics of implementing agencies, and disposition of implementers. This chapter is designed to analyze the relationship between these variables with RTIA implementation in Nepali public organizations.

#### 6.1 Policy Standards

As per Van Meter and Van Horn (1975), policy standards and goals must be precise and realistic when it concerns its implementation for achieving its objectives. The focus is on the criteria and objectives for the effective implementation of the policy. Policy standards set out the overall objectives of policy decisions and go beyond the generalities of the mandatory document to include specific standards of access to the information that should meet its requirement. Based on the hypothesis propounded by Van Meter and Van Horn (1975) the policy standards of RTI policy set by the GoN, should be as much as clear so that its objectives and desired objectives can be achieved through its implementation. In this case, the relationship between policy standards of RTI and its implementation is examined in the Nepali context.

The level of institutional transparency, easy access to public information, information exemptions and restriction of sensitive information, and proactive disclosure are the indicators identified under the category of policy standards in Nepal.

Institutional transparency through the standardization of RTI policy ensures the effectiveness of the RTI policy implementation. So public bodies should share

information with citizens. Transparency ensures that information is available that can be used to measure the authority's performance and to look out against any possible abuse of power. In other words, such activities assure the level of RTI policy implementation.

For the easy availability of information, public bodies have the responsibility to manage their information system which requires well-recorded management, archives, and a scientific updating process. Such standardization of policy related to the availability of information encourages demand for public information. Such standardization assures the level of RTI policy implementation.

RTIA has provisioned the exemption to five areas where information affects the sovereignty and national security, investigation and prosecution of a crime, trade secret, societal harmony, and individual privacy. The fact that these areas could not function in isolation. The standardization of their sensitivity and their long-term effect on nation-building and state-building ensure the level of RTI policy implementation.

To enhance the access of information to citizens, periodic proactive disclosure is usually made. It may also enhance the openness and transparency of public bodies. It may assist in making accountable public bodies so that public institutions implement RTI policy. In this regard, the standard dissemination policy made by a public body also ascertains the level of RTI policy implementation. While examining these sub-ingredients of policy standards had a significant relationship with the RTI policy implementation in Nepal (Table 6.1). Institutional policy transparency is significant at a 0.05 percent level of significance whereas the rest of all variables are found significant at 0.01 percent. Thus, the hypothesis set by Van Meter and Van Horn (1975) is justified in Nepal too.

The following quantitative correlation shows that policy standards have a correlation to the RTI policy implementation but it does not explain its reasons. There is qualitative information gathered to explain the cause of such a relationship.

From the thematic interview, understanding of policy standards among interviewees varies in diverse ways. Few interviewees considered the legal arrangement as a policy standard and other few expected separate standards of public

offices for information dissemination. There is no uniformity and clarity in this regard. It is observed that public bodies have to do more for setting policy standards for implementing RTIA.

Public bodies are not even able to standardize the indicators of RTIA such as proactive disclosure, periodic update of information, easy access to the public bodies, etc. There are no specific strategies and action plans set to achieve RTIA's goals.

Dahal, the coordinator of the RTI Bill Drafting Committee, observes that public bodies do not appear to have worked by setting policy standards although 20 areas are specified in the RTI Act and its regulation. 'Public bodies have only complied with the compulsory provisions of the Act', he says, 'public bodies have posted, but not updated periodically, the information on the websites.'

Pathak, former secretary of GoN, says that RTIA itself could guide enough for information dissemination. 'Beyond this judicial orders, strategic plan and Standard Operating Policies (SOP)s of the NIC, cabinet policy decisions to guide the dissemination of the public information are in place', he points out that RTI policy standardization process was weak due to lack of institutional capacity, weak monitoring by the NIC and weak citizenship. Such causes led to weak enforcement of RTI policy.

Former Chief Commissioner of the NIC, Baskota mentions that efforts have been made to set policy standards. Baskota gives examples of the template prepared by the SC, Nepal Police, and CDO offices which are just for formality.

Gurung says that the NIC has not set any criteria to standardize RTI policy. Informing that few organizations have created policy documents for the use of information, Gurung states, 'Nepal Telecom and Nepal Rastra Bank have just made it. The NIC is reviewing their documents. The NIC has objected that the directive made by the NRB which seems against RTIA. Since many things are guided by the law, there is no need for a separate policy.'

**Table 6.1***Policy Standards*

Variables	1	2	3	4	5	6	7
RTI implementation (1)	1						
Policy standards institution transparent (2)	.127*	1					
RTI Act made Public Bodies transparent (3)	.179**	.762**	1				
Easy access to obtaining information (4)	.214**	.599**	.636**	1			
Information-protected exemptions (5)	.158**	.496**	.425**	.515**	1		
Providing beyond sensitive information (6)	.455**	.255**	.294**	.375**	.290**	1	
Disseminating periodically (7)	.521**	.240**	.275**	.303**	.312**	.724**	1
*. Correlation is significant at the 0.05 level (2-tailed).							
**. Correlation is significant at the 0.01 level (2-tailed).							
Source: Field Study 2020/21							

Dahal of the FF underlines that 'public bodies should prepare RTI policy implementation guideline, which should incorporate information management, distribution, incentives to IO, the procedure for timely update of information, coordination meetings within different departments of the office.' He informs that the SLC Exam Controller Office and similar offices of TU and Purbanchal University have prepared the procedure for providing answer sheets to the student who demands to see checked answer sheets invoking RTI. Dahal says:

For the policy standards, three tasks have to be taken the following consideration to standardize RTI policy so that it supports to enforce RTI policy effectively: First, information technology (how to extend ICT up to the citizens' level?); Second, communication which includes internal communication; and third, media relations (press conference and advertisement).

Pokharel states that there is a great influence of the 'GGA' instead of RTIA. He tells the background of RTI as follows:

As the GGA is enacted at the time of enactment of RTIA, which does not include – holding public hearings, appointing spokespersons, holding press conferences, putting up hoarding boards, and other information flows.

Bureaucracy has disseminated information as prescribed by the GGA. As the law has been made together, the activities to provide information have been included in the GGA. The employees seem more responsible. When it comes to RTIA, it seems to be only in the items of proactive disclosure.

Public bodies of Nepal do not have concise policy standards and there is no uniformity for RTI policy implementation. Other laws, which protect sectoral information, are to be amended to customize RTI law for more effective implementation.

From the qualitative information, opinions vary on policy standards. Little progress has occurred based on RTIA itself. Some progress includes proactive

disclosure passively, SEE and university students could look at their answer sheets if they wished, an individual can demand information from public bodies, and if the information is not provided, it can be challenged before the NIC.

Judicial order, strategic plans, SoPs, and cabinet policy decisions are in place to set policy standards. However, no uniformity could be followed by all public bodies. By considering the achievements so far, policy standards mean transparency during its execution, which is circumscribed by the situation. The SoPs and strategic plans are the tools to standardize RTI policy. Except for TU, the SEE, and the rest of the public bodies are not silent in this regard. They apply whatever is explained in RTIA and its Regulation. Due to this situation, the relationship between policy standards and RTI policy implementation is found significant.

RTIA in Nepal has given more stress on good governance with a transparent and accountable performance of public bodies. Pathak states that RTI auditing system and independent monitoring tools are used for the standardization of policy related to transparency and accountability. Koirala informs that his office has used various tools. He says, 'The IRD has been publishing its laws, manuals, the SoPs, strategic plans, reform plans, service delivery manuals, online service manuals, progress report, annual reports physically and through its official websites. Apart from these, taxpayer education programs have been organized by the department and all tax offices to educate taxpayers and disseminate tax-related information.' According to him, such activities of a public body ensure RTI policy implementation.

Baskota observes that public bodies have not taken measures for maintaining transparency and accountability proactively but acted only in a reactive way to fulfill legal obligations. He gives details of 12 other regulatory organizations which are helping to maintain transparency and good governance to ensure the RTI policy implementation.

The Office of the Auditor General has contributed to making it transparent and accountable by pointing out the arrear amount. The National Vigilance Center (earlier known as the Special Police Department) measures good governance. It also conducts technical audits of contracts worth over Rs. 500 million. Public Procurement Monitoring Office (PPMO) also makes matters of



contracts and other lease deals transparent. There is an office of the Comptroller General which looks after expenditure and earnings, who owns how much property, and planning on utilization of the property of government offices.

Dahal of the FF, states that there is not much about citizen engagement. Without citizen engagement in policy standardization, the RTI policy won't be implemented properly. Timalsena says that legal compliance activities are seen like citizen charter, appointment of IOs, preparing websites (although these are not up-to-date), and proactive disclosure of information. Such an attitude hinders RTI policy standardization. Pokharel opines that there is no specific task to glorify in this regard. As an example of the NIC and district administration offices (DAO), he informs that the NIC is more transparent and DAOs are doing well with new generation leader who works very enthusiastically based on RTI policy.

Krishna Gyawali, former secretary of GoN, suggests that civil servants need to be more open and receptive to talking with the press and people. If the office bearer denies speaking to the press, then the controversy will begin with misinformation. Gyawali suggests that the response to the press could be 'not willing to speak' which is also a response. He points out that SoP, other guidelines, and meet the press program would be more helpful to the office bearer to be transparent by disseminating information.

Thapa says 'If we look at the policies, laws, and procedures, it seems that the country is in a transparent and accountable process. But in practice, information of major decisions is not given; detail and analytical information of other decisions are not provided.' Aryal of FHI 360 Nepal urges to make the budget, progress report, and procurement process public. He observed that according to RTIA, no one seems to have taken a major role.

From the thematic analysis, easy access to information is categorized based on physical access, easy process, and language access. There are no efforts made for easy access to information reach. Appointing IO is gradually increasing.

Gurung says that 'People cannot easily get information from Singha Durbar, a central administrative zone, which is beyond the reach of the general public.' He says:

The NIC has asked the government to make a separate window at the gate of Singha Durbar for information seekers. Citizens' access to other offices is also not easy. If you visit public bodies, you may not be able to meet the IO easily. IOs are to be placed at the front desk though the name, contact number, and email address of the IOs are posted on the websites.

Pathak says that there is 'procedural complexity, weak empowerment of citizens, public information dissemination barriers and the cost of information-seeking are some of the barriers that make access to information unreachable and complex/problematic.' According to him, these hurdles should be addressed to standardize the RTI policy. Such causes hamper the RTI policy implementation. Koirala informs that the IRD has been providing information through an advanced ruling system, regular publications, press briefings, and toll-free call centers. Ramjee Dahal, a Kathmandu-based journalist, says the tendency to conceal information is still there rather than creating easy access to information.

From the thematic interview, detailing of exemption areas is demanded. Classification of information is a primary path to safeguard the spirit of RTI policy which increases the probability of RTI policy without hampering the national interest of nation-building and state-building efforts.

Dahal, the RTI Bill drafter, states that there will not be a smooth practice of information dissemination until the objective clarity in the five exemptions is not made. He says, 'Unless it is not made clear, there will be the practice not to provide information by putting forward psychic arguments such as disturbing the social harmony that affects the security and economic issues. So, it should be specified objectively.' He warns, 'If we don't fix policy, strategy, tactics, and criteria, there remains a threat of misusing exemption provisions. For those who do not want to give information, exemptions would become normal.' Citing clause 'jeopardize the peace and order' provision, he adds, officials may deny providing information. A jeopardizing situation should be seen or testified.

Pathak says, 'there is classified information exempted by provisioning based on national interest, social and cultural harmony, national security and international relations. This has posed questions of appropriate interpretations and use in good

faith.' Koirala informs that his office had kept a few pieces of information secret from taxpayers as defined by the tax laws. Otherwise, other information is being made public, he says.

Baskota mentions that the protected information by RTIA remains for up to 30 years. But it should be reviewed every ten years which has not happened in Nepal. Unless there is a clear reason and justification, Baskota says, it is not possible to withhold information within five categories of exemption.

However, Gurung defends that the exemption provisions are considered good. He explains, 'If it is not necessary to keep the information of those matters secret even as prescribed by law, an application can be made to the commission and the commission can consider it. The commission considers a separate provision in this regard.' Gurung proposes two ways to identify the information: the public interest test and the harm test, which are not written in RTI law. 'It needs to be tested that anything is a matter of public interest or not and then only to make it public or not. On the other hand, a harm test is carried out on secret information whether they are harmful or not while making publicized. Public interest tests and harm tests are to be carried out in secret. The NIC is with the plan to propose it. It will take time to have this provision by amending the Act. But it is under consideration within NIC jurisdiction.'

Pokharel explains that the exemption provision of RTIA and personal privacy issues are different things. A person's private matter is confidential, he said but not all subjects of a person holding a public office be private. Information should be sought on the exemption's areas specified by the law, Pokharel continues and notes that without giving a clear reason that it will harm in some specific way, no one can prevent citing the exempted areas. Pokharel recalls a case during his tenure (2015 - 2021) as commissioner that the government's agreement with China to purchase an aircraft was made public as per the order of the NIC.

Dahal of the FF opines that policy-wise terms like sovereignty, national security, trade secret, privacy, and intellectual property should be described clearly. For example, what is against sovereignty or national security? should be explained, Dahal says, 'Detailing is easy on the one side, and there is a risk of encroachment on the other side.' Timilsena states that five areas of exemption in RTIA, 2007 (clause 3.3) need to be updated. He explains it as follows:

Question papers of the Public Service Commission remain secret and do not fall under any provision of A to E of 3.3 RTIA, 2007. Individual privacy should determine how much to prevent, and where to keep premature information. The classification has to be specified. There is a problem getting information of own and public interest. Registration-related information is of individuals. The Privacy Act protects individual confidentiality and has been enacted. There is no serious study on the civil court and separate laws.

Timilsena adds, 'Security issue is another debatable matter which is yet to be defined, i.e., which is security related and which is not. Nepal does not yet have a National Security Act. The period of protection of information is said to be 30 years. The term is to be determined by the legislative policy but not by the law.'

Timilsena points out that there is no uniformity in personal privacy law and other provisions. The public record act has not been made. Open data law, which is not in Nepal, is required. He expressed his dissatisfaction with the information classification committee headed by the Chief Secretary, none of them in the past decade has given priority to RTIA. Clause 27 of RTIA should pertain to the classification of documents instead of the classification of information, he suggests.

Jha says the five exemptions are not secret and can only be preserved for a short time. 'If you look at the whole act, there are only two "privacy" words which are used for individual matters and banking transactions' he says, adding that civil servants of public bodies have interpreted clause 3.3 as privacy. For the issues consisted in clause 3.3, the reason should be given for not disclosing. Giving reasons for refuting is also providing information, Jha says.

'It is seen that when the name comes of security body, the related information is not given,' Tanka Aryal explains adding, 'Information on weapons, warehouses or military tactics may be protected, activities like procurement, contract and other non-sensitive information within security agencies can be provided. He points out that the information in these five areas is also to be withheld as per the need, but the intention is not fair enough.'

Although the RTI law does not enforce the related information to sovereignty and national security, investigation and prosecution of a crime, trade secret, societal harmony, and individual privacy, policy-wise detailing has not been worked out so far. For example, it is not clear what constitutes 'against sovereignty'? or What is 'against national security'? Another contradictory situation is the 'oath of privacy' of civil servants to RTI regime which advocates openness and transparency. Not all activities in the exemption area should be kept in the 'protected' category.

From the thematic interview, unless there is a clear reason and justification, information related to the 'exemption category' cannot be halted. Classification of information is one way which can manage all these unclear issues of exemption. But the classification of information was attempted twice which remained merely perfunctory.

The committee headed by the chief secretary does not give priority to the classification of information. The NIC is the responsible agency taking the initiation for the classification of information.

In the case of proactive disclosure, public management specialist Pathak says that the GGA and RTIA have made provisions for periodic proactive disclosure by public institutions concerning performance. Baskota opines that there is no regular practice of periodic proactive disclosure of information. He urges for a single gateway to disseminate information to citizens. Gurung says that many public bodies are carrying out the periodic proactive disclosure of information. However, he accepts that the NIC is unable to monitor, and has no precise updated data as to how many public offices have been disclosing information proactively. Timilsena observes that the situation of proactive disclosure has very weak and that most public bodies did not publish updated information proactively.

Thapa opines that office structure, related laws of the concerned organization, and only formal information are available due to the provision of RTIA. 'It is not yet in practice to keep a document reviewing the progress of development work,' he regrets. 'Periodic proactive disclosure is only for perfunctory,' Jha asserts. 'Public

offices go for proactively publishing format, for only to "fill the space" style on the websites.' Koirala informs that public sector organizations have proactively disclosed their performance periodically through reports, press notes, and other official publications. 'The IRD has been publishing its laws, manuals, SoPs, strategic plans, reform plans, service delivery manuals, online service manuals, progress report, annual reports physically and through its official websites,' he mentions.

Although RTI law insists on public bodies updating and publishing information every three months, this duty is not fulfilled by public bodies through any proactive disclosure policy standardization.

All thematic informants agree the practice of policy standardizations with institutional transparency, classification of information, proactive disclosure of information, and dissemination policy is weak. The preparation of the strategic plan, making SoP, and others tools reflect the level of policy standardization. Except for a few organizations like TU, SEE, and IRD, the standardization of policy is lacking. Public bodies are not active, knowingly or unknowingly, in standardizing RTI policy. However, they are working just showing RTIA and its Regulation. Thus, the relationship among these variables, as explained quantitatively and qualitatively, shows with RTI policy implementation but not to the desired level.

## **6.2 Resources**

The hypothesis, as postulated by Van Meter and Van Horn (1975), human and non-human resources influence public policy implementation. Based on this main assumption, the hypothesis in this study is that proper resource mobilization is significant in RTI policy implementation in Nepal. In this section, the resources refer to human, financial, information, and logistic resources. The combined form of these resources affects RTI implementation. In general form, civil servants (99,572 out of 1,37,622 civil servants) are working at the public institutions/public bodies of Nepal. Besides, more than 13,000 journalists are in service privately. The relationship between civil servants and journalists is to flow public information (via media outlets and journalists). Without civil servants, journalists don't get information generated by public institutions to disseminate public information. Thus, resources show the

causality of RTI policy implementation. Civil servants should be competent and should know the methods of handling modern communication tools to provide information as per the protocol prescribed by the GoN.

In this study, human resources refer to the people who are involved in information dissemination tasks. The head of the office, spokesperson, and IOs are directly connected to information dissemination and all employees of public bodies are responsible indirectly.

A chief spokesperson was for the first time appointed in 1989. After the democratic constitution, spokespersons of the GoN are regularly appointed. Generally, the Minister for Information and Communication Technology performs as an official spokesperson of the government. Other central agencies also appoint spokespersons to disclose information. Later, spokespersons began being appointed under GGA, in 2008.

Likewise, financial resource is a lubricant that stimulates civil servant to provide the correct information. The financial incentive to the civil servant as well as the logistic materials that support civil servants influences the rate of RTI policy implementation. Financial resources are also a key factor for policy implementation. Insufficient budget, lack of a separate budget for RTI implementation, and lack of administrative management for finance are likely to affect the RTI policy implementation negatively.

Technological infrastructure, operational skills of using technology, and culture of using are important within technical resources. If the use of technology expanded, it will be easy for processing, produce, display, and distribute information.

Nepal relies on foreign aid for development expenditure in most areas. The above discussion shows that financial resources are required for the effective implementation of RTI which is not fulfilled from internal resources. Donor support is also expected for the RTI implementations.

Rewards and incentive plans are expected for the employees to increase productivity. Incentives in the workplace could create a culture of high performance, retains top performers, motivates staff to exceed their goals, and improve company morale. It also increases engagement in the work and high turnover will be there. Likewise, periodic training for the staff may enhance efficiency at work.

The dynamic relationships of a civil servant as a human resource, financial resource, and logistic resource matter for the sake of RTI implementation. Table 6.2 examines, to what extent these resources are correlated with each other, based on the field survey.

The field study reveals that financial resource sub-variables: sufficient financial resources, government support for financial resources, budget allocation, and incentive to a spokesperson correlated with RTI policy implementation at a 1 percent level of significance. Likewise, human resource-related sub-variables such as competency of civil servants, publication of a report and its preparation, and handling of modern communication tools are also correlated with the RTI policy implementation in Nepal. Similarly, donor support, the government's protocol to provide information, and other variables have a significant relationship with RTI policy implementation. It is also very interesting that these all-sub-variables of resource are correlated with each other at a 1 percent level of significance.

It also means that anyone who missed the resource management system could affect RTI implementation. Thus, the hypothesis, as postulated by Van Meter and Van Horn, is accepted quantitatively in also Nepal. It also highlights that the intention of the implementer, i.e., human resource, is crucial for the sake of policy performance. Maintaining a dynamic relationship is also a part of human resource intention.

IOs are appointed under RTIA. Spokespersons and IOs are assigned to disseminate information. Pathak says, 'Spokespersons and IOs are designated as a responsible human resource but there is a lack of dedicated and visible institutions to perform with the RTI policy in mind.'



Koirala notes, 'There is no extra position created in the organization to manage RTI-related issues. The spokesperson/IO is designated to tax official on top of his/her regular job to fulfill RTI policy obligation.' Baskota points out the lack of sufficient investment to upgrade human resources working for RTI. Gurung says that the NIC has no required human resources. The NIC needs more people having expertise in the legal field as its decisions could be challengeable in court, said Gurung. In the case of other organizations, he added that a separate information section should be established in a large body like, for example, TU where a single IO is not enough to perform well.

Dahal of the FF points out that civil servants of the general administration are working as IOs. In offices with fewer employees, the additional workload has been added to IO, Dahal says, adding that development, management, motivation, and stability of employees should be considered while managing human resources were key concerns for the sake of managing human resources based on the RTI policy.

Gyawali opines that there are no adequate, effective, and efficient human resources for RTI implementation. 'First, adequacy applies as per the need of a particular organization,' he said, 'The second thing is whether the available resources have been utilized efficiently?' To mobilize the other resources, he suggested that there must be competent and motivated human resources whose performance synchronized with RTI policy.

Thapa observes that many government agencies have more 'ad hoc' human resources than the actual business of information dissemination. 'The practice of appointing a spokesperson or IO is not systematic,' he says, adding that a person who is transferred from another place and has no other responsibility is appointed spokesperson/ IO though s/he is not qualified professionally. 'Emphasis should be laid on building professional human resources by appointing experts on information flow,' Thapa says.

**Table 6.2***Resources*

	1	2	3	4	5	6	7	8	9	10	11
RTI implementation (1)	1										
Sufficient financial resources (2)	.377**	1									
Competent human resources (HR) (3)	.375**	.581**	1								
Modern communication tools (4)	.360**	.472**	.529**	1							
Publish reports periodically (5)	.373**	.346**	.488**	.618**	1						
Donor agencies supported (6)	.273**	.411**	.438**	.466**	.565**	1					
Donor's support to HR (7)	.322**	.442**	.478**	.467**	.550**	.820**	1				
Government support financially (8)	.280**	.465**	.410**	.516**	.479**	.554**	.560**	1			
GoN provided guideline (9)	.249**	.321**	.279**	.373**	.379**	.381**	.388**	.637**	1		
Public bodies allocate budget (10)	.262**	.335**	.350**	.424**	.456**	.430**	.478**	.618**	.596**	1	
An incentive to spokesperson (11)	.328**	.362**	.386**	.470**	.414**	.315**	.298**	.511**	.435**	.475**	1

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Source: Field Study 2020/21

Aryal of FHI 360 opines that there is a shortage of human resources for collecting, processing, digitizing, and storing information and there was no willpower to do it. These activities were key concerns regarding the RTI policy implementation.

Likewise, Baskota stresses the need for a separate budget for RTI. 'Public bodies have started separate columns (tab) for RTI on the website,' Baskota observes adding, 'The government has spent huge money for digital Nepal initiatives which is also the cost of RTI.'

Pathak opines that public bodies are financed by an annual administrative budget to implement RTI but not funded based on performance. Koirala informs that 'the extra budget titles are not created in the government budgeting system taking into consideration of RTI related jobs.' Gurung reveals that the NIC had done a comparative study of the past five years in which the budget had not increased. It seemed that administrative expenses had increased automatically, he adds, and this has resulted in a reduction in promotional programs of the NIC. Gurung describes the deplorable situation of the NIC:

There is insufficient budget and no autonomy and financial independence to spend the budget in public bodies. If the NIC has to do a program, it can spend only after the approval of the Ministry of Finance. The office of the Auditor General looks after the audit of the commission. Why is financial independence not given? There is no separate RTI budget in public bodies. The NIC has said in its annual report that a separate budget should be provided to implement RTI Act consisting of technical and financial facilities for IO.

By emphasizing separate RTI budgets, Dahal of the FF, says that few offices have limited budgets for training and orientation on an annual basis. The sustainability side should be taken seriously. Timalsena calls for an additional budget to implement RTI policy. Aryal, a media academic, observes that the financial resources are insufficient.

The Digital Nepal Framework (DNF), which is integrated with the country's digitalization process, is implemented. Under this framework, eight sectors (including digital foundation, agriculture, health, education, energy, tourism, and finance) are identified and 80 digital initiatives are taking place for driving socioeconomic growth. But there is no noticeable reflection of the DNF on public bodies.

Aryal of FHI 360 says that 'the issue of data digitization and the use of technology (computer knowledge and IT skill including software) are weak in Nepal. The basis of the technology is also weak.' Aryal adds that there is a computer, but there is no reliable electricity service, no internet service, and no skilled person to operate a computer.

Pathak states that since there is no such investment plan and strategic plan for RTI information, technology, and other critical resources are not dedicated and adequate. Koirala informs that regular technological resources are used in his department. He informs that website, email, fax, SMS, telephone, and virtual meeting are being applied to IRD. Baskota says that public bodies which are not technology friendly had not spent much on equipment. 'If they go to the path of open government data,' he adds, 'They will be able for digital distribution.'

Gurung accepts that public bodies, including the Commission, have technical shortcomings. 'Arrangements have not yet been made to request information using email or social media,' Gurung says.

Regarding the support from the donor agency to implement RTI policy, Pathak says there is donor support for advocacy and for producing IEC materials in the development sector, not for implementing RTI. Koirala informs that GIZ, a German development agency had supported the IRD in the development of some of its technical systems. 'Apart from this, GIZ also gave support to a few peripheral tasks with a small amount of money' he says, 'There is no specific support to improve RTI system.'

Aryal, a media academic, observes that for a couple of years, a kind of fatigue has been visible from the side of donor agencies. 'Governments have been pessimistic from the very beginning,' adds Aryal. Baskota informs that some investments had been made as UNESCO declared Information Day in 2002. Donor agencies' support for RTI has not come proactively though transparency is their agenda, Baskota adds. Gurung informs that there was support from donor agencies earlier but not now.

Dahal of the FF says, 'When it comes to external support, RTI is not a priority for development partners. Donor support is not there for the promotion of RTI,' he says that big development partners like World Bank, USAID, and DFID should consider their role in the promotion of RTI. Sometimes they help in a cross-cutting

manner, but not in a sustainable way, Dahal states that DFID assisted the NIC, a few years ago, for a limited period.

Pokharel states that there seems to be sufficient support from donors through NGOs. He opines that the NIC used to provide consent (which is no objection to NIC) to NGOs for getting support from donor agencies.

Jha says 'By law, donor agencies also fall under the purview of public bodies.' He informs that there was no support from donors with priority except for a few cases for the RTI promotion. 'The Asia Foundation (TAF), FHI 360, Norwegian, World Bank, Free Press Unlimited, UNDP and DFID are few agencies which are helping occasionally to RTI sector,' Jha says.

Nepali public bodies do not have separate RTI budgets for implementing RTI. From the regular annual budget of the organization, public bodies are carrying out different programs related to RTI implementation. Koirala says, 'There is no earmarked budget for RTI.' All interviewees are of the common view of having a separate RTI budget. Pokharel says, 'Although there is no direct separate budget for RTI, some amount has been spent from the original budget.' He informs that the NIC had requested the government to arrange RTI budget.

Koirala says, 'There are hardly any incentives given to IO and spokesperson.' Pathak points out that there are 'no specific performance-based incentives given to the spokesperson or IO recorded so far.' 'There is a system of short-term training provided but no placement follow-up system,' he adds. Dahal, of the FF, informs that communication cost is being given to IOs and spokespersons as their job is of 24 hours.

Thapa points out that spokespersons and IOs need training and interaction to build an information-friendly mindset. In addition, with the development of technology, some information can be made available through email or other technology, he adds 'It is necessary to conduct interaction or training to change the attitude of spokespersons/IOs.'

From the thematic interview, it is clear that weak, untrained, and unskilled human resources are mobilized on 'ad hoc' basis. The appointment of IOs who are not efficient to deal with information dissemination is managed through the existing bureaucratic structure. Likewise, those who lead their offices informed that they lack

a sufficient budget for upgrading human resources and providing them with professional training skills. Another depressing condition of Nepali bureaucracy is that frequent changes and transfers of IOs have caused the IOs' posts to be erratic. Such a phenomenon leads to cause weaker implementation probability of RTI policy.

Similarly, the financial resource correlates with RTI policy. The situation of public bodies is entirely different from the general expectations. Lack of a financial budget for the RTI policy implementation is a common phenomenon that does not get priority in the financial plan. Amidst this situation, the main concerns of financial management are the lack of finance for implementing RTI policy.

Poor technical infrastructure and inadequate use of technology limited the implementation of RTI policy. Limited skills and lack of suitable technical infrastructure adversely affect RTI policy implementation. For example, there are no reliable internet service, no skilled person to operate computers and technology, and no reliable electricity service. Even deeper insight into using digital technology, public bodies are still not using email and other social media platforms to cater to the demand and supply of information, though digitalization initiatives are taking place.

In the case of donor support mobilization for the sake of the RTI policy implementation, few NGOs are working with the help of funding agencies. External funding and resources are not dedicated and adequate for implementing RTI except for occasional support.

Public bodies are unable to manage a distinct budget for implementing RTI in general. Those that have the authority to manage separate budgets are also not making the specific allocation. Incentives to IOs and spokespersons – financial and career development – are lacking in the public bodies, except for training opportunities.

Thus, the study infers that those human resources, financial resources, infrastructures, modern tools and techniques, and incentives have causal effects on RTI implementation. Quantitatively, these resources have also a significant relationship with the RTI policy implementation. This indicates that theoretically it is accepted. In the Nepali context, poor management of resources results in poor implementation of RTI.

### 6.3 Inter-Organizational Communication

In the view of Van Meter and Van Horn (1975), inter-organizational communication matters for the sake of policy implementation in the American context. According to them, the policy standards affect inter-communication. Likewise, inter-communication affects the disposition of implementers. Finally, it influences policy performance. Thus, inter-organizational communication plays a key role to facilitate the policy implementation process. Based on this assumption, how much this variable as identified and tested by Van Meter and Van Horn affects a country like Nepal when it concerns RTI policy implementation? It is the question of research interest. The sub-variables measuring inter-organizational communication, to test this hypothesis developed from the pieces of literature, are identified — the communicating standards and procedures; means for communication; the content; the intention of the organization's chief; the relationship between and among organizations, and the monitoring system.

In any organization, communication is necessary for planning, organizing, leading, and controlling. Effective communication creates job satisfaction among employees as it increases mutual trust and confidence between the management and the employees. Scholars say, 'Effective communication is a building block of successful organizations, in other words, communication acts as organizational blood.'

Authors of 'Organizational Communication' Zink & Julie (n.d.) writes that communication promotes motivation, helps in the decision-making process by accessing alternative course of action, helps in altering individual's attitudes, helps in socializing and in controlling the function of management. Enforcement is the act of compelling observance of or compliance with a law, rule, or obligation. It could be an important instrument of quality control.

Attitude is a settled way of thinking or feeling about something. Typically, attitude is reflected in a person's behavior, and is a prime factor for inter-organizational communication. All interviewees expressed that the attitude of the civil servants is not good.

Eventually, these are tested one by one to find out how far they are correlated with RTI policy implementation. How much they are correlated with each other? The following table 6.3 shows their relationship.

**Table 6.3***Inter-organizational Communication and Enforcement Activities*

	1	2	3	4	5	6	7	8	9	10
RTI implementation (1)	1									
Communicating standards and procedures (2)	.322**	1								
Providing information through various means (3)	.367**	.514**	1							
Uniform and consistent information (4)	.394**	.528**	.531**	1						
Chief favors RTI implementation (5)	.378**	.537**	.526**	.594**	1					
Inter or intra-organizational relations (6)	.441**	.560**	.566**	.637**	.659**	1				
Communication coordination (7)	.406**	.575**	.510**	.677**	.588**	.783**	1			
Specific guidelines at public bodies (8)	.381**	.442**	.503**	.471**	.572**	.669**	.596**	1		
Technical advice available (9)	.317**	.512**	.481**	.509**	.568**	.701**	.654**	.705**	1	
Monitoring system (10)	.369**	.482**	.420**	.569**	.571**	.718**	.712**	.584**	.665**	1

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Source: Field Study 2020/21



The field study shows that each sub-variable of inter-organizational communication is correlated with RTI policy implementation and also correlated with each other. More specifically, communicating standards and procedures has a significant relationship with RTI policy implementation as well as other sub-variables. Likewise, the means to provide information have also a significant relationship at the 1 percent level of significance. Similarly, the contents of a message, inter-organizational relations, communication coordination, guidelines, and technical advice are also correlated with the RTI policy implementation in Nepal. Finally, the monitoring system matters for the sake of RTI policy implementation. Quantitatively, inter-organizational communication, as postulated by Van Meter and Van Horn in the American context, has a significant relationship with the RTI policy implementation in Nepal. Thus, it infers that inter-organizational communication is a sensitive aspect when it concerns RTI policy implementation. The inter-organizational communication facilitates other organizations when public institutions have to establish a relationship for the sake of assuring good governance through RTI implementation in Nepal.

It is expected that 'the more communication or exchange of idea between public bodies and their subsequent activities' enforcement occurs, the implementation of RTI law would be stronger. Pathak infers that only formally formatted official information is exchanged. He observes inter-organizational communication and enforcement activities:

Information networking and sharing is one of the weakest components in the public bodies of Nepal because of the incapacity to manage information and evidence and culture of sharing. There is hardly a system of inter-organizational communication and enforcement activities. Only regulatory bodies are enforcing the sharing of public information as part of the regulation standards.

Baskota observes that there is no formal relation between inter-organizations and Nepali public bodies are strong informal relations. Gurung says that there is no attitude toward two-way communication in public bodies. Gyawali, former secretary of GoN says, 'Inter-ministerial relations are very weak in Nepal.' 'I have no hesitation in saying that inter-ministerial communication was weak when I was secretary,' he says, adding that inter-organizational communication depends on personal relationships.

For promoting and managing inter-organizational relations, the jurisdiction has to be specified in the places where it is overlapped, Gyawali suggests. The Prime Minister's Office, he adds, should lead to managing overlapping jurisdictions among different government agencies.

Thapa says that inter-organizational communication and policy implementation rarely interact on the issue of information flow. 'Even if the NIC conducts such interactions from time to time,' he adds that it is not enough. Jha opines that the concept of networking has made some progress but the computer network is not strong yet due to not having electricity, training, and required policy. 'Majority of offices are operated manually and these are troublesome,' he adds.

At the center, inter-ministerial relations are very weak, with no inter-organizational policy. Communications occur happening under the compulsory provision of law and are based on personal relations. Koirala says, 'The IRD has been exchanging information to and from government and non-government organizations.' He informs that the IRD system is integrated with the Office of Company Registrar (OCR), Department of customs, Department of Revenue Investigation, Financial Comptroller General Office (FCGO), FNCCI, and Institute of Chartered Accountant of Nepal (ICAN).

Without having any formal relationship, information would not be shared, Baskota, opines informal relations, he says, would be frightening for publicizing the information. He adds, 'Vertical communication goes formal, and horizontal communication goes informal in Nepal. Information flows through whispers in the informal system. If the employees wish, they provide, if not they do not provide information.'

Gurung emphasized formal relationships. Also, a former secretary of GoN, he recalls the positive impact of regular staff meetings and senior management meetings (SMM) for inter-organizational communication. When he was secretary of MOCIT, he used to host SMM each month and they used to post the decisions on the ministry's website. Earlier, the chief secretaries of GoN, used to hold a meeting with all secretaries each month, Gurung recalls, and such meetings were not carried out after the tenure of Chief Secretary Lokdarsan Regmi.

Public bodies of Nepal are not carrying out enforcement activities for disseminating information. Regular meetings within a bureaucratic structure, periodic performance reports, and obligatory sharing of information are in place.

Pathak says, 'Periodic performance reports and obligatory sharing of information as per the regulatory standard operating procedures are maintained.' Koirala informs that his office had carried out 'sharing of data, financials, and human resource; organizing steering committees, Joint Work Group, and technical team; reviewing progress and reforming in the operational system.' Baskota says, 'There is a poor culture in establishing inter or intra-organizational relations. Public organizations are not proactive and they have a reactive relationship.' He says, 'If you contact them only, they will respond. There is no tendency or culture to expand the relationship proactively.'

Attitude plays a vital role to implement RTI policy. Pathak, says, 'Lack of information culture, weak motivation for information sharing and no incentives associated with the informational competencies delivered, the attitudes among the public bodies are negatively beyond the level satisfaction.' Koirala says, 'Most organizations shy away to share information with others.' Baskota points out, 'Intensive training on attitude and behavior has not been provided and the attitude of the civil employee is not so well. 'Our training is knowledge and skill-based only.' Gurung observes, 'There is a mixed attitude which is good for some places.' He recalls an incident when he was a secretary at the Prime Minister's Office:

Once the Chief Secretary allowed me to peruse the law amendment file. It is brought up without discussing it with the stakeholders. The file was returned to the concerned Ministry. A month later, the file came again with a secretary-level decision. But the secretary had organized a meeting with the department heads of his ministry instead of another concerned side. I rejected it again. After that, they did it politically. That is how it works here.

'This will continue until there is a permanent provision for coordination,' Gurung says, adding that there is a kind of guideline that law and policy shall be made keeping in mind all the stakeholders. But it has not been followed. Wherever the law is drafted, the institution should look into these matters, Gurung adds.

Dahal of the FF opines that pro-people governance has not yet been accepted by the political and bureaucratic leadership. 'There is a problem with attitude,' he says, 'This is the hurdle of RTI. Training and schooling need to be changed. It is important to intervene here. Information and data are the public property.'

Timalseña says that there is a psychological barrier between the two institutions regarding attitude. In overlapping jurisdiction, there is a feeling that another will take over. He suggests, 'First bring the public sector (government, public body) under the RTI jurisdiction, then finally go to a private organization.' Those organizations whose funding, public interest, and functions are public, are to be under the RTI, says Timalseña.

Jha says that public bodies are plagued by a culture of privacy; public servants enter into the profession by taking the oath of secrecy and they are unable to create a positive attitude. He says, 'There is an attitude that the main person is me, the habit is one of escaping.' Aryal of FHI 360 says that organizational communication seems only 'ad hoc' basis. There is less feeling that you may do it, he says.

In brief, the public bodies of Nepal lack strong communication with each other and subsequently they have no enforcement activities for the implementation of RTI Law. Without good communication, there would be more confusion and various hurdles to overcome. Ultimately, it seriously affected the doctrine of the public body. The flow of information would be robust not only for RTI policy implementation but also for the achievement of the overall goals of organizations. From the perspective of enforcement, there is no enforcement of RTI-related activities except obligatory functions. Administrative relations are only reactive and there is no *suo moto*-based performance for the sake of the RTI implementation.

Likewise, the proper attitude required for the RTI policy implementation is lacking in the Nepali administration. Weak motivation for information sharing attitude of employees creates difficulties to implement the RTI in public bodies. Thus, the inter-communications of the organization, the enforcement, and the attitude of employees attune to the level of the RTI policy implementation which is inferred both quantitatively and qualitatively. So, it is expected that a 'positive attitude may create a better result of RTI policy implementation.' As such it can be said that if there are more enforcement activities, the implementation of RTI policy would be better.

## 6.4 Characteristics of Implementing Agencies

The characteristics of the implementing agencies, including organizational issues, refer to 'the agency's formal and informal linkages with the 'policy-making' or 'policy-enforcing' body (Van Meter and Van Horn, 1975). As per their model, the characteristic of implementing agencies is conditioned by the economic, social, and political conditions of the particular countries. The characteristics of implementing agencies influence the disposition of implementers and policy performance, i.e. policy implementation. This study considers the characteristics of implementing agencies in influencing policy implementation in the American context.

Size and competency are important for the performance of the public body. Competency refers to an organization's set of skills or experience in some activity, rather than physical or financial assets. organizational competencies are core competencies defining what the public body does best and how it expects that to be accomplished.

In a public organization, both vertical and horizontal communications are essential. Vertical communication is a flow of information from up to down and down to up in an organization's hierarchy. Upward and downward communication together makes vertical communication. While horizontal communication happens between people at the same rank and position in various departments.

Vertical communication is useful for maintaining organizational discipline, bringing people into the communication network, informing organizational goals and plans, maintaining the chain of command, and increasing efficiency. Demerits of vertical communication include the slow process of conveying messages at all levels of an organization, more commanding in nature, chances of distortion of information, and negligence of superiors passing on a message to their subordinates.

Horizontal communication is essential for the smooth functioning of organizational activities as well as interdepartmental coordination. It is especially important for the larger-scale organization. Horizontal communication is useful for reducing misunderstanding, strengthening group efforts, enhancing coordination, and performing interdepartmental communication. It promotes a degree of informality in

exchanging information as the senders and receivers hold similar positions, status, and honor. It is considered distortion-free communication which brings dynamism to the workplace. But it has also the same disadvantages of creating a rival attitude among employees, ignoring vertical communication, the discouraging attitude of top management, and creating interdepartmental conflict.

The performance of an organization is based on both formal and informal coordination. One of the fundamental dimensions of organizational design is centralization (Tsai, 2002). Formal coordination mechanisms refer to structural organizational elements – departmentalization, (de)centralization, formalization, planning or output, and behavioral control – an organization can use to influence individuals' behavior, by shaping their relations and interactions with other individuals, groups, or organizational units (Martinez & Jarillo, 1989; Mom et al., 2009).

An informal organizational structure is formed by employees for psychological satisfaction. The informal way does not follow any fixed path of flow in communication. The source of information cannot be known under an informal structure, as any person can communicate with anyone in the organization. The existence of an informal structure depends on a formal structure. Informal social relations can be defined as personal linkages between employees that comprise a more voluntary mode of coordination than hierarchical structures (Jansen et al., 2006; Tsai, 2002). Employees at lower hierarchical levels get the opportunity to make decisions within certain boundaries in a decentralized system.

Collaboration is a process in which public bodies share information, resources, and responsibilities to achieve a common goal. It involves jointly planning, implementing, and evaluating a program of activities. Collaboration promotes working as a team instead of individually and helps improve productivity.

The chain of command is an official hierarchy where instructions are passed from one position to another. It refers to the different levels of command within a public body. Organizations create a chain of command to flow instructions to the bottom level and accountability upwards by providing each level of an employee with a supervisor.

The span of control determines the level of interactions and responsibilities associated with employees and the head of an office. It refers to the number of subordinates or direct reports a supervisor is responsible for. It also defines roles within the organization.

For this study, the question is whether or not the characteristics of implementing agencies matter in the Nepali context or not when it concerns RTI implementation. The sub-variables of the characteristics of implementing agencies for the research purpose are the competency and size of the implementing agencies, the control of the subordinate by the chief, the methods of communication either vertically or horizontally or both, internal coordination and collaboration, including the chain of command and span of control. These variables collectively refer to the characteristics of implementing agencies. The following result is found from the field survey quantitatively.

**Table 6.4**  
*Characteristics of Implementing Agencies*

	1	2	3	4	5	6
RTI implementation (1)	1					
Public body competent and appropriate size (2)	.365*	1				
Senior boss control (3)	0.039	.269**	1			
Communication vertically and horizontally (4)	.214*	.326**	.378**	1		
Informal coordination and collaboration (5)	.386*	.568**	.212**	.503**	1	
Chain of command and span of control (6)	.193*	.158**	.366**	.409**	.274*	1

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Source: Field Study 2020/21

The field study reveals that the competency and size of the implementing agency matter for the sake of RTI policy implementation because it is correlated with the RTI policy implementation at a 1 percent level of significance. Similarly, the way of communication either vertically or horizontally or both also has a significant relationship with RTI policy implementation. Likewise, information coordination and collaborations among public servants also have a significant relationship with the RTI policy implementation at the one percent level of significance. In the meantime, the

chain of command and span of control within the implementing agency has also a significant relationship with the RTI policy implementation. However, the control by the boss, in other words, bossism, does not have a significant relationship with the RTI policy implementation. Those chiefs of organizations show bossism and they hamper the RTI policy implementation. It is inferred that the characteristics of implementing agencies (competency and size, communication vertically and horizontally, informal coordination and collaboration, chain of command, and span of control), as outlined by Van Meter and Van Horn, have a significant relationship with RTI policy implementation. However, the superiority feeling of an organizational chief is not desirable.

Task skills, task management skills, information technology, teamwork and collaboration, leadership, professionalism, and work ethics are a few competencies. These characteristics of competency influenced the RTI policy implementation. Qualitatively, the situation of Nepal is examined.

Baskota says that Max Weber, a German social scientist, recommends the size of the employee should be 0.5 percent of the total population, it is only 0.3 percent in Nepal. With this standard, there should be 150,000 civil servants in Nepal. But there are a total of 80,000 which is low and even working with weak capacity. Gurung stresses enhancing the efficiency of public bodies which are unable to manage things done with few people.

Dahal of the FF opines that size and competency are interrelated issues. 'A lone IO cannot work effectively in a large organization like TU or Nepal Police, Dahal adds that more people are to be assigned for information dissemination purposes. 'RTI law considers the additional post office, ward office or small police station as a public body which has three or four employees' Dahal adds that such small offices cannot work on the implementation of RTI even if they wish to. RTI is becoming a burden to them, Dahal observes, one person has to carry out a regular task and an additional task of information dissemination.

Stating that the overall attitude of civil servants is not positive, Gyawali shares a myth prevailing within the bureaucracy. He says, 'In terms of RTI, the myth is that it is an NGO-promoted concept. In some respects, RTI is a concept imposed by Western countries. It is also said to be an anti-development concept. Due to such myth, the expected work cannot be done.'



Civil servants have fear and hesitation, Gyawali adds, in that if the information is given, there will be an explanation again tomorrow. With this mindset, civil servants work; and the issue of disseminating information is not well considered. Public bodies are reluctant to provide information due to misuse of information, Gyawali speaks of the danger of misuse of information. Showing one cause for seeking information and using it for another purpose makes the public bodies more cautious, he adds. Pathak says that 'lack of professionally competent information-related employees in quantity and quality are assessed in general.' Koirala describes the situation of his department:

The IRD is one of the largest departments under the Ministry of Finance, with around 1700 staff members working under the IRD across the country. It administers around 3 million taxpayers and collects around 45% of the total tax revenue. The operating sub-systems are automated and technology-driven. So, the size and competency in terms of RTI compliance are high.

Timalsena opines that people seek that information which are already published in the gazette and there is no institutional memory of public bodies. Thapa considers that spokespersons and IOs are given that responsibility only as an 'additional responsibility' in most government bodies. He says that 'as they have to do other government work, the flow of information alone is not their focused responsibility.' In the case of vertical and horizontal communication, Thapa says, 'Information flows when vertical orders come in bureaucracy.' He presents the picture of Nepali bureaucracy as follows:

Without getting an order, if they disseminate information, risk facing various internal problems. So, they wait for the order. If the order comes from a senior level, they flow the information.

Aryal, an academic, says that information flowed mainly vertically and one way; from top to down is the prevailing model in Nepali public bodies. 'Vertical and horizontal communication is fine,' Pokharel questions as to why a non-gazetted officer had to talk to the secretary. 'It is fine to interact with the immediate boss,' he adds that 'work has to be done maintaining the chain of command.' Pathak says that there prevailed weak vertical and horizontal communication and information systems

in public institutions due to structural and behavioral complexities and barriers. Koirala informs that his organization was using both types of communication. He says:

Taxation is a multidimensional phenomenon. There are many government organizations, and non-government stakeholders engaged in designing and implementing tax policies. Hence, the IRD has been engaged in vertical and horizontal communication within its organizations and with other organizations.

'There is only one-way communication,' Gurung says, and that there is no wide practice of two-way communication. Higher position holders do not listen to what his/her subordinates brought forth, he says, adding that Nepali bureaucracy suffers shortcomings in horizontal communication.

Dahal of the FF thinks that there is a problem in both ways of communication. He says decision-level information does not flow downward. The IO remains in the middle layer and does not get information. Dahal adds that horizontal communication is also problematic. 'Why should the Head of Account Section provide information to Planning Section or vice versa?' Dahal says there is a feeling among civil servants of separate services that they are different from others in the institution. Aryal of FHI 360, opines that inter-agency collaboration would not happen until it is made mandatory by the law. He adds that although policy directives go to the inter-agency, there is no coordination regarding the implementation of RTI.

Similarly, both formal and informal coordination among stakeholders is exercised in the public bodies. Informal coordination seems more powerful sometimes than formal coordination for RTI policy implementation. Pathak says that there is a prevalence of weak informational coordination and harmonization systems due to ill orientation and lack of information culture associated with the complexities of coordination.

Koirala says that his department has been formally coordinating its functions with key government organizations, like FCGO, OCR, DoC, DRI, Nepal Rastra Bank, Commercial banks, and other non-government organizations while implementing tax policies. There is informal coordination between those organizations as well, adds Koirala. Baskota thinks that both formal and informal relations work in Nepal. A lot

of informal coordination works in Nepal, Gurung says, adding that informal coordination is always more powerful than formal in which most people do not express many opinions. A good manager can bring good results through informal coordination. Timalsena observes that there is more informal verbal communication rather than in writing. Deconstructive communication is more than constructive, he adds. Pokharel opines that there is a lot of informal coordination and communication rather than formal communication. Jha observes that there are a lot of formal activities for the office assistant to follow to move an application, post a ticket, for registering process, etc.

A collaboration that explains the level of RTI policy implementation is also another sub-variable of the characteristics of the implementation. Gurung says that relatively it is a bit less problematic in public bodies. Pathak says that a 'culture of collaboration in information management seems less prioritized action within the public bodies due to differences in wavelengths, interests, expected benefits and costs associated with the process.' Aryal, a media academic, observes that collaboration is lacking everywhere. Ramjee Dahal, a journalist observes that there is a collaboration under mandatory provision only.

Koirala says, 'The IRD has been collaborating with government, non-government, and private-sector organizations in terms of data sharing, resource sharing, and of organizing committees and task forces to deal with the complex, and convoluted problem.' Apart from this, the IRD has been collaborating with other organizations at the time of policy making and re-making, he says.

Similarly, a chain of command as a characteristic of implementing agency explains the level of RTI policy implementation in public bodies. Pathak says, 'Top-down chain of command has a stake in a formal pattern of information dissemination and communication system in Nepal.' Gurung accepts that there is a strong chain of command and one cannot break the chain of command formally. While, Timalsena opines that there is no chain of command, and discipline within an organization has decreased. 'Lower-level staff (non-gazette staff) can scare off his/her immediate boss, officer by talking to the secretary,' Timalsena reveals 'It is due to the unionism.' Dahal of the FF opines that the 'chain of command has stopped the free flow of information.' Koirala tells that the chain of command at his office is strong and big to manage 84 offices and more than 1700 staff members across the country.

Pokharel observes that the practice of chain of command is high in terms of RTI, not for providing information, but for concealing or delaying. It is a traditional practice that because the senior position holders order not to provide information; the flow of information suffers a bottleneck. Thapa says that with few exceptions, spokespersons and IOs flow information based on the 'chain of command.' Jha declares that bureaucrats raise the chain of command issue to avoid responsibility. 'It is the character of vertical hierarchy' he adds, suggesting an OnM survey. Span of control is another aspect of the characteristics of implementing agencies. Gurung says that civil service does not mean disobeying orders in the case of RTI policy implementation.

Pokharel opines that the 'span of control' is strong in security forces. But it is weak in civilian administration so there is weak RTI policy implementation. Thapa says, 'Since the information is given with the order from "above", it has a natural control over it. 'Because where we have been dominated by the "above" culture for a long time,' Thapa adds, 'Its effect is definitely on the government agencies.' Timalsena says that there are systematic errors in public bodies. He elaborates:

Systems are politically centralized. There is no democratic practice. Elections are shown outside, but there are no actual elections within the party system. The loyalist to the leader is always dominating others. Those who are engaged in politics, do not have to know, they just have to accept or worship.

Pathak says, 'A formal system of control does have a stake in a formal pattern of information dissemination and communication system.' 'The span of control is small,' Koirala says, giving detail of his office as follows:

The IRD and its functional offices are designed under a matrix model of organization. The organizational structure is designed based on functional classification and officer orientation. Functional departments and heads are responsible to control and command their subordinates. Group decisions are pervasive with some single-man decisions.

Baskota says that command control is unified. He elaborates that 'the secretary gives orders to the officer and also does the work. Although not visible from the outside, this aspect is strong in an organization. It is like in the security forces.'

Collectively, the size of public bodies and their competency level, horizontal and vertical communication, coordination formal and informal, collaboration, the chain of command, and span of control are included as the characteristics of implementing agencies. The total size of the Nepali civil service is below the required position. Public bodies are larger but do not operate efficiently. The RTI concept is not owned by public servants. The professional competency of public servants is weak. The flow of information is not considered their responsibility but only the responsibility of IOs and spokespersons. So, it is expected that comfortable 'size and competency' may gear up the implementation of RTI policy.

Likewise, there are weak vertical and horizontal communications for the free flow of information in Nepali public bodies due to behavioral complexities. Only vertical communication is in practice rather than engaging also in horizontal communication. Better communication explains a better environment for RTI policy implementation.

Coordination occurs in public bodies but not at the expected level. Specifically, the formal way of dealing does not seem efficient whereas informal coordination prevailed. The head of the organization is a key person to get the results by applying formal and informal coordination.

Collaboration takes place only under the mandatory provision in Nepali public bodies despite less prioritized areas in public bodies. Collaboration is found problematic due to the differences in wavelengths, interests, expected benefits, and costs associated with when it concerned with RTI policy implementation. Despite the strong chain of command in each public body, it fails to provide better results and performance of the RTI policy. Although the chain of command in public institutions prevails expectedly, the RTI policy implementation is not found effective. Likewise, the span of control has not produced a positive outcome of the RTI policy implementation.

## **6.5 Disposition of Implementer**

The variable as outlined by Van Meter and Van Horn (1975), is the disposition of implementers which affects policy implementation. As per their model, the disposition of implementers is influenced by other variables such as inter-organizational communication, resources, the social, economic, and political

condition of the country, and the characteristics of implementing agency. These four variables inculcate the disposition of the implementer. The dispositions or response of the implementers, in the words of Van Meter and Van Horn, consist of three components: "their cognition" (comprehension, understanding) of the policy, "the direction of their response" (acceptance, neutrality, or rejection), and "the strength of that response." This hypothesis is true in American and developed country contexts. The question of this study is whether this variable, as outlined by Van Meter and Van Horn applies in a developing country context, like Nepal or not.

For the policy implementation process, the cognition of the implementer is a key factor. Brynard (2010) says the understanding of the policy message is influenced by individual cognition, situated cognition, and the role of the implementing agents. Cognition also refers to the implementers' knowledge, beliefs, and attitude toward the situation. In what ways, do implementers understand their practice, potentially changing their beliefs and attitudes in the implementing process?

Without having a common understanding of the policy standards, the expected outcomes of any policy cannot be achieved. Policy standards are obligatory actions or rules planned to support and conform to a policy. A standard should make a policy more significant and operative. There should be more accepted specifications that could create uniformity at all levels.

Without strong acceptance, a policy cannot be implemented. Strong acceptance leads to effective implementation. The personal value system of an employee, extra organizational loyalties, and self-interest of an employee could constitute the disposition of the implementer.

In this study, the attempt is to test only the relationship between the disposition of implementers and RTI implementation in Nepal. For testing this hypothesis in the Nepali case, the cognition of implementers, their level of policy standards understanding and acceptance, the personal value system of employees, extra organizational loyalties, and sense of self-interest are taken as the sub-variable to define the disposition of implementers collectively. The following table 6.5 explains the relationship between the disposition of implementers and RTI policy implementation.

**Table 6.5***Disposition of Implementers*

	1	2	3	4	5	6	7
RTI implementation (1)	1						
Cognition of the implementer (2)	0.026	1					
Understanding the policy standards (3)	-0.022	.737**	1				
Strong acceptance of RTI Act (4)	.218**	.299**	.308**	1			
The personal value system of employee (5)	0.046	.448**	.532**	.327**	1		
Extra organizational loyalties (6)	0.02	.401**	.437**	.187**	.589**	1	
Sense of self-interest (7)	-0.066	.400**	.436**	.175**	.533**	.676**	1

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Source: Field Study 2020/21

The result of the field survey shows that the disposition of implementers has no relationship with RTI policy implementation, except for strong acceptance of RTIA. The cognition of the implementer, personal value system, and extra organizational loyalties are positively related but not at a significant level. On the contrary, policy standards understanding level of implementers and sense of self-interest are found negatively related. It means the RTIA implementation is negatively affected by the disposition of the implementer. This finding reveals that it does not match with the disposition of implementers as suggested by Van Meter and Van Horn developed in a country like the US. It also means that the disposition of implementers is entirely different from that of a developed country. This is an important issue when it concerns RTI policy implementation. The mentality which is not seen physically by service recipients/information seekers is also different from that of a developed country. This hypothesis, as illustrated by Van Meter and Van Horn, is not accepted in the Nepali context.

Pathak opines that 'there is less cognitive capacity and lack of learning and sharing culture among public bodies in the course of disposition.' Gurung says that there is a higher degree of reluctance about the RTIA among high-ranking officials who think it is not necessary. He further explains:

They are against the RTIA saying that it has embarrassed them. Whatever is achieved in the RTI sector, is due to the punishable provision. The Act has a provision for departmental action which can directly affect civil servants' promotion, grade upgrade, further appointment, etc. If an action is taken against a civil servant that will harm promotion prospects. I would not say that there should be a stronger punitive provision. Currently, the punitive provision is a push factor for law enforcement.

'Cognition of implementer could not come in the perspective of open governance' Dahal of the FF alleges that 'civil servants nurse the mentality of being ruler and the boss.' Gyawali defends the cognition of the implementer as follows:

The main objective of the RTI is not only the adoption of openness and transparency by the bureaucracy. The political machinery also needs to adopt it. This is a coordinated effort on both sides. Misuse of information should be



stopped. Those who don't disseminate information should be punished. Civil servants should follow the policy standards. Myths about RTI have to be broken. Information disseminators should be provided incentives, responsibilities, and resources.

Timalsena opines that persons who understand RTI are not appointed to public bodies. He claims that the NIC, a regulating body, does not function as an independent commission. Pokharel says 'even though there is cognition, there is no conscience.' Thapa observes that civil servants who have a different style of 'schooling', are not employed, especially for information flow. He suggests that the appointment process be made for a separate service for information flow. Aryal of FHI 360 says that 'implementers are aware of legal responsibilities and the rights prescribed by law.' But individuals themselves are not proactive, he adds. Koirala says:

The IRD staff shares information with the citizen as per demand with some exceptions. The tax laws have been debarred to provide tax-related data to other organizations and people. The tax-related information can be shared with the Auditor General, the Court, and the finance minister only.

Understanding RTI policy standards, is the sub-variable of disposition of the implementer, which plays a critical role in RTI implementation. Gurung observes that the understanding of policy standards is good for everyone in civil service. He says, 'RTI law for civil servants is good until they don't have to implement it. But when they are in a position to implement it, they are with a negative opinion.' Baskota explains:

There are three levels of civil servants: service group, professional group, and executive group. Currently, the service group is not aware of RTI. The professional group is in dilemma. Public Service Commission has included RTI in its curriculum for the officer and under-secretary level. These positions have to be provided with attitude training. The executive group knows the RTI very well. This group has not been performing in the favor of RTI knowingly. It should be trained in attitude and behavior. We must orient the service group like non-gazette officers (khardar, Subba) with RTI.

Pathak draws attention to the 'absence of common understanding, conceptualization, operationalization and measurement in RTI policy standards due to lack of capacity and culture.' Dahal of the FF opines that there is still a reluctance to implement RTI. There is no consideration and is not assumed public accountability over the basic principles of RTI: 'Ensuring open meeting, maximum disclosure, transparent, free and easy access, responding positively to complaints.' Dahal shared his experience while providing training, which reveals the understanding level of bureaucrats:

When we provide training, we call RTI maximum disclosure. But the secretaries say that giving information does not mean that everyone is open or naked. They say to be more open or transparent, does not mean to be naked. They present the same thing in negative thinking.

Pokharel observes 'Although there is good academic understanding over RTI, there is a tendency to cover up wrongdoing with ill intention.' Thapa says that as civil servants do not enter into service for information flow, they have less understanding of policy values. Jha observes that civil servants, after retirement, are showing a stronger understanding of RTI than when they hold a government position. He points out that there is a problem in practicing it. Aryal of FHI 360 explains the understanding as follows:

There is the perception that information would be misused. For example, citizen A takes information legally. But if A gives it to the media, then it is understood as abused. But the fact is that citizens got the information only by being eligible to make it public. That is not abuse. If a citizen gets information, 30 million Nepali citizens are eligible to get that information. Hence, understanding is weak among the bureaucrats.

In the case of strong acceptance of the policy, Pokharel states that 'although there is strong acceptance, there is not a strong confession.' There is no acceptance of policy from the conscience, he adds. Jha observes that civil servants have not accepted it from the heart. If they are information friendly, the law does not restrict it; unfriendly person shows excuses, he adds. Pathak says that 'acceptance of the policy is due to positional obligation instead of principled one, which has diluted the intensity of compliance in achieving the policy objectives of the RTI.' Aryal of FHI 360, observes as follows:

People in Public Bodies think of themselves as owners of information. What needs to be clarified here is for whom is the information. It had to be understood that it is the information of the citizen. But now, the understanding of officials of public bodies is like citizens are demanding their (officials') property.

Rest of the interviewee opine that although there is no strong acceptance of the policy, there is a strong acceptance of the law. Acceptance of policy is gradually growing, they add. Gyawali describes that the civil servants are not motivated and explains the issue as follows:

Civil servants do not work unless an incentive is given. S/he had to be warned about the consequences of not working. Civil servants work if there is a risk to their professional career growth. The incentive is also disincentive. Working ecology is not so good. Employees who do a good job should be encouraged. Competency is needed among civil servants. The capacity of the current employees has increased more than before. They are technology friendly. Now, there is a domination of the English language among civil servants. But there is a lack of morality and discipline. Ambitions of civil servants have now increased.

Civil servants are IOs by compulsion, says Thapa. They are merely carrying out the designation without enthusiasm, he adds. The personal value system of an employee, their loyalties, and interest explains the disposition of the implementer. Gurung says that personal loyalties have had a great impact. 'There is a strong culture of secrecy which has affected the personal beliefs of an employee,' he adds, 'the same value system has affected public institutions as well.' Thapa says that senior officials have influenced the system, and other employees could not go against them.

As spokespersons and IOs are government employees, they must obey the orders from their seniors. For performance appraisal, s/he must be loyal to the boss. Providing information against the will of the superior becomes a detriment to his/her career. For that, it is appropriate to hire outsiders and professional people.

Since information rights compliance is not regarded as the performance standards of the employees, Pathak says that there is a lack of integrity and loyalty to the personal value system of the employees. 'The loyalty and self-interest of employees can be enhanced and driven if associated with the indicator of employee development and positive reinforcement,' Pathak adds. Koirala says:

By and large, the personal value system of employees is to earn money, prestige, and power. Being in a cadre-based organization, most of the employees have extra loyalties to the IRD. It is very difficult to subordinate the self-interest of employees to the interest of the IRD and people in general due to different socio-political wrangling.

Aryal, a media academic, says that on the one hand, they are simply not aware of public expectations and, on the other, the general public, including the media, have the interest to watch them. 'The subsequent governments have been involved in evaluating the Commission, which has been a victim of ignorance over the years,' he adds. Baskota says that additional loyalties of employees have done a lot of work. He described the psychology of two types of employees as follows:

On the one hand, there is a typical obedient employee who is loyal to what the boss says. On the other hand, a person is virtuous in himself, and self-reliant. If the employee is on his own feet, he also obeys the law in a way and is honest and virtuous. If both of the above are good, then there are other ways to hide the fact that information is not given by using force. Unnecessary protection is given to abuse of power.

Dahal, of the FF, believes that public servants show more loyalty to the boss than to the organization. 'Loyalty to the workplace and the boss seems to have caused the problem and an employee could be selfish,' he adds. Dahal stresses the need for Whistle Blower (Suseli) Act which calls for protecting the informant. If you are an IO, you can give the information you have, even if you don't ask the boss to improve the existing situation when IOs are providing limited information only. Gyawali explains the psychology of civil servants:

There is a lot of loyalty toward the head of the organization. Things like visiting the hakim's (boss) house have become common. Personal beliefs may result in consequences. Not everyone wants to be like Rameshwor Khanal who left the job of finance secretary rather than surrender before the political leadership of his time. How many civil servants consider Khanal an idol?

Jha gives the instance of the mayor of Siddarthanagar Municipality, Dev Gyawali, who has done well comparatively. In his municipality, Information Technology Branch has been set up, which has helped those who come to seek information and has motivated people to ask for information. The individual interest of the IOs has also shrunk information dissemination. Providing information is an obligation, he adds.

The cognition of implementers seems very weak in Nepal. All interviewees are in unison that service holders' cognitive capacity is of doubtful level. Likewise, understanding RTI policy standards vary, based on individual performance. For example, a few public bodies disclose a dozen pages of information while others reveal only a few pages. Few have maintained periodic disclosure as they consider RTI policy as a tool for good governance. The interviewees explain that civil servants have strong knowledge of the RTI policy whereas their acceptance of it is found very low. Acceptance remains with cosmetic obligation instead of a principled one.

In Nepali public bodies, the personal value system of employees, extra organizational loyalties, and self-interest of employees are found to give unnecessary protection to the public employees, which increases corruption instead of RTI policy implementation. Many employees give priority to earning money, prestige, and power, which creates problems in the way of implementing RTI policy.

## **6.6 Summary**

The mechanism of RTI policy implementation refers to policy standards, availability of resources, inter-organizational communication and enforcement activities, characteristics of implementing agencies, and the disposition of implementers. A dynamic functionality of these elements of public institutions results in RTI policy implementation as by intended the RTIA, 2007. Going through a deep

understanding and testing of policy implementation as per Van Meter and Van Horn's hypothesis (1975) variable-wise, the result shows, in the above section of this chapter, that policy standard, availability of resources, inter-organizational communication and enforcement activities and characteristics of implementing agencies correlate with RTI policy implementation in Nepal except for the disposition of implementers. However, it is still unknown how much these variables, in other words, the mechanism of policy implementation set by GoN affect RTI policy implementation in Nepal. In this study, the hypothesis is that RTI policy implementation is equal to functions of policy standards, available resources, inter-organizational communication and enforcement activities, characteristics of implementing agencies, and the disposition of implementers. Symbolically, *RTI policy implementation = f (Policy standards, availability of resources, inter-organizational communication and enforcement activities, characteristics of implementing agencies, disposition of implementers)*

The result of the field survey data is presented in the following table 6.6.

**Table 6.6**  
*Mechanism of RTI Implementatio*

Variables	B	t	Sig
(Constant)	.762	.364	.716
Policy standards	.374	4.296	.000
Availability of resources	.106	1.970	.050
Inter-organizational communication and enforcement activities	.113	2.093	.038
Characteristics of implementing agencies	.111	1.055	.293
The disposition of implementors	-.126	-1.599	.112

F=19.867 & R Square=37.6%

Source: Field Study 2020/21

The model is statistically fit because the F value is 19.864 which is above the required value. The R square value which suggests the equation explaining RTI policy implementation is at 38 percent. This R square value lowers as the number of respondents increases. As per statistics causality from the regression model reveals that policy standards have significant causality with RTI policy implementation at less than 1 percent level of significance whereas the availability of resources and inter-organizational communication and enforcement activities are at below 5 percent level of significance. However, the characteristics of implementing agencies are positive even if not at the desired level of significance. Despite these positive indications of RTI policy implementation, the disposition of policy implementers is inversely related to the RTI policy implementation. It means that the show-case of RTI policy implementation in Nepal is found rather the soft part which is the implementers' mentality, cognition, dedication, and commitment to implement RTIA, 2007 is lacking. Thus, despite the infrastructure of RTI policy implementation being on the right track, the disposition of implementers hurdles RTI policy implementation in Nepal.

Qualitatively, the policy standardization process is going on in the form of SoP, strategic plan, and other related tools but is not found in all public bodies. Available resources – human and non-human resources – are not available at the expected level. Availability of resources differs from public bodies-wise. Inter-organizational communication happens only in the case of an obligatory situation. Otherwise, public bodies are not bothered communicating with each other. The characteristics of implementing agencies and the disposition of implementers are found problematic in the case of RTI policy implementation. These factors affect other variables as they interact with each other. The result of these variables is an ineffective RTI policy implementation despite some positive points.

## CHAPTER 7

### INSTITUTIONAL TRUST AND RTI IMPLEMENTATION

Institutional trust, which predicts the trustworthiness of a public institution, implies RTI implementation. Without citizens' trust in the public institution, the citizen might be reluctant to seek public information. Without seeking public information, RTI policy implementation is not actively effective. Thus, an important point of institutional trust is to focus on the behavior and mechanism of public institutions. In this chapter, the relationship between institutional trust and RTI policy implementation is examined and discussed to draw inferences regarding a country like Nepal. More categorically, public institutions in general and more specifically public media institutions' trust in RTI policy implementation are discussed and this is followed by their professionalism. Likewise, the behavioral pattern of civil servants, which contributes to the implementation of RTI policy, is also the focus of this chapter. In the final section of the chapter, the causality of the variables of institutional trust is examined to predict the RTI policy implementation in Nepal.

#### 7.1 Confidence in Public Institutions

Confidence in public institutions refers to citizens' positive expectations to obtain public information when the citizens follow due procedures that produce benefits for themselves and society at large. When people are confident with a public institution, they may trust it normatively. Confidence in public institutions means that citizens have confidence in the mechanism established to sanction the behavior of officeholders to promote RTI policy implementation.

In this section of the chapter, confidence in a public institution is categorized into political institutions such as the central government, political parties, the provincial government, and local government. Jamil et al. (2013) identified that 'there is an extensive loss of faith in public institutions in Nepal even after representative democracy. Greater public trust could improve compliance in regulations and policy implementation.'



Likewise, the second category of public institutions, run by public bureaucrats includes Army, Police, Civil Service, District Administration Office (DAO), schools/colleges/universities, and hospitals. Similarly, the judiciary, which looks into the cases of RTI policy implementation, is also in the category of confidence of public institution analysis. The institutions which raise the voices of the citizens from the streets are the NGOs and the media. The final category of the public institution is the Commission for Investigation of Abuse of Authority (CIAA), a specialized agency with the responsibility to find out the abuse of authority by those in public institutions in Nepal. Collectively, the confidence in these 17 types of public institutions matters for RTI policy implementation when they are concerned with the policy decisions, translating these commitments into realities, and their discrepancies between policy prescription and implementation. Similarly, raising the voices from the street and investigating the abuse of authority by civil servants are equally noteworthy for the sake of RTI policy implementation. Table 7.1 shows the relationship between confidence in a public institution and RTI policy implementation.

The first category of public institutions, viz. the central government and provincial government, has a significant relationship with the RTI policy implementation at 5 percent and one percent level whereas political parties and local government do not. The second category of public institutions which include civil service, universities, and the army also has a significant relationship with RTI policy implementation whereas police, schools/colleges, hospitals, and DAO do not. The judiciary/courts are also found to have a significant relationship with RTI policy implementation. In the case of civil society organizations such as NGOs and media, NGOs have a significant relationship with RTI policy implementation whereas media do not. The media houses have little public trust. The CIAA, which acts as a watchdog for abuse of authority, has a significant relationship with RTI policy implementation. Quantitatively, it infers that those institutions such as political parties, local bodies, police, media, schools/colleges, and hospitals, in proximity to the citizens don't bear little public confidence when it concerns the RTI policy implementation. However, the public institutions, which have a relatively indirect role to implement RTI policy, have a significant relationship with each other.

**Table 7.1**

*Confidence in Public Institutions*

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
RTI implementation (1)	1																	
Parliament (2)	.148*	1																
Central government (3)	.177**	.514**	1															
Judiciary/ Courts (4)	.160**	.277**	.398**	1														
Political Parties (5)	0.076	.523**	.476**	.270**	1													
Civil Service (6)	.189**	.261**	.436**	.321**	.229**	1												
Army (7)	.130*	.135*	.119*	.233**	.118*	.232**	1											
The provincial govt. (8)	.175**	.369**	.484**	.337**	.367**	.423**	0.092	1										
Police (9)	0.053	.280**	.346**	.338**	.189**	.389**	.383**	.341**	1									
Universities (10)	.153**	.223**	.196**	.325**	.162**	.245**	.219**	.247**	.294**	1								
Media (11)	0.045	.151**	-0.01	.122*	0.094	.159**	.220**	.154**	.200**	.330**	1							
Trade unions (12)	.207**	.274**	.304**	.250**	.402**	.194**	0.097	.351**	.146*	.346**	.290**	1						
DAOs (13)	0.051	.234**	.256**	.198**	.143*	.420**	.248**	.296**	.437**	.436**	.216**	.238**	1					
Local bodies (14)	0.107	.373**	.406**	.275**	.273**	.410**	.219**	.428**	.345**	.290**	.174**	.214**	.551**	1				
NGOs (15)	.121*	.153**	.208**	.275**	0.108	.239**	0.07	.295**	.166**	.202**	.269**	.408**	.336**	.251**	1			
School/ colleges (16)	0.089	.239**	.171**	.321**	.188**	.186**	.309**	.155**	.266**	.452**	.330**	.331**	.390**	.396**	.315**	1		
Hospital (17)	0.082	.257**	.218**	.260**	.139*	.291**	.340**	.213**	.315**	.256**	.276**	.166**	.337**	.452**	.169**	.549**	1	
CIAA (18)	.136*	.233**	.448**	.422**	.200**	.421**	.155**	.428**	.397**	.338**	.211**	.352**	.382**	.383**	.417**	.316**	.267**	1

\*. Correlation is significant at the 0.05 level (2-tailed).

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Source: Field Study, 2020/21

The field study reveals interesting points that the majority of institutions are also correlated with each other. It shows that the confidence level of each institution carried the probability to implement their respective policy. In the following sections, the effectiveness of RTI policy implementation was explored due to the confidence of the public institution as a follow-up of its quantitative result.

Pathak says, 'Public institutions are becoming a low performer.' He explains it as follows:

Most of the public institutions of governance, from the federal level to the local level, from legislative to the executive and judiciary, from the constitutional bodies to the bureaucracy, are not been positioned with the features and capabilities of a "high-performing institution" by transformative leadership, strategic focus, performance management system, accountability towards results, innovation for change, change management capacity and meaningful collaboration. This situation resulted in 'be as a person with a low level of confidence' in public institutions.

In the opinion of Pathak, the low performance of public institutions results in low confidence. The subject matter of public institutions differs institution. For example, the functions of parliament are to make policy decisions, justice for the judiciary, policy execution for the central government, and the like. Low confidence in public institutions causes a low level of RTI policy implementation. Similarly, administrative expert Dahal opines that public bodies have considerable political influence. The state system is still in transition.

No other reform can take place unless politics is reformed. Public bodies (including security, the education sector, and the judiciary) have a lot of political influence in their operations, such as the appointment of chief, promotion, transfer, and others. They must be free from partisanship and politicization. The state bodies are polluted. Nepal is still in a state of transition and she is struggling for stability.

Dahal argues that reforms of public institutions cannot happen due to political intervention and influence. RTI policy implementation is affected due to ad hoc institutions without attempting administrative reform in practice, though many reports are produced for administrative reform in Nepal. Similarly, Timalsena says that all bodies have been politicized and the credibility of public institutions, is declining.

Baskota believes that public institutions are improving gradually, though there is no transformation in the hierarchy of society. He appreciates the doings of security forces in maintaining the chain of command and disseminating process information. But other public bodies are not so organized, he adds. Koirala opines that public sector organizations are unable to deliver services as a gamer their legal mandate. He says:

I am not able to convince myself that the public sector organization has been able to perform its constitutional and legal mandates. The judiciary, constitutional bodies, security agencies, educational institutions, and medical institutions are highly politicized, non-functional, and exploitative. These organizations are supposed to be professional and ethical in their performance, but the office-bearers have not been able to deliver services in line with their legal mandates.

Koirala argues that public institutions do not deliver public services due to a lack of capacity. The deficiency of public service delivery in public institutions caused a low level of institutional confidence. A low level of institutional confidence causes a low level of RTI policy implementation, though many mechanisms of public service delivery are installed, and employees are trained and oriented with the objective of effective service delivery in Nepal.

Gurung mentions that despite a few hurdles, parliamentary exercises are good enough. He is optimistic for better results through the federal structure of which the constitution has explained the jurisdiction of three tiers of government.

'Parliament, courts and constitutional bodies have performed well from time to time,' Gyawali opines, adding that there is no space for satisfaction with their current performance. He stresses the structural change in public institutions which are

smearred by political interest and interference. He gives an example of the judiciary: 'The constitutional and legal provisions for the appointment of judges in the courts need to be refined so that good people would be appointed.'

Thapa says that there is no room for good expectations from any public institution whose performance has deteriorated due to excessive political interference. According to him, the Nepal Army is the single institution that escaped 'politicization'. He suggests that good, capable, qualified people should be given a place based on competition in such institutions. Thapa gives a few instances of over-politicization:

People who were on the Central Committee of political parties, the MPs, or those who contested the elections are appointed as judges in the courts.

Moreover, after the appointment as a judge, the scene of reaching the party office and queuing for 'blessings' are already exposed. Therefore, other than the Nepal Army, public bodies are being tarnished due to politicization.

Jha thinks that public institutions have not been able to work due to external political pressure rather than the institutional structure. He observes that public institutions are jaundiced, and influenced as they are by family background, ideology (political beliefs), and personal relationships. Aryal of the FHI 360 opines that the trust level of security agencies has increased (esp. at the current hour of corona crisis) while a majority of public organizations are not performing well at this time of crisis. He adds that the role of the judiciary in protecting human rights does not seem to be very proactive.

All interviewees echo mixed opinions on the public institutions of Nepal. Many people have both positive and negative opinions of public institutions. The professional image of the public servants is not so clean, though it enjoys full independence. People interviewed for this study are of the view that public institutions are synonymous with delays in service delivery, a prime center of corruption, political influence on executive appointment, and dubious promotion. Such a situation has resulted in a low level of confidence. The low level of confidence

caused the low level of the RTI policy implementation. The functions of RTI policy emerge after the performance of the respective public institutions based on their jurisdiction.

In a few cases, the judiciary has given exemplary performance, such as when interpreting the constitution and other rights-based issues. People have confidence in security agencies and educational and medical institutions. The confidence level of parliament is declining as it functions under the shadow of the leaders of political parties. There is no faith in provincial governments. The respondents, however, expressed that they have confidence in local governments.

The thematic interview, reveals that political interference and intervention, failure in administrative efforts, and lack of institutional capacity cause a low level of performance in a public institution. When there is a low level of performance from public institutions, it creates a low confidence level as a consequence. Likewise, there is also a low level of informational output produced by a public institution. As a result, people would not get public information. Thus, the confidence level in the public institution impacts RTI policy implementation.

Based on both quantitative and qualitative information, the confidence level of public institutions has a significant confidence correlation with the RTI policy implementation due to unavoidable services that should be received by the public at any cost. Although administration reform attempts are made to uplift the institutional capacity and improve the service delivery mechanism, the improved performance level of a public institution is hardly significant for the public to realize.

## **7.2 Confidence in Public Institutions Working on RTI**

Specific public institutions play vital roles as promoters, facilitators, regulators, deciders, and supervisors of the media and related matters. The media itself as the fourth estate of the state is to disseminate correct public information to make the government socially accountable. In this case, confidence in such an organization is crucial whether people rely on it or not when it concerns RTI policy

implementation. Because of their working nature, public institutions like the NIC and the NHRC are regulators of information and human rights. The Department of Information and Broadcasting and the Press Council Nepal (PCN) as facilitators are a wing of government looking after media-related issues and facilitating media persons and media houses that disseminate accurate information to the public. Eventually, it suggests that the government should revise the media-related policy and make attempts at its reforms. Institutions like FF/RTI National Networks, FNJ, Nepal Press Union, Press Sangathan Nepal, Krantikari Patrakar Sang, Rashtriya Patrakar Mahasang, Press Manch, Working Women Journalists, Journalist's Group of Ethnic Identity and news beat-based Journalists' Group are taken for this study to measure confidence. The basic aim of such organizations related to the media is to promote the values of society, disseminate reliable information, regulate the behavior of their members, and facilitate the public as a whole.

In this purview, public confidence in these organizations matters a lot for RTI policy implementation. These organizations can serve as enablers to institutionalize media houses, processors to filter the values of society, and output/consequences evaluators after the implementation of RTI policy. If losing the confidence of the public in these institutions, there is a chain break in the RTI policy implementation. Due to such a crucial reason, an attempt is made to find out the confidence level of these public institutions when they are implementing RTI policy in Nepal.

**Table 7.2***Confidence in Public Organizations Working on RTI*

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
RTI implementation (1)	1														
NIC (2)	0.089	1													
Press Council Nepal (3)	0.071	.542**	1												
NHRC (4)	0.112***	.540**	.500**	1											
DoI and Broadcasting (5)	0.108***	.536**	.671**	.529**	1										
FF/ RTI National Network (6)	-0.042	.485**	.456**	.505**	.463**	1									
FNJ (7)	.129*	.450**	.518**	.515**	.453**	.548**	1								
Nepal Press Union (8)	.158**	.329**	.433**	.331**	.401**	.401**	.601**	1							
Press Sangathan Nepal (9)	.128*	.285**	.423**	.314**	.440**	.315**	.546**	.792**	1						
Krantikari Patrakar Sang (10)	.131*	.332**	.447**	.357**	.450**	.318**	.561**	.741**	.843**	1					
Rastriya Patrakar Mahasang (11)	.171**	.275**	.495**	.353**	.455**	.379**	.568**	.701**	.790**	.860**	1				
Press Manch Nepal (12)	.186**	.330**	.502**	.403**	.449**	.395**	.569**	.767**	.763**	.885**	.891**	1			
Organizations of Women journalists (13)	.150*	.289**	.491**	.400**	.440**	.361**	.580**	.708**	.664**	.744**	.737**	.763**	1		
Journalist's group of ethnic identity (14)	.177**	.290**	.483**	.380**	.447**	.407**	.535**	.642**	.667**	.731**	.715**	.757**	.794**	1	
Beat-based journalist's groups (15)	.160**	.284**	.422**	.366**	.430**	.371**	.403**	.432**	.448**	.484**	.512**	.531**	.611**	.580**	1

\*. Correlation is significant at the 0.05 level (2-tailed).

\*\*. Correlation is significant at the 0.01 level (2-tailed).

\*\*\* Correlation is significant at the 0.1 level(2-tailed)

Source: Field Study, 2020/21



Table 7.2 shows that the public does not have confidence in the NIC when it concerns RTI policy implementation whereas the NHRC has a 10 percent level of significance. The NHRC is constitutionally designed to work independently. While the NIC is designed under RTIA with greater autonomy. These public institutions can play vital roles to promote the value of information for social accountability through RTI policy implementation.

People have confidence in the Department of Information and Broadcasting at a 10 percent level of significance when it is related to RTI policy implementation. Except for Press Council Nepal and FF/RTI National Network, the rest of the civil society organizations related to the media have a significant relationship at the range of 1 to 5 percent level with RTI policy implementation.

The above quantitative data show that three institutions, which are very effective in handling information, do not correlate with RTI policy implementation. Thus people raise serious questions about the confidence level of NIC, PCN, and FF/RTI National Networks.

In the follow-up explanation, based on qualitative data, more explanation is carried out for a deeper understanding of their relationship with the RTI policy implementation. The above-mentioned organizations have quasi-judicial rights in their respective field. The NIC may direct to all public bodies including Prime Minister's Office, and the PCN does the same to the media sector. Likewise, NHRC, a constitutional body, is there for monitoring the human rights sector. It may offer suggestions to the government and issue public statements on various cases, which can influence or put pressure on the government.

Administrative expert Dahal opines that the PC has survived despite its weak role, limited human resource, and inadequate monitoring system. 'It has not been able to work for healthy journalism and has not been able to monitor and supervise properly the media sector,' he adds.

Dahal is not happy with the role played by the NIC, a powerful commission that can issue directives to the government. He adds that 'the recent appointments at the commission show that autonomy and independence have been tarnished and

vanished.' Commenting on the NHRC, he says, 'It had frequently written in its annual reports that the government had ignored its recommendations. Then what do you expect in such a condition?'

Dahal regrets unhealthy practices in the news media and the misuse of power in the appointment of commissioners to constitutional bodies which deteriorated public confidence in them. As a result, RTI policy implementation gets impacted. Thapa expresses dissatisfaction with the NIC's performance. Although the NIC is formed to make the governing circle transparent in society, he says, 'With the appointment of party cadres who do not understand the values, norms, and ideals of RTI, the presence of that organization is becoming zero.' Thapa seems more critical of the role of PCN:

People who do not know the general meaning of journalism, do not practice journalism and even if they do, violate the Code of Conduct the most, are appointed to the PCN. In the past, retired judges were appointed the head of the PCN and members had long work experience. In recent years, those who received a press pass from the Department of Information in various ways and are involved in blackmailing through journalism have been gaining ground in the PCN. Until qualified persons, who have lived for the values and recognition of journalism, are appointed, the organization remains only to abuse taxpayers' money. Therefore, there is no point in having or not having that institution. It has not played any role in professional journalism.

There is no more hope for the performance of the NHRC, as the latest appointments are made with controversial ordinances (During the period of KP Oli government), Thapa says, adding, 'The image of the institution has also been tarnished as the appointments are made with the controversial ordinance, without parliamentary hearings for those seconders of the ruling party.' Similarly, Pathak is yet to see professionally satisfactory performance from the 'rights organizations:

The 'rights organizations', assessed based on indicators like legitimacy, level of independence, performance culture, and institutionalization, have not gained the height of confidence because of the lack of maturity in the democratic system of polity.

Pathak opines that the maturity of a democratic system is responsible for RTI policy implementation. In its absence, there would be a low degree of RTI policy implementation. Baskota defends that obviously, the government makes appointments, but the appointees do not follow instructions of the government. He suggests the following:

As the country has moved to a federal structure, this unitary RTIA should be amended accordingly. It is necessary to have a state-level information commission. It is also necessary to have RTI Ombudsman in the 753 local bodies. While considering the role of other agencies (FNJ, PCN, NHRC), we don't believe in group dimensions and we lack coordination and cooperation. They can assist in protecting and promoting RTI as a pro-public agenda.

Baskota argues that abiding by rules in these organizations is crucial for the sake of the RTI policy implementation. When rules/codes of conduct are not duly followed, it results in a low degree of RTI policy implementation. Dahal of the FF, says that although the NIC's duty is for the protection, promotion, and exercise of RTI, it is engaged only in promotional work.

Although PCN is for establishing ethical journalism, Dahal alleges that it has served as a tool for the government. The press could be critical of the government, but the PCN, by abusing power has blinded and defended the government. Regarding the performance of the NHRC, he says as follows:

The NHRC is not only responsible for human rights but also for the FOE and RTI. But it has not worked well. Whether it is a violation of FOE or human rights, it should respond quickly and work to end impunity. But the NHRC does not seem functional. In terms of RTI, the NHRC itself has not made a proactive disclosure.

As far as the media sector is concerned, since investigative journalism is not institutionalized, Dahal opines that the media has not been able to use RTI as an information tool. Timalsona says 'As merit system is ignored, these organizations have not gained much credibility.' Commenting to the NIC, he says that it is effective

at the central level, but not at the local level. He opines that the RTI policy implementation is not reliable and credible in the absence of a merit system of the public bodies focus on the RTI policy.

Gyawali is not convinced with these institutions' performance and role because of the lack of qualified people as members. The NIC is headed by a former administrator, Gyawali observes, 'There is no environment that employees can work fearlessly; employees are more loyal to appointment provider.' Gyawali points out that the NHRC and other constitutional bodies have failed to establish transparency and integrity. It is not only the fault of these institutions but also the legislative, executive, and judiciary of the state for not making a good appointment and evaluating performance, Gyawali adds.

Gyawali argues that the principle of the right man in the right place is not applied to these public bodies. Their internal performances are impacted due to the wrong man in the right place which resulted in low confidence levels as the by-products of these public bodies. As a result, there is less degree of RTI policy implementation.

Aryal of FHI 360 says these organizations are regulator and facilitator bodies. Their roles are defined by the constitution and the law itself. He opines that the NIC should work on the overall guiding policy, on developing the system, and on enhancing compliance, but it is working like an activist organization. He adds:

The commissioners are visiting with huge resource expenses to the local units to promote the RTI practice. Such minor activities can be carried out by the local NGOs themselves. To promote the RTI, the commissioners are visiting different places spending more than two-lakhs rupees for the work which could be done in twenty thousand by local agencies. The commissioners are wasting time only.

From the thematic interview, it is shown that these regulating agencies are unable to maintain transparency and integrity. Public confidence in these

organizations is on a 'moderate' scale. These quasi-judicial organizations are somehow paralyzed by the appointment of inefficient people who are sympathizers of political parties that played a role in their appointments. Frequent violators of the code of ethics are appointed at PCN. Retired officials of bureaucracy and judicial system, without having shown distinct performance, are appointed to the NIC and the NHRC. Such people are more loyal to the appointment provider than being on performing for the dignity of the organization. They are just wasting the time and money of the organization; they are appointed to. Unhealthy practices in journalism, unprofessional persons appointed by the government, immature democracy, wrong man in the right places, non-compliance of rules and regulations, and the like phenomenon of the public bodies conveyed low public confidence in the public bodies entrusted with the task of undertaking RTI policy.

### **7.3 Professional Trust in RTI Implementation**

Professional trust is based on the image of the respective profession. It determines the attitude, aptitude, and behavioral response of a particular profession when it implies RTI policy implementation. For the study purpose, the number of professions related to policymakers, policy implementers, knowledge producers and researchers, and public service providers is included. Judges have a significant relationship with RTI policy implantation at a 5 percent level of significance. Central politicians as the policymakers have a significant relationship at the 5 percent level whereas local politicians do not. As policy implementers, local employees and civil servants have a significant relationship with RTI policy implementation. However, military personnel, police personnel, doctors, and health nurses do not have a relationship with RTI policy implementation. A large section of the policy implementers not having direct concern with RTI means there is a crucial need for ensuring social accountability at the societal level. The professionals involved in knowledge institutions, such as university professors, school teachers, and students have no significant relationship with RTI policy implementation. Private sector functionaries, journalists, and lawyers, except NGO functionaries, do not have a significant relationship with RTI policy implementation. The quantitative data related

to professional trust in Nepal is very weak and does not have any significant relationship with RTI policy implementation. Thus, it infers that the professional, Nepali professionals are not very serious about RTI policy implementation.

**Judge:** A judge plays an important role to keep order and to punish wrongdoers in society. A judge is to be independent, fair, and unbiased and to follow the laws of the country. The primary duty and responsibility of a judge are to hear allegations of the prosecuting and defending parties and to provide justice independently and impartially.

From the thematic interview, it is displayed that the professional image of judges has declined in Nepal. Dahal, an administrative expert, says, 'Professional image of judges has declined. There is no uniformity in the courts even if someone is good personally.' Pathak says that judges are politicized rather than professionalized. Koirala opines that most judges are incompetent, non-professional, and corrupt. Few judges are professional and honest. Aryal, a media academic, observes that judges are 'unpredictable.' Timalsena, a former registrar of the SC, says, 'Professional image has declined because judges take bribes.'

From the thematic interview, judges are termed 'corrupt', 'politicized', 'not professional', 'justice delayed', and 'incompetent.' If there is more trust in judges and the judicial system, the rule of law prevails in the country, but the current situation is on the verge of confidence and doubt.

**Table 7.3**

*Professional Trust in RTI Implementation*

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
RTI implementation (1)	1																
Justices (Judges) (2)	.129*	1															
Central Politicians (3)	.132*	.457**	1														
Local Politicians (4)	0.031	.364**	.683**	1													
Local employees (5)	.140*	.358**	.553**	.700**	1												
Military Personnel (6)	-0.003	.400**	.193**	.329**	.330**	1											
Police Personnel (7)	0.04	.384**	.312**	.370**	.422**	.633**	1										
Doctors (8)	0.004	.262**	.182**	.292**	.288**	.486**	.463**	1									
Nurses (9)	0.002	.141*	0.028	.205**	.235**	.463**	.376**	.768**	1								
Civil servants (10)	0.109***	.383**	.364**	.371**	.479**	.398**	.477**	.417**	.327**	1							
University professor (11)	-0.009	.379**	.179**	.217**	.327**	.443**	.404**	.476**	.451**	.518**	1						
School teachers (12)	-0.022	.332**	.161**	.224**	.342**	.410**	.458**	.524**	.485**	.493**	.814**	1					
Students (13)	0.016	.219**	.172**	.263**	.289**	.209**	.318**	.396**	.359**	.459**	.533**	.570**	1				
NGOs functionaries (14)	.125*	.296**	.312**	.324**	.333**	.164**	.293**	.187**	0.103	.414**	.258**	.270**	.387**	1			
Private sector functionaries (15)	0.041	.217**	.151**	.207**	.255**	.258**	.204**	.356**	.395**	.312**	.465**	.433**	.316**	.456**	1		
Journalists (16)	0.059	.338**	.212**	.278**	.282**	.330**	.437**	.421**	.313**	.410**	.427**	.411**	.424**	.411**	.393**	1	
Lawyers (17)	0.051	.436**	.352**	.337**	.392**	.234**	.357**	.317**	.243**	.472**	.391**	.371**	.405**	.507**	.396**	.616**	1

\*. Correlation is significant at the 0.05 level (2-tailed).  
 \*\*. Correlation is significant at the 0.01 level (2-tailed).  
 \*\*\* Correlation is significant at the 0.1 level(2-tailed)

Source: Field Study, 2020/21

**Politician:** A politician is a person active in party politics which is governed by an ideology or an issue. The politician also holds or seeks an elected seat in government, and proposes, supports, and creates laws that govern the land and, by extension, its people. Most people defined a politician as corrupt in Nepal.

Dahal, an administrative expert, states that criminalization is taking place in politics. He says there has been an erosion in the morality of the politician. Pathak points out that politicians have 'no vision and entrepreneurial capacity.' Pathak adds that there is no transformative leadership. Koirala states that politicians are mostly corrupt, unaccountable, and criminal in their behavior. 'Few politicians are principle-based and non-corrupt but have not got public authority,' he adds, 'They are non-corrupt because of their bad luck.' Aryal who also served as press advisor to Prime Minister KP Oli dismisses politicians as 'corrupted'. Gurung opines that political leaders are the main cause of political instability in the country. Timalsena says that politicians are incompetent because of a lack of financial and educational strength. Pokharel opines that it is frustrating to state that there is not much public trust in politicians. Jha alleges that the politicians made politics a profession and a source of earning money. Thapa, an author of the book 'anatomy of corruption', states that honest politicians are unable to do politics due to the expensive political atmosphere. He says:

As politics is becoming more expensive, there is a lack of institutional politics. Because political leaders and cadres who are corrupted, crooks, intermediaries, and brokers can get power. As a result, their actions have become controversial.

From the thematic interview, the majority of politicians are bad, corrupt, and come from criminal backgrounds. They are unaccounted for by public responsibility. Some of the interviewees opine that politicians are inferior due to a lack of financial strength and academic strength. Politicians are losing credibility and politics is becoming a profession for becoming corrupt. If politicians are honest, the course of the nation would be on a better course.



**Teachers:** English author, Bertrand Russel has glorified the role of a teacher in an essay titled 'The functions of a teacher', describing them as 'the guardian of civilization'. But unfortunately, the teachers have no authority to decide what shall be taught or what the methods of instruction are to be. In Russell's point of view, teachers are not performing their duty, rather they are puppets in the hands of the government as well as their employers.

There is a mixed opinion from the interviewees over the image of teachers. Few interviewees appreciated the professional image of teachers in Nepal. They worry about the performance of government-owned educational institutions. There used to be a lot of respect for teachers. It is no longer so it has now decreased. Public school teachers are politically divided. While private school teachers seem more result oriented.

Dahal, an administrative expert, opines that teachers are not honest and the image of the public sector's teachers is not good due to their political activism and other unwanted activities like hiring pseudo teachers. Dahal adds:

Without testing their qualifications, teachers have been made permanent based only on their protest campaigns and strikes. Promotions are carried out in the same way. But those who are appointed through due completion are better. Those who run on government expenditures are not good while the private sector has produced good results.

Pathak declares that teachers are politically affiliated and professionally not competent, and lacking in dedication to the profession of teaching. Koirala says that teachers are 'highly politicized and non-professional.' Aryal, a media academic says that the performance of teachers is 'satisfactory'. Baskota appreciates that a 'teacher's professional image is above normal.' But he observes that community schools are dominated by politics. Dahal, an RTI advocator, says, 'Due to lack of devotion to the profession, the public in trust and image of teachers is weak. However, they belong to the class that society believes in.' Thapa says, 'Teachers are not able to become professionals as most of them are obsessed with politics.'

From the thematic interview, it is indicated that teachers at government schools are generally motivated politically and have political ambitions which result in unintended consequences. Despite limited resources, teachers of private and community schools are gradually improving their quality of performance. But there is a lot of space for uplifting quality education as a whole.

For enhancing the reputation of the teaching field, there should be no politicization. Politics should be banned at educational institutions.

**Medical Personnel:** All interviewees opine that medical professionals have a good reputation. They receive remarkable appreciation from the respondents. The Covid-19 period generates profuse appreciation.

Dahal, an administrative expert, opines that the Medical Council, a regulatory agency for the medical sector, is becoming distorted. 'It is heard that the members of the council are paying for the position,' he said, adding that without sufficient infrastructure, medical colleges are permitted to run. Dahal says:

The medical field is converted to trade instead of a professional service sector. Fake doctors, expensive fees, and student enrollment on basis of donations are some of the unwanted activities of the medical sector. Furthermore, leaving meritocracy and adopting inclusion in the medical field has resulted in a negative impact.

Thapa opines the medical sector is being commercialized chaotically as investors in the sector tend to make high profits quickly.

Pathak says that medical professionals are 'mostly profit-centered, self-centric, socially ill-secure, suffering from underutilization of professional knowledge and skills, less exposure to modern medical technologies.' Koirala observes that medical personnel are professional but corrupt. Most medical personnel are profit seekers and least service providers, he adds. Aryal, a media academic, observes that medical personnel are 'good comparatively'. Baskota praises the medical personnel's image. He says that their image is in a higher category and their service is also good. Jha says that those who work in private establishments are overly engaged in earning money.

Although medical professionals have a good reputation when compared with other service sector, the treatment at a private institution is so expensive that common citizens are not able to afford it. There have been immoral practices to obtain a license for private hospitals which are converted into commercial institutions rather than service providers.

A good reputation earned by the medical personnel is due to the humanitarian service provided by them during the corona crisis period. Wide criticism has been generated by the expensive treatment cost in private institutions. To preserve trustworthiness and control the immoral practices within hospitals, regulating agencies of the government should be more vigilant.

**Public Servants:** A public servant is a person employed in the public sector by a government department or agency. Public servants work for the government or public sector undertakings. Public servant professions include all types of jobs that keep the government operating such as accounting, finance, information technology, and logistics management. In Nepal, a public servant is a person who works for any organization that is operated with government funding.

Interviewees express that public servants are corrupt and the bureaucracy is politicized. Although there is no direct corruption, the 'exchange of favor' is high. The overall performance level is declining. 'Without extra money', citizens are not getting service.

Dahal who worked for policy formulation and monitoring of the administration sector of Nepal opines that public servants are not able to enhance their professional image and there has been an erosion of professionalism in the bureaucracy. 'On the positive side, public servants with educational qualifications and knowledge of technology have entered the service,' Dahal continues, 'But allowing organizations to partisanship has eroded the neutrality of the bureaucracy of public administration.'

Due to a lack of ethical practices, the professional image could not increase, Dahal points out that the system could not punish the recalcitrant and could not encourage efficiency and honesty. Pathak portrays the characteristics of civil servants as follows:

Qualified but with general education and underutilized, domination of non-professionals, occupationally dissatisfied, politically highly partisan and party affiliated, lack of public service motivation, rent-seeking and lip-servicing tendencies, the question of legitimacy because of unfair relationships with the common people and the political groups, no performance culture but lured to the exercise of public authority.

Koirala comments that civil servants are 'corrupt, politicized, non-functional, and unaccountable.' Baskota is of the view that the *Rana* and *Panchayat* system's mentality has not yet changed in its civil servants. Gurung, also a former secretary of GoN, opines that civil servants do not work well, are corrupt, and perform very slowly. 'Their professional image is not good because of some bad people,' he adds. Dahal of the FF criticizes the bureaucracy that there no trust people towards public servants who have numerous problems as follows:

Public servants have not rendered service as servants. The general public understanding of public servants is that they are the rulers and they are there to torture rather than to serve people. People do not believe that public servants are honest and provide good governance. It is a very common understanding that they take bribes. There is no strong understanding that they are public servants and members of the permanent government, i.e., the bureaucracy. Their image has been ruined.

Timalseña says that due to unionism, they became helpless. Civil servants' prestige and morale are declining. He suggests scrapping the union of the civil servants to address partisan politics. He adds that there is a decline in the qualification system.

Gyawali, former secretary of GoN, says that public servants are not assertive themselves and they work only for the political leadership's directives. Indicating this huge interest in extra expensive facilities by civil servants, Gyawali says, 'You may have bought a car after working for 30 years. Corruption is needed for this.' He adds that corruption is still prevailing in the form of an 'exchange of favor'. 'Citizens need service of civil servants from birth to pyre,' Thapa opines, 'Since the bureaucracy is involved in everything from politicization to bribery, there is little room for citizens to get services without paying extra fees.'

From the thematic interview, it is indicated that public servants are not working efficiently. The general perception is that they are corrupt and they do not work on time. 'Exchange of favor' is high although they don't take a bribe.

The positive side of public servants is that they generally enter the service on a merit basis. They are qualified but underutilized. As service providers, they muse about the 'culture of secrecy', and 'lip-service tendencies' and they lack public service motivation; there is a domination of non-professionals and politically affiliated personnel. More competent public servants can impart service delivery more efficient.

**Security Personnel:** Security personnel is recruited for ensuring the protection of national security and to maintain peace and order in the country. Nepal Army, Armed Police Force (APF), Nepal Police, and National Investigation Department (NID) are there for national security.

The security sector is also influenced by political interference. The police force is more influenced whereas Nepal Army seems more professional than other forces. Kashiraj Dahal observes that there is a lot of politics in the police forces (Nepal Police, APF, and NID), whereas Nepal Army could be distracted by the contract works of the development sector. Dahal observes that senior police officers have usually lobbied to secure the post by grabbing the tail of the party or the government.

Pathak opines that security personnel is professionally competent but politically mis-utilized, causing also a lack of confidence because of unpredictable career systems, underutilization of knowledge and skills, and authority-centered rather than service delivery atmosphere. Baskota says that the Inspector General of Police is much better than the Chief Secretary (the top position of civil service), and the Chief of the Army Staff is even better. Dahal of FF opines as follows:

The role of the army is for national security. There is a general understanding that Nepal Police has not yet become professional. The police are being used as political tools. A fair image has not been created. The professional image of the security forces has not improved. It is passable.

Timilsena opines that security personnel have worked to death; the devotion of the police is high. Corruption, a national disease, is also prevalent in these bodies, he points out adding that promotions are not given on a merit base. 'It is like a pigeon chose.' Pokharel observes that under military discipline, security personnel seem good but there is no belief that they can save lives. High-ranking officials are busy running for opportunities, he states.

Thapa says that apart from the Nepal Army, the Nepal Police has been over-politicized, though due to the 'chain of command', there has not been much disruption at the lower level. He adds that as the high-ranking security officers are increasingly bargaining with political figures for personal positional interests, the professional performance of those organizations declines. Jha observes that the image of the police is not good and the intelligence police have not been able to work properly.

From the thematic interview, it is revealed that over-politicization in security forces has resulted in a negative impact on the forces. Police forces (Nepal Police, APF, and NID) are over-politicized and there is a state of chaos. High-ranking officials of the police forces increasingly bargain for their positional interests. Police officials are more favored with political sympathy. Maintaining meritocracy could avoid such a chaotic situation.

While Nepal Army has maintained its professional image, there is a chance of distraction in its involvement in the contract for development works. The Army should not go beyond its primary duty of national security.

**Others:** Majority of interviewees note to media and civil society while making remarks to others professions. The media and civil society sectors have to work independently and partially for promoting their professional image. Media content is influenced by corporate and commercial interests. Likewise, civil society is not able to work for the wider interest of society.

Pathak says that public organizations suffer from the people who are founded on non-merit and non-performance-oriented political appointments. Thapa comments on the doing of FNJ:

When the state machinery and institutions are politicized, their effects are everywhere. If we look at the recent election of the FNJ, it was a party election, as it was difficult to separate journalists from political activists. The fact that sister organizations of political parties were given tickets to contest for office bearers and members of the FNJ elective committee. The fact that political parties selected them as official candidates are not hidden from anyone. Journalists who question the bad deeds and politicization of every institution, office bearer, and individual are political figures and its impact is felt everywhere.

Aryal, a media academic, comments on 'journalists who are unprofessional and incapable.' Baskota sees journalism and the private sector as 'growing well.' Gurung says that media and journalists are different and separate factors. Gurung opines that the majority of journalists are good, but the media operators can be bad. While commenting on NGO performance, Gyawali says that the professional image of NGOs is not so good, but the actual performance depends on the performance of the organizations. Tanka Aryal, an RTI campaigner, says that the image of civil society is not bad but there is a need for improvement. Stating that civil society could have been more active in the pro-public agenda, he is not happy with online media and regrets that some online portals' work has deteriorated.

The thematic interview indicates that the media and civil society organizations do not have a good professional image. Interviewees see these organizations as 'corrupt, politicized, non-functional, and unaccountable, though they are somehow working for citizens' interests.'

Qualitatively, the professional trust of the public body was critically low due to unprofessional public servants, corruption, and unproductive and criminal engagements to some extent. In particular, the professional image of judges has declined due to corruption and politics related to judges' appointments by the constitutional selection committees. Likewise, politicians have increasingly involved in criminalization due to money, muscle, and mob support. Politically divided teachers of public schools and universities on one side and the other side, public and

private schools, and universities led to the politicization of the education sector. Such a phenomenon tarnished the professional image of teachers whereas medical personnel is in a relatively better situation due to better enforcement of the code of conduct by the medical association. Medical personnel is also not free from criticism due to its commercialization. Marginalized and disadvantaged groups hardly receive expert medical services from privately run hospitals. Qualitatively and quantitatively reveal that such phenomenon of the professions conveys a wrong message to the public. The understanding of the public is low professional trust on average.

#### **7.4 Civil Service Trust on RTI Implementation**

Civil servants are working as processors of RTI policy when it is concerned with its implementation. They work in two ways — enabling the processor and impeding the processor. The quality of prompt and efficient, friendly, reliable to all, and equally fall under the category of enabling processors whereas the corrupt serve personal interests instead of that of citizens who face difficulty accessing under the category of impeding processors. Thus, the quality of the service processor affects RTI policy implementation. Table 7.4 explains to what extent the service processors are related to RTI policy implementation in Nepal.

Under the category of service enabling processor, the attitude and behavior of civil servants as prompt and efficient are significantly related to RTI policy implementation at a 1 percent significance level. Likewise, civil servants are friendly while they implement RTI policy. Similarly, they are also found to be reliable when RTI policy is executed. The field survey shows that factors such as corruption, serving the personal interest, and difficulty in accessing information and services, thus adversely affect RTI policy implementation.

Thus, quantitative data of the field survey shows that the enabling service delivery processes of a civil servant are correlated with RTI policy implementation whereas service-impeding processors are not.



**Table 7.4***Civil Service Trust on RTI Implementation*

	1	2	3	4	5	6	7	8	9
RTI implementation (1)	1								
Prompt and efficient (2)	.187**	1							
Corrupt (3)	-.116*	-.228**	1						
Serve personal interest instead of that of the citizens (4)	-0.074	-.163**	.617**	1					
Not helpful (5)	-0.101	-.218**	.495**	.348**	1				
Friendly (6)	.171**	.302**	-0.112	-.137*	-.192**	1			
Difficult to get access to (7)	-0.115	-.140*	.353**	.244**	.355**	-0.039	1		
Reliable (8)	.131*	.361**	-0.072	-0.053	-.221**	.334**	-0.046	1	
Treat all equally (9)	0.079	.292**	-0.018	-0.049	-0.064	.226**	-0.004	.539**	1

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).

Source: Field Study, 2020/21

Dahal, an administrative expert, opines that although RTIA has defined public bodies and their responsibilities, the job has not been carried out effectively. Updating information and training staff to disseminate information in various languages are some of the few responsibilities specified by the Act that are not met effectively. He adds, 'The information records of the office do not look good.'

Dahal also points out that 'the culture of secrecy', 'not adopting the value of modernity' instead of the 'transparency and accountability' concept, and 'lack of reward and punishment' system are creating hurdles for the effective implementation of RTIA provisions. Information archiving, updating, streaming, and communicating tasks are not efficient, but there is some progress in the course of training, he says.

Pathak categorically says that public servants are mostly judged and rewarded based on 'privacy' and 'confidentiality' instead of performing with 'transparency' and 'openness'. He points out that 'there is weak information culture and culture of transparency among public servants who contribute to creating structural, non-structural and behavioral barriers in the dissemination of publicly important information.'

Koirala observes that most public servants do not like to share information with the public. 'They do not like to share information even with other public organizations for official purposes,' he added, 'They share information only when they are forced to do so by the legal mandates or higher-level order.'

Baskota observes that the bureaucracy is only reactive, not proactive. He says that bureaucrats are not RTI friendly as they are empowered by other laws like 'GGA, 2064', 'Financial Procedure and Public Accountability Act, 2076', 'Public Procurement Act, 2063' and 'The Local Government Operation Act, 2017 (2074)'. Along with the rights given by these Acts, transparency is increasing among civil servants, he adds.

Gurung says that public servants do not want to make information public. Gurung, who was also a secretary of GoN, adds that public servants think that many questions come up if they make it public; they hesitate to disseminate information. 'Without legal obligation, public servants are not doing work, whatever has happened is due to legal stipulation only.'

Dahal of the FF opines that public servants have taken the dissemination of information as an obstacle or a burden of unnecessary responsibility rather than an opportunity. That's why he adds, there are still a large number of employees who are not eager to become IOs. He suggests the formation of a special service for information dissemination. Gyawali says that there is control in the flow of information, and the secretary of a ministry cannot work independently. He explains the situation as follows:

If the secretary had been reluctant to ask the minister, s/he would not provide information. Information is provided to the government media with confidence. Private sector media provides provocative news. SoP of the employee should be made. Now everything has to be done by asking. There is a situation in which a secretary cannot work independently. The minister may rebuke a secretary if the information is disseminated without the minister's consent.

Dahal, a journalist, observes that civil servants are not honest in disseminating information about public bodies; they conceal information to please their bosses. Thapa has a variety of experiences to seek information from government institutions:

There is a tendency that the general decisions made by the council of ministers and the ministries related to economic transactions are not made public and if necessary, they are delayed. The prime minister, ministers or secretaries do not want to release information on related matters. As corruption, bribery, commission, and other scandals are linked to financial transactions, the spokesperson gives the most routine answer 'I don't know'. Spokespersons provide confusing answers like 'contact later', 'I should understand', and 'I should ask first'. They try to convey as much positive information as the government wants and conceal as much as possible if the government does not want it.

A citizen needs the service of civil servants from womb to tomb. The performance of public servants plays a vital role in service delivery and the effective undertaking of RTI policy implementation.

From the thematic interview, it is shown that there is weak information culture among public servants. Culture of secrecy, the excessive practice of withholding information, culture of working only after a directive from a senior position is part of the behavioral approaches of the bureaucracy in Nepal. However, a new generation of civil servants is relatively positive and has already displayed progress in implementing RTI in the organizations they lead.

Political leadership has control over the bureaucratic structure, and the system is paralyzed regarding RTI implementation, indicating an urgent need to correct such practices.

Thus, quantitative and qualitative information shows that public servants are not carrying out their duty adequately and effectively for information dissemination. A culture of secrecy is prevailing rather than a culture of transparency and openness. Public servants are just following the mandatory legal provision for information sharing. They do not even share information within various government departments. Public servants are not working to update information, record keeping of the information, and disseminate the process effectively. Such behavior of civil servants led low degree of confidence in them. Due to low confidence, the RTI implementation was also not effective.

## **7.5 Summary**

As a theoretical discussion, institutional trust in this research refers to confidence in a public institution, confidence in the public and media-related institution, professional trust, and civil service trust collectively. The main assumption of this research is that the RTI policy implementation is equal to functions of confidence in a public institution, confidence in a media-related institution, professional trust, and civil service trust. Symbolically

*RTI policy implementation = f (confidence in public institutions, confidence in media-related institutions, professional trust, and civil service trust)*

**Table 7.5***Institutional Trust and RTI Implementation*

	B	t	Sig.
(Constant)	4.652	1.570	.118
Confidence in a public institution	.155	2.426	.016
Confidence in media related institution	.053	.977	.330
Professional trust	-.042	-.793	.429
Civil service trust	.125	1.210	.227

Source: Field Study, 2020/21

Table 7.5 shows that confidence in public institutions influences the RTI policy implementation in Nepal. However, confidence in media-related institutions and civil service has a positive influence but does not sufficiently play a vital role to implement the RTI policy. Despite such a scenario, professional trust in Nepal has played the inverse role to implement RTI policy. Professionals working in public, private, or elsewhere are not committed to RTI policy.

Based on quantitative data (Table 7.5), institutional confidence has a significant effect on RTI policy implementation along with the positive role of confidence in media-related institutions and civil service. The same result is shown qualitatively on the role of institutional trust to implement RTI in Nepal. The public confidence in public institutions was relatively better due to the unavoidable service the public needed. RTI policy-related public bodies mostly suffer from unprofessional personnel appointment, non-compliance with rules and regulations, unhealthy practices in journalism, and so on, despite the larger roles of these organizations as promoters, facilitators, educators, and regulators activities on RTI policy implementation.

## **CHAPTER 8**

### **CONCLUSIONS AND SUGGESTIONS: RTI GOALS YET TO BE FULFILLED**

This chapter presents the summary of the entire thesis. It reviews the main theoretical underpinning and research problems: an overview of research methodology, major findings, policy implications, limitations, and other issues. This study has demonstrated the assessment of the RTI Act through an institutional mechanism of RTI policy implementation and institutional trust. Policy clarity, consistency, and simplicity are preconditions for enhancing the better performance of RTIA. Moreover, capable, dedicated, and loyal human resources can enhance better compliance with the Act. Financial and technological resources, support from government and donor agencies, separate allocation of budget to RTI implementation, and incentives to the employee involved in information dissemination improve RTI policy implementation. Besides, the institutional trust measured in confidence level, institutional image, and performance-based trust directly affects RTI policy implementation. In addition, the implication for further research and suggestion based on the research are also mentioned.

#### **8.1 Theoretical Framework and Research Issues**

Theories on public implementation vary from top-down, bottom-up, and synthesizer approaches. The theorists belonging to the top-down approach like Mazmanian and Sabatier (1989) presented three general sets of factions, the tractability of the problem, the ability of a statute to structure implementation, and non-statutory variables affecting implementation. Van Meter and Van Horn (1975), and Mazmanian and Sabatier (1983) offer a clear and consistent policy goal; Pressman and Wildavsky (1973) put forward a numerical number of actors; Van Meter and Van Horn (1975), Mazmanian and Sabatier (1983) present limited extent of change; and Van Meter and Van Horn, 1975; Sabatier, 1986 submit change implementation responsibility with an agency sympathetic with the policy's goals are the critical factors to the success of policy implementation.

Berwan (1978) who is in the favor of bottom-up approach, put forward the understanding of the implementers of the intent and content of a policy and the frame of mind of the policy designers. Ingram and Schneider (1990) note the directives of the statutes and the political climate around the program. Both top-down and bottom-up approaches are not free from criticism. The synthesis of these approaches is relevant to research policy implementation. The ambiguity model of Richard E. Matland (1995) and the integrated policy implementation model of Soren C. Winter (1990, 1994) are examples. According to them, explanatory variables are required to examine policy implementation.

Although priority has been given to RTI movement internationally and nationally, RTI policy objectives are not fulfilled. The movement is successful in addressing citizens' right to know with constitutional fundamental rights. Policy standards and policy objectives of RTIA are partially effective to enhance a transparent and open society in a democratic setup.

In the Nepali context, after the enactment of RTI law, public bodies, and government institutions have gradually appointed IOs and tried to disseminate information. NIC has been established for the protection, promotion, and practice of RTI. Attempts are made twice to classify the information as provisioned by RTIA, but these attempts are not beyond heavy criticism. The information classification committee which is yet to classify information is headed by the chief secretary of government. On one side, the classification of information itself is made debatable and a culture of openness is narrowly and reluctantly practiced, on the other. Few types of research are carried out from the administrators' perspectives (Paudel, 2013; Basnet, 2008). According to them, administrators are not serious about RTI policy implementation. There seems to be a vast gap between policy provision and its practice. However, the research on RTI policy implementation is yet to explore from a journalism perspective. The reason includes the fact that journalists are more proactive to demand public information than ordinary citizens. Besides, RTI policy is vital for journalists to disseminate information and inform the public, which is the beauty of democracy. Thus, the tendency and attitude of the administrators offer scope for further RTI policy implementation from the journalism perspective.

The study focuses on:

- a) What is the ground reality of RTI policy implementation in Nepal?
- b) How are the RTI policies implemented?
- c) How do public values, norms, and beliefs affect RTI policy implementation in Nepal?
- d) What is the impact of institutional trust (confidence, trust, professional image plus institutional performance) on RTI policy implementation?

To address these research questions, the major objective of the study is to assess RTIA implementation status in Nepal. While assessing the implementation of RTIA in terms of policy performance, it is imperative to study institutional trust, policy clarity, consistency, and simplicity under the policy mandate and the adequacy, competency, and motivation of the human resource; information, communication, and infrastructure system; and other institutional and functional dynamics of the RTI policy.

The research is conducted to discuss the causal relationship between the degree of implementation of RTIA as a dependent variable and independent variables — policy standards, policy resources, inter-organizational communication, and enforcement activities, characteristics of implementing agencies, and the disposition of implementors. Similarly, institutional trust (confidence level, professional image, and performance of civil servants) is an independent variable.

## **8.2 Overview of Research Methodology**

The research is based on an explanatory approach to measuring the performance of RTIA, which identifies the cause-and-effect relationship of policy implementation. If there is a relationship between institutional trust, policy mandate, understanding, required resources, and so on, RTI policy implementation may be affected. There is a relationship between institutional mechanisms to enforce policies, laws, plans, and programs for enhancing RTI policy implementation. Likewise, institutional trust cultivates the environment for implementing RTI policy. Because of institutional trust, a public institution provides the correct information to journalists (proactive disseminators) and others.



The sequential explanatory strategy is conducted with the sequence of "Quantitative-Qualitative" as proposed by John W. Creswell (2003). In the first phase, quantitative data related to the RTI policy implementation, institutional mechanism, and institutional trust are collected and analyzed by applying descriptive and inferential statistics. To validate the quantitative information, qualitative data is collected in the second phase. Then, both data are interpreted to conclude. Secondary data was also collected to illustrate the ground reality of RTI policy implementation.

### **8.3 Major Findings**

The descriptive and explanatory analysis of the performance of RTIA by applying the mixed approach to the study has exposed some consequences. Variables have been chosen from the policy implementation model of Van Meter and Van Horn (1975), and institutional trust for analyzing RTI policy implementation in Nepal. The ontological stance of RTI policy implementation illustrates the reality outside and inside the mindset of public institutions. The knowledge/understanding of RTI policy implementation (epistemological stance) and the values of RTI policy implementation (axiological stance) are based to draw major findings of the study.

#### **8.3.1 RTI Policy Design**

Regarding RTI policy design, the set hypothesis was that the more clarity of RTI policy designs the smoother the policy implementation. For this, GoN has accepted the 'Right to Information' as a constitutional fundamental right since 1990. Although it took another 17 years to formulate separate laws for RTI, citizens 'right to know' was reflected in different verdicts of the SC and it picked up through different civil movements on press freedom and freedom of speech in Nepal.

In 2007, RTIA promulgated, which aims at enhancing open and transparent government, making government responsible and accountable to the citizen, and making the access of citizens to information of public importance held in public bodies simple and easy.

#### **8.3.2 RTI Policy Implementation**

To measure the RTIA implementation, indicators such as 'proactive disclosure of information, classification of information, citing private cause for not providing

information, the language used, access to information, the appointment of IO/spokesperson, open and transparent public organization, training and orientation, complaint before the NIC, levying fee, format for information seekers, meeting deadline after application, meeting main objectives of RTI Act' are analyzed. RTIA implementation and its effectiveness remain in an ad hoc situation. Demand for and supply of information remains in a limited sphere.

From the research findings, RTI implementation in public institutions as envisaged in the RTI Act, 2007 and Regulation, 2009, is not at similar levels. The inference from the discussion is that RTI policy is not implemented properly. Particularly, easy access to information, making the process simpler, updating information periodically, proactive disclosure through various media and languages, the appointment of IO/spokesperson, training and orientation, format for information seeker, levying fee, complaint process, and other areas are measuring indicators for the effective implementation of RTI. The standard deviations of these indicators are huge. It means that in somewhere RTI policy implementation is acceptable and somewhere not. Collectively, the level of the indicator suggested that RTI policy implementation is not at the desired level.

- (a) Despite information classification being attempted twice, the related rules are still not yet formalized. Such a tendency lacks disclosure of information proactively or efficiently on demand. There is a controversy between Secrecy Act's provision and RTI policy implementation. The reason the Secrecy Act classified the information on time whereas the RTI policy is based on the content/subject matter of the information.
- (b) Free flow of information faces hurdles by citing privacy causes based on financial rules and regulations.
- (c) Due to diversified languages, there is a huge difficulty in disseminating public information in the local languages with a lack of scripts and experts for translating the languages. This is a big problem in managing information and disseminating it to the public.
- (d) Access to information was one of the indicators of RTI policy implementation. The study affirms that it is average. Thus, the information was not easily available due to complexities and risks associated with the protocol of the information disclosure.

- (e) Officers who could not get other positions are appointed as information officers. The appointment to this position is assumed a punishment to the employees; Frequent transfer of IOs causes gaps and inconsistencies.
- (f) Quantitatively, the study indicates that public organizations are not open; they are marginally transparent due to the risk associated with becoming open and transparent for a public organization.
- (g) Training on RTI policy was given to the employee as merely as a ritual. Such culture hampered the required quality of employees and with it, the effective implementation of RTI policy.
- (h) Although NIC finalized 85 percent of the cases registered with NIC, some crucial cases remained pending on one hand. On the other hand, the trust of the NIC by citizens and journalists was low due to a lack of confidence in obtaining proper treatment or response from public organizations.
- (i) Although the fee levied on information was minimum, the payment system was not updated in the digital age. Digitalization of information is lacking in public organizations. The research shows that public organizations are still paper-based, not digitalized. Information seeker, who has no time to follow all protocols for acquiring information, are willing to obtain information digitally.
- (j) The format of information seeking is also another indicator of RTI policy implementation. The format of the information-seeking form is easy and publicly available. However, the research shows that the format should be adopted by all citizens even if they are disabled, illiterate, and similar to other constraints. This meant the format does not include some sections of the society.
- (k) The time frame of information dispatching is good. However, its misinterpretation, delay by the concerned employees, and hidden intentions by both information seekers and information providers were crucial aspects associated with the time frame.
- (l) Collectively, the study reveals that the attainment level of the objective of RTI is only average range due to the opaque attitude of the government and its associated bodies and staff members. RTI implementation attains an average level and records few achievements.

### **8.3.3 RTI Policy Implementation Mechanism**

The mechanism of RTI policy implementation refers to policy standards, availability of resources, inter-organizational communication and enforcement activities, characteristics of implementing agencies, and the disposition of implementers. The main hypothesis was that the mechanism of RTI policy implementation as the variables identified by Van Meter and Van Horn (1975), influenced RTI policy implementation. The findings of each hypothesis are as follows.

The policy standards refer to the main functional doctrine of public institutions. Transparency, job accomplishment, and review include in the policy standards. Each functional aspect of the public institution is significantly correlated with the RTI policy implementation. In terms of the cause-and-effect relationship, the policy standards of the public institution influence the RTI policy implementation at the 1 percent level of significance. The policy standards of the Nepali public institutions are good when it concerns RTI policy implementation.

The availability of resources is a crucial factor in performing the job assigned to a public institution. In this research, the resources mean financial, human resources, donor support, physical resources, and others. The study reveals that these resources are found to correlate significantly when they are concerned with RTI implementation. In the case of the cause-and-effect relationship, the resources of the public organization are also significant at 5 percent of the level of significance. Thematically, it is found that unskilled and untrained human resources, unpredictable government budgeting systems, and rigidity in the rules compliances are the main causes for RTI not being implemented properly. Theoretically, resources matter a lot for the RTI policy implementation. Nepal's case is a little different due to poor management of resources by public organizations.

The inter-organizational communication refers to the communication, coordination, and consistency of the information, related guidelines/communication protocol, monitoring system, etc. These sub-variables of the inter-organization communication are found to correlate with the RTI policy implementation significantly. In the case of the cause-and-effect relationship, inter-organizational

communication influences the RTI policy implementation at 5 percent of significance. Despite the relationship of these variables with the RTI policy implementation, the communication attitude of public office bearers is found to be weak due to a lack of any homework on identified public problems. This attitudinal behavior causes weaker enforcement of RTI policy.

The characteristics of implementing agencies refer to the chain of command, a span of control, formal and informal relationships, and others. The field study reveals that these sub-variables of characteristics of implementing agencies are significantly correlated with RTI policy implementation. In the case of the cause-and-effect relationship, the characteristics of implementing agencies are not effective when it concerns the RTI policy implementation. The study indicates that they are correlated but not effective causality to implement RTI policy due to vested interest, cost association, a different wavelength of the public organizations, etc.

The disposition of implementers refers to the cognitive behavior of the implementers. The understanding of policy standards, values and norms, extra-organizational loyalties, sense of self-interest, and acceptance of RTIA and associated sub-variables affects RTIA implementation. Quantitatively, the research illustrates that the disposition of implementers is correlated with RTI policy implementation significantly. However, the disposition of implementers is not negatively rated in the case of cause-and-effect relationship. It should reveal that the disposition of implementers seriously and negatively impacted RTI policy implementation. Despite many positive indicators of RTI policy implementation, the disposition of the implementer is found to be very crucial. It means that the RTI policy implementation and its rule compliance during official dealings are not in the preferences of the implementers because of administrative malpractices.

#### **8.3.4 Institutional Trust and RTI Policy Implementation**

The main assumption of this research is that RTI policy implementation is equal to functions of confidence in a public institution, confidence in media-related institutions, professional trust, and civil service trust. The study shows that public confidence in public institutions influenced RTI policy implementation in Nepal. However, confidence in media-related institutions and civil service has a positive

influence but has not sufficiently played a vital role to implement RTI policy. Despite such a scenario, professional trust in Nepal has played the inverse role to implement RTI policy. Professionals working in public, private organizations or elsewhere are not found serious regarding RTI policy.

Confidence in public institutions includes policy-making public institutions, service delivery-related institutions, research-related public institutions, and anti-corruption public institutions. The study reveals that few public institutions are correlated with RTI policy implementation except political parties, police, media, schools, and hospitals. In the case of the cause-and-effect relationship, confidence in these public institutions influenced RTI policy influence significantly at a 5 percent level.

Similarly, media-related organizations such as NIC, PCN, NHRC, civil societies, media organizations, privately run media houses, and others have a significant relationship when it is concerned with RTI policy implementation. However, in the case of causality testing, these media-related organizations' confidence level does not influence RTI policy implementation effectively.

Another aspect of public institutional trust is a professional image. Judges, central politicians, security personnel, medical personnel, teachers, journalists, and others are included in the research. Except for a few, judges, central-level politicians, local employees, NGO functionaries, and civil servants have no significant correlations with RTI policy implementation. In the case of causality testing results, the professional images are negatively rated regarding RTI policy implementation. It means that professionals themselves are not much aware of the significance of the RTI policy implementation in Nepal.

Likewise, another vital part of institutional trust is civil servant performance trust because civil servants are vital to run public organization's doctrine into reality. They are the key persons assigned to generate, analyze and produce the data of public institutions as per the organizations' doctrine. As a result, they disclose information publicly. The result reveals that positive attitudes such as prompt and efficient, friendly and reliable attitudes were significantly correlated with RTI policy implementation. Likewise, a negative attitude such as serving personal interest rather

than citizens' interest, not unhelpful attitudes, and difficulty in accessing information is not related to RTI policy implementation. However, a corrupt attitude is significantly related but negative. Equal treatment is a positive relationship but not significant. Based on these indicators' relationship, the civil service performance trust is highly ambiguous to ascertain the relationship with RTI policy implementation. While following the cause-and-effect relationship, the performance-based civil servant is not influenced by RTI policy implementation significantly but it is positive.

Thus, public confidence in a public institution is relatively better due to the unavoidable service needed by the public. RTI policy-related public bodies mostly suffer unprofessional professional appointments, non-compliance with rules and regulations, unhealthy practices of journalism, and so on despite the greater roles of these organizations in promotional, facilitators, educators, and regulator activities of RTI policy implementation.

#### **8.4 Suggestions and Recommendations**

This study deals with the institutional mechanism and institutional trust as independent variables and the implementation status of RTIA as a dependent variable.

While analyzing institutional mechanisms for RTI policy implementation, lacking aspects are found on (i) inter-organizational communication and enforcement activities, and (ii) the disposition of implementors from the regression and qualitative analysis. Policy interventions are suggested to have a favorable environment for these aspects. Policy standards, availability of resources, and characteristics of implementing agencies have significant causality.

While analyzing institutional trust for RTI policy implementation, lacking aspects are found in professional trust and civil service trust. These two aspects which are directly connected to the cognition of implementors and their professionalism have influenced significantly. These aspects refer to the whole phenomenon of the administration system. It is recommended to adopt adequate policies to improve professionalism which denotes to skills, attitude, competence, efficiency, and effectiveness of employees. It is suggested to revisit the recruiting process of civil servants. For the effective implementation of RTIA provisions, the following suggestions and recommendations are made.

Broader objectives of RTIA are yet to be fulfilled. RTIA encourages making the functions of the state open and transparent under the democratic system and to make responsible and accountable to the citizen. The government needs to be serious about this policy objective.

The universal concept of RTI is understood as (i) getting certified copies from public bodies, (ii) involving in the policy-making process of public bodies, and (iii) inspecting their service delivery. But in Nepal, there is no public involvement in formulating policy. It is the lacking part in Nepal. So, it is highly recommended to internalize this concept while implementing RTIA in Nepal.

The jurisdiction of the RTIA needs to expand as if it can also monitor political parties, NGOs, and the private sector.

Within the framework of RTIA, the following issues are to be addressed immediately: (i) classification of information needs to be carried out, but it should not be under the RTI scope. Documents Secrecy Act would be nice to this regard, (ii) periodic proactive disclosure of information should be made, (iii) it is expected to enhance access to information, (iv) information dissemination should be carried out using various languages, (v) it is necessary to establish information desk and appointing Information Officer to all public bodies (vi) it is necessary to promoting digital culture for production and disseminating information, (vii) digital archive of the information should be maintained, (viii) it is expected making all public bodies including Singhadurbar accessible to general people, (ix) hearing process of complaints needs to finalize within short period, (x) current time period of information supply needs to shorten and reasonable penalty should be given to those who delay showing 'maturity hour', (xi) avoid the anomalies related to secrecy and exemption provisions which has created hurdles for free flow of information, (xii) avoid frequent transfer of IOs, (xiii) frequent trainings with updated modules are expected for enhancing professional skills of civil servants, (xiv) trust level of the NIC and other public bodies are expected to accelerate, (xv) it will be better if the NIC operates into the federal structure having provincial offices, (xvi) journalists are expected to use RTI as a tool which may enhance depth reporting and create a



conducive environment for RTI regime, (xvii) general citizens are encouraged to use RTI to play the role of responsible citizen, and (xviii) the format for the information seeker, which should be compatible to people with different disability and illiterate one, needs to be changed.

## **8.5 Summary**

Based on the above-mentioned findings, RTI policy implementation degree is found to the average and not at an expected level. While going through inferential research to find their relationship and causality, most sub-variables are correlated except for a few institutional-based variables. In the case of causality testing, the characteristics of implementing agencies and the disposition of implementers do not have a significant relation with RTI policy implementation. Likewise, confidence in the media-related institution, professional trust, and performance-based civil service trust has not influenced RTI policy implementation. However, the global literature shows that this institutional mechanism and institutional trust have influential causality when these are concerned with policy implementation. Thus, the study reveals that the indicators of RTI policy implementation are not defined explicitly so for translating them into reality. Likewise, the characteristics of the implementing agencies and the disposition of the implementer have serious negative impacts on the RTI policy implementation. The trust in the media and associated organizations is also weak in the spirit of RTI policy. Therefore, professional blaming attitude, cognition of own duties and responsibilities, and apathetic environments seriously hamper the RTI policy implementation from the journalistic perspective in Nepal.

## **8.6 Policy Implication**

For an open and transparent governance, effective performance of RTIA is expected. There needs to be a positive relationship between policy mandates and institutional capability to devise clear, consistent, and simple policies. The study reveals major concerns related to the disposition of implementers, media-related institutional trust, professions-based trust, and civil servants' performance-based trust. The study encourages the NIC to lead the action which is established for the promotion, protection, and practice of RTI.

## **8.7 Limitations**

It is deeply acknowledged that the study has some limitations. First, it does not take into account all aspects of the performance of RTIA. Second, the survey is carried out online with journalists, RTI advocacy groups, journalism students, and a few administrators. Due to the Covid-19 outbreak, the survey could not be carried out physically with public bodies and service seekers. This may create a threat to external validity and increase the likelihood of sampling error. Third, the close-ended questionnaires, and limited angle on the thematic interview may limit the option for the respondents to express their feelings, insights, and suggestions. Fourth, all questions may not be relevant to all groups of respondents, and hence the responses nominated in the questionnaires could be biased and less informed. Collectively, the access to information and generalization of the findings is the limited aspects of this study.

Policy compliance is a national issue in RTI regime. The mere case study based in Kathmandu might not reflect the behavior of information providers and seekers. The result of this study might have been different if the population, sample selection, and data collection techniques were different.

## **8.8 Further Research Issues**

Given the poor performance level of RTIA, a comprehensive study could be conducted on the implementation of RTIA, with a broader framework including policy standards, policy clarity, performance, behavior, and citizens' trust in public institutions. Moreover, tentative research questions for further study could cover why public bodies are not sincere in fulfilling policy objectives (open and transparent in functioning, responsible and accountable to the citizen, making access of citizen easy and simple to information of public importance). What are the underlying causes of not having easy access to public bodies? What changes could be made in RTI policies, laws, processes, and systems? What could be the better or alternate structure of the NIC in a federal setup?

As there is no satisfactory performance of RTIA in general, a comprehensive study could be conducted to enhance the culture of information dissemination. A separate study can also be conducted on the 'culture of secrecy', a comparative study among public bodies, policy implementation, policy mandate, and clarity connected to RTI. In addition, the research could be conducted by applying a longitudinal study approach. A comparative analysis of the implementation status of RTI policy might provide different results and knowledge. Against this background, the study showed that the following contents needed further research for conclusions on policy implementation.

- (a) Characteristics of implementing agencies
- (b) Disposition of implementers and training
- (c) Professionalism and ethics

# **ANNEXES**

## **Annex I**

### **Questions for Thematic Interview**

**Tribhuvan University**

**Faculty of Humanities and Social Sciences**

**Office of the Dean, Kirtipur**

**PhD, Journalism**

Respected sir/madam

Namaskar

I am a Ph.D. scholar in journalism at the Dean Office of Humanities and Social Sciences at the Tribhuvan University. I am undertaking thesis research entitled "Right to Information Policy Implementation in Nepal". I humbly request you for an interview. This schedule interview is the prime part of the qualitative data collection for my study. The success of this research is totally reliant on your response. The information provided will be treated with maximum confidentiality and will be used for academic purpose only.

If you feel comfortable, questionnaires are also designed in such way that you can give your response digitally either English or Nepali language. If you face any difficulties, please drop me your text at [srpaudel@gmail.com](mailto:srpaudel@gmail.com) or 9851075760.

Thank you very much for your cooperation.

Sincerely yours,

Shree Ram Paudel

**Interview schedule**

**Personal information**

Your Name: (Optional).....

Your organization/affiliation.....

Your occupation.....

Your position and responsibilities: .....

**Specific questions**

**A. Satisfaction (Trust-based independent variable)**

1. How much happy/satisfaction do you feel in your family life?

.....

2. How much are you happy/satisfied with the political/social/economic development of our country Nepal? Please give your reasons why either satisfied or unsatisfied; neither happy/satisfied nor unhappy/unsatisfied.

.....

3. How satisfied are you with democratic exercise and development in Nepal?

.....

**B. Confidence (Trust-based independent variable)**

4. How much confidence are you in public institutions such as parliament, judiciary, constitutional bodies, security agency, provincial government, educational institution, medical institutions and local government? (If you wish, you can give your answer in specific public institution as well.)

.....

5. How confident are you with the organizations (National information commission, press council, human right commission, both private and public press media organization etc.) which are working on Right to Information? (If you wish, you can give your answer in specific public institution as well.)

.....

6. Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people?

.....

**C. Professional images (Trust-based independent variable)**

7. Please give your personal assessment on the professional images of judges, politicians, teachers, medical personnel, public servants, security personnel and others.

- a. Judges: .....
- b. Politicians: .....
- c. Teachers: .....
- d. Medical Personnel: .....
- e. Public Servants: .....
- f. Security Personnel: .....
- g. Others: .....

8. Please give your remarks on the role of public servants responsible for the information dissemination in the public organizations of Nepal.

.....

**D. Right to information policy implementation (Dependent variable)**

9. How do you assess the existing scenarios of right to information policy implementation in Nepal?

- a. Proactive disclosure of information: .....

- b. Classification of information by public and private organization: .....  
.....
- c. Citing private cause.....
- d. Language they used .....
- e. Access to information .....
- f. Appointment of spokesperson .....
- g. Openness and transparent public organization and private organizations  
.....
- h. Training and orientation to the spokesperson/information officer to  
disseminate public information.....
- i. Complaining rate before NIC .....
- j. Levying fee .....
- k. Format for the information seeker....
- l. Meeting of the dateline after application.....
- m. Meeting of the objectives of the RTI .....

**E. Policy standards (Policy implementation model based independent variable)**

- 10. Have you formulated any policy standards that guide to disseminate information of your organization? If yes, what are your policy standards you set? If no, why you didn't set the policy standards even though RTI Act has clearly instructed?
  - a. Measure taken to make the institution transparent and accountable .....
  - b. Easy access on information reach.....
  - c. Consideration over the exemptions provision of RTI .....
  - d. Periodic proactive disclosure of information .....

**F. Availability of resources (Policy implementation model based independent variable)**

- 11. What kinds of resources are available at your organization to implement Right to Information Act? Is human resource assigned for the RTI implementation? Are financial resources, technological resources available and adequate? Does your organization get support from donor agencies for the RTI implementation?

- a. Human resources .....
- b. Financial resources .....
- c. Technological resources... ..
- d. Support form donor agencies and government agencies .....
- e. Allocation of budget to implement RTI.....
- f. Incentives given to spokesperson or information officer, periodic training to the staff .....

**G. Inter-organizational communication (Policy implementation model based independent variable)**

12. Is your organization carrying out inter-organizational communication and enforcement activities?

.....  
 .....

- a. If yes, what kinds of information did you exchange through inter-organizational communication? .....
- b. And also, what kinds of enforcement activities did you conduct to establish for inter or intra organizational relations? .....
- c. What kinds of attitude of your organization did you observe for the sake of inter or organizational communication? .....

**H. Characteristics of public/private organization (Policy implementation model based independent variable)**

13. What kinds of characteristics of your organization did you observe to implement RTI policy in terms of its size and competency of employees, vertical and horizontal communication, formal and informal coordination and collaboration, chain of commands and span of control? Please explain categorically.

- a. Size and competency.....



- b. Vertical and horizontal communication .....
- c. Formal and informal coordination .....
- d. Collaboration .....
- e. Chain of command .....
- f. Span of control .....

**I. Disposition of your organization (Policy implementation model based independent variable)**

14. How do you evaluate the disposition of your organization in lieu to implement the RTI? What kind of cognition do you have to promote RTI policy? Do your staffs have understanding on the policy standards and strong acceptance of the policy? And do you think that they have full loyalty towards implementing RTI policy?

- a. Cognition of implementer:.....
- b. Understanding over the RTI policy standards:.....
- c. Strong acceptance of policy .....
- d. Personal value system of employee, extra organizational loyalties, self-interest of employee: .....

**\*\*\*Thank you very much for your kind cooperation\*\*\***

## **Annex II**

### **Questionnaire for General Data Collection**

**Tribhuvan University**

**Faculty of Humanities and Social Sciences**

**Office of the Dean, Kirtipur**

**PhD, Journalism**

#### **Questionnaires**

Dear respondents

I am a Ph.D. scholar in journalism at the Dean Office of Humanities and Social Sciences at the Tribhuvan University. I am undertaking thesis research entitled "Right to Information Policy Implementation in Nepal". I humbly request you to answer the given questions. This questionnaire survey is the prime part of the data collection for my study. The success of this research is totally reliant on your response. The information provided will be treated with maximum confidentiality and will be used for academic purpose only.

It will be easier from a computer screen to fill up this questionnaire. If you use a mobile, you need to move the screen left or right to select appropriate option for few questions. There are 29 questions in four parts. If you face any difficulties, please drop me your text at [srpaudel@gmail.com](mailto:srpaudel@gmail.com) or 9851075760.

Thank you very much for your cooperation.

Sincerely yours,

Shree Ram Paudel

## **A comparison of Citizens and media perspective**

### **Part A: Socio-economic background of the respondent**

1. Name (Optional)
2. Gender: 1. Male, 2. Female 3. Other
3. Age (current): ... ..
4. Religion: 1. Hindu ( ), 2. Buddhist ( ), 3. Muslim ( ), 4. Kirat ( ), 5. Christian ( ), 6. Others (please specify)... ..
5. Education: (Please tick the suitable one)
  1. Semi-literate
  2. Literate
  3. Primary level
  4. Lower secondary level
  5. Secondary level
  6. Higher secondary level
  7. Graduate degree
  8. Master's degree
  9. Master of philosophy
  10. Doctor of philosophy
6. Occupational sector: (select one)
  1. Private firm
  2. Public sector
  3. NGOs
  4. Foundations/interest orgs/civil society
  5. University
  6. Research institution
  7. Other
7. Occupational status: (select one)
  1. Public sector's journalist (including government owned media)
  2. Private sector's journalist
  3. Freelance journalist

4. Researchers in journalism
  5. Student in journalism
  6. Campaigner of RTI
  7. Think tank
  8. People sometime
  9. Other
8. People sometimes describe themselves as belonging to the working class, the middle class, or the upper or lower class. Would you describe yourself as belonging to the:
1. Upper class
  2. Upper middle class
  3. Middle class
  4. Lower middle class
  5. Working class
  6. Lower class/poor class
  7. Don't know
9. Are you associated with any organization?
1. Yes
  2. No
10. If yes, which one?
1. Professional organizations
  2. National NGOs
  3. Trade unions
  4. Students' organizations
  5. Voluntary associations
  6. Community based organizations
  7. Religious organizations
  8. Cultural (drama, theatre, etc.) and sports clubs
  9. International associations/ organizations
  10. Other
11. Your annual income (please specify) ... ..

## PART B

**In this section, an attempt has been made to understand your belief in the existing different areas of the country.**

12. Taking all things together as mentioned above, would you say you are.

1. Not at all happy
2. Not very happy
3. Quite happy
4. Very happy
5. Don't know

13. How important is each of the following in your life?

	Not at all important	Not very important	Rather important	Very important	Don't know
a) Family	1	2	3	4	9
b) Friends	1	2	3	4	9
c) Work	1	2	3	4	9
d) Leisure Time	1	2	3	4	9
e) Politics	1	2	3	4	9
f) Religion	1	2	3	4	9
g) Service to others	1	2	3	4	9

14. While considering all things, how satisfied are you on the whole these days?

	Very Dissatisfied	Dissatisfied somewhat	Dissatisfied	Neither satisfied nor dissatisfied	Satisfied somewhat	Satisfied	Very Satisfied	Don't know
a) With your life	1	2	3	4	5	6	6	9
b) With your financial situation	1	2	3	4	5	6	6	9

15. How satisfied are you with the basic services provided by the state?

	Very Dissatisfied	Dissatisfied	Fairly Dissatisfied	Neither satisfied nor dissatisfied	Satisfied somewhat	Satisfied*	Very Satisfied	Don't know
a) Education	1	2	3	4	5	6	6	9
b) Health	1	2	3	4	5	6	6	9
c) Drinking Water	1	2	3	4	5	6	6	9
d) Transportation	1	2	3	4	5	6	6	9
e) ICT	1	2	3	4	5	6	6	9
f) Electricity Service	1	2	3	4	5	6	6	9

16. People have different views about the system for governing this country. Here is a scale for rating how well things are going:

Very bad	Bad	Fairly bad	Bad somewhat	Neither bad nor good	Good somewhat	Fairly good	Good	Very good	Don't know
1	2	3	4	5	6	7	8	9	99

17. How satisfied are you with democratic exercise and development in Nepal?

	Not at all satisfied	Not very satisfied	Rather Satisfied	Very satisfied	Don't know
a) Democracy is developing in our country	1	2	3	4	9
b) People in government offices are handling the country's affairs	1	2	3	4	9

**Part C:**

**In this section, an attempt has been made to understand citizens' confidence in public/social institutions.**

18. A number of organizations and institutions have been listed below. How much confidence are you in each of them?

Organizations/ Institutions	Not at all	Not much confidenc e	Quite a lot of confidenc e	A great deal of confidence	Don't know
a) Parliament	1	2	3	4	9
b) Central government	1	2	3	4	9
c) Judiciary/ Courts	1	2	3	4	9
d) Political parties	1	2	3	4	9
e) Civil Service	1	2	3	4	9
f) Army	1	2	3	4	9
g) The provincial governments	1	2	3	4	9
h) Police	1	2	3	4	9
i) Universities	1	2	3	4	9
j) Media	1	2	3	4	9
k) Trade Unions/ Student Unions	1	2	3	4	9
l) District Administration Offices (DAO)	1	2	3	4	9
m) Municipalities/ Rural Municipalities	1	2	3	4	9
n) Civil society	1	2	3	4	9
o) NGOs	1	2	3	4	9
p) Schools/ Colleges	1	2	3	4	9
q) Hospitals	1	2	3	4	9
r) Commission for the Investigation of Abuse of Authority (CIAA)	1	2	3	4	9

19. How confident are you with the organizations which are working on Right to Information?

Organizations/ Institutions	None at all	Not much confidence	Quite a lot of confidence	A great deal of confidence	Don't know
a) National Information Commission	1	2	3	4	9
b) Press Council Nepal	1	2	3	4	9
c) National Human Rights Commission	1	2	3	4	9
d) Department of Information and Broadcasting	1	2	3	4	9
e) FF, / RTI National Network	1	2	3	4	9
f) Federation of Nepali Journalists (FNJ)	1	2	3	4	9
g) Nepal Press Union	1	2	3	4	9
h) Press Sangathan Nepal	1	2	3	4	9
i) Krantikari Patrakar Sang	1	2	3	4	9
j) Rastriya Patrakar Mahasang	1	2	3	4	9
k) Press Manch Nepal	1	2	3	4	9
l) Organizations of women journalists	1	2	3	4	9
m) Journalists' groups belonging to ethnic identity	1	2	3	4	9
n) Beat based journalist's groups like economic, education, agriculture, environment, tourism etc.	1	2	3	4	9
o) Media Research Institutions (NPI*, CMR, Media Foundation etc.)	1	2	3	4	9
p) Other	1	2	3	4	9

\*Nepal Press Institute, Center for Media Research



20. Generally speaking, would you say that most people can be trusted or that you need to be very careful in dealing with people?
- Most people can be trusted
  - Need to be careful in dealing with people
  - Don't know
21. There are a number of professions/occupations. Is the image you have of those professions positive or negative?

	Very Negative	Negative	Neither negative, nor positive	Positive	Very positive	Don't know
a) Justices (Judges)	1	2	3	4	5	9
b) Central politicians	1	2	3	4	5	9
c) Local politicians	1	2	3	4	5	9
d) Local government officials	1	2	3	4	5	9
e) Military personnel	1	2	3	4	5	9
f) Police personnel	1	2	3	4	5	9
g) Doctors	1	2	3	4	5	9
h) Nurses	1	2	3	4	5	9
i) Civil servants	1	2	3	4	5	9
j) Professors of Universities	1	2	3	4	5	9
k) School teachers	1	2	3	4	5	9
l) Students	1	2	3	4	5	9
m) NGOs functionaries	1	2	3	4	5	9
n) Private sector functionaries	1	2	3	4	5	9
o) Journalists	1	2	3	4	5	9
p) Lawyers	1	2	3	4	5	9
q) If any other	1	2	3	4	5	9

22. How proud are you?

	Not at all proud	Not very proud	Quite proud	Very Proud	Don't know
a) Being a Nepali	1	2	3	4	9
b) Having a religious identity (Hindu/Buddhist/Muslim/Christian etc.)	1	2	3	4	9
c) Having an ethnic identity (Sherpa, Newar, Tharu etc.)	1	2	3	4	9

23. I am now reading a number of statements on civil servants and public services.

To what extent do you agree or disagree with these statements?

In general, civil servants (are)	Strongly Disagree	Quite Disagree	Partly Agree	Strongly Agree	Don't know
a) Prompt and efficient	1	2	3	4	9
b) Corrupt	1	2	3	4	9
c) Serve their personal interests instead of that of the citizens	1	2	3	4	9
d) Not helpful	1	2	3	4	9
e) Friendly	1	2	3	4	9
f) Difficult to get access to	1	2	3	4	9
g) Reliable	1	2	3	4	9
h) Treat all equally	1	2	3	4	9

## PART D

**This section is related with the dependent variables of Right to Information policy implementation.**

24. According to Right to Information Act 2064, the role of public bodies is important to disseminate information. Please mark the option that you feel correct.

	Completely agree	Partially agree	Agree	Partially disagree	Completely disagree	Don't know
a. Public Bodies have been delivering information to their stakeholders proactively.	1	2	3	4	5	9
b. Public Bodies classify and update information and make them public, publish and broadcast.	1	2	3	4	5	9
c. Public Bodies are not disclosing information citing privacy cause.	1	2	3	4	5	9
d. Public Bodies have made information public in Nepali including other languages	1	2	3	4	5	9
e. Public Bodies make citizens' access to information simple and easy.	1	2	3	4	5	9
f. Public Bodies have appointed spokesperson or public relations officer to disseminate information.	1	2	3	4	5	9
g. Public Bodies conduct their functions openly and transparently.	1	2	3	4	5	9
h. Public Bodies provide appropriate training and orientation to their staffs.	1	2	3	4	5	9
i. People who are not getting information from Public Bodies can complain and appeal before NIC.	1	2	3	4	5	9
j. Public Bodies levy fee for the information seeker as per actual cost.	1	2	3	4	5	9
k. In Public Bodies, there is a format for the information seeker. S/he gives application for the required information.	1	2	3	4	5	9
l. Public Bodies are obliged to provide information within seven days after an information seeker submits application.	1	2	3	4	5	9
m. In my opinion, the policy objective of RTIA is fulfilled by Public Bodies.	1	2	3	4	5	9

25. Policy standards

Please select your appropriate option for the following statements.

	Completely agree	Partially agree	Agree	Partially disagree	Completely disagree	Don't know
a. In my opinion, RTI Act has made government institutions more transparent and accountable towards citizen through dissemination of information in general.	1	2	3	4	5	9
b. In my opinion, RTI Act has made Public Bodies (as defined by law) more transparent and accountable towards citizen in general.	1	2	3	4	5	9
c. RTI Act has made easier access to concerned institutions to obtain information.	1	2	3	4	5	9
d. Sensitive information related to national security, investigation of crime, trade privacy etc. have been protected by Public Bodies.	1	2	3	4	5	9
e. Public Bodies have given information also other than sensitive information to persons seeking such information.	1	2	3	4	5	9
f. Public Bodies have been periodically disseminating their own information.	1	2	3	4	5	9

26. Availability of resources

Please select your appropriate option for the following statements.

	Completely agree	Partially agree	Agree	Partially disagree	Completely disagree	Don't know
a. In Public Bodies, sufficient financial resource are available for the sake of RTI Act implementation.	1	2	3	4	5	9
b. Sufficient, capable and competent human resources are available in Public Bodies.	1	2	3	4	5	9
c. In Public Bodies, technologies such as fax, phone, web site, mobile SMS, social networking media and others required tools for the RTI implementation are installed.	1	2	3	4	5	9
d. Public Bodies publish bulletin, progress report and annual report periodically.	1	2	3	4	5	9
e. Donor agencies have supported to develop infrastructure to implement RTI Act.	1	2	3	4	5	9
f. Donor also provided resources to develop human resource required for RTI Act implementation.	1	2	3	4	5	9
g. Government provided financial resources for the sake of RTI Act implementation.	1	2	3	4	5	9
h. GoN has provided guideline for the sake of RTI Act implementation.	1	2	3	4	5	9
i. Public Bodies have allocated budget for the sake of policy implementation.	1	2	3	4	5	9
j. Public Bodies has provided incentive to the speaker who has provided information to information seeker.	1	2	3	4	5	9

27. Inter-Organizational Communication and enforcement activities

Please select your appropriate option for the following statements.

	Com pletel y agre e	Parti all y ag ree	Agre e	Parti all y dis ag ree	Comp lete ly disa gre e	Don't kno w
a. Public Bodies communicated the standards and procedures to each employee for the sake of RTI Act implementation.	1	2	3	4	5	9
b. Public Bodies have provided information through various means.	1	2	3	4	5	9
c. Information provided by Public Bodies are uniform and consistent because Public Bodies give after interpreting the required information.	1	2	3	4	5	9
d. Chiefs of Public Bodies favor for the sake of RTI Act implementation.	1	2	3	4	5	9
e. Public Bodies have established inter or intra organizational relations for the sake of RTI Act implementation.	1	2	3	4	5	9
f. In Public Bodies, communication is carried out through coordination and collaborative effort.	1	2	3	4	5	9
g. There is specific guideline for the sake of communication at Public Bodies.	1	2	3	4	5	9
h. In Public Bodies, technical advice and assistance for communication is available.	1	2	3	4	5	9
i. Monitoring system is well developed to evaluate RTI implementation in Public Bodies.	1	2	3	4	5	9

28. Characteristics of implementing agencies

Please select your appropriate option for the following statements.

	Compl etely agree	Partially agree	Agree	Partially disagree	Completely disagree	Don't know
a. Public Bodies are competent and have appropriate size for the sake of RTI Act implementation.	1	2	3	4	5	9
b. There is control from senior boss of Public Bodies.	1	2	3	4	5	9
c. Communication within Public Bodies is done vertically and horizontally.	1	2	3	4	5	9
d. There is formal and informal coordination and collaboration within Public Bodies for the sake of RTI implementation.	1	2	3	4	5	9
e. There is chain of command and span of control within Public Bodies.	1	2	3	4	5	9

29. The disposition of implementors

Please select your appropriate option for the following statements.

	Completely agree	Partially agree	Agree	Partially disagree	Completely disagree	Don't know
a. In my opinion, cognition of the implementer promotes RTI Act implementation.	1	2	3	4	5	9
b. In my opinion, understanding the policy standards of Public Bodies may affect the RTI Act implementation.	1	2	3	4	5	9
c. In my belief, there is strong acceptance of RTI Act for information dissemination in Public Bodies.	1	2	3	4	5	9
d. In my opinion, personal value system of employee prevents/effects for RTI Act implementation.	1	2	3	4	5	9
e. Extra organizational loyalties also hinder the RTI policy implementation.	1	2	3	4	5	9
f. Sense of self interest of employee also prevents RTI policy implementation.	1	2	3	4	5	9

**\*\*\*Thank you very much for your kind cooperation\*\*\***

### **Annex III**

#### **Items of proactive disclosure, mentioned at RTI Act, 2007 (Clause 5.3) and RTI Regulation, 2009 (Clause 3)**

Public Body shall enlist and publish its following information:

1. Structure and nature of Body,
2. Functions, duties, and powers of Body,
3. Number of employees and working details of Body,
4. Service to be rendered by the Body,
5. Branch and responsible officer of the service providing Body,
6. Fee and time limit required for service,
7. Decision making process and authority,
8. Authority to hear appeal against decision,
9. Description of functions performed,
10. Name and designation of Chief and Information Officer,
11. List of Acts, Rules, By Laws or Guidelines,
12. Updated description of income, expenditures and financial transactions.
13. Other particulars as prescribed.

RTI Regulation, 2009 (clause 3) mentions additional following items:

14. Details of program or project run by the Public Body in the previous fiscal year, if any,
15. Details of website of the Public Body, if any,
16. Details of information of the Public Body published or to be published elsewhere, if any.
17. Details of foreign aid, loans, grants and technical assistance and agreements received by public bodies, if any,
18. Programs run by public bodies and their progress reports, if any,
19. List of information classified and protected by public bodies and the time period prescribed for the protection of such information, if any,
20. Requests for information in public bodies and issues related information, if any.



## Annex IV

### Cross tabulation data sheet

#### Proactive disclosure of information (Table 5.1)

Delivering information proactively							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	85.10%	73.80%	43.80%	85.20%	72.20%	80.10%
	Female	14.90%	26.20%	56.30%	14.80%	27.80%	19.90%
Religious	Hindu	90.80%	93.30%	68.80%	90.40%	88.90%	89.90%
	Buddhist	6.10%	3.30%	6.30%	4.40%	5.60%	4.90%
	Islam	0.00%	0.00%	6.30%	1.80%	0.00%	1.00%
	Kirat	3.10%	3.30%	0.00%	3.50%	5.60%	3.30%
	Christian	0.00%	0.00%	18.80%	0.00%	0.00%	1.00%
Education	Secondary level	2.00%	0.00%	0.00%	0.00%	0.00%	0.60%
	Higher secondary level	1.00%	1.60%	0.00%	1.70%	0.00%	1.30%
	Graduate degree	22.80%	11.50%	62.50%	19.10%	22.20%	21.20%
	Master's degree	64.40%	70.50%	31.30%	68.70%	72.20%	65.90%
	Master of philosophy	5.90%	13.10%	6.30%	8.70%	5.60%	8.40%
	Doctor of philosophy	4.00%	3.30%	0.00%	1.70%	0.00%	2.60%

Occupation sector	Public sector's journalist (including government owned media)	15.60%	16.40%	33.30%	9.30%	0.00%	13.40%
	Private sector's journalist	52.20%	56.40%	41.70%	49.50%	80.00%	53.20%
	Freelance journalist	7.80%	5.50%	0.00%	14.40%	6.70%	9.30%
	Researcher in journalism field	2.20%	5.50%	8.30%	8.20%	0.00%	5.20%
	Student in journalism	8.90%	9.10%	0.00%	10.30%	6.70%	8.90%
	Campaigner of RTI	7.80%	3.60%	0.00%	2.10%	0.00%	4.10%
	People sometime	5.60%	3.60%	16.70%	6.20%	6.70%	5.90%
Economic class	Upper class	0.00%	0.00%	0.00%	0.90%	0.00%	0.30%
	Upper middle class	1.00%	3.30%	0.00%	1.80%	0.00%	1.60%
	Middle class	51.00%	58.30%	75.00%	46.80%	27.80%	50.80%
	Lower middle class	20.00%	21.70%	12.50%	19.80%	22.20%	20.00%
	Working class	27.00%	16.70%	12.50%	29.70%	50.00%	26.60%
	Lower class/ poor class	1.00%	0.00%	0.00%	0.90%	0.00%	0.70%
Age	16 -30 Yrs	27.70%	34.40%	68.80%	36.50%	33.30%	34.70%
	31-40 Yrs	35.60%	41.00%	25.00%	38.30%	50.00%	37.90%
	41-50 Yrs	21.80%	16.40%	6.30%	16.50%	16.70%	17.70%
	Above 50 Yrs	14.90%	8.20%	0.00%	8.70%	0.00%	9.60%
		101	61	16	115	18	311
		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Classification of information (Table 5.2)**

Classified and update information							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	88.80%	78.50%	59.10%	81.00%	81.80%	80.80%
	Female	11.30%	21.50%	40.90%	19.00%	18.20%	19.20%
Religion	Hindu	88.50%	88.30%	77.30%	93.00%	100.00%	89.80%
	Buddhist	6.40%	5.20%	4.50%	4.30%	0.00%	5.00%
	Islam	0.00%	1.30%	4.50%	0.90%	0.00%	1.00%
	Kirat	3.80%	5.20%	4.50%	1.70%	0.00%	3.30%
	Christian	1.30%	0.00%	9.10%	0.00%	0.00%	1.00%
Education	Secondary level	2.50%	0.00%	0.00%	0.00%	0.00%	0.60%
	Higher secondary level	1.30%	1.30%	0.00%	1.70%	0.00%	1.30%
	Graduate degree	21.30%	11.40%	45.50%	22.40%	36.40%	21.40%
	Master's degree	65.00%	74.70%	45.50%	64.70%	54.50%	65.60%
	Master of philosophy	6.30%	10.10%	4.50%	9.50%	9.10%	8.40%
	Doctor of philosophy	3.80%	2.50%	4.50%	1.70%	0.00%	2.60%
Occupational status	Public sectors journalist (including government owned media)	13.00%	15.30%	25.00%	9.30%	12.50%	13.20%

	Private sector's journalist	53.60%	50.00%	45.00%	57.70%	62.50%	53.80%
	Freelance journalist	7.20%	8.30%	0.00%	11.30%	25.00%	9.00%
	Researcher in journalism field	1.40%	6.90%	0.00%	8.20%	0.00%	5.30%
	Student in journalism	8.70%	8.30%	15.00%	8.20%	0.00%	8.60%
	Campaigner of RTI	11.60%	2.80%	0.00%	1.00%	0.00%	4.10%
	People sometime	4.30%	8.30%	15.00%	4.10%	0.00%	6.00%
Economic class	Upper class	0.00%	0.00%	0.00%	0.90%	0.00%	0.30%
	Upper middle class	1.30%	3.80%	0.00%	0.90%	0.00%	1.70%
	Middle class	55.70%	53.80%	68.20%	42.90%	27.30%	50.30%
	Lower middle class	13.90%	21.80%	22.70%	23.20%	18.20%	20.20%
	Working class	26.60%	20.50%	9.10%	32.10%	54.50%	26.80%
	Lower class/ poor class	2.50%	0.00%	0.00%	0.00%	0.00%	0.70%
Age	16 -30 Yrs	26.30%	30.40%	59.10%	37.90%	36.40%	34.40%
	31-40 Yrs	37.50%	40.50%	27.30%	37.10%	54.50%	38.00%
	41-50 Yrs	22.50%	17.70%	9.10%	17.20%	9.10%	17.90%
	Above 50 Yrs	13.80%	11.40%	4.50%	7.80%	0.00%	9.70%
		80	79	22	116	11	308
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Citing private cause (Table 5.3)**

Not disclosing information due to privacy							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	53.30%	82.10%	80.80%	75.30%	85.90%	79.50%
	Female	46.70%	17.90%	19.20%	24.70%	14.10%	20.50%
Religious	Hindu	86.70%	97.40%	88.70%	87.00%	90.80%	89.80%
	Buddhist	6.70%	2.60%	5.20%	5.20%	5.30%	5.00%
	Islam	0.00%	0.00%	1.00%	1.30%	1.30%	1.00%
	Kirat	0.00%	0.00%	4.10%	5.20%	2.60%	3.30%
	Christian	6.70%	0.00%	1.00%	1.30%	0.00%	1.00%
Education	Secondary level	0.00%	0.00%	0.00%	0.00%	2.60%	0.60%
	Higher secondary level	6.70%	0.00%	2.00%	0.00%	1.30%	1.30%
	Graduate degree	13.30%	25.60%	23.20%	20.80%	19.20%	21.40%
	Master's degree	73.30%	61.50%	62.60%	71.40%	64.10%	65.60%
	Master of philosophy	6.70%	10.30%	8.10%	6.50%	10.30%	8.40%
	Doctor of philosophy	0.00%	2.60%	4.00%	1.30%	2.60%	2.60%
Occupation sector	Public sectors journalist (including government owned	14.30%	21.90%	15.00%	8.80%	12.30%	13.50%

	media)						
	Private sector's journalist	71.40%	40.60%	55.00%	54.40%	53.40%	53.60%
	Freelance journalist	0.00%	12.50%	13.80%	5.90%	8.20%	9.40%
	Researcher in journalism field	0.00%	3.10%	2.50%	10.30%	4.10%	4.90%
	Student in journalism	7.10%	15.60%	7.50%	8.80%	6.80%	8.60%
	Campaigner of RTI	7.10%	3.10%	2.50%	4.40%	5.50%	4.10%
	People sometime	0.00%	3.10%	3.80%	7.40%	9.60%	6.00%
Economic class	Upper class	0.00%	2.60%	0.00%	0.00%	0.00%	0.30%
	Upper middle class	0.00%	0.00%	2.00%	1.30%	2.60%	1.70%
	Middle class	40.00%	60.50%	44.90%	60.00%	45.50%	50.50%
	Lower middle class	20.00%	10.50%	19.40%	20.00%	27.30%	20.50%
	Working class	40.00%	23.70%	33.70%	18.70%	23.40%	26.40%
	Lower class/ poor class	0.00%	2.60%	0.00%	0.00%	1.30%	0.70%
Age	16 -30 Yrs	33.30%	33.30%	39.40%	36.40%	28.20%	34.70%
	31-40 Yrs	53.30%	30.80%	36.40%	37.70%	41.00%	38.00%
	41-50 Yrs	13.30%	17.90%	14.10%	19.50%	21.80%	17.90%
	Above 50 Yrs	0.00%	17.90%	10.10%	6.50%	9.00%	9.40%
		15	39	99	77	78	308
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Language used (Table 5.4)**

		Completely disagree	Partially disagree	Information in other languages			
				Agree	Partially agree	Completely agree	Total
Gender	Male	80.30%	85.70%	72.50%	82.80%	79.30%	80.80%
	Female	19.70%	14.30%	27.50%	17.20%	20.70%	19.20%
Religious	Hindu	92.30%	90.20%	86.30%	91.20%	82.80%	89.60%
	Buddhist	4.60%	1.60%	7.80%	4.40%	10.30%	5.10%
	Islam	0.00%	3.30%	0.00%	1.10%	0.00%	1.00%
	Kirat	3.10%	3.30%	2.00%	3.30%	6.90%	3.40%
	Christian	0.00%	1.60%	3.90%	0.00%	0.00%	1.00%
Education	Secondary level	0.00%	0.00%	0.00%	1.10%	3.40%	0.70%
	Higher secondary level	4.50%	0.00%	0.00%	1.10%	0.00%	1.30%
	Graduate degree	16.70%	17.50%	27.50%	23.70%	24.10%	21.50%
	Master's degree	71.20%	66.70%	60.80%	63.40%	69.00%	65.90%
	Master of philosophy	6.10%	9.50%	9.80%	9.70%	0.00%	7.90%
	Doctor of philosophy	1.50%	6.30%	2.00%	1.10%	3.40%	2.60%
Occupation sector	Public sectors journalist (including government owned	11.10%	18.50%	15.60%	11.50%	4.30%	12.90%

	media)						
	Private sector's journalist	55.60%	53.70%	46.70%	57.70%	43.50%	53.20%
	Freelance journalist	9.50%	7.40%	8.90%	10.30%	13.00%	9.50%
	Researcher in journalism field	6.30%	0.00%	8.90%	7.70%	0.00%	5.30%
	Student in journalism	9.50%	7.40%	8.90%	3.80%	26.10%	8.70%
	Campaigner of RTI	4.80%	3.70%	6.70%	3.80%	0.00%	4.20%
	People sometime	3.20%	9.30%	4.40%	5.10%	13.00%	6.10%
Economic class	Upper class	0.00%	0.00%	2.00%	0.00%	0.00%	0.30%
	Upper middle class	3.10%	0.00%	2.00%	1.10%	3.60%	1.70%
	Middle class	47.70%	54.80%	56.00%	51.60%	32.10%	50.30%
	Lower middle class	24.60%	21.00%	16.00%	16.50%	32.10%	20.60%
	Working class	24.60%	24.20%	24.00%	30.80%	25.00%	26.40%
	Lower class/ poor class	0.00%	0.00%	0.00%	0.00%	7.10%	0.70%
Age	16 -30 Yrs	25.80%	28.60%	52.90%	33.30%	41.40%	34.80%
	31-40 Yrs	50.00%	33.30%	23.50%	39.80%	41.40%	38.10%
	41-50 Yrs	16.70%	25.40%	13.70%	16.10%	13.80%	17.50%
	Above 50 Yrs	7.60%	12.70%	9.80%	10.80%	3.40%	9.60%
		66	63	51	93	29	302
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



Access to information (Table 5.5)

Citizen's access simple and easy							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	76.70%	83.60%	77.10%	83.50%	72.70%	80.10%
	Female	23.30%	16.40%	22.90%	16.50%	27.30%	19.90%
Religious	Hindu	88.50%	84.80%	94.30%	92.70%	90.90%	89.90%
	Buddhist	4.60%	9.10%	2.90%	3.10%	4.50%	4.90%
	Islam	1.10%	1.50%	0.00%	1.00%	0.00%	1.00%
	Kirat	3.40%	4.50%	0.00%	3.10%	4.50%	3.30%
	Christian	2.30%	0.00%	2.90%	0.00%	0.00%	1.00%
Education	Secondary level	2.20%	0.00%	0.00%	0.00%	0.00%	0.60%
	Higher secondary level	2.20%	1.50%	0.00%	0.00%	4.50%	1.30%
	Graduate degree	21.10%	16.40%	34.30%	20.60%	18.20%	21.20%
	Master's degree	65.60%	65.70%	60.00%	68.00%	68.20%	65.90%
	Master of philosophy	7.80%	9.00%	2.90%	10.30%	9.10%	8.40%
	Doctor of philosophy	1.10%	7.50%	2.90%	1.00%	0.00%	2.60%
Occupation sector	Public sectors journalist (including government owned	12.30%	8.80%	23.10%	15.10%	10.50%	13.40%

	media)						
	Private sector's journalist	58.00%	47.40%	46.20%	52.30%	63.20%	53.20%
	Freelance journalist	6.20%	10.50%	0.00%	14.00%	5.30%	8.90%
	Researcher in journalism field	6.20%	3.50%	3.80%	7.00%	0.00%	5.20%
	Student in journalism	7.40%	14.00%	23.10%	4.70%	5.30%	9.30%
	Campaigner of RTI	6.20%	8.80%	0.00%	0.00%	5.30%	4.10%
	People sometime	3.70%	7.00%	3.80%	7.00%	10.50%	5.90%
Economic class	Upper class	0.00%	0.00%	2.90%	0.00%	0.00%	0.30%
	Upper middle class	2.20%	0.00%	2.90%	2.10%	0.00%	1.60%
	Middle class	44.90%	60.60%	61.80%	52.10%	27.30%	51.10%
	Lower middle class	22.50%	12.10%	23.50%	21.30%	27.30%	20.30%
	Working class	29.20%	27.30%	5.90%	24.50%	45.50%	25.90%
	Lower class/ poor class	1.10%	0.00%	2.90%	0.00%	0.00%	0.70%
Age	16 -30 Yrs	27.80%	29.90%	54.30%	38.10%	31.80%	34.70%
	31-40 Yrs	45.60%	35.80%	31.40%	33.00%	45.50%	37.90%
	41-50 Yrs	16.70%	22.40%	14.30%	17.50%	13.60%	17.70%
	Above 50 Yrs	10.00%	11.90%	0.00%	11.30%	9.10%	9.60%
		90	67	35	97	22	311
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Appointment of spokesperson and information officer (Table 5.6)**

Appointed spokesperson or IO							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	84.20%	90.40%	73.50%	79.70%	86.40%	80.50%
	Female	15.80%	9.60%	26.50%	20.30%	13.60%	19.50%
Religious	Hindu	78.90%	94.10%	86.50%	92.20%	93.20%	89.70%
	Buddhist	21.10%	2.00%	6.30%	1.30%	4.50%	5.00%
	Islam	0.00%	0.00%	1.80%	0.00%	2.30%	1.00%
	Kirat	0.00%	3.90%	3.60%	5.20%	0.00%	3.30%
	Christian	0.00%	0.00%	1.80%	1.30%	0.00%	1.00%
Education	Secondary level	5.30%	0.00%	0.00%	1.30%	0.00%	0.70%
	Higher secondary level	5.30%	0.00%	2.70%	0.00%	0.00%	1.30%
	Graduate degree	15.80%	19.20%	23.00%	29.10%	9.10%	21.50%
	Master's degree	63.20%	65.40%	68.10%	53.20%	81.80%	65.50%
	Master of philosophy	10.50%	9.60%	5.30%	13.90%	4.50%	8.50%
	Doctor of philosophy	0.00%	5.80%	0.90%	2.50%	4.50%	2.60%
Occupation sector	Public sectors journalist (including government owned	7.70%	10.20%	15.30%	10.30%	20.00%	13.40%

	media)						
	Private sector's journalist	30.80%	46.90%	60.20%	50.00%	52.50%	52.60%
	Freelance journalist	7.70%	8.20%	8.20%	13.20%	7.50%	9.30%
	Researcher in journalism field	7.70%	6.10%	5.10%	5.90%	2.50%	5.20%
	Student in journalism	7.70%	10.20%	8.20%	7.40%	15.00%	9.30%
	Campaigner of RTI	7.70%	12.20%	1.00%	4.40%	0.00%	4.10%
	People sometime	30.80%	6.10%	2.00%	8.80%	2.50%	6.00%
Economic class	Upper class	0.00%	0.00%	0.90%	0.00%	0.00%	0.30%
	Upper middle class	5.30%	2.00%	0.90%	0.00%	4.70%	1.70%
	Middle class	52.60%	54.90%	43.20%	62.30%	44.20%	50.80%
	Lower middle class	15.80%	13.70%	25.20%	14.30%	25.60%	19.90%
	Working class	21.10%	29.40%	29.70%	22.10%	25.60%	26.60%
	Lower class/ poor class	5.30%	0.00%	0.00%	1.30%	0.00%	0.70%
Age	16 -30 Yrs	36.80%	23.10%	37.20%	36.70%	36.40%	34.50%
	31-40 Yrs	47.40%	36.50%	38.90%	34.20%	40.90%	38.10%
	41-50 Yrs	5.30%	21.20%	17.70%	19.00%	15.90%	17.60%
	Above 50 Yrs	10.50%	19.20%	6.20%	10.10%	6.80%	9.80%
		19	52	113	79	44	307
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Open and transparent public organization (Table 5.7)**

Functions openly and transparently							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	83.00%	76.00%	81.80%	80.90%	81.00%	80.40%
	Female	17.00%	24.00%	18.20%	19.10%	19.00%	19.60%
Religious	Hindu	84.90%	90.50%	95.50%	90.20%	100.00%	89.70%
	Buddhist	10.80%	2.70%	0.00%	3.30%	0.00%	5.00%
	Islam	0.00%	1.40%	4.50%	1.10%	0.00%	1.00%
	Kirat	3.20%	4.10%	0.00%	4.30%	0.00%	3.30%
	Christian	1.10%	1.40%	0.00%	1.10%	0.00%	1.00%
Education	Secondary level	1.10%	0.00%	0.00%	0.00%	4.80%	0.70%
	Higher secondary level	2.10%	0.00%	0.00%	1.10%	4.80%	1.30%
	Graduate degree	14.90%	24.00%	22.70%	25.50%	23.80%	21.60%
	Master's degree	75.50%	58.70%	63.60%	63.80%	61.90%	66.00%
	Master of philosophy	4.30%	12.00%	9.10%	8.50%	4.80%	7.80%
	Doctor of philosophy	2.10%	5.30%	4.50%	1.10%	0.00%	2.60%
Occupation sector	Public sectors journalist (including government owned	12.00%	12.50%	22.20%	14.80%	0.00%	12.90%

	media)						
	Private sector's journalist	50.60%	54.70%	38.90%	58.00%	61.10%	53.80%
	Freelance journalist	8.40%	12.50%	16.70%	7.40%	5.60%	9.50%
	Researcher in journalism field	4.80%	4.70%	0.00%	6.20%	5.60%	4.90%
	Student in journalism	10.80%	6.30%	0.00%	9.90%	16.70%	9.10%
	Campaigner of RTI	8.40%	4.70%	0.00%	0.00%	5.60%	4.20%
	People sometime	4.80%	4.70%	22.20%	3.70%	5.60%	5.70%
Economic class	Upper class	0.00%	1.40%	0.00%	0.00%	0.00%	0.30%
	Upper middle class	1.10%	1.40%	0.00%	2.20%	0.00%	1.30%
	Middle class	43.00%	58.10%	63.60%	53.30%	28.60%	50.30%
	Lower middle class	20.40%	23.00%	13.60%	18.90%	28.60%	20.70%
	Working class	33.30%	16.20%	22.70%	25.60%	42.90%	26.70%
	Lower class/ poor class	2.20%	0.00%	0.00%	0.00%	0.00%	0.70%
Age	16 -30 Yrs	27.70%	38.70%	31.80%	39.40%	38.10%	35.00%
	31-40 Yrs	40.40%	36.00%	40.90%	34.00%	47.60%	37.90%
	41-50 Yrs	18.10%	20.00%	18.20%	16.00%	9.50%	17.30%
	Above 50 Yrs	13.80%	5.30%	9.10%	10.60%	4.80%	9.80%
		94	75	22	94	21	306
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Training and orientation (Table 5.8)**

Training to staffs							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	85.70%	80.80%	78.40%	78.40%	80.00%	80.50%
	Female	14.30%	19.20%	21.60%	21.60%	20.00%	19.50%
Religious	Hindu	87.50%	85.90%	88.90%	93.10%	91.70%	89.60%
	Buddhist	7.10%	5.60%	5.60%	3.00%	4.20%	4.90%
	Islam	1.80%	1.40%	0.00%	1.00%	0.00%	1.00%
	Kirat	3.60%	7.00%	0.00%	2.00%	4.20%	3.50%
	Christian	0.00%	0.00%	5.60%	1.00%	0.00%	1.00%
Education	Secondary level	1.80%	0.00%	0.00%	0.00%	4.00%	0.70%
	Higher secondary level	3.60%	1.40%	0.00%	0.00%	4.00%	1.40%
	Graduate degree	17.90%	17.80%	27.00%	24.50%	24.00%	21.80%
	Master's degree	71.40%	68.50%	54.10%	65.70%	60.00%	65.50%
	Master of philosophy	5.40%	8.20%	18.90%	6.90%	4.00%	8.20%
	Doctor of philosophy	0.00%	4.10%	0.00%	2.90%	4.00%	2.40%
Occupation sector	Public sectors journalist (including government owned	8.30%	17.90%	20.00%	11.50%	9.10%	13.40%

	media)						
	Private sector's journalist	56.30%	46.30%	50.00%	58.60%	54.50%	53.50%
	Freelance journalist	8.30%	13.40%	10.00%	8.00%	0.00%	9.10%
	Researcher in journalism field	2.10%	4.50%	6.70%	5.70%	4.50%	4.70%
	Student in journalism	8.30%	9.00%	6.70%	10.30%	9.10%	9.10%
	Campaigner of RTI	8.30%	6.00%	3.30%	1.10%	4.50%	4.30%
	People sometime	8.30%	3.00%	3.30%	4.60%	18.20%	5.90%
Economic class	Upper class	0.00%	0.00%	0.00%	1.00%	0.00%	0.30%
	Upper middle class	5.50%	1.40%	0.00%	1.00%	0.00%	1.70%
	Middle class	45.50%	51.40%	70.30%	48.50%	28.00%	49.70%
	Lower middle class	29.10%	16.70%	8.10%	22.20%	28.00%	20.80%
	Working class	18.20%	30.60%	18.90%	27.30%	44.00%	26.70%
	Lower class/ poor class	1.80%	0.00%	2.70%	0.00%	0.00%	0.70%
Age	16 -30 Yrs	23.20%	32.90%	37.80%	39.20%	40.00%	34.50%
	31-40 Yrs	46.40%	32.90%	35.10%	37.30%	44.00%	38.20%
	41-50 Yrs	23.20%	19.20%	16.20%	15.70%	12.00%	17.70%
	Above 50 Yrs	7.10%	15.10%	10.80%	7.80%	4.00%	9.60%
		56	73	37	102	25	293
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



**Complaint before NIC (Table 5.9.2)**

Complain and appeal before NIC							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	81.30%	90.00%	72.50%	86.70%	84.40%	81.30%
	Female	18.80%	10.00%	27.50%	13.30%	15.60%	18.80%
Religious	Hindu	87.50%	86.70%	90.00%	91.50%	89.40%	89.60%
	Buddhist	12.50%	3.30%	5.00%	3.40%	5.30%	5.00%
	Islam	0.00%	3.30%	0.00%	0.00%	2.10%	1.00%
	Kirat	0.00%	6.70%	4.00%	3.40%	2.10%	3.30%
	Christian	0.00%	0.00%	1.00%	1.70%	1.10%	1.00%
Education	Secondary level	0.00%	0.00%	0.00%	0.00%	2.10%	0.70%
	Higher secondary level	6.30%	0.00%	2.90%	0.00%	0.00%	1.30%
	Graduate degree	12.50%	16.70%	18.60%	30.00%	21.90%	21.40%
	Master's degree	68.80%	60.00%	69.60%	56.70%	68.80%	65.80%
	Master of philosophy	6.30%	13.30%	7.80%	11.70%	6.30%	8.60%
	Doctor of philosophy	6.30%	10.00%	1.00%	1.70%	1.00%	2.30%
Occupation sector	Public sectors journalist (including government owned	13.30%	14.80%	16.70%	6.00%	14.60%	13.60%

	media)						
	Private sector's journalist	46.70%	44.40%	52.40%	58.00%	55.10%	53.20%
	Freelance journalist	0.00%	11.10%	13.10%	2.00%	10.10%	9.10%
	Researcher in journalism field	6.70%	0.00%	3.60%	8.00%	6.70%	5.30%
	Student in journalism	6.70%	14.80%	9.50%	12.00%	6.70%	9.40%
	Campaigner of RTI	0.00%	7.40%	1.20%	4.00%	5.60%	3.80%
	People sometime	26.70%	7.40%	3.60%	10.00%	1.10%	5.70%
Economic class	Upper class	0.00%	0.00%	1.00%	0.00%	0.00%	0.30%
	Upper middle class	0.00%	3.40%	1.00%	0.00%	3.20%	1.70%
	Middle class	68.80%	48.30%	52.50%	63.20%	38.90%	50.70%
	Lower middle class	0.00%	17.20%	14.90%	15.80%	31.60%	19.80%
	Working class	31.30%	31.00%	29.70%	21.10%	25.30%	26.80%
	Lower class/ poor class	0.00%	0.00%	1.00%	0.00%	1.10%	0.70%
Age	16 -30 Yrs	25.00%	30.00%	34.30%	46.70%	29.20%	34.20%
	31-40 Yrs	56.30%	40.00%	45.10%	23.30%	37.50%	38.50%
	41-50 Yrs	18.80%	16.70%	11.80%	21.70%	21.90%	17.80%
	Above 50 Yrs	0.00%	13.30%	8.80%	8.30%	11.50%	9.50%
		16	30	102	60	96	304
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Levying Fee (Table 5.10)**

Levy fee at actual cost							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	80.60%	82.80%	87.00%	80.40%	80.60%	82.10%
	Female	19.40%	17.20%	13.00%	19.60%	19.40%	17.90%
Religious	Hindu	88.20%	85.90%	86.70%	90.00%	96.80%	89.10%
	Buddhist	11.80%	1.60%	11.10%	4.00%	0.00%	5.10%
	Islam	0.00%	3.10%	0.00%	1.00%	0.00%	1.10%
	Kirat	0.00%	7.80%	2.20%	3.00%	3.20%	3.60%
	Christian	0.00%	1.60%	0.00%	2.00%	0.00%	1.10%
Education	Secondary level	0.00%	0.00%	0.00%	1.00%	3.20%	0.70%
	Higher secondary level	2.80%	3.10%	2.20%	0.00%	0.00%	1.40%
	Graduate degree	13.90%	17.20%	13.00%	29.40%	22.60%	21.10%
	Master's degree	80.60%	65.60%	69.60%	60.80%	61.30%	65.90%
	Master of philosophy	2.80%	9.40%	8.70%	7.80%	12.90%	8.20%
	Doctor of philosophy	0.00%	4.70%	6.50%	1.00%	0.00%	2.50%
Occupation sector	Public sectors journalist (including government owned	9.10%	18.00%	15.00%	11.80%	7.70%	13.10%

	media)						
	Private sector's journalist	63.60%	50.80%	40.00%	58.80%	57.70%	54.30%
	Freelance journalist	3.00%	11.50%	17.50%	8.20%	7.70%	9.80%
	Researcher in journalism field	3.00%	3.30%	5.00%	8.20%	3.80%	5.30%
	Student in journalism	9.10%	8.20%	7.50%	9.40%	3.80%	8.20%
	Campaigner of RTI	3.00%	6.60%	7.50%	1.20%	3.80%	4.10%
	People sometime	9.10%	1.60%	7.50%	2.40%	15.40%	5.30%
Economic class	Upper class	0.00%	0.00%	2.20%	0.00%	0.00%	0.40%
	Upper middle class	0.00%	3.20%	2.20%	1.00%	0.00%	1.50%
	Middle class	57.10%	42.90%	41.30%	54.50%	45.20%	48.90%
	Lower middle class	22.90%	22.20%	17.40%	20.20%	25.80%	21.20%
	Working class	20.00%	30.20%	37.00%	24.20%	25.80%	27.40%
	Lower class/ poor class	0.00%	1.60%	0.00%	0.00%	3.20%	0.70%
Age	16 -30 Yrs	30.60%	26.60%	43.50%	33.30%	38.70%	33.70%
	31-40 Yrs	47.20%	42.20%	32.60%	40.20%	29.00%	39.10%
	41-50 Yrs	19.40%	20.30%	13.00%	14.70%	22.60%	17.20%
	Above 50 Yrs	2.80%	10.90%	10.90%	11.80%	9.70%	10.00%
		36	64	46	102	31	279
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Format for information seeker (Table 5.11)**

Format for the information							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	81.80%	80.00%	76.60%	87.10%	80.20%	80.80%
	Female	18.20%	20.00%	23.40%	12.90%	19.80%	19.20%
Religious	Hindu	90.90%	91.20%	84.80%	89.90%	92.50%	89.20%
	Buddhist	9.10%	0.00%	6.50%	7.20%	3.80%	5.40%
	Islam	0.00%	0.00%	1.10%	0.00%	2.50%	1.00%
	Kirat	0.00%	8.80%	6.50%	1.40%	0.00%	3.40%
	Christian	0.00%	0.00%	1.10%	1.40%	1.30%	1.00%
Education	Secondary level	0.00%	0.00%	0.00%	0.00%	2.50%	0.70%
	Higher secondary level	4.50%	2.90%	2.10%	0.00%	0.00%	1.30%
	Graduate degree	18.20%	14.30%	23.40%	28.60%	18.50%	21.90%
	Master's degree	63.60%	57.10%	69.10%	61.40%	67.90%	65.20%
	Master of philosophy	13.60%	20.00%	3.20%	8.60%	8.60%	8.60%
	Doctor of philosophy	0.00%	5.70%	2.10%	1.40%	2.50%	2.30%
Occupation sector	Public sectors journalist (including government owned	14.30%	20.70%	10.10%	6.70%	20.80%	13.80%

	media)						
	Private sector's journalist	42.90%	44.80%	62.00%	61.70%	43.10%	53.30%
	Freelance journalist	9.50%	13.80%	11.40%	3.30%	11.10%	9.60%
	Researcher in journalism field	9.50%	3.40%	3.80%	5.00%	5.60%	5.00%
	Student in journalism	4.80%	6.90%	7.60%	15.00%	6.90%	8.80%
	Campaigner of RTI	0.00%	3.40%	2.50%	5.00%	5.60%	3.80%
	People sometime	19.00%	6.90%	2.50%	3.30%	6.90%	5.70%
Economic class	Upper class	0.00%	0.00%	1.10%	0.00%	0.00%	0.30%
	Upper middle class	0.00%	2.90%	1.10%	1.50%	2.50%	1.70%
	Middle class	68.20%	50.00%	53.80%	50.00%	41.30%	50.20%
	Lower middle class	4.50%	29.40%	12.90%	22.10%	26.30%	19.90%
	Working class	27.30%	17.60%	31.20%	26.50%	27.50%	27.30%
	Lower class/ poor class	0.00%	0.00%	0.00%	0.00%	2.50%	0.70%
Age	16 -30 Yrs	22.70%	31.40%	36.20%	41.40%	32.10%	34.80%
	31-40 Yrs	45.50%	28.60%	43.60%	35.70%	38.30%	38.70%
	41-50 Yrs	22.70%	25.70%	14.90%	17.10%	14.80%	17.20%
	Above 50 Yrs	9.10%	14.30%	5.30%	5.70%	14.80%	9.30%
		22	35	94	70	81	302
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

**Meeting deadline after application (Table 5.12.2)**

Information providing within 7 days							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	79.70%	84.50%	67.70%	85.60%	73.70%	81.20%
	Female	20.30%	15.50%	32.30%	14.40%	26.30%	18.80%
Religious	Hindu	94.40%	84.10%	90.30%	90.60%	84.20%	89.50%
	Buddhist	2.80%	7.20%	3.20%	5.20%	5.30%	4.90%
	Islam	0.00%	2.90%	3.20%	0.00%	0.00%	1.00%
	Kirat	1.40%	4.30%	3.20%	3.10%	10.50%	3.50%
	Christian	1.40%	1.40%	0.00%	1.00%	0.00%	1.00%
Education	Secondary level	2.70%	0.00%	0.00%	0.00%	0.00%	0.70%
	Higher secondary level	2.70%	1.40%	0.00%	0.00%	5.30%	1.40%
	Graduate degree	17.60%	19.70%	29.00%	25.80%	15.80%	21.90%
	Master's degree	73.00%	64.80%	54.80%	64.90%	68.40%	66.10%
	Master of philosophy	0.00%	11.30%	12.90%	7.20%	10.50%	7.20%
	Doctor of philosophy	4.10%	2.80%	3.20%	2.10%	0.00%	2.70%
Occupation sector	Public sectors journalist (including government owned	15.20%	13.80%	19.20%	12.30%	0.00%	13.30%

	media)						
	Private sector's journalist	57.60%	49.20%	50.00%	54.30%	64.70%	54.10%
	Freelance journalist	3.00%	13.80%	11.50%	11.10%	5.90%	9.40%
	Researcher in journalism field	3.00%	6.20%	7.70%	4.90%	5.90%	5.10%
	Student in journalism	7.60%	9.20%	7.70%	6.20%	17.60%	8.20%
	Campaigner of RTI	10.60%	3.10%	0.00%	2.50%	0.00%	4.30%
	People sometime	3.00%	4.60%	3.80%	8.60%	5.90%	5.50%
Economic class	Upper class	0.00%	0.00%	0.00%	1.10%	0.00%	0.30%
	Upper middle class	0.00%	4.30%	0.00%	1.10%	0.00%	1.40%
	Middle class	53.40%	45.70%	64.50%	47.90%	36.80%	49.80%
	Lower middle class	17.80%	25.70%	6.50%	22.30%	26.30%	20.60%
	Working class	27.40%	24.30%	25.80%	27.70%	36.80%	27.20%
	Lower class/ poor class	1.40%	0.00%	3.20%	0.00%	0.00%	0.70%
Age	16 -30 Yrs	24.30%	32.40%	41.90%	38.10%	36.80%	33.60%
	31-40 Yrs	47.30%	32.40%	35.50%	39.20%	36.80%	39.00%
	41-50 Yrs	17.60%	23.90%	12.90%	15.50%	15.80%	17.80%
	Above 50 Yrs	10.80%	11.30%	9.70%	7.20%	10.50%	9.60%
		74	71	31	97	19	292
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



**Meeting main objectives of RTIA (Table 5.13)**

Policy objectives fulfilled							
		Completely disagree	Partially disagree	Agree	Partially agree	Completely agree	Total
Gender	Male	77.80%	78.70%	87.50%	78.70%	94.10%	80.30%
	Female	22.20%	21.30%	12.50%	21.30%	5.90%	19.70%
Religious	Hindu	89.90%	86.70%	93.80%	89.60%	94.10%	89.80%
	Buddhist	3.80%	3.30%	3.10%	6.60%	5.90%	4.80%
	Islam	2.50%	0.00%	3.10%	0.00%	0.00%	1.00%
	Kirat	1.30%	10.00%	0.00%	2.80%	0.00%	3.40%
	Christian	2.50%	0.00%	0.00%	0.90%	0.00%	1.00%
Education	Secondary level	2.50%	0.00%	0.00%	0.00%	0.00%	0.70%
	Higher secondary level	2.50%	1.60%	0.00%	0.90%	0.00%	1.30%
	Graduate degree	19.80%	19.70%	15.60%	23.10%	35.30%	21.40%
	Master's degree	66.70%	62.30%	71.90%	64.80%	64.70%	65.60%
	Master of philosophy	4.90%	13.10%	6.30%	10.20%	0.00%	8.40%
	Doctor of philosophy	3.70%	3.30%	6.30%	0.90%	0.00%	2.70%
Occupation sector	Public sectors journalist (including government owned	17.80%	9.30%	21.40%	13.20%	0.00%	13.80%

	media)						
	Private sector's journalist	53.40%	48.10%	50.00%	53.80%	73.30%	53.30%
	Freelance journalist	5.50%	9.30%	17.90%	8.80%	13.30%	9.20%
	Researcher in journalism field	4.10%	7.40%	0.00%	7.70%	0.00%	5.40%
	Student in journalism	6.80%	13.00%	0.00%	9.90%	6.70%	8.40%
	Campaigner of RTI	6.80%	7.40%	0.00%	1.10%	0.00%	3.80%
	People sometime	5.50%	5.60%	10.70%	5.50%	6.70%	6.10%
Economic class	Upper class	0.00%	0.00%	0.00%	1.00%	0.00%	0.30%
	Upper middle class	2.50%	1.70%	0.00%	1.90%	0.00%	1.70%
	Middle class	53.80%	46.70%	46.90%	53.80%	29.40%	50.20%
	Lower middle class	15.00%	21.70%	31.30%	18.30%	23.50%	19.80%
	Working class	27.50%	28.30%	21.90%	25.00%	47.10%	27.30%
	Lower class/ poor class	1.30%	1.70%	0.00%	0.00%	0.00%	0.70%
Age	16 -30 Yrs	27.20%	31.10%	34.40%	39.80%	47.10%	34.40%
	31-40 Yrs	44.40%	32.80%	46.90%	34.30%	41.20%	38.50%
	41-50 Yrs	22.20%	21.30%	9.40%	16.70%	11.80%	18.10%
	Above 50 Yrs	6.20%	14.80%	9.40%	9.30%	0.00%	9.00%
		81	61	32	108	17	299
Total		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

## Annex V

### COUNTRY HAVING RIGHT TO INFORMATION LEGISLATION

#### CONTINENT-WISE

CONTINENT	Country having RTI legislation	Total country and territories
Asia	32	48 + 3
Europe	43	44 + 4
North America	17	23 + 22
South America	10	14
Australia	6	14 + 9
Africa	26	54
Total	134 Countries	197 COUNTRIES AND 38 TERRITORIES

#### List of countries having RTI legislation in chronological order

S.N.	Country	Date	Continent
1	Sweden	1766	Europe
2	Finland	1951	Europe
3	United States	1966	North America
4	Norway	1970	Europe
5	Denmark	1970	Europe
6	Netherlands	1978	Europe
7	France	1978	Europe
8	New Zealand	1982	Australia
9	Australia	1982	Australia
10	Canada	1983	North America
11	Colombia	1985	South America
12	Greece	1986	Europe
13	Austria	1987	Europe

14	Italy	1990	Europe
15	Ukraine	1992	Europe
16	Hungary	1992	Europe
17	Portugal	1993	Europe
18	Belize	1994	North America
19	Belgium	1994	Europe
20	South Korea	1996	Asia
21	Iceland	1996	Europe
22	Lithuania	1996	Europe
23	Thailand	1997	Asia
24	Uzbekistan	1997	Asia
25	Israel	1998	Asia
26	Latvia	1998	Europe
27	Albania	1999	Europe
28	Georgia	1999	Asia
29	Trinidad and Tobago	1999	North America
30	Japan	1999	Asia
31	Czech Republic	1999	Europe
32	Liechtenstein	1999	Europe
33	South Africa	2000	Africa
34	Bosnia and Herzegovina	2000	Europe
35	United Kingdom	2000	Europe
36	Estonia	2000	Europe
37	Moldova	2000	Europe
38	Bulgaria	2000	Europe
39	Slovakia	2000	Europe
40	Romania	2001	Europe
41	Poland	2001	Europe
42	Mexico	2002	North America
43	Pakistan	2002	Asia
44	Panama	2002	North America
45	Jamaica	2002	North America

46	Angola	2002	Africa
47	Zimbabwe	2002	Africa
48	Tajikistan	2002	Asia
49	Serbia	2003	Europe
50	Slovenia	2003	Europe
51	Croatia	2003	Europe
52	Kosovo	2003	Europe
53	Armenia	2003	Asia
54	Ireland	2003	Europe
55	Peru	2003	South America
56	Turkey	2003	Europe
57	Saint Vincent and the Grenadines	2003	North America
58	Antigua and Barbuda	2004	North America
59	Argentina	2004	South America
60	Switzerland	2004	Europe
61	Ecuador	2004	South America
62	Dominican Republic	2004	North America
63	India	2005	Asia
64	Azerbaijan	2005	Asia
65	Uganda	2005	Africa
66	Montenegro	2005	Europe
67	Bolivia	2005	South America
68	Taiwan	2005	Asia
69	Germany	2005	Europe
70	North Macedonia	2006	Europe
71	Honduras	2006	North America
72	Nepal	2007	Asia
73	Nicaragua	2007	North America
74	Kyrgyzstan	2007	Asia
75	China	2007	Asia
76	Cook Islands	2007	Australia

77	Jordan	2007	Asia
78	Ethiopia	2008	Africa
79	Indonesia	2008	Asia
80	Chile	2008	South America
81	Guatemala	2008	North America
82	Uruguay	2008	South America
83	Malta	2008	Europe
84	Republic of Belarus	2008	Europe
85	Bangladesh	2009	Asia
86	Russia	2009	Europe
87	Iran	2009	Asia
88	Liberia	2010	Africa
89	El Salvador	2011	North America
90	Tunisia	2011	Africa
91	Brazil	2011	South America
92	Nigeria	2011	Africa
93	Mongolia	2011	Asia
94	Niger	2011	Africa
95	Monaco	2011	Europe
96	Yemen	2012	Asia
97	Sierra Leone	2013	Africa
98	South Sudan	2013	Africa
99	Rwanda	2013	Africa
100	Ivory Coast	2013	Africa
101	Spain	2013	Europe
102	Guyana	2013	South America
103	Afghanistan	2014	Asia
104	Maldives	2014	Asia
105	Paraguay	2014	South America
106	Mozambique	2014	Africa
107	Palau	2014	Australia
108	Burkina Faso	2015	Africa

109	Sudan	2015	Africa
110	Kazakhstan	2015	Asia
111	Benin	2015	Africa
112	Sri Lanka	2016	Asia
113	Kenya	2016	Africa
114	Vietnam	2016	Asia
115	Tanzania	2016	Africa
116	Togo	2016	Africa
117	East Timor	2016	Asia
118	Philippines	2016	Asia
119	Vanuatu	2017	Australia
120	Malawi	2017	Africa
121	Bahamas	2017	North America
122	Cyprus	2017	Asia
123	Costa Rica	2017	North America
124	Lebanon	2017	Asia
125	Saint Kitts and Nevis	2018	North America
126	Seychelles	2018	Africa
127	Morocco	2018	Africa
128	Fiji	2018	Australia
129	Luxembourg	2018	Europe
130	Ghana	2019	Africa
131	Saudi Arabia	2020	Asia
132	Kuwait	2020	Asia
133	Gambia	2021	Africa
134	Guinea	2021	Africa

## REFERENCES

- Acharya, U., & Sigdel, S. (2016). *Press freedom in constitution of Nepal 2015*. Center for Media Research Nepal.
- Amanya, R. (2006). *Policy implementation in Ghana- The case of free compulsory basic education (FCUBE) programme* [MPA dissertation, University of Bergen].  
<http://ugle.svf.uib.no/admorg/?strId=5404&kategori=867&versjon=True>
- Ansari, M. M. (2008). *Right to information and its relationship to good governance and development*. Central Information Commissioner.
- Article 19. (1999). *The public's right to know, principles of freedom of information legislation*.  
[https://www.article19.org/data/files/RTI\\_Principles\\_Updated\\_EN.pdf](https://www.article19.org/data/files/RTI_Principles_Updated_EN.pdf)
- Aryal, T. R. (2011). *Assessment of right to information law regime in Nepal for Creating conducive environment for effective implementation*. [Paper presentation]. 1st National Convention on Right to Information on March 28-29, Kathmandu, Nepal.
- Askvik, S., & Jamil, I. (2013). The institutional trust paradox in Bangladesh. *Public Organization Review*, 13(4), 459–476. <https://doi.org/10.1007/s11115-013-0263-6>
- Askvik, S., Jamil, I., & Dhakal, T. N. (2011). Citizens' trust in public and political institutions in Nepal. *International Political Science Review*, 32(4), 417–437. <https://doi.org/10.1177/0192512110377437>
- Banishar, D. (2006). *Freedom of information around the world 2006: A global survey of access to government information laws*. Privacy International.
- Baran, S. J., & Davis D. K. (2000). *Mass communication theory, foundations, ferment, and future*. Thomson Wadsworth.



- Barendt, E. (2006). *Freedom of speech* (2nd ed. Indian edition). Oxford University Press. (Original work published 2005).
- Basnet, M. K. (2008). Suchanako hak ra yessambandhi nepali kanun (Right to information and related Nepali laws). *Media adhyan 3* [Media study 3], (pp.157–205). Martin Chautari.
- Bauhr, M., Grimes, M. (2017). Transparency to curb corruption? Concepts, measures and empirical merit. *Crime Law Social Change*, 68(2), 431–458.  
<https://doi.org/10.1007/s10611-017-9695-1>
- Beniwal, V. S. (2005). *Challenges and prospects of implementing citizens charter: a study of Panchkula (Haryana) municipal council in India* [MPhil dissertation, University of Bergen].
- Berman, P. (1978). The study of macro-and micro- implementation. *Public Policy*, 26(2), 157–184.
- Bresner, K. (2015). *Understanding the right to freedom of expression*. In R. Mandhane, B. Allen, & N. Galoustian (Eds.). International Human Rights Program; Journalists for Human Rights; University of Toronto.  
<https://jhr.ca/wp-content/uploads/2019/10/Understanding-Freedom-of-Expression-Primer-ENG-web.pdf>
- Brink, O. D. (2009). Mill's liberal principles and freedom of expression. In C. L. Ten (Ed.), *Mill's on liberty, A critical guide*. Cambridge University Press.
- Brodkin, E. Z. (1990). Implementation as policy politics. In D. Palumbo, & D. Calista (Eds.), *Implementation and the policy process, opening up the black box*. (pp. 107–108). Greenwood Press.
- Buabeng, T. (2005). *Implementing public policy at the local level in Ghana: The experience of Akwapen South District poverty reduction* [MPhil dissertation, University of Bergen].

- Clarke, M. (1992). Implementation. In Harrop (Ed.). *Power and policy in liberal democracies*. Cambridge University Press.
- Colquitt, J. A., & Rodell, J. B. (2011). Justice, trust, and trustworthiness: A longitudinal analysis integrating three theoretical perspectives. *Academy of Management Journal*, 54, 1183–1206.
- Creswell, J. W. (2003). *Research design, qualitative, quantitative and mixed methods approach*. Sage.
- Crotty, M. (2003). *The foundations of social research: meaning and perspective in the research process* (pp. 34–37). Sage Publications.
- Dahal, K. (2009). *Constitution and nation building, in national building*. Civic Education. FES.
- Dahal, K. (n.d.). Sushsan ra suchanako huk [Good governance and right to information]. [Unpublished manuscript].
- Dahal, T. N., & C. Kafle (2011). RTI initiatives in Nepal: a background note. *Towards open government in Nepal experiences with the right to information* (pp. 1–24). Freedom Forum.
- Dhungel, B. (2021). *Shrinking of media space: drafting of media policies in Nepal* (Policy paper series No 19). Center for Media Research-Nepal.
- Dye, T. R. (1975). *Understanding public policy*. Prentice Hall.
- Elmore, R. E. (1978). Organizational models of social program implementation. *Public Policy*, 26(2), 185–228.
- Elmore, R. F. (1979). Backward mapping: Implementation research and policy decisions. *Political Science Quarterly*, 94(4), 601–616.  
<https://doi.org/10.2307/2149628>
- Erikson, E. H. (1950). *Childhood and society*. W.W. Norton.

- Eventhough, N. (2015). The language factor in the media and information disseminating organizations as a means of achieving the millennium development goals in Africa. *South African Journal of African Languages*, 35(1), 29–41). DOI: 10.1080/02572117.2015.1056462
- Fukuyama, F. (1996). *Trust: The social virtues and the creation of prosperity*. Free Press
- Gastil, J., Deess, E. P., Weiser, P. J., & Simmons, C. (2010). *The jury and democracy: How jury deliberation promotes civic engagement and political participation*. Oxford University Press.
- Gerston, L. N. (2008). *Public policymaking in a democratic society: A guide to civic engagement* (2nd ed.). M.E. Sharpe.
- Giacchino, S., & Kkabadse, A. (2003). Successful policy implementation: The route to building self-confident government. *International Review of Administrative Sciences* 69(2), 139–160.
- Government of Nepal. (2007). *Right to Information Act, 2007*. Nepal Law Commission. <https://bit.ly/3SUxTT5>
- Government of Nepal. (2009). *Right to Information Regulation, 2009*. Nepal Law Commission. <https://bit.ly/3Zt6xpD>
- Government of Nepal. (2010). *Constitution of the kingdom of Nepal, 1990*. Nepal Law Commission. <https://bit.ly/41ScBcN>
- Government of Nepal. (2010). *The Interim Constitution of Nepal, 2007* (8th Amendment). Nepal Law Commission. <https://bit.ly/3yn7p3c>
- Hill, M. & Hupe, P. (2002). *Implementing public policy: Governance in theory and in practice*. SAGE.
- Hogwood, B. W., & Gunn, L. A. (1984). *Policy analysis for the real world*. Oxford University Press.

- Howlett, M., & Ramesh, M. (1995). *Studying public policy: policy cycles and policy subsystems* (2nd ed.). Oxford University Press.
- Informal Sector Service Centre. (1992). *Human rights year book 1992* (1st ed.).
- International Alert, Federation of Nepali Journalists & Equal Access. (2013). *Nepali media sambandhi niti niyamharuko punarawalokan: Byabasayiktaka chunati ra abasar* [Review of Nepalese media's policies and regulations: Opportunities and challenges for professionalism].
- Jain, N. K. (2007). *Right to information: Concept law practice*. Regal Publications.
- James, B. (2005). *Media and good governance*. United Nations Educational Scientific and Cultural Organization.
- Jamil, I., Asvik, S., & Dhakal, T. N. (2013). Understanding governance in south Asia. In *Search of better governance in South Asia and beyond* (pp. 13–35). Springer New York.
- Janseen, K. (2012). Open government data and the right to information, *The Journal of Community Informatics*, 8 (2).
- Jansen, J. J. P., Van Den Bosch, F. A. J., & Volberda, H. W. (2006) Exploratory innovation, exploitative innovation, and performance: Effects of organizational antecedents and environmental moderators. *Management Science*, 52(11), 1661–1674. <http://dx.doi.org/10.1287/mnsc.1060.0576>
- Kasajoo, V. (2013). *Right to information, a think piece*. In Enabling State Program RTI policy brief. ESP UK Aid. [http://www.cmr.org.np/esp\\_rti\\_policy\\_brief.pdf](http://www.cmr.org.np/esp_rti_policy_brief.pdf)
- Keane, J. (1991). *The media and democracy*. Polity Press.
- Kharel, P. (2005). *Sounds of radio broadcasting*. Nepal Association of Media Educators.
- Kharel, P. (2010). *Political communication: media, message and meaning*. Sangam Institute.

- Kharel, P. (2012). *Media for participatory democracy*. Kamala Kharel.
- Koirala, M. (2013). *VAT policy implementation in Nepal* [M.Phil. dissertation]. Tribhuvan University.
- Laskar, S. M. (2016). Importance of right to information for good governance. *Bharati Law Review*, 216–229.
- Leisher, C. (2014). A comparison of tablet-based and paper-based survey data collection in conservation projects. *Social Sciences*, 3(2), 264–271. doi:10.3390/ocsci3020264
- Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. Plenum.
- Lipsky, M. (1980). *Street level Bureaucracy: Dilemmas of the individual in public services*. Russell Sage Foundation.
- Martinez, J. I., & Jarillo, J. C. (1989). The evolution of research on coordination mechanisms in multinational corporations. *Journal of International Business Studies*, 20(3), 489–514.
- Matland, R. D. (1995, April). Synthesizing the implementation literature: The ambiguity-conflict model of policy implementation. *Journal of Public Administration Research and Theory: J-PART*, 5(2)145–174.
- May, P. J. (2003). Policy design and implementation. In B. G. Peter, & J. Pierre (Eds.) *Handbook of public administration* (pp. 223–233). Sage.
- Mazmanian, D. A., & Sabatier, P. A. (1983). *Implementation and public policy*. Foresman
- McLaughlin, M. W. (1987). Learning from experience: Lessons from policy implementation. *Educational Evaluation and Policy Analysis* 9(2),171–178.
- McNabb, D. E. (2015). *Research methods for political science: Quantitative and qualitative approaches* (2nd ed.). Routledge

- Mendel, T. (2008). *Freedom of information: A comparative legal survey* (2nd ed.). United Nations Educational Scientific and Cultural Organization.
- Möllering, G. (2014, March). Trust, calculativeness, and relationships: A special issue 20 years after Williamson's warning. *Journal of Trust Research*, 4(1), 1–21.  
DOI:10.1080/21515581.2014.891316
- Meiklejohn, A. (1948). *Free speech and its relation to self-government*. Harper Brothers Publishers.
- Mom, T. J. M., Van Den Bosch, F. A. J., & Volberda, H. W. (2009). Understanding variation in managers' ambidexterity: Investigating direct and interaction effects of formal structural and personal coordination mechanisms. *Organization Science*, 20(4), 812–828.
- Montgomery, J. D. (2000). Social Capital as a Policy Resource. *Policy Science* 33, 227–243.
- Moore, H. F., & Kalupa, F. B. (2002). *Public relations, principles, cases, and problems*. Surjeet Publications.
- Naib, S. (2011). *The right to information Act, 2005: A handbook*. Oxford University Press.
- National Information Commission. (2009). *First annual report: 2009*.  
<https://nic.gov.np/page/national-information-commission-annual-report-206566>
- National Information Commission. (2013). *Fourth annual report: 2013*.  
<https://nic.gov.np/page/national-information-commission-annual-report-206869>
- National Information Commission. (2022). *Fourteen annual report: 2022*.  
[https://nic.gov.np/files/new\\_files/बार्षिक-प्रतिवेदन-२०७८-७९.pdf](https://nic.gov.np/files/new_files/बार्षिक-प्रतिवेदन-२०७८-७९.pdf)
- Norris, P. (2010). *Public sentinel: News media & governance reform*. The World Bank.

- Odugbemi, S., & Norris, P. (2010). Public sentinel: News media & governance reform, In P. Norris (Ed.), *Policy Recommendations* (pp. 395–410). The International Bank for Reconstruction and Development; The World Bank.
- Organization for Economic Co-operation and Development. (1997). Public service training in OECD countries (SIGMA Paper, No. 16).  
<https://doi.org/10.1787/5kml619ljzzn-en>
- Organization for Economic Co-operation and Development. (2013). *The internet economy on the rise: Progress since the Seoul declaration*.  
<http://dx.doi.org/10.1787/9789264201545-en>
- Oswald, R. M. (2005). *Implementation of the national environment policy: A case of the local government authorities in Dar es Salaam city, Tanzania* [MPA dissertation, University of Bergen].
- O'Toole Jr., L. J. (1995). Rational choice and policy implementation. *American Review of Public Administration*, 25(1), 43–57.
- Palumbo, D. J., & Donald, J. (1990). *Implementation and the policy process, opening the black box*. Greenwood Press.
- Parson, W. (1995). *Public policy*. Edward Elgar.
- Press Council Nepal. (2021). *Chhayalisaun barsik pratibedan* [Forty sixth annual report].
- Pressman, J. L., & Wildavsky, A. (1984). *Implementation* (3rd ed.). University of California Press.
- Priyantha, I. R. (2006). *Challenges of implementing new public management initiatives in developing countries: A case of Sri Lanka* [M.Phil. dissertation, University of Bergen].
- Rout, C. (2014). Right to information Act: An endeavor for deepening democracy. *International Journal of Research in Humanities, Arts and Literature*, 2(2), 65–72.

- Sabatier, P. A. (1986). Top-down and bottom-up approaches to implementation research: A critical analysis and suggested synthesis. *Journal of Public Policy*, 6(1), 21–48.
- Sætren, H. (2005). Facts and myths about research on public policy implementation: Out of fashion, allegedly dead, but still very much alive and relevant. *Policy Studies Journal*, 33(4), 559–582.
- Scanlon, T. (1972). A theory of freedom of expression. *Philosophy and Public Affairs*, 1(2), 204–226. <http://links.jstor.org/sici?sici=0048-3915%28197224%291%3A2%3C204%3AATOFOE%3E2.0.CO%3B2-C>.
- Thaha, (2006). *Thaha: Nispaksha Sakriyatako Aabhyas* (2062 B.S.) [To know: A movement for impartial activism, 2006]. Rupchandra Bista Ismarak Samiti, Nepal. <https://thaha-rudane.org/>
- The Asia Foundation. (2014). *Citizens' access to information in South Asia*.
- The Centre for Law and Democracy. (2015). Global right to information rating. [worksheet/ info-graphic] <http://www.rti-rating.org/country-data>
- Thomas, J. W. & Grindle, M. S. (1990). After the decision: Implementing policy reforms in developing countries. *World Development*, 18(8) 1163–1181.
- Thompson, J. (1995). *The media and modernity*. Polity Press.
- Timalsena, R. K. (2003). *Right to information: Philosophy, law and practice*. Bigya Timalsena.
- Tsai, W. (2002). Social Structure of “competition” within a multiunit organization: Coordination, competition, and intra-organizational knowledge sharing. *Organization Science*, 13(2), 179–190.
- Twenge, J. M., Campbell, W. K., & Carter, N. T. (2014). Declines in trust in others and confidence in institutions among American adults and late adolescents, 1972–2012. *Psychological Science*, 25.



- United Nations Educational Scientific and Cultural Organization. (2009). Freedom of expression, access to information and empowering people. *World press Freedom Day 2008* (p. 10).
- United Nations Educational Scientific and Cultural Organization. (1980). *Many voices one world*.
- UDHR (1948). Universal declaration of human rights, 1948. *General Assembly Resolution 217 A (III) in Paris on 10 December 1948*. United Nations General Assembly.
- United Nations (1946). United Nations General Assembly Resolution 59(I). *65th plenary meeting, 14 December 1946*.
- Van Meter, D. S. & Van Horn, C. E. (1975, February). The policy implementation process: A conceptual framework. *Administration & Society*, 6(4) 445–487.
- Voltmer, K. (2010). The Media, government accountability and citizen engagement. In P. Norris (Ed.), *Public Sentinel* (pp. 137–162). The International Bank for Reconstruction and Development; The World Bank.
- Williams, K. (2003). *Understanding media theory*. Arnold
- Wingate, P. (Ed.) (n.d.). *Newspaper history: From the 17th century to the present day*. Constable.
- Winter, S. C. (1990). Integrating implementation research. In D. J. Palumbo, & D. J. Calista (Eds.), *Implementation and the policy process, opening the black box*. Greenwood Press.
- Winter, S. C. (2003). Implementation perspective: Status and reconsideration. In B.G. Peter & J. Pierre (Eds.), *Handbook of public administration*. (pp. 212–222). Sage.
- Yadav, Y. P. K. (2010, December). RTI- the right to fight and the fight for the right. *Global Media Journal – Indian Edition Winter*, 1–11.

Yilmaz, B. (1999). The right to information: Is it possible for developing countries.  
*IFLA Journal*, 25(2), 104–107.

Yin, R. Y. (2003). *Case study research design and methods* (3rd ed.). Sage  
Publication.

Younis, T., & Davidson (Eds.). (1990). *Implementation in public policy*. Dartmouth  
Publishing Company.

Zink, J., & Julie Z. (n.d.). *Organizational Communication*.  
<https://granite.pressbooks.pub/organizationalcommunication/>