



Citizens' Campaign for Right to Information (CCRI)

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CCRI Condemns Illegitimate Classification of Information

PRESS RELEASE

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Citizens' Campaign for Right to Information (CCRI) is seriously concerned about the recent classification of information by the Nepal Government which makes the right to information, guaranteed by the Interim Constitution 2007 and Right to Information Act 2007, defunct and ineffective.

The preamble of the Right to Information Act 2007 clearly states that the objectives of the Act are to promote transparency and accountability and to increase the access of citizens to the information held in the public agencies. Similarly, another objective of RTI Act is to ensure protection of important information for the national and public interest. Under Section 27 of the Act, the Information Classification Committee can classify information for the protection purpose as per the framework under the Section 3 of the Act.

The government has tried to limit the right to information through classification since the enactment of the RTI Act. First classification of information, done by the Committee on 22 December, 2008 was initial effort of the government to curb the right. However due to heavy public criticism by the civil society organization as well as National Information Commission, head of the Classification Committee, the Chief Secretary of Nepal Government assured reclassification of the information. The new classification came into force on 15 January, 2012, but again with an intention to kill the spirit of RTI Act.

The new classification restricts dissemination of 140 types of information, which goes beyond the limitation on right to information set by Section 3 of the Act. According to Section 3 information related to national sovereignty, security, investigation of crime, banking and trade privacy, jeopardizing harmonious relation in society and individual privacy alone can be limited thereby providing appropriate and adequate reason.

The major problems associated with procedures adopted for classification and information classification itself are as follows:

1. No consultation was done before the classification despite various request for consultation by the stakeholders;
2. The provision of RTI Act for the protection of the information has been misused for keeping information secret beyond the scope of the RTI Act Section 3;

3. RTI Act has defined Parliament and Judiciary as public agencies. However, present classification is limited to executive branch of the government and tries to keep the parliament and judiciary out of the scope of the RTI Act;
4. Provision of the Act on the formation of Classification Committee has not been followed. The Act requires presence of expert on specific subject matter in the committee. However, a former secretary has been considered expert for every subject matter;
5. Present classification goes beyond the scope of Section 3 of the RTI Act;
6. Present classification nullifies the overriding effect of the RTI Act 2007 established by Supreme Court of Nepal;
7. The classification provides discretionary power to the Council of Ministers, Parliament and other agencies to keep information secret, which is beyond the authority of Classification Committee;
8. Present classification classifies reports of different probe commissions as secret documents, which is again against the provision of Section 3 of the Act; and
9. Present classification is against the letter and spirit of constitutional provision on right to information and the Right to Information Act 2007.

In this context, CCRI strongly condemns this illegitimate classification of information and demands for new classification in line with Section 3 of the Right to Information Act. Similarly, we urge the government to consult concerned stakeholders and agencies prior to new classification. CCRI has expressed its continuous solidarity to the different programs organized against current classification by different stakeholders and urge everyone to stand against this breach of fundamental right of the citizens by the government.

Editor's Note: CCRI is a registered non-partisan, non-political and non- profiteering NGO. It has been working for the promotion and protection of right to information in Nepal. It strives for transparency, good governance and monitors functions of the government for effective enforcement of Right to Information.

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