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## **Scope of Proactive Public Information Disclosure in Advancing Nepalese Local Governance**

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### **Abstract**

Proactive disclosure is a tool that organizations, especially government agencies and public institutions, use to voluntarily provide information to the public without the need for formal requests. It is taken as a fundamental right of the citizen and the heart of democracy, which ensures transparency, accountability, and open government by making information accessible to the public. Proactive disclosure is a very important provision of the Right to information (RTI) Act of 2007 that obligates the government to inform citizens regarding its daily activities, decisions, performance, and budget details proactively or on the request of citizens. Beneficiaries, governments' bodies, and experts and facilitators of RTI shall equally have the responsibility to seek, receive, and impart information that is protected by the government. The main purpose of the paper is to determine the scope of proactive disclosure of public information in advancing transparency and accountability of local governance and examine the practices of proactive disclosure of public information from the perspective of RTI Act implementation in Nepal. It has employed purposive sampling for data collection when primary data were collected in the form of information disseminated on the websites of four local bodies and secondary data from various books, journals, reports, etc. This is a really important since it has contributed to local governance being transparent and accountable towards citizens and public service delivery.

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*Keywords:* public information, local governance, proactive disclosure, RTI

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## **Introduction**

Access to public information for a citizen is a key element for democratic government and local development governance as well. There is no doubt that the sole responsibility of the government is to create an accessible environment for public information and a transparent public service delivery system. Constitutionally, the sovereignty of the country lies with the citizens, who have every right to know the performances and accomplishments of the government, especially in matters of service delivery and development activities. Similarly, citizens pay taxes to the government; that's why the government can conduct its administrative and development activities to offer them to the citizens.

Abdelrahman (2021) has stated a concept that Open Government Data (OGD) is a philosophy and increasingly a set of policies that promotes transparency, accountability and value creation by making government data available to all citizen. Public bodies produce and commission huge quantities of data and information. By making their datasets available, public authorities become more transparent and accountable towards citizens. Further, Cochrane (2018) interpreted in the principal-agent theory by Max weber on the "Theory of Bureaucracy". Regarding to this theory, access to information of a citizen is taken as a right of the people coined in the term RTI.

The RTI Act 2007 ensures citizens access to public information from government records, like a record of budget allocation, expenses of development and administrative activities, government decisions, public service delivery policies and procedures, and all kinds of income or expenditure of the government. In this regard RTI Act is a tool for enabling local development governance. Effective implementation of the RTI Act ensures transparency and good governance in a local community in particular and in a country in general. The proper process of information demand and supply reduces information irregularities and exposing corruption. It is realized that the Public servants have become relatively responsive and accountable to the delivery of public service and development administration since the promulgation of the RTI Act.

Dahal and Bhattarai (2020) stated that RTI has been one of the key tools for controlling government and public authorities to be accountable, responsible and transparent in order to promote participatory democracy and good governance. RTI is also a foundation of the government of local development that can measure the democracy, freedom, openness of local governance. It plays pivotal role as a tool to combat corruption and minimize misconducts in public bodies as it makes local government more accountable to their citizens (Kasajoo, 2021).

Dongol (2021) has mentioned that there is an essential relationship between citizens and public authorities in order to access to information. Citizens pay tax to the government and in turn, the government serves the people. The nature of that service can range from administrative to basic rights like food, clothing, shelter, and security which extends even beyond borders. This process and interactions are lubricated by RTI. It is for this reason that citizens have every right to know every activity of public institution and on the other side, those institutions have to provide that necessary information on the demand of citizens or have to disclose pro-actively. Moreover, this also helps in the access to justice as well as to fight corruption, ultimately, enhancing rule of law in the country. The RTI Act 2007 presumes that the provisions of different sections of the chapters are fully responsible to ensure the rights of the citizen in public information. The Act has included the right to expose citizens' opinions and access to seek, receive and impart the public information.

The transparent and accountable administrative system of the local government for the local development is called local governance. It is very potential concept of open governance system which is accepted universally. It has been acknowledged that the local government should work for the welfare of its citizens. Local governance is the foundation of democracy that includes a wide range of issues, for instance, economic, political, administrative, judicial, public service, and so on. The local governance and RTI are closely interlinkage which always advocate for transparency, accountability, and responsibility in terms of public service delivery and development activities. So, right to information and proactive disclosure of public information is being acknowledged as a very important tool to promote transparency, accountability and openness in administrative system of local government.

Proactive disclosure is a very important tool of RTI Act 2007 that obligates the government to inform people about its daily activities, decisions, performance, budget details etc proactively or on the request of citizens. There are mainly three stakeholders in the context of RTI implementation for instance public or beneficiaries (which is called demand side), public entity (which is called supply side) or public authorities and civil societies who have to work together to achieve the goal of RTI. According to the RTI Act 2007, proactive disclosure is based on three major principles. These three principles are: (a) the principle of maximum disclosure, which establishes a presumption that all information held by public bodies should be subject to disclosure; (b) the principle of proactive disclosure, that is, the public bodies provide information to the people prior to the request; and (c) the principle of public interest dominance. When compelling proactive disclosure of public interest balances the purpose of the applicable exemption, the public institutions are supposed to disclose information.

If the culture of pro-active disclosure of information is implemented properly, then most of the workload of public information officers would be reduced, and people would have entered into the matter and referred to government sites to get information that could be highly relevant, combating the hurdles of local governance in a timely manner.

### **Objecives of Study**

The general objective of the study is to explore the role of proactive disclosure of public information in advancing local governance in Nepal. The specific objectives of the study are:

1. to examine the practices of proactive disclosure of public information from the perspective of RTI Act implementation in Nepal.
2. to explore the scope of pro-active disclosure of public information in advancing local governance in Nepal.

### **Methods**

An empirical approach was employed to gather data on the implementation of proactive disclosure by local governments through their websites, citizen charters, and other accessible online platforms. Purposive sampling was utilized to determine the sample size. The primary data were obtained by examining the websites of four local governments. In addition to website observation, tele-interviews were conducted with four local beneficiaries (one from each municipality) to gather their perspectives on information disclosure. The selection of these local bodies was based on their categorization as a metropolitan city, a sub-metropolitan city, a municipality, and a rural municipality, representing diverse geographical, social, and technological contexts. It is presumed that the chosen samples effectively represent the diversity of Palikas across the country.

Both qualitative and quantitative nature of data were employed which are based on primary and secondary sources. Primary data were collected in the form of information disseminated on websites of four local bodies and perception of beneficiaries from tele-interview. Similarly, secondary data were collected from the various books, journals, reports, newspaper and so on. The data were analyzed by applying descriptive method with tabulation.

### **Analysis and Discussion**

Access to public information for a citizen is an essential element for democratic governance and local development governance as well. There are specially three

responsible stakeholders to implement the RTI Act. They are beneficiaries/information seekers, public authorities/information holders, and facilitators/RTI experts, which are called the demand side, supply side, and civil society, respectively. The RTI Act comprises legal provisions for proactive disclosure or voluntary disclosure of public information that includes disclosure of information regarding the functions of an organization; decision making process; duties and responsibilities, powers and obligations; organizations' norms, policies and strategies; and schemes implemented. The Act specifies how the information should be published and updated periodically. Proactive disclosure relies on three principles, such as the principle of maximum disclosure, the principle of pro-active disclosure, and the principle of public interest override. If the policy of pro-active disclosure of public information is implemented accurately, the workload of public information officers would be reduced. It is considered that the process of information disclosure assures citizen-friendly local development governance.

### **Policy to Proactive Disclosure of Information in Nepal**

The sub-section 3 of section 5 of RTI Act 2007 in Nepal has stated that a Public Body shall enlist and publish its following information proactively. a) The structure and nature of body, b) functions, duties, and powers of body, c) number of employees and working details of body, d) service to be rendered by the body, e) branch and responsible officer of the service providing body, f) fee and time limit required for service, g) decision making process and authority, h) authority to hear appeal against decision, i) description of functions performed, j) name and designation of chief and information officer, k) list of acts, rules, by laws or guidelines, l) updated description of income, expenditures and financial transactions, m) Other particulars as prescribed. Public body shall have to update and publish the information within three months from the date of commencement of this Act and in every three months thereafter (RTI Act, 2007). Access to information aims to regulate the mechanisms through which citizens can request information from public institutions. The Access to Information Act specially establishes a legal obligation on public authorities not only to respond to requests but to anticipate potential requests and make information available in an active manner. In terms of assessing the status of proactive disclosure of information, the study reviewed the websites of four local bodies and asked some questions of a local beneficiary from each selected palika.

Because of the RTI Act, information flows rapidly and easily, which has enabled people to form their own views and perceptions. This has created a greater

challenge for public bodies to respond quickly and transparently to the demands and concerns raised by members of the public. The young generation is more cautious and swifter in making decisions. Nepal is also experiencing such changes as the people have become more conscious of their democratic rights and duties. This requires that the government be proactive and transparent in disclosing information about issues having a direct bearing on the lives of people. (Dongol, 2021).

### Practices of Proactive Disclosure of Information

The websites of the local government are the best medium to make information accessible because websites allow access to all stakeholders without a significant barrier. The study assessed the website of the sample Palikas and conducted tele interview with local beneficiaries as well. Table no. 1 shows the situation of proactive disclosure of information of local government as below:

**Table 1**

*Situation of Proactive Disclosure of Information of Local Government.*

Category of Information to be published	Status of Proactive Disclosure of Public Information			
	Kathmandu Metropolitan City	Butwal Sub-Metropolitan City	Melamchi Municipality	Fikkal Rural Municipality
Structure and nature of body	Yes	No	No	No
Functions, duties, and powers of body	Yes	No	No	No
Number of employees and working details of body	Yes	Yes	Yes	Yes
Service to be rendered by the body	Yes	Yes	No	No
Branch and responsible officer of the service providing body	Yes	Yes	No	No
Fee and time limit required for service	Yes	Yes	Yes	Yes
Decision making process and authority	Yes	No	No	NO
Authority to hear appeal against decision	Yes	Yes	Yes	No
Description of functions performed	Yes	No	No	NO
Name and designation of chief and information officer	Yes	Yes	Yes	Yes
List of acts, rules, by laws or guidelines	Yes	Yes	Yes	No
Updated description of income, expenditures and financial transactions.	Yes	No	No	No
Total	Yes=12 No=0	Yes=7 No=5	Yes=5 No=7	Yes=3 No=9
Rate of proactive disclosure of categorized information (%)	100 %	58 %	42 %	25 %

*Source:* Online Survey, 2023

The table (Table 1) has examined the status of local government in publishing public information as per the provision of RTI Act 2007. It shows that Kathmandu Metropolitan City (KMC) is seemed very open and transparent towards the citizens. It has been publishing public information proactively and timely by using a user-friendly format which is considered to be comprehensible, easy to find, presentable in and preferably free. As per the online survey, website of KMC is very dynamic, transparent and user friendly.

Likewise, Butwal Sub-Metro City (BSMC), Melamchi Municipality (MC) and Fikkal Rural Municipality (FRM) have published the categorized information partially. Although the rate of proactive disclosure of public information is 58 %, 42 % and 25 % of BSMC, MC and FRM respectively, it is not in prescribed format and category of information disclosure.

KMC has published information in its website as per the provision of the RTI Act when BSMC, MC and FRM have only published citizen charter in the websites but they are supposed to be unknown about the pro-active disclosure of information as per the RTI Act. So, this sample survey shows that most of the Palikas are still unknown regarding to the information dissemination proactively.

It was found by tele-interview that certain sections and sub-sections of the Act were disseminated; public authorities were still reluctant to disclose information to the public. About 25% respondents assured that they became to know about the activities which have been implemented by Palikas, for instance, maintenance of electricity, supply of gas, water connections, collections of tax, and other activities for development purpose. Likewise, about 75 % of the respondents knew nothing about the activities, budget, or citizens' right to public services. They expressed their dissatisfaction with activities of local government because they are not accessible in the public information and activities of Palikas are not transparent. Therefore, the dissemination of information by the local authorities on their websites can be an efficient mechanism to ensure the fundamental rights of citizens. So, all local bodies are required to maintain a website, and hence, a basic templated website is to be made available and accessible for 753 local bodies, which in turn does not leave out any particular region. Regarding the disclosed information that should be available in different public channels, for instance, the website, internet, radio, public library, social media, and official gazette, to ensure the reach of all sectors of society.

## **Scope of Proactive Disclosure in Advancing Local Governance**

RTI Act 2007 reinforces proactive disclosure that is a duty, obligation and responsibility of public authorities. The authorities must disclose and publish several types of information in public domain which have been defined by the Act. Proactive disclosure is an important tool to promote responsibility and accountability of public authorities and transparency in their activities. The Act has the provisions for extensive proactive disclosure, whereby public authorities must publish defined information proactively. This is very supportive action to the citizens to submit RTI requests and reduce administrative burden. RTI enables citizens to access information of public bodies that is under the control of public authorities. Access to information can contribute to promoting transparency and accountability of public bodies, thereby, making them more responsive towards the demands of citizens. There are numerous benefits for public bodies from taking the initiative to publish the information that they keep. Proactive disclosure brings the citizens of the locality are informed about decisions and policies that affect the rule of law. It is important tool to make public authorities more accountable in terms of spending public funds and promotes transparency in the government. Proactive disclosures of public documents well as citizen's information ensures the public participation in decision making procedures. The procedure is also very helpful to access the government services.

A practical contribution of the paper is to enhance a better understanding of how proactive disclosure of public information is useful in terms of promoting accountability and transparency in public service delivery system of local government. Finally, and perhaps most significantly, the focus of this study on the local government of Nepal is especially significant as these often represent the weakest governance environments, which are in most need of improvements to public accountability, transparency, and public service delivery systems. Therefore, it is significant to strengthening local development governance by using the policy of pro-active disclosure of public information in Nepal.

The available and appropriate information helps citizens live a dignified life in a civilized society. Freedom of public information and proactive disclosure of information ensures the openness in the public administration as well as development administration of local government. The openness brings transparency, accountability, and responsibility in government activities. Similarly, it promotes proper public service delivery system of government and ultimately reduce corruption and combat all kinds of hurdles of local development governance. The study examined



the situation of proactive disclosure of information by local bodies and its scope to maintain transparent and open local development governance. So, it stated that there is a relationship between proactive disclosure and local development governance in Nepal. The major findings of the study are as below:

- a. It is became to find that every local body even rural municipalities have maintained their website but most of the municipalities have not published public information in the format of proactive disclosure through their website.
- b. It is identified that the local government has added citizen's charter in their website that has detailed information about the services, assigned section/department and its personnel information in the websites
- c. There is lacking of regular updates of the websites and information as well. There was outdated information on their websites.
- d. There are some inconsistencies in steering information due to lack proper categorization of information into heading and sub-headings
- e. The coverage of the fiscal program was found to be reluctant by the local bodies.
- f. The result of the assessment of the website of four Palikas, it can be seen that only Kathmandu Metro City get 100 percent achievement in term of information publish under the policy of RTI Act. In this comparison, Butwal, Melamchi and Fikkal haven't maintained their website with the motto of proactive disclosure of public information
- g. Proactive disclosure is an important tool to establish effective local government and maintain proactive system of development governance.

## **Conclusion**

Constitutently, local authorities in Nepal are responsible for providing a variety of public services to citizens. The main motto of the public authorities is to satisfy the people and provide fast and speedy services to the citizens as they require. To cherish this motto, the government of Nepal has enacted the RTI Act to disclose information proactively and deliver public service promptly. So, the study examines citizen satisfaction in public service delivery, practices of proactive disclosure, the status of accountability, and the responsibility of local authorities. The study was conducted by tele-interview and found that certain sections of the Act have been disseminated, and most of the provisions of the Act have been reluctant to be disclosed. About 25% respondents assured that they became to know about the activities which have been implemented by Palikas, for instance, maintenance of electricity, supply of gas,

water connections, collections of tax, and other activities for development purpose. Likewise, about 75 % of the respondents knew nothing about the activities, budget, or citizens' right to public services. They were not satisfied due to a lack of information about what the Palikas have been doing.

Likewise, a website survey of four Palikas was conducted to find the status of the Palikas. Kathmandu is comparatively in a better position to disclose information through its websites than the other three Palikas. Out of these four Palikas, only Kathmandu Metropolitan City seemed aware of the pro-active disclosure of public information. It uses the designated format of proactive disclosure and disclosure as per the policy of the RTI Act. Butwal, Melamchi, and Fikkal seemed unaware of the policy. They have been publishing citizen charters and basic information only. They are still reluctant to publish public information timely, as per the provisions of the RTI Act.

## References

- Abdelrahman, O.H. (2021). *Open government data: Development, practices, and challenges*. <https://doi.org/10.5772/intechopen.100465>
- Agrawal, C. (2012, June). Right to information: A tool for combating corruption in India. *Journal of Management and Public Policy*, 3(2), 26-38. [researchgate.net](http://researchgate.net)
- Ansari, M. M. (2010). *Right to information and its relation to good governance and development*. Central Information Commission.
- ARTICLE19. (2016). The public's right to know: Principles on right to information legislation. *Article19*. [www.artcle19.org](http://www.artcle19.org).
- ARTICLE19. (2017). Open development : Access to information and sustainable development goals. *Article19*. [www.artcle19.org](http://www.artcle19.org).
- Aryal, T. R., (2011). Assessing the legal regime for implementing right to information in Nepal. *Towards Open Government in Nepal*. Freedom Forum.
- Ascher, W., et al. (2016). *The evolution of development thinking: Governance, economics, assistance, and security*. Palgrave Macmillan.
- Bacharwala, P. C. (2017). *Role of right to information act and rural development governance*. ABD Publishers .
- Bakshi, R. (1998). *Bapu kuti: Journeys in rediscovery of Gandhi*. Penguin Books

- Banisar, D. (2005). The irresistible rise of a right. *Index on Censorship*. 34(3), 79-84.  
DOI:10.1080/03064220500239836
- Cochrane, G (2018). Max weber's vision for bureaucracy. Palgrave Macmillan. P 113.
- Dahal, T.N. & Bhattarai, P. (2020). Handbook on right to information. Freedom Forum.
- Dongol, N. (2021). *A study on the proactive disclosure in local government websites in Nepal*. 9(1), 65–78. <https://doi.org/10.46985/kslr.v10iS1.2189>
- GN (2007). *Right to information act, 2007*. Government of Nepal
- Kasajoo, V. (2021). *Right to information in Nepal*. GRM International.
- Keshabananda, B. S. (2013). Right to information act: A key to good governance. *International Journal of Humanities and Social Science Invention*, 2(2), 2319–7722.
- Neupane, M. (2019). Implementation of the principles of right to information in Nepal: Expectations and challenges. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3422866>

