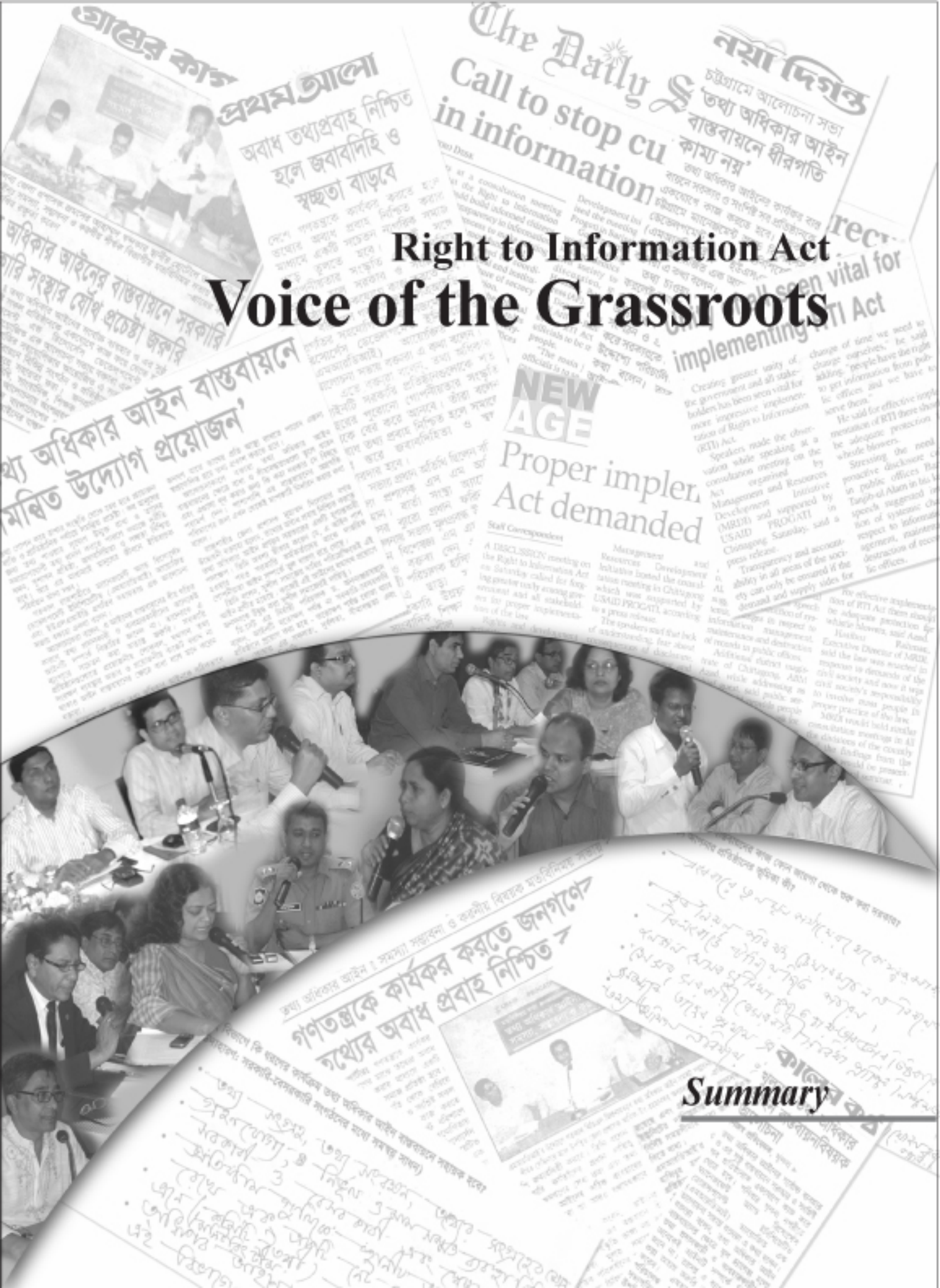




Right to Information Act Voice of the Grassroots

The Daily Star
Call to stop curbing information
in information

নয়া দিগন্ত
চট্টগ্রামে আলোচনা সভা
তথ্য অধিকার আইন
বাস্তবায়নে ধীরগতি

তথ্য অধিকার আইনের কার্যকর হার
একদশের এক ভাগের কম বলে
উল্লেখ করেছেন
চট্টগ্রামে আলোচনা সভা
একদশের এক ভাগের কম বলে
উল্লেখ করেছেন

NEW AGE
Proper implementation of RTI Act demanded
Staff Correspondent
A DISCUSSION meeting on the Right to Information Act was held on Saturday in Chittagong. The meeting was organized by the USAID PROGATI (Program for Grassroots Activism and Transparency) and was attended by representatives of the government, civil society, and the media. The speakers stressed the need for proper implementation of the RTI Act and called for greater transparency in government activities.

Transparency and accountability in all areas of the society can only be ensured if the RTI Act is properly implemented. The speakers also discussed the challenges faced by the public in accessing information and the need for a more proactive government. The meeting was a part of a series of discussions organized by PROGATI to raise awareness about the RTI Act and its importance for good governance.

The effective implementation of RTI Act is crucial for ensuring transparency and accountability in government. The speakers emphasized the need for a culture of openness and for the government to be more responsive to the needs of the public. They also called for the establishment of a strong institutional framework to support the RTI Act and for the public to be more active in demanding information.

Summary
The meeting highlighted the importance of the RTI Act in promoting transparency and accountability in government. It also discussed the challenges faced by the public in accessing information and the need for a more proactive government. The speakers called for the establishment of a strong institutional framework to support the RTI Act and for the public to be more active in demanding information.

আশ্রয় কান
প্রথম আলো
অবাধ তথ্যপ্রবাহ নিশ্চিত
হলে জবাবদিহি ও
স্বচ্ছতা বাজবে

স্বাধীনতা কার্যকর হলে
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**অধিকার আইনের বাস্তবায়নে সরকারি
কারি সংস্থার যৌথ প্রচেষ্টা জরুরি**

স্বাধীনতা কার্যকর হলে
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**তথ্য অধিকার আইন বাস্তবায়নে
মম্বিত উদ্যোগ প্রয়োজন**

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**গণতন্ত্রকে কার্যকর করতে জনগণের
নথ্যের অবাধ প্রবাহ নিশ্চিত**

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Right to Information Act
Voice of the Grassroots
Summary

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Compiled and Edited by: Ananya Raihan



Background

There is hardly any debate over the importance of right to information in ensuring good governance and accountability both in government and non-government sectors. The RTI Act in Bangladesh is the outcome of a long public opinion-building campaign and movement of the media, civil society and the private sector and the work in close cooperation with the government. It was passed in the parliament in 2009. Freedom of information is lately recognized as citizen's right along with other fundamental rights in the constitution.

It is seen highly important to know the perceptions of the stakeholders and the public in general about the law. MRDI organized roundtables in divisional cities to exchange views with various stakeholders to identify the key issues and constraints in implementing the RTI Act. The meetings were held in Khulna, Rajshahi, Barisal and Chittagong. In Sylhet division written opinions were taken from concerned persons. Representatives from the media (Print and electronic), education (Teachers and Students), law enforcers, judiciary, local government, health, disaster management, public administration, development and the grassroots organizations attended the meetings. In every meeting a keynote paper was presented which was followed by open discussion. In some cases written opinions were taken. Issues identified through this exercise were compiled along with the writer's own observations.

At the discussions attempts were there to get feedbacks on various operational issues and constraints from the people who can contribute towards building awareness at the grassroots levels. Without permission no one's identity was revealed.

The opinions found in the discussions are summarized in various segments:

- A. General awareness
- B. Perception about the Information Commission
- C. Strengths and weaknesses of the RTI Act
- D. Issues faced at demand and supply sides in implementing the Act
- E. Challenges
- F. Actions
- G. Standard to measure the progress of implementation

Farid Hossain, Bureau Chief, Associated Press (AP); Md. Moinul Kabir, Legal expert; and Barrister Tanjib Ul-Alam were present in the divisional consultations. The rapporteuring was done by Rafiqul Islam, official from D.Net. We render our thanks and gratitude to them all.

A General awareness

At the divisional level meetings general alertness about the right to information became clear from the opinions given by the individuals who represented various organizations. It was found that although some people have some ideas, the general awareness of right to information is not as high as it should have been. Most of the discussants think that the beneficiaries of the act are researchers, journalists and the lawyers. There are also confusions over the role of the Information Commission and enforcement of the RTI Act. Some of the discussants also tried to point out the weaknesses of the Act instead of its implementation.

Observations on the concept of the law can be divided into positive and negative.

Positive observations

- The Act is timely and people friendly. Most of the discussants think that mass people will be benefited.
- The RTI Act is major instrument in democratization process. Right to information enables right to life, land and livelihood.
- RTI Act was enacted to guarantee rule of law, human rights, political and social equality, freedom and justice for all citizens. Our rights are to be established with the implementation of this act. RTI Act is to strengthen public perception of their fundamental rights.
- RTI empowers people with the right to seek information and helps in ensuring freedom of expression.
- RTI can make the government accountable to the people.
- Journalists can use the RTI Act as a tool for investigative journalism.
- RTI Act is more useful for journalists and researchers and they can use it as a weapon.
- Some of the private sector people said RTI Act made their lives easy in many cases.
- One said this Act will make the effort of the government to build a 'Digital Bangladesh.'
- A government official said "we used to provide information even before the enactment of the law. Now it has become more comfortable for us to provide people with information they seek." This law made people owners of public information.
- RTI Act is to change the mindset of all concerned.
- RTI Act will ensure transparent governance.
- RTI will eliminate corruption.

Negative observations

- There are two aspects of the RTI: the demand side and the supply side. If the supply side cannot match the demand pressure, it can create a negative image of the government.
- A high official at the Khulna meeting expressed his frustration over the low level of awareness and said “if we have such knowledge about RTI, what about general people?”
- Many discussants expressed their doubts over the Act’s effectiveness. They said irregularities have turned into systems in Bangladesh. Irregularities must go first. Public administration people not yet think people as human being. We need to pay to get any information from public offices. Anywhere we go for any purpose, we have to pay bribe. So it’s very difficult to say how this RTI Act can be effective.
- No law can be properly implemented if corruption is not eliminated fully.
- A Rajshahi University teacher said, “Forget the general people, how many of the educated people know about the RTI? Even after one year of the Act’s enactment, educated people are not aware of this. Not even the government officials. If I consider my university, how many of the 27,000 students know about this law? Because there was not enough publicity to popularize the law”.
- A journalist said many people think that RTI is a law for the newsmen. Information is needed only for journalists. They have no idea that the law is to make information available for all. Actually we have failed to communicate it properly. RTI Act needs more publicity.

Self contradictory

“I am a field level journalist. I say from my premises. In fact I am in trouble after passage of this law. You may ask why? I tell you. I had no problem to collect information before this law. Now I am facing impediments. I used to get required information in a day to file a report. Now, after enactment of the law, I am not getting it. The law has become self contradictory.”

*Journalist
in Chittagong*

Which one is true?

Law’s interpretation: At Bandarban while replying to questions from Prothom Alo Correspondent Budhdha Jyoti Chakma and ATN Bangla Reporter Minarul Haq, the deputy commissioner said despite passage of the RTI Act, the Official Secrets Act is still there for the government officers and employees. Under this law a government officer or employee may face disciplinary action for revealing any government information. As a result, a government staff is reluctant to disclose information to journalists or general people. Another high official suggested measures for making the Official Secrets Act RTI Act-friendly. A journalist of the Chittagong Hill Tracts pointed out that the 2nd sub-clause says the Act is above all laws (except the constitution). If so than how the Official Secrets Act can remain effective?

Journalist in Chittagong Hill Tracts

B Perceptions about the Information Commission

- Establishment of the Information Commission should have been transparent, open and participatory. But that was not happened.
- Success of the RTI Act is largely dependent on the Information Commission. Everybody wants to see it highly active.
- Information Commission is taking too long time to organize it.
- The law said the Commission will have maximum three commissioners. The number is less than the requirement.
- RTI Act proved weak as the Commission was not constituted timely.
- Clause 29 of the Information Commission Act gave a verbal explanation that any of its verdict cannot be challenged in a court. This is a big limitation of the law.
- Majority of bureaucrats in the Commission is a problem.
- The status of the Commissioners should be further clarified.
- Any complaint about information must be lodged with the Commission. As there is no branch office, the head office is the only option which is too far from most of the people. There should be system to get complaints through internet.
- The Commission should act neutrally.
- The Commission should try to raise public awareness of its activities and the RTI Act.
- The Commission can publish books, flyers, posters etc and take help from the NGOs.
- The Commission should practice maximum openness and accountability.

C Strengths and weaknesses of the RTI Act

At the divisional level meetings the discussants tried to take a closer look into the strengths and weaknesses of the RTI Act. The observations are presented here.

Strengths

- The best side of the law is the compulsory disclosure of information. Authorities have to reveal information marked in the law even if any one does not want it.
- The law established the Information Commission. A few of the laws established separate commission.

- In addition to the government offices, the law also made the private offices as authorities to reveal information. This is a milestone decision.
- Refusal or reluctance to reveal information is subject to punishment
- A good sign is that the Law ensured rights of the handicapped to get information.

Weaknesses

- The procedures to get information under this law are time consuming. The law needs amendment to ensure quick disclosure of information
- A government officer said there are provision to fine highest Tk. 5000 and Tk. 50 for each day and also departmental action for not disclosing information if any seeks it. Besides, the provision is there for financial compensation. There will be no salary for me if I am punished twice. In that case I will be forced to take resort of corruption. There should be one punishment instead of fine and action for official misconduct.
- There is no clear explanation about day, working day and time and dates. As a result the real time for getting information will be much higher
- Finance is the main hindrance towards implementation of this law. There should be specific budget for implementation of the law, not only for the Commission.
- The list of non-compliance to disclose information is too long.
- The law does not make it clear in how many days the third party will reply if the second party seeks information.
- There is no provision for the protection of whistle blowers.
- It should be further scrutinized whether the law is conflicting with the Constitution and the Official Secrets Act.
- At the primary stage we should be soft in accepting cases and giving punishments.
- If a government official refuses to give information he must take prior permission from the Information Commission. Citizens can also lodge complaint with the Commission. This is confusing.

Many of the weaknesses did not come in the discussions as people still have no clear knowledge about the law. But most of the discussants opined that attention should be on implementation instead of looking for weaknesses.

D Use of the RTI Act

During the last one year, there are not so good examples of seeking information using the RTI Act. Except two cases—one by Bangladesh Environment Lawyers' Association regarding the BGMEA building in Dhaka and other by Research Initiative Bangladesh, regarding the scheduled cast community, no other case came up for discussion. Discussants said the implementation rate of RTI Act in government, public and autonomous bodies are not more than 10 per cent. But many claimed that the officials at the government and public offices are showing positive attitudes. Some of the offices are presenting the list of their activities, source of finance and other information on boards for the people. Offices dealing with disaster issues are especially doing this.

Appointment of designated officers and informing the Commission:

Appointment of designated officers and informing the Commission: Although it is mandatory, most of the NGO did not appoint the designated officer to help people getting information. Only 2 per cent of the NGOs reportedly submitted information to the Commission in this regard. After repeated notification from the NGO Affairs Bureau some NGOs submitted names of the designated officers to the Bureau and the Commission.

Self disclosure:

Khulna district Women Affairs Officer Nargis Fatema Jamil told the meeting that after the passage of the law Women Affairs Officers of nine Upazila informed people of the law through holding open air meetings. Some of the organizations launched websites to disclose information for public viewing.

Incidents of information seeking:

Mohammad Ali Jinnat, Editor of the daily Ruposhy Gram in Cox's Bazar said "once we tried to publish a comprehensive report on six secondary schools. My Staff Reporter went to the district education officer for 11 days, but did not get any information. I personally contacted the education officer, asked him to give me information such as - the number of teachers, number of education officers, how many posts are vacant, the number of students, list of instruments, and what the schools need.. these are not secret information. But he did not give me. Showing me a copy of the law, he said I have to apply through a legal process. We will give you information after 30 days". If this is the situation how implementation of this law is possible?

When the Bandarban Radio Station was constructed? For such a simple question the executive engineer of the Bandarban Public Works Department said "the country now has the RTI Act, for getting information one has to wait for 20 days." He advised the journalist.. "apply today, you will get information after 20 days."

Information is not available

For a publication on population we went to the information unit of the Jhalokathi upazila. But we got no information from there. We got information on food for work in the upazila. Now you say how can we get information, how this law can be implemented?

A discussant in Barisal

RTI Act was passed in 2009. From my experience I say you no one came to me to seek information under this law.

A discussant in Barisal

E Challenges of RTI Act implementation

Written opinions were sought at the divisional levels about the challenges of RTI Act implementation. Challenges raised by the participants are given below:

- **People's unawareness** : The major obstacle is that the law is not known to them for whom it was enacted. Perception is not yet established how this law can be utilized. All the participants suggested that the non-government organizations work for realizing people's right should play a pro-active role in this regard.
- **People's indifference** : People sometimes are hopeful about change of their lots. Say for example, it was found that most of the government officers participated in the Sylhet meeting do not consider them as public servants. Many people do not go to public offices to get information due to lack of education, lack of knowledge. Many think that seeking information can bring problem in their lives. Many fear that they need to pay bribe to get information.
- **Reluctance in recruiting officer in charge** : Reluctance and lengthy procedure of recruiting officer in charge of disclosing information has been identified as a big challenge by the participants of the meetings. It was found during the meetings that in many of the government offices of Khulna and Rajshahi divisions, officer in charge was not recruited. When asked about the reason, it was told that no such instruction had come from the authority. In many NGOs officer in charge was recruited at the headquarters but not at the branches. Most of the appointed officers do not know their responsibilities.
- **Shortage of skilled manpower** : Shortage of manpower causes non-recruitment of officer in charge. Even where manpower is available, required skill has been identified as a problem.
- **Limitations of infrastructure** : Among other limitations, inadequate infrastructure for information storage is an acute problem. It is difficult to find old documents in the government office due to their inadequate space for storing files. Same is the situation at the NGOs, particularly at the field level.
- **Mismanagement in preservation of information** : Most institutions do not have information preservation management system. According to the law a citizen can seek information from any office of the concerned authority. In that case one office may require to collect information from another office. Even manual file management system is absent in many offices.
- **Absence of universal information preservation system** : No common information management system is in place in the government and non-government offices. One specific system is needed.
- **Lack of training** : Inadequate knowledge on the law and lack of training opportunities may lead to wrong interpretation of the law. Officers in charge are confused about their responsibilities since they had no training on the issue.

- **Attitude of government and non-government officials :** A common unwillingness to disclose information prevails among the government and non-government officials. Implementation of the law may become impossible due to non-cooperation of these officials. Some people think that enactment of this law has put the concerned officers in embarrassing position regarding tender bids.
- **Lack of knowledge about the use of information :** There is no system of knowing what and how to do with the information, particularly those related with corruption.
- **Authority's indifference :** According to the RTI activists, widespread corruption prevails in the government and non-government organizations. So the officials will feel reluctant to disclose information to remain safe.
- **Shortage of funds :** Many participants think that fund shortage may hinder implementation of the law.
- **Power discrimination :** Common people take information seeking as challenging the authority of the government officials. Those who are close to the people in power maintain a patron-client relation which keeps them away from helping people apply their right to information. Some people think that guardians of students will not show the courage of seeking information from the educational institutions. Collective adverse attitude of the beneficiaries of development activities will hinder receiving information.
- **Lack of conception of the head of institution :** Heads of institutions have insufficient knowledge about the law and many of them are least interested to know. They do not put proper importance on the issue.
- **Lack of preparedness :** The concerned institutions are not found sufficiently equipped and prepared to provide and seek information even after one year of enactment of the law. Even Information Commission is not yet fully prepared.
- **Abuse of information :** Some people have expressed their concern about the possibility of abusing information by international terrorist groups. A certain group of media people can also blackmail and misuse information received from different organizations which may harm the organization.
- **Wastage of time :** Go-slow attitude of the authority has been identified as an impediment to receiving information.

No preparation

1. 'No initiative of the government is visible after enactment of the RTI Law. Government has not initiated its publicity. If human resources are not available upto the upazila level, how the law will be implemented?
Information Commissioner himself has said all he has in his possession is one laptop and one assistant.'

*A discussant in
Rajshahi division*

2. 'Everybody thinks that information officer has got lots of information. Actually we have nothing but a copy of the gazette of this law. Information office has no work, no guidance.'

*A discussant in
Barisal division*

- **Crisis of values** : Degeneration of values may be an important obstacle to attainment of right to information like many other rights.
- **Inadequacy of development and awareness organizations** : Shortage of organized forces at the grassroots has been termed as weakness in implementing the law.
- **Lack of guidance** : Local administration is not yet prepared since no directives and guidance of the government reached the grassroots. One high official of law enforcing agency of Rajshahi says, “We have not received any document related to the law. We don’t know about providing and receiving information.”
- **Culture of secrecy** : A big barrier to implementation of RTI law is the long cherished culture of secrecy. This law has brought an opportunity for the NGOs to remove their bad image. Question is, whether they avail this opportunity or not.

Some people however, are optimistic about proper implementation of the law and they don’t find any challenge in it. Others think that our marginalized people are not aware of their rights. Our country is far off the Article 19 of UDHR, 1948. No government maintains a positive attitude.

Limitations of the law are not being considered as big challenge to introduce the culture of information seeking. Rather systemic and conceptual barriers are prominent which can be overcome. Participants of all the divisions think, if the government and non-government organizations work together with sincerity, no big challenges will appear.

F Measures to be taken for implementing the RTI Act

Side by side with open discussion on measures for implementation, two written questions were placed:

- What should be the starting point of implementing RTI?
- What would be the role of your organization at this point?

Representatives of organizations present committed to implement RTI Law using their own organizations. Their views on the starting point for implementation can be divided into parts: Disclosure of information as the authority and empowering people to seek information.

Measures for disclosure of information as the authority

Through disseminating role of authority : People may feel encouraged to seek information if they know that government and non-government organizations are ready to disclose information. Publicity in this regard may be done through advertisement of government and non-government organizations over media, display notice in front of the office of the organization etc.

Proactive disclosure of information : Government and non-government organizations can motivate people to seek information by displaying the list of deliverable information on their respective information board. Citing an example of proactive disclosure of information it was told

in the Barisal meeting that if a person eligible to receive old age allowance knows how many and who received the money in his ward and under what procedure they were selected, it might help him/her remove wrong conception about the distribution system.

Recruit an officer in charge : All the divisional meetings recommended that one specific officer should be recruited in compliance with the RTI Law. It is better if a trained officer is given the responsibility.

Initiative to preserve information : Some participants suggested that in addition to the officer in charge, an Information Store Officer should be recruited. Proper storage of information is essential to avoid information hazard.

Disseminate easy techniques of receiving information : Some participants think disseminating the provisions of RTI Act is important. Some think it is better not to confuse people with the complications of the Act, rather show them the simple way to seek information and aware them about benefits of information.

Specific guidelines for information storage and dissemination : Information Commission should provide specific guideline for preserving and delivering information. Government officials have to be informed that non-compliance with the guideline will be harmful for them.

Awareness and incentives for the officials : RTI Act has provision for punishment. Some participants think that provision for reward should also be there for the best information providers.

Training : Authorities, particularly the officers in charge should be trained before starting the implementation process of the Law.

Change in attitude : First of all, a positive attitude and a supportive mindset are required from all quarters.

Internal disclosure policy : Every organization should develop its own policy for disclosure of information to make the job easy for the officer in charge and to protect the interest of the organization.

Select priority organizations : Implementing the law in all government departments simultaneously may not be possible. In that case priority has to be set and police administration should be the first department.

Special arrangement for the impaired groups : Access to information by the marginalized and impaired people have to be kept in mind from the very beginning.

Rights of marginalized groups : It is to be carefully considered whether right to information will protect the rights of the indigenous communities, particularly their land rights or not. Tea garden workers have to be informed about their rights. Other disadvantaged groups should also receive necessary information on time.

Journalist training : Journalists should be trained on how to use the RTI Act. An untrained or unaware journalist may misuse the law and make some confidential information public deliberately or out of ignorance. Journalists also feel the need for training.

National information database : Participants of Sylhet proposed to set up an information database. They think 80% of information can be disclosed spontaneously. It may be mentioned that an e-information cell has come into operation at the initiative of Access to Information program at the Prime Minister's Office.

Empowering people to seek information

Awareness creation : Awareness has been identified as the prior function. This has to be started from the grassroots.

Publicity over media : Publicity of RTI over media can create mass awareness. Airing of drama, songs and documentaries over television will also be effective.

Publicity of the Act : NGOs can inform their beneficiaries about the RTI Act through courtyard meetings, folk songs, street drama, debate and discussions.

Awareness meeting : Awareness programs can be organized at government-NGO joint initiatives. District bar associations can play important role in this regard.

Involve social and voluntary organizations : Social and voluntary organizations like Red Crescent, Scout, Girls Guide etc. can be utilized for publicity. Religious institutes like mosques and temples can also be used.

Continue tour of Information Commission : Tour and monitoring by the members of Information should continue.

Syndicate of active organizations : Organizations already working for right to information may form syndicates to strengthen their capacity and programs. Two such syndicates have already been formed.

Involve community radio : Organizations which are going to launch community radio have to be convinced to broadcast programs on RTI.

Involvement of highest level of the state : Some participants emphasized upon creating examples of information disclosure from the Prime Minister's Office and the Parliament.

Counseling centre : Counseling services can be introduced on how to seek information. Tele-centers countrywide can be used for the purpose.

Role of elected representatives : Local government representatives have an important role to play at the community level. UP Chairman can display notice on a billboard and discuss the issues in a monthly meeting.

Information fair : Information fair can be organized at the grassroots level to provide information and create awareness in this regard.

Proactive disclosure 1

For last one year, Election Commission has been asking political parties and officials to submit statement of assets. But none of them has complied with the instruction so far, though they committed to do so before the election. If this is the behavior of law makers, how the law will be implemented?

A discussant in Barisal division

Proactive disclosure 2

People are being cheated at the land registration office. Transaction of bribe has become a rule over there. Officials of land office do not inform people about the registration fee.

A discussant in Barisal Division

Accurate statistics : Non-availability of accurate statistics has been identified as a big problem. Capacity improvement of Bureau of Statistics was emphasized.

Two-way information dissemination : Two-way information dissemination system has been recommended. An effective communication between information provider and recipient would facilitate receiving accurate information easily and create a relation of confidence.

Including in the curriculum : RTI Act is one of few laws which reflects empowerment of people. Participants have recommended including RTI as a topic of education curriculum to build up a culture of practicing RTI.

G Indicators to measure progress of RTI implementation

The common view is that not even 5% of RTI Act has been implemented in last one year. The Act has not been able to occupy its place in people's mind. So the progress of implementation is very slow. So application of any indicator for measuring progress is still at an immature stage.

Discussed and proposed indicators

Some views on probable indicators for measuring progress of implementation of RTI Act have surfaced from the discussions at the divisional level. Common views are:

- **Monitor and assess recruitment of officer in charge :** Assessment may be done on what percentage of organizations supposed to recruit officer in charge within 60 days of enactment of the law have done so. Failure to recruit within the stipulated time is non-compliance with the law.
- **Number of organizations maintaining information properly :** People concerned with RTI are quite aware of the management of information. They have emphasized identifying number of organizations which maintain information through proper procedure.
- **Number of appeal/complaint :** Number of appeals and complaints regarding non-availability of information can be a good indicator.
- **Attendance in awareness programs :** Most of the people do not know about the law and its benefit. People's presence in awareness program can be used as an indicator.
- **Trend of setting digital software on deliverable information :** Another indicator can be the number of organizations using digital technology in information management.
- **Number of applications seeking information under the RTI Law :** This indicator will help assess the level of awareness of people and their concept about this law.
- **Rate of setting information dissemination unit :** Participants of the divisions except Chittagong and Barisal put importance upon setting information dissemination unit as a part of the law.

- **Number of citizens receiving information from organizations :** This issue was given importance in the divisions other than Rajshahi and Chittagong.
- **Number of organizations publishing citizen charter :** One indicator of service delivery by the government and non-government organizations is whether they have citizen charter updated and publicly displayed. Number of such indicators can be a good indicator for measuring progress.
- **Trend of using facebook :** Participants of Barisal identified presence of RTI group in the facebook- a popular online social interaction site and course of discussions as an indicator.
- **Trend of seeking information voluntarily by common people :** One indicator of empowerment is striving to establish rights at own initiative. So this has been recommended as an indicator for measuring progress.
- **Indirect indicator :** Indirect indicators can also be used in some cases. In Sylhet, number of applications for vocational education, incidences of crop submerging in low-lying areas, damage occurred in fish farms and their relations with RTI can indicate success of the law.
- **Number of media reports :** News and reports covered over print and electronic media were considered as indicator of awareness.
- **Website :** Number of organizations having website with necessary information can also be a good indicator.

Steps for measuring progress

The following views surfaced from the discussion in this regard:

- **Monitoring system :** Separate monitoring system should be introduced on behalf of the government and citizens group including formation of monitoring teams.
- **Regular survey :** Progress may be measured through regular survey.
- **Records of information disclosure :** Develop system to record how many people received required information. This was mentioned as an important task by the participants other than those of Barisal and Sylhet.
- **Categorize information :** Progress may be measured by dividing information into two categories – information to be disclosed and not to be disclosed.
- **Recruiting RTI implementation monitoring officer at the district level :** RTI implementation monitoring officer has to be recruited at the district/upazila level to inform people about the progress of its implementation. The officer will procure report from all organizations in a prescribed form and send the same to the Information Commission every three months. This compiled information will also be displayed in the concerned office.
- **Coordination meeting :** Fortnightly, monthly and half-yearly coordination meetings can be organized at the district level to review progress.
- **Open source :** Some people think that information and data preservation system should be based on open source technology.

- **Interactive meeting** : Organizing this type of interactive meeting every six months, as organized by MRDI will help measure progress.
- **Application analysis** : Information preservation priorities can be set by analyzing applications for information.
- **Incentive** : Officers providing highest number of information can be evaluated and rewarded.
- **Budget allocation** : Analysis of annual progress report, discussion on limitations and necessary measures and allocation of required budget have to be ensured.

Conclusion

It has been observed from the discussions of the meetings that RTI Act could move only a limited number of individuals and institutes. The reality is that though the NGOs had a pioneering role in making the law, they are hardly active in applying and implementing it with few exceptions. Many people think that inclusion of NGOs under the purview of the act has made this happen. It has been done strategically. Since NGOs are taking time to prepare themselves, they are less active in helping people seek information from the government.

Proactive initiative is needed for breaking the culture of secrecy and reluctance to disclose information. Responsibility of the Information Commission has rightly been expanded to creating public awareness instead of keeping it confined within disposal of complaints. But scope of work of the Commission has not been able to create inspiration among the people and citizens. To overcome financial and manpower crisis commission should work in collaboration with NGOs. In that case possibility of conflict of interest cannot be ignored. How far the commission will be active depends upon the desire of the government. Conditions of the other commissions of the country hardly make us optimistic.

Another political-economic factor creates barrier to implementation of the law. That is the aggressive “Patron-client” relation. Dependence of one segment of the society on the other hardly allows them to dissatisfy others. A poor citizen does not want to risk his existence by annoying the UP chairman through seeking information. An NGO representative would not confront a political leader by seeking information and thereby causing harms to his organization. A government official would never like to risk his promotion by seeking information from another government office. This is simply absence of rule of law and manifestation of people’s lack of confidence on rule of law. Who will break this vicious cycle?

Implementation of RTI Act is not possible through project based initiatives. It requires sustainable people centered initiative. We need continuous efforts with the involvement of people. Therefore, there is no alternative to patriotic politics and courageous actions of honest people.

Here are some major views and recommendations that surfaced from the meetings.

A. General awareness

Positive observations

- RTI can make the government accountable to the people
- Journalists can use the RTI Act as a tool for investigative journalism.
- RTI will eliminate corruption

Negative observations

- There are two aspects of the RTI: the demand side and the supply side. If the supply side cannot match the demand pressure, it can create a negative image of the government.
- No law can be properly implemented if corruption is not eliminated fully

B. Perception about the Information Commission

- Establishment of the Information Commission should have been transparent, open and participatory. But that was not happened.
- Information Commission is taking too long time to organize it
- Majority of bureaucrats in the Commission is a problem
- Any complaint about information must be lodged with the Commission. As there is no branch office, the head office is the only option which is too far from most of the people. There should be system to get complaints through internet.
- The Commission should try to raise public awareness of its activities and the RTI Act.
- The Commission should practice maximum openness and accountability.

C. Strengths and weaknesses of the RTI Act

Strengths

- The best side of the law is the compulsory disclosure of information. Authorities have
- to reveal information marked in the law even if any one does not want it.

Weaknesses

- There is no clear explanation about day, working day and time and dates. As a result the real time for getting information will be much higher
- It should be further scrutinized whether the law is conflicting with the Constitution and the Official Secrets Act.

D. Use of the RTI Act

Appointment of designated officers and informing the Commission :

Appointment of designated officers and informing the Commission: Although it is mandatory, most of the NGO did not appoint the designated officer to help people getting information. Only 2 per cent of the NGOs reportedly submitted information to the Commission in this regard. After repeated notification from the NGO Affairs Bureau some NGOs submitted names of the designated officers to the Bureau and the Commission.

Information is not available :

For a publication on population we went to the information unit of the Jhalokathi upazila. But we got no information from there. We got information on food for work in the upazila. Now you say how can we get information, how this law can be implemented? A discussant in Barisal .

Incidents of information seeking :

When the Bandarban Radio Station was constructed? For such a simple question the executive engineer of the Bandarban Public Works Department said “the country now has the RTI Act, for getting information one has to wait for 20 days.” He advised the journalist.. “apply today, you will get information after 20 days.”

E. Challenges of RTI Act implementation

- **People's indifference :** People sometimes are hopeful about change of their lots. Say for example.. it was found that most of the government officers participated in the Sylhet meeting do not consider them as public servants. Many people do not go to public offices to get information due to lack of education, lack of knowledge. Many think that seeking information can bring problem in their lives. Many fear that they need to pay bribe to get information.
- **Reluctance in recruiting officer in charge :** Reluctance and lengthy procedure of recruiting officer in charge of disclosing information has been identified as a big challenge by the participants of the meetings. It was found during the meetings that in many of the government offices of Khulna and Rajshahi divisions, officer in charge was not recruited. When asked about the reason, it was told that no such instruction had come from the authority. In many NGOs officer in charge was recruited at the headquarters but not at the branches. Most of the appointed officers do not know their responsibilities.
- **Limitations of infrastructure :** Among other limitations, inadequate infrastructure for information storage is an acute problem. It is difficult to find old documents in the government office due to their inadequate space for storing files. Same is the situation at the NGOs, particularly at the field level.
- **Power discrimination :** Common people take information seeking as challenging the authority of the government officials. Those who are close to the people in power maintain a patron-client relation which keeps them away from helping people apply their right to information. Some people think that guardians of students will not show the courage of seeking information from the educational institutions. Collective adverse attitude of the beneficiaries of development activities will hinder receiving information.

- **Lack of guidance** : Local administration is not yet prepared since no directives and guidance of the government reached the grassroots. One high official of law enforcing agency of Rajshahi says, “We have not received any document related to the law. We don’t know about providing and receiving information.”
- **Culture of secrecy** : A big barrier to implementation of RTI law is the long cherished culture of secrecy. This law has brought an opportunity for the NGOs to remove their bad image. Question is, whether they avail this opportunity or not.

F. Measures to be taken for implementing RTI

Measures for disclosure of information as the authority

- **Through disseminating role of authority** : People may feel encouraged to seek information if they know that government and non-government organizations are ready to disclose information. Publicity in this regard may be done through advertisement of government and non-government organizations over media, display notice in front of the office of the organization etc.
- **Proactive disclosure of information** : Government and non-government organizations can motivate people to seek information by displaying the list of deliverable information on their respective information board. Citing an example of proactive disclosure of information it was told in the Barisal meeting that if a person eligible to receive old age allowance knows how many and who received the money in his ward and under what procedure they were selected, it might help him/her remove wrong conception about the distribution system.
- **Disseminate easy techniques of receiving information** : Some participants think disseminating the provisions of RTI Act is important. Some think it is better not to confuse people with the complications of the Act, rather show them the simple way to seek information and aware them about benefits of information.
- **Specific guidelines for information storage and dissemination** : Information Commission should provide specific guideline for preserving and delivering information. Government officials have to be informed that non-compliance with the guideline will be harmful for them.
- **National information database** : Participants of Sylhet proposed to set up an information database. They think 80% of information can be disclosed spontaneously. It may be mentioned that an e-information cell has come into operation at the initiative of Access to Information program at the Prime Minister’s Office.

Empowering people to seek information

- **Involve social and voluntary organizations** : Social and voluntary organizations like Red Crescent, Scout, Girls Guide etc. can be utilized for publicity. Religious institutes like mosques and temples can also be used.

- **Involvement of highest level of the state :** Some participants emphasized upon creating examples of information disclosure from the Prime Minister's Office and the Parliament.
- **Accurate statistics :** Non-availability of accurate statistics has been identified as a big problem. Capacity improvement of Bureau of Statistics was emphasized.
- **Two-way information dissemination :** Two-way information dissemination system has been recommended. An effective communication between information provider and recipient would facilitate receiving accurate information easily and create a relation of confidence.
- **Including in the curriculum :** RTI Act is one of few laws which reflects empowerment of people. Participants have recommended including RTI as a topic of education curriculum to build up a culture of practicing RTI.

G. Indicators to measure progress of RTI implementation

- **Regular survey :** Progress may be measured through regular survey.
- **Categorize information :** Progress may be measured by dividing information into two categories – information to be disclosed and not to be disclosed.
- **Recruiting RTI implementation monitoring officer at the district level :** RTI implementation monitoring officer has to be recruited at the district/upazila level to inform people about the progress of its implementation. The officer will procure report from all organizations in a prescribed form and send the same to the Information Commission every three months. This compiled information will also be displayed in the concerned office.
- **Incentive :** Officers providing highest number of information can be evaluated and rewarded.

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, অক্টোবর ২৯, ২০০৯

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

মুদ্রণ ও প্রকাশনা শাখা

প্রজ্ঞাপন

তারিখ, ২৭ অক্টোবর ২০০৯

নং ৫৮-(আঃমঃ) (মুঃপ্রঃ)-তম/প্রেস-২/তক-১/২০০৮ (অংশ) — সরকার, কার্যবিধিমালা, ১৯৯৬ এর প্রথম তফসিল (বিভিন্ন ডুব মন্ত্রণালয় এবং বিভাগের মধ্যে কার্যবন্টন) এর আইটেম ৩০ এর ক্রমিক ৭ ও ১০ এবং মন্ত্রিপরিষদের বিগত ৩-৭-২০০০ ইং তারিখের সভায় গৃহীত সিদ্ধান্ত বাস্তবায়নের নিমিত্ত The Right to Information Act, 2009 (২০০৯ সনের ২০ নং আইন) নিম্নরূপ ইংরেজী অনুবাদ সর্বসাধারণের জ্ঞাতার্থে প্রকাশ করিল।

মোঃ আনোয়ার হোসেন
সহকারী সচিব।

Right to Information Act, 2009
Act. No. XX of 2009

An Act

to make provisions for ensuring free flow of information and people's right to information.

Whereas freedom of thought, conscience and speech is recognized in the Constitution of the People's Republic of Bangladesh as one of the fundamental rights and right to information is an inalienable part of freedom of thought, conscience and speech; and

Whereas all powers of the Republic belong to the people, and it is necessary to ensure right to information for the empowerment of the people; and

Whereas if the right to information of the people is ensured, the transparency and accountability of all public, autonomous and statutory organisations and of other private institutions constituted or run by government or foreign financing shall increase, corruption of the same shall decrease and good governance of the same shall be established; and

Whereas it is expedient and necessary to make provisions for ensuring transparency and accountability in all public, autonomous and statutory organisations and in other private institutions constituted or run by government or foreign financing;

it is hereby enacted as follows :—

Chapter 1
Introductory

1. Short title and commencement.—(1) This Act may be called the Right to Information act, 2009.

(2) Of this Act—

(a) all the sections except sections 8, 24 and 25 shall be deemed to have come into force on 20 October, 2008; and

(b) sections 8, 24 and 25 shall come into force on 1 July, 2009.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Appellate Authority” means—

(i) in case of and information providing unit, the administrative head of its immediate superior office; or

(ii) if there is no superior office of such unit, the administrative head of that unit;

(b) "Authority" means —

- (i) any organization constituted in accordance with the Constitution of the People's Republic of Bangladesh;
- (ii) and ministry, division or office established under the Rules of Business made under article 55(6) of the Constitution of the People's Republic of Bangladesh;
- (iii) any statutory body or institution established by or under any Act;
- (iv) any private organisation or institution run by government financing or with aid in grant from the government fund;
- (v) any private organisation or institution run by foreign aid in grant;
- (vi) any organisation or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organisation or institution; or
- (vii) any organisation or institution as may be notified in the official Gazette from time to time by the Government;

(c) "officer" shall also include an employee;

(d) "information providing unit" means—

- (i) head office, divisional office, regional office, district office or upazila office of any department, directorate or office attached to or under any ministry, division or office of the Government;
- (ii) head office, divisional office, regional office, district office or upazila office of an authority;

(e) "Information Commission" means the Information Commission established under section 11;

(f) "information" includes any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority:

Provided that it shall not include note-sheets or copies of notesheets;

(g) "right to information" means the right to obtain information from any authority;

(h) "Schedule" means Schedule to this Act;

(i) "third party" means any other party associated with information, other than that applying for information or any authority providing such information;

(j) "officer-in-charge" means any officer appointed under section 10;

(k) "prescribed" means prescribed by rules or regulations;

(l) "regulations" means regulations made under section 34;

(m) "Selection Committee" means the selection committee constituted under section 14;

(n) "rules" means rules made under section 33.

3. Act to override.—Of any existing law—

(a) the provisions of providing information shall not be affected by the provisions of this Act; and

(b) the provisions of creating impediment in providing information shall be superseded by the provisions of this Act if they become conflicting with the provisions of this Act.

Chapter 2

Right to, Preservation of, Publication of and Access to Information

4. Right to information.—Subject to the provisions of this Act, every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him with the information.

5. Preservation of information.—(1) In order to ensure right to information under this Act, every authority shall prepare catalogue and index of all information and preserve it in an appropriate manner.

(2) Every authority shall, within a reasonable time-limit, preserve in computer all such information as it thinks fit for preservation in computer, and shall connect them through a country-wide network to facilitate access to information.

(3) The Information Commission shall, by regulations, frame instructions to be followed by every authority for the preservation and management of information and all authority shall follow the instructions.

6. Publication of information.—(1) Every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens.

(2) In publishing and publicising information under sub-section (1), no authority shall conceal any information or limit its easy access.

(3) Every authority shall publish a report every year which shall contain the following information, namely:—

(a) particulars of its organisational structure, activities, responsibility of the officers and employees, or description and process of decision making;

(b) lists of all laws, Acts, Ordinance, rules, regulations, notifications, directives, manuals, etc. of the authority including the classification of all information lying with the authority;

(c) description of the terms and conditions under which a citizen may get services from the authorities in obtaining any license, permit, grant, consent, approval or other benefits and of such conditions that require the authority to make transactions or enter into agreements with him;

(d) particulars of the facilities ensuring right to information of the citizens, and the full name, designation, address, and, in cases where applicable, fax number and e-mail address of the assigned officer.

(4) If the authority frames any policy or takes any important decision, it shall publish all such policies and decisions and shall, if necessary, explain the reasons and causes in support of such policies and decisions.

(5) The report prepared by authority under this section shall be made available free of charge for public information and its copies shall be stocked for sale at nominal price.

(6) All the publications made by the authority shall be made available to the public at reasonable price.

(7) The authority shall publish and publicise the matters of public interest through press note or through any other means.

(8) The Information Commission shall, by regulations, frame instructions to be followed by the authority for publishing, publicising and obtaining information and all the authority shall follow them.

7. Publication of or providing with certain types of information not mandatory.— Notwithstanding anything contained in any other provisions of this Act, no authority shall be bound to provide with the following information, namely—

(a) any such information that may, if disclosed, cause a threat to the security, integrity and sovereignty of Bangladesh;

(b) any such information relating to any aspect of foreign policy that may affect the existing relationship with any foreign country or international organisation or any regional alliance or organization;

(c) any secret information received from a foreign government;

(d) any information relating to inherent secrets of commercial or business nature, copyright or intellectual property right that may, if published, affect the intellectual property right of a third party.

(e) any of the following information that may, if disclosed, be gainful or damaging to any particular individual or organization, namely:—

(i) any advance information about income tax, customs, VAT and law relating to excise duty, budget or change in the tax rate;

(ii) any advance information about changes relating to exchange rate and interest rate;

- (iii) any advance information about the management and supervision of the financial institutions including banks;
- (f) any such information that may, if disclosed, obstruct the enforcement of law or incite any offence;
- (g) any such information that may, if disclosed, endanger the security of public or impede the due judicial process of a pending case;
- (h) any such information that may, if disclosed, offend the privacy of the personal life of an individual;
- (i) any such information that may, if disclosed, endanger the life or physical safety of any person;
- (j) any such information given in confidence to any law enforcement agency by a person;
- (k) any matter pending before any court of law and which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (l) any such information that may, if disclosed, impede the process of investigation;
- (m) any such information that may, if disclosed, affect any investigation process of offence and the arrest and prosecution of offender;
- (n) any such information which is, according to law, liable to be published only for a certain period of time;
- (o) any such information that is generated through technical or scientific experiment, and is expedient to keep secret for strategic or commercial reasons;
- (p) any such information pertaining to a purchase process before it is complete or a decision has been taken about it;
- (q) any such information that may be prejudicial to the special rights of the House of the Nation;
- (r) any secret information of a person which is protected by law;
- (s) any advance, information relating to question papers of an examination or marks given;
- (t) any document including summaries to be placed before the Cabinet or, as the case may be, before the Council of Advisers and information relating to discussions and decisions of such meetings :

Provided that after taking any decision by the Cabinet or, as the case may be, by the Council of Advisors, the reasons of taking such decisions and the basis upon which the decisions are taken may be disclosed :

Provided further that the concern authority shall take prior approval from Information Commission for withholding information under this section;

8. Request for Information.—(1) Under this Act a person may apply to the officer-in-charge requesting for information either in writing or through electronic means or through e-mail.

(2) The request made under sub-section (1) shall include the following information, namely: —

(i) name, address of the person making request, in applicable cases, his fax number and email address;

(ii) correct and clear description of the information sought for;

(iii) other related information so that the location of the information sought for may be easily found out;

(iv) description of the modes how he wants to have the information, that is making inspection, having copy, taking note or any other approved method.

(3) The request for information under this section shall be made in a form printed by the authority, or as the case may be, in prescribed format :

Provided that if the form is not printed or is not easily available or if the format has not yet been prescribed, request may be made for information by inserting information mentioned in sub-section (2) on a piece of white paper, or in electronic form or through e-mail.

(4) In the case of obtaining information under sub-section (1), the person making the request shall pay reasonable fees as may be prescribed by the officer-in-charge for such information.

(5) The Government may, in consultation with the Information Commission, fix the fees for having any information by notification in the official Gazette, and, if necessary, may fix the price of information, or as the case may be, may exempt an individual or a class of individuals or any other class from paying such price.

(6) Every authority shall prepare and publicise a list of information to be supplied free of cost upon an instruction of the Information Commission.

9. Procedure for providing information.—(1) The designated officer shall, on receipt of a request under sub-section (1) of section 8, provide the information to the applicant within 20 (twenty) working days from the date of receiving the request.

(2) Notwithstanding anything contained in sub-section (1), if more than one unit or authority are involved with the information sought for, such information may be provided within 30 (thirty) working days.

(3) Despite anything contained in sub-section (1) and (2), if the officer-in-charge, due to any reason, fails to provide the information sought for, he shall inform the applicant the reasons thereof in writing within 10 (ten) working days.

(4) Notwithstanding anything contained in sub-section (1) and (2), if a request made under sub-section (1) of section 8 is relating to the life and death, arrest and release from jail of any person, the officer-in-charge shall provide preliminary information thereof within 24 (twenty-four) hours.

(5) Where the officer-in-charge fails to provide information within the timeframe as mentioned in sub-section (1), (2) or (4), it shall be presumed that the request for information has been rejected.

(6) When any information sought for is available with the officer-in-charge, he shall determine a reasonable price of that information and shall request the applicant to pay the price within 5(five) working days.

(7) For determining the price under sub-section (6), the price shall not exceed the actual expense of providing information such as cost of printing electronic format or photocopying or print-out.

(8) Where an officer-in-charge thinks that the request made for information under sub-section (1) of section 8 is appropriate, and such information has been supplied by a third party or a third party's interest is involved in it and the third party has considered it as secret information, the officer-in-charge shall cause a notice to be served upon the third party within 5(five) working days for written or oral opinion, and if the third party gives any opinion in response to such notice, the officer-in-charge shall take into consideration such opinion and make a decision in respect of providing information to the applicant.

(9) Notwithstanding anything contained in section 7, no request for information may be totally rejected on the ground that it is associated with information that is not mandatory for publication, and the portion of the requested information which is not mandatory for publication and is reasonably separable from the portion shall be provided to the applicant.

(10) Where access to the record or a part thereof is required to be provided to a perceptual handicapped, the officer-in-charge shall provide assistance to him to enable him to access such information and such assistance shall deem to include any assistance which is required for such inspection.

Chapter 3

Designated Officer

10. Designated Officer.—(1) Within 60 (sixty) days after commencement of this Act, all authorities existing prior to such commencement shall appoint a designated officer for each of the units for providing information according to the provisions of this Act.

(2) Any authority established after the commencement of this Act shall, within 60 (sixty) days after such establishment, appoint a designated officer for each of the units for providing information according to the provisions of this Act.

(3) If any authority establish any office after the commencement of this Act, it shall, within 60(sixty) days of such establishment, appoint a designated officer for each of the units for providing information according to the provisions of this Act.

(4) All authorities shall inform the information Commission the names, designation, address and, in case where applicable, fax number and e-mail addresses of the designated officers appointed under sub-section (1), (2) and (3) within 15(fifteen) working days from the date of such appointment.

(5) A designated officer discharging his duty under this Act may seek assistance from any other officer and the officer whose assistance is sought shall be bound to extend necessary help to the officer-in-charge.

(6) If a designated officer seeks support from other officer under sub-section(5) and any provision of this Act is contravened due to failure of giving such assistance, then such other officer shall also be deemed to be the officer-incharge for determining the liability under this Act.

Chapter 4

Establishment of Information Commission, etc.

11. Establishment of Information Commission.—(1) After the commencement of this Act, a commission to be known as the Information commission shall be established for carrying out the purposes of this Act and in accordance with its provisions.

(2) The Information Commission shall be an independent body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by its own name sue and be sued.

(3) The head office of the Information Commission shall be at Dhaka and the Commission may, if necessary, establish branch offices anywhere in Bangladesh.

12. Constitution of the Commission.—(1) The Commission shall consist of the Chief Information Commissioner and 2(two) other Commissioners, at least 1 (one) of whom shall be a woman.

(2) The Chief Information Commissioner shall be the Chief Executive of the Commission.

(3) No act or proceeding of the Commission shall be invalid merely on the ground of existence of any vacancy in, or any defect in the Constitution of the Information Commission and no question shall be raised in this regard.

13. Powers and functions of the Information Commission.—(1) If any person files a complaint regarding any one of the following reasons, the Information Commission shall, subject to the provision of this Act, receive, inquire into and dispose of such complaint, namely:.

(a) non-appointment of an officer-in-charge by any authority, or its refusal to accept a request for information ;

(b) refusal of any request for information;

(c) a request for information has been left unattended or no information received within the time-limit specified under this Act;

- (d) if the applicant is asked for a fee or compelled to pay an amount of fee which he considers to be unreasonable;
- (e) if the applicant is provided with incomplete information or such information that appears to be misleading or false; and
- (f) any other matter relating to requesting or obtaining information under this Act.

(2) The Information Commission may, on its own accord or upon a complaint, conduct an inquiry regarding the complaint raised under this Act.

(3) The Information Commission, or as the case may be, the Chief Information Commissioner or Information Commissioners, may exercise such powers as a civil court may exercise under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely :-

- (a) to issue summons to enforce the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or other things;
- (b) to examine and inspect information;
- (c) to receive evidence on affidavit;
- (d) to bring in any information from any office;
- (e) to issue summons for witnesses or documents; and
- (f) any other matter prescribed by rules for carrying out the purposes of this Act.

(4) Notwithstanding anything contained contrary in any other law, while inquiring after a complaint under this Act, the Information Commission or, as the case may be, the Chief Information Commissioner or the Information Commissioners may examine on spot any information relating to the complaint kept in the custody of any authority.

(5) The Functions of the Information Commission shall be as follows namely :—

- (a) to issue directives for the preservation, management, publication, publicity of and access to information by authority;
- (b) to prescribe the procedure for applying for information from the authority and, as the case may be, to fix appropriate price of information;
- (c) to formulate guidelines and directives as to the preservation and implementation of the right to information of the citizens;
- (d) to consider the provisions recognized under the Constitution of the People's Republic of Bangladesh or any other law for the time being in force in order to preserve the right to information and recommend to the Government for their effective implementation by indicating the impediments;
- (e) to identify the impediments against the preservation and implementation of right to information of the citizens and recommend to the Government for appropriate solution;

- (f) to conduct research on the agreements relating to the right to information and other international instruments and to recommend to the Government for their implementation;
- (g) to examine the similarities of the prevailing law relating to the maintenance and implementation of the right to information of the citizens and to make necessary recommendation to the Government or, as the case may be, to the appropriate authority in order to ensure their harmonization with the international instruments;
- (h) to advise the Government to ratify or sign any international instrument on right to information;
- (i) to conduct research on preservation and implementation of the right to information and to assist the educational and professional institution for conducting such research;
- (j) to publicize the issues relating to the preservation and implementation of the right to information among different classes of citizens of the society and to increase their awareness about the right to information by publishing, disseminating or any other means;
- (k) to advise and provide assistance to the Government in order to make necessary laws and administrative directives for preservation and implementation of right to information;
- (l) to advise and provide assistance to the organizations or institutions working for the preservation and implementation of the right to information and to citizens in general;
- (m) to increase public awareness on right to information by conducting research, seminars, symposiums, workshops and similar other measures and disseminate the result obtained from the research;
- (n) to give the authority technical and other assistance with a view to ensuring right to information;
- (o) to establish a web portal for Bangladesh to ensure right to information;
- (p) to oversee the actions taken under any other law relating to the preservation and implementation of the right to information;

14. Selection Committee.—(1) A selection committee shall consist of the following 5 (five) members with a view to providing recommendation for the appointment of the Chief Information Commissioner and Information Commissioners, namely :—

- (a) a judge of the Appellate Division, nominated by the Chief Justice, who shall also be its Chairman;
- (b) the Cabinet Secretary of the Government of the People's Republic of Bangladesh;
- (c) one member from the ruling party and one from the opposition, nominated by the Speaker while the Parliament is in session;
- (d) one representative nominated by the Government from among the persons involved in the profession of journalism holding a post equivalent to the editor or a prominent member of the society related to mass communication.

(2) The Ministry of Information shall provide necessary secretarial assistance to constitute the selection committee under sub-section (1) and to carry out the functions of such selection committee.

(3) The presence of at least 3 (three) members shall constitute the quorum of the selection committee.

(4) In order to appoint the Chief Information Commissioner and the Information Commissioners, the selection committee shall, on the basis of the decision of the majority members present at the meeting, recommend 2 (two) names against each vacant post.

(5) In the event of equality of votes in the selection committee, the Chairman shall have right to a second or a casting vote.

(6) The selection committee shall prescribe the procedure of its meetings.

(7) No act or proceeding of the selection committee shall be invalid merely on the ground of existence of any vacancy in or any defect in the constitution of the committee and no question shall be raised in this regard.

15. Appointment, tenure, resignation etc. of the Chief Information Commissioner and other Commissioners.—(1) The President shall, on the recommendation of the selection committee, appoint the Chief Information Commissioner and other Information Commissioners.

(2) The Chief Information Commissioner or other Information Commissioners shall not be eligible to be appointed or hold office after he has attained the age of 67 (sixty-seven) years.

(3) The Chief Information Commissioner and other Information Commissioners shall hold office for a term of 5 (five) years from the date of appointment or till he attains the age of 67 (sixty-seven) years, whichever is earlier.

(4) The Chief Information Commissioner or other Information Commissioners shall not be eligible for reappointment for the same post, but an Information Commissioner shall not be ineligible for appointment to the post of Chief Information Commissioner.

(5) Subject to the provisions of this section, the Chief Information Commissioner and the Information Commissioners shall be appointed from amongst the persons with broad knowledge and experience in law, Justice, Journalism, education, science, technology, information, social service, management, or public administration.

(6) The Chief Information Commissioner or an Information Commissioners may, at any time, resign from his office by writing under his hand addressed to the President.

(7) If the office of the Chief Information Commissioner becomes vacant or if the Chief Information Commissioner is on account of absence, illness or any other cause unable to perform the functions of his office the senior-most Information Commissioner shall perform the functions of the Chief Information Commissioner until a newly appointed Chief Information Commissioner has entered upon that office or until the Chief Information Commissioner has been able to resume his own duties.

16. Removal of the Chief Information Commissioner and Information Commissioners.—

(1) The Chief Information Commissioner and any Information Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court.

(2) Notwithstanding anything contained in sub-section (1), the President may remove the Chief Information Commissioner or any Information Commissioner from their respective offices, if he—

- (a) is declared by a competent court to be insolvent;
- (b) engages himself in any post extraneous to his own duties during his term of office for remuneration;
- (c) is declared by a competent court to be of unsound mind;
- (d) is convicted of an offence involving moral turpitude.

17. Ranks, remuneration, allowances and other facilities of the Information Commissioners.—The rank, remuneration, allowances and other facilities of the Chief Information Commissioner and the Information Commissioners shall be determined by the Government.

18. Meetings of the Commission.—(1) Subject to the provisions of this Act, the commission shall determine the procedure of its meetings.

(2) The Chief Information Commissioner shall preside over all the meetings of the Commission and in the case of his absence, the senior-most Information Commissioner shall preside over the meeting.

(3) The Presence of the Chief Information Commissioner and any 1 (one) of the Information Commissioners shall constitute the quorum of a meeting of the Information Commission.

(4) The Chief Information Commissioner and other Information Commissioners shall have one vote each in taking decision of the meeting of the commission and in the event of equality of votes, the person presiding over the meeting shall have the right to a second or casting vote.

Chapter 5

Financial matters of the Information Commission

19. Information Commission Fund.—(1) There shall be a fund to be called the Information Commission fund to carry out the purposes of this Act.

(2) The management and administration of the Information Commission Fund shall, subject to this section and the provisions of the rules made there under, be vested in the Information Commission.

(3) The salaries and allowances of the Chief Information Commission, the Information Commissioners, the Secretary and other employees of the Commission shall be paid from the fund in accordance with the terms and conditions of their service, and other expenses of the Information Commission shall also be disbursed from this fund.

‘ We had a belief that
God lives in money, but now
we can feel that God lives in the
world of information ’

—A Journalist, Chittagong Division

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