

**Translated Copy of the Decisions  
Of the Information Commission Bangladesh**

**Translated by  
Nepal Chandra Sarker**

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### **Complaint No. 01**

Complainant: Syeda Rizwana Hasan  
Advocate, Supreme Court  
And Chief Executive  
Bangladesh Environmental  
Lawyers' Association

**Opposite party:** 1. Chairman  
Rajdhani Unnayan Kartripaksha (RAJUK)  
Dhaka  
2. Designated Officer-4, RAJUK  
Dhaka

### **Decision Paper**

On behalf of Bangladesh Environmental Lawyers' Association (BELA) complainant Syeda Rizwana Hassan, Chief Executive of BELA submitted an application to the Chairman and Designated Officer-4 of Rajdhani Unnayan Kartripaksha (RAJUK) requesting for information regarding approval for construction of BGMEA Bhaban. Having received no information within specified period of time as per section 9(5) of the Right to Information Act, 2009 BELA preferred an appeal to the Secretary, Ministry of Housing and Public Works as superior authority as per section 24 of the same Act. In the appeal petition, she requested for giving direction to the concerned Designated Officer of RAJUK to deliver requested information to BELA within 15 days as per section 24(3) of the RTI Act. Getting no information on expiry of the specified period of time she submitted this petition of complaint to the Chief Information Commissioner-in-Charge under section 25(1) (b) and (c) of the RTI Act, 2009.

On consideration of the petition of complaint and related papers in the meeting of the Information Commission held on 30.08.2010, it was found that though each authority was supposed to appoint one Designated Officer for delivering information as per sub-section 10 (1) of the RTI Act within 60 days of the promulgation of this Act and to inform the Commission within next 15 days of the appointment of the Designated Officer under sub-section 10(4), yet no such appointment was received from the Ministry of Housing and Public Works till date. So, the Commission Secretary was instructed to inform the Secretary, Ministry of Housing and Public Works and the Chairman, RAJUK of the matter and to collect information regarding appointment of Designated Officers and the Appellate Authorities including names, designation and other particulars and also the actions taken by the authorities on the petition of the complainant. Accordingly it was communicated to the Secretary, Ministry of Housing and Public Works and the Chairman, RAJUK vide Memo. No.TKK/Admin-23/2010/331 dated-12.04.2010 and one reminder was issued later on for not getting the replies. At last on 26.07.2010

information was received from the Secretary , Ministry of Housing and Public Works and the Chairman, RAJUK as follows:

Name of the Authority	Designated Officer and his particulars
Ministry of Housing and Public Works	Mr. A M Azhar, Deputy Secretary, M/o Housing & Public Works
Rajdhani Unnayan Kartripaksha RAJUK	Mr. Md. Anwarul Islam, Member (Planning), RAJUK

Though information regarding appointment of Designated Officers was received, yet no information regarding actions taken on the petition of BELA was given to the Commission. So, the concerned authorities were instructed to inform the Commission of the actions taken within 7 days next. Later on the Commission was informed by RAJUK vide its Memo. No. RAJUK/NAA 4/3 C 26/2003/584 dated 08.09.2010 that all requested information had been supplied in report form to the complainant.

**Decision:** It revealed that the concerned authority, RAJUK had supplied all requested information as a result of the actions taken by the Information Commission. Accordingly the complaint was considered as disposed of.

Sd/ (Prof. Dr. Sadeka Halim) Information Commissioner	Sd/ (Mohammad Abu Taher) Information Commissioner	Sd/ ( Muhammad Zamir) Chief Information Commissioner
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### Complaint No. 02

**Complainant:** Md. Enamul Kabir Howlader

Mahfel Haque & Co.  
BGIC Tower 4<sup>th</sup> Floor)  
34, Topkhana Road, Dhaka-10000

**Opposite party:** 1. Rikta Dutta

Assistant Registrar  
Coordination & Evaluation  
Department of Cooperatives  
Agargaon, Dhaka

### Decision Paper

Complainant Mr. Md. Enamul Kabir Howlader, Mahfel Haque & Co., BGIC Tower (4<sup>th</sup> Floor), 34 Topkhana Road, Dhaka-1000 submitted an application to the Registrar of the Department of Cooperatives with a request for having a copy of the inquiry report submitted by Mr. Subrata Bhowmik, Deputy Registrar of the said department on the allegations leveled against the then Upazila Cooperative officer, Mr. Md. ABM Zahid Hossain of Barisal Sadar Upazila. On 15.01.2009 it was informed vide Memo. No. 138/94G/ 58/A/O under the signature of Mrs. Rikta Dutta, Assistant Registrar that as the contents of the complaint petition filed to the department fell under section 7(L) of the RTI Ordinance, the requested inquiry report was not supplied to him. Then he preferred an appeal to the Secretary, Rural Development and Cooperatives Division on 02.03.2009. Thereafter, on promulgation of RTI Act, 2009 he again submitted another application to the Designated Officer of that department on 12.10.2009 seeking for the same inquiry report. But for not providing any information in respect of the application, he submitted an appeal petition to the Secretary, Rural Development and Cooperatives Division under section 24 of the RTI Act on 15.03.2010. But again getting no remedy on the appeal petition, this complaint was lodged with the Information Commission under section 25 of the RTI Act, 2009.

The complaint was discussed in the meeting of the Commission on 30.08.2010 and decision was taken to send the copy of the petition of complaint to the Secretary of the Division and the Registrar of the Department seeking for the information including name, address and other particulars of the Designated Officers as per format. Accordingly the Department of Cooperatives appointed Mrs. Rikta Dutta, Assistant Register (Coordination and Work Evaluation) as Designated Officer and informed the Commission. But it did not inform whether information sought for was supplied or not. Hearing on the petition was postponed on 07.03.2011 due to illness of the complainant's mother and next date was fixed on 22.03.2011 for hearing.

Today on 22.03.2011 the case was heard *ex parte* due to absence of the complainant without any petition or prior intimation. The opposite party, Mrs. Rikta Dutta, Assistant Register (Coordination and Work Evaluation), Department of Cooperatives, Agargaon, Dhaka informed that as another inquiry was under process before providing requested information, there was no scope to supply requested information before completion of the inquiry. But by this time the investigation has been concluded and now there is no impediment to supply the requested information.

**Decision:** The information providing authority will provide the requested information within the shortest possible time to the complainant and inform the Commission.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

Sd/  
(Mohammad Abu Taher)  
Information Commissioner

Sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### Complaint No. 03

**Complainant:** Mr. Asim Das

S/o Kadam Das

Vill: Atarai, P.O: Jeyala, Upazila: Tala

District: Satkshira

**Opposite party:** Designated Officer

Department of Social Welfare

Upazila: Tala

District: Satkshira

### Decision Paper

Complainant Mr. Asim Das, S/o Kadam Das, Vill- Atarai, P.O. Jeyala, Upazila-Tala, Dist-Satkshira submitted an application to the Designated Officer/Office Head of Upazila Social Welfare Office seeking for information about quantities of khas land existing in different mouzas of No. 6 Sadar union of Tala Upazila on 25.07.2010. Getting no information within the specified period of time, he submitted an appeal petition to the appellate authority on 02.09.2010 and having no remedy from the appellate authority within the time limit he filed this petition of complaint to the Information Commission.

On examination of the complaint by the Commission in its meeting held on 30.12.2010, it was found that the application for information submitted to the Designated Officer/Office Head was not attached with the petition of complaint. Instead of filing the application for information about khas land to the Designated Officer of the A.C (Land) office, submission of application to the Social Welfare office was found to have been wrong.

**Decision:** The complaint was dismissed as it was not submitted to the appropriate Designated Officer. Yet the complainant will be at liberty to file fresh application for such information to the appropriate Designated Officer of the concerned A.C(Land) office. Thus the complaint was regarded as disposed of. Inform all concerned by issuing copies.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

Sd/  
(Mohammad Abu Taher)  
Information Commissioner

Sd/  
( Muhammad Zamir)  
Chief Information Commissioner

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### **Complaint No. 04**

**Complainant:** Mr. Asaduzzaman  
C/o: SAFE  
Noor Villa  
51 Khan A Sabur Road  
Khulna-9100

**Opposite party:** 1. Md. Belayet Hossain  
Dy. Chief Inspector  
Factories & Estab. Inspection  
Directorate, Khulna Div, Khulna  
At present-  
Dy. Chief Inspector  
Factories & Estab. Inspection  
Directorate, Dhaka Div, Dhaka  
2. Md. Faridul Islam  
Asstt. Chief Inspector-in-Charge  
Factories & Estab. Inspection  
Directorate, Khulna Div, Khulna  
3. Md. Aminul Islam  
Dy. Secretary & Chief Inspector  
Factories & Estab. Inspection  
Directorate, Dhaka

Date of hearing: 22.03.2011

### **Decision Paper**

Complainant, Mr. Asaduzzaman, C/o-SAFE. Noor Villa, 51 Khan A Sabur Road, Khulna-9100 filed an application on 28.06.2010 to Mr. Belayet Hossain (Designated Officer), Deputy Chief Inspector (General), Labour Directorate, Boyra, Khulna with a request for having a list of factories that have implemented minimum wages of the labourers working in the shrimp industries sector as declared by the govt. He submitted an appeal petition to the concerned appellate authority for not providing any information within the time limit. The Appellate Authority directed the Designated Officer to provide requested information to the applicant vide Memo. No. Ka/AngA-55/09/300(2) dated 30.08.2010.

The complaint was discussed in the meeting of the Commission held on 30.12.2010 and on taking the complaint into cognizance the date of hearing was fixed on 15.02.2011. But due to absence of the complainant on the fixed date the date of hearing was shifted to 07.03.2011 and on this day the case was heard by the Commission in presence of both the

parties. After hearing, the concerned Dy. Chief Inspector (General), Directorate of Labour, Boyra, Khulna was directed to appoint a Designated Officer in his office and inform the Commission within 15 days and it was decided to hear the case on the next date in presence of both the Designated Officers and the Appellate Authority.

Accordingly the case was put up today on 22.03.2011 and the complainant on oath deposed that he submitted an application on 28.06.2010 to Mr. Belayet Hossain (Designated Officer), Deputy Chief Inspector (General), Labour Directorate, Boyra, Khulna requesting to have a list of factories that have implemented minimum wages of the labourers working in the shrimp industries sector as declared by the govt. He submitted an appeal petition to the concerned appellate authority for not providing any information within the time limit. The Appellate Authority directed the Designated Officer to provide requested information to the applicant vide Memo. No. Ka/AngA-55/09/300(2) dated 30.08.2010. Later on he received the requested information. But he became confused while he found lack of similarity between the information he received during his research study and the information received from the Designated Officer. He also stated in his deposition that the factories namely M U Sea Foods Ltd, Asia Sea Food Ltd, Delta Fish Ltd, Satkshira Food Ltd and A Fish Ltd were closed, but were included in the list provided by the Designated Officer. So, the factories wherein the workers do not work are not relevant to implement the minimum wages. In that list (in no.20) the location of International Sea Food Ltd has been shown at Rupsha, Khulna. But in the list of the Frozen Food Exporters' Association the same factory has been shown as located in Chittagong that created ambiguity about the information. As per primary research study report it was found that 55% of the labourers are getting wages as per minimum wages declared by the govt. and remaining 45% labourers are not getting as per minimum wages. There are as many as 53 factories in Khulna, Jessore and Bagerhat. But in the list the number of factories has been shown as 39.

On the other hand Mr. Belayet Hossain stated in his deposition that he supplied the list of the factories that have implemented minimum wages to the complainant on 30.09.2010. As per allegation of the complainant during deposition regarding the closed 4 factories he stated that those factories were not found closed during inspection. In the shrimp industries sector labourers have been divided into two categories like 'Ka' and 'Kha'. In the 'Ka' category there are 7 grades and the 'Kha' category means the employees. During inspection there were found some labourers of Ka category along with the employees of Kha category. When the complainant conducted his study, production in those factories was closed. According to the provisions of the Bangladesh Labour Law, 2006 the workers working in both the categories have been defined as labourer. The complainant did not separately mention about the Ka category workers in his request for information. Even he did not seek other information except the list of factories. As per statement of the complainant the factory located at Chittagong was due

to spelling mistake. For example, it would have been International Shrimp Export Ltd instead of International Sea Food.

On behalf of the opposite party the newly appointed Designated Officer Md. Faridul Islam, Asstt. Chief Inspector, Factories & Establishment Inspection Directorate, Khulna Div, Khulna stated that he did not deliver any information because he did not get the file relating to information sought or nobody approached him for information. Mr. Md. Aminul Haque, Chief Inspector, Factories and Establishment Inspection Directorate and the Appellate Authority directed to supply requested information, but it was not supplied accordingly.

On hearing it revealed that the information providing authority was found irresponsible in providing information. In cases of spelling or information related mistakes it was his duty to provide corrected information as a supplementary one. Though the Designated Officer was newly appointed, yet it is not acceptable that he is not aware of the application for information and the complaint in this regard.

**Decision:** Presently working Designated Officer will provide correct and complete information to the applicant after due scrutiny within 7 days and inform the Commission. The Appellate Authority will ensure due discharge of duties by the Designated Officers under his command as per provisions of the RTI Act.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 05**

**Complainant:** Ms Manashi Chakma  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No.-A, Block-A (J)  
Mirpur-6, Dhaka-1216

**Opposite party:** Mr. GolamFaruk Khan  
Director, Proshika

Date of hearing: 15.02.2011

### **Decision Paper**

Complainant Ms Manashi Chakma, House No. 51-52(1<sup>st</sup> Floor), Road No.-A, Block-A (J), Mirpur-6, Dhaka-1216 submitted a petition of complaint to the Chief Information Commissioner on 31.10.2010 stating therein that she submitted a request on 29.07.2010 to the Designated Officer or Office Head, Proshika Human Development Centre, Mirpur-2 for the following information:

01. Copy of the principles/circular relating to payment of provident fund deposits and
02. Copy of the decision as to why her provident fund balance is not being disbursed and the list of officers related with the decision.

The petition was lodged as per section 8(1) of the Right to Information Act, 2009. Though the concerned authority was bound to give her requested information within 20 working days from the date of receipt of the request as per section 9(1) of the said Act, yet they did not provide the requested information. For not getting the requested information she submitted an appeal to the superior appellate authority, but she did not get any reply within next 15 days.

The complaint was discussed in the meeting of the Commission held on 30.12.2010 and on taking the complaint into cognizance the first date was fixed on 06.02.2011 and later on, on 15.02.2011 for hearing. Today the case was heard in presence of both the parties. The complainant stated in her deposition that after the filing of this complaint to the Commission she received her provident fund claim amounting to Tk. 39,918 on 14.02.2011. But she did not get the requested information till date.

Thereafter, the opposite party Mr. Golam Faruk Khan, Director, Proshika stated in his deposition that the principles relating to provident fund formation and management of the

Proshika Human Development Centre is exclusively applicable to its employees only. This principle is under process of modification after the recent change over in the management which will be finalized within a few days. On finalization, it will be available from the Human Resource Division of the organization in case of necessity. He further stated that the last decision of the authority regarding distribution of provident fund of the former employees was published in the daily Prothom Alo on 31.07.2009 and in daily Samokal on 29.07.2009 in the form of advertisement. Distribution of provident fund balance of the former employees is not closed at present and it is ongoing as usual. As a result, there is no copy of the decision related to stop distribution of provident fund claims. The total claim of the complainant amounting to Tk.39,918 has been disbursed by this time. Matters relating to payment of provident fund claims of the employees are disposed of according to the decision of the governing body and the Chief Executive of the organization.

**Decision:** On hearing it reveals that the complainant received total claim of her provident fund amounting to Tk.39,918 on 14.02.2011. However, she did not get the copy of the principles of payment from the provident fund. As it is mandatory to provide the requested information as per provisions of section 4 and section 7, the case is disposed of with a direction to the Designated Officer to provide the requested information by 22.02.2011 with intimation to the Information Commission. Inform all concerned by issuing copies.

Sd/	sd/	sd/
(Prof. Dr. Sadeka Halim)	(Mohammad Abu Taher)	(Muhammad Zamir)
Information Commissioner	Information Commissioner	Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
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### **Complaint No. 06**

<b>Complainant:</b> Mr, Utpal Kanti Khisha House No. 51-52 (1 <sup>st</sup> Floor) Road No.03, Block-A (J) Mirpur-06, Dhaka	<b>Opposite party:</b> Designated Officer/Office Head Directorate of Health M/o Health & Family Planning Mohakhali, Dhaka
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### **Decision Paper**

Complainant Mr. Utpal Kanti Khisha, House No. 51-52, Road No.03, Block-A (J), Mirpur-06, Dhaka, submitted an application on 09.08.2010 to the Designated Officer/Office Head, Directorate of Health, M/o Health and Family Planning, Mohakhali, Dhaka seeking for a copy of the latest circular relating to appointment of doctors to the govt. hospitals and number of doctors appointed in 2009-2010 along with the copy of the decision related to such appointment.

Getting no information within the time limit he preferred an appeal to the concerned appellate authority, the Director General, Health Services, Directorate of Health, Mohakhali on 05.09.2010 and getting no remedy within the specified period of time he submitted this complaint to the Information Commission on 31.10.2010.

On examination of the papers submitted by the complainant along with the petition of complaint in the meeting of the Commission held on 30.12.2010, it was found that the application for information was addressed to the Designated Officer/Office Head. Filing the request for information to the Office Head instead of the Designated Officer of the organization was not proper as per Right to Information Act. Moreover, it was found that item no. 2 of the requested information was not clear. On the other hand, Information Commission was not informed whether Designated Officer was appointed by the concerned office or not. Accordingly the Director General, Health Services was requested to appoint Designated Officer in his office and also to inform the Commission of the action taken by his office on the petition of complaint vide Commission's Memo. No. TTK/Admin-84/2011-680(1) dated 05.01.2011.

Later on, the complainant again filed similar petition of complaint to the Information Commission and the Commission discussed the complaint in detail in its meetings held on 04.07.2011, 19.09.2011 and 13.10.2011. On detail examination it was decided to issue another letter to the DGHS for compliance of the earlier letter no. 680(1) dated 05.01.2011 and to direct the complainant to submit the application for information to the Designated Officer. On the basis of this decision letters were issued to the DGHS and the complainant on 17.10.2011.

**Decision:** The complaint was disposed of with an advice to the complainant to submit the request for information to the appropriate Designated Officer because it was not submitted earlier to appropriate officer. Commission also directed the Opposite party to appoint Designated Officer in his office with intimation to the Commission. Inform all concerned by issuing copies.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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Sher-e-Bangla Nagar, Dhaka-1207  
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### **Complaint No. 07**

**Complainant:** Mr, Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No.03, Block-A (J)  
Mirpur-06, Dhaka

**Opposite party:** Designated Officer/Office Head  
Bangabandhu Sheikh Mujibur  
Rahman Medical University  
Shahbag, Dhaka

### **Decision Paper**

Complainant Mr. Utpal Kanti Khisha, House No. 51-52, Road No.03, Block-A (J), Mirpur-06, Dhaka, submitted an application on 09.08.2010 to the Designated Officer/Office Head, Bangabandhu Sheikh Mujibur Rahman Medical University, Shahbag, Dhaka seeking for the list of services provided by the varsity free of cost or at nominal cost and if no service is provided free of cost, in that case the list of all services provided along with the costs needed.

Getting no information within the time limit he preferred an appeal to the Appellate Authority, the Vice-chancellor of Bangabandhu Sheikh Mujibur Rahman Medical University, Shahbag, Dhaka on 05.09.2010 and getting no remedy within the time limit he submitted this petition of complaint on 31.10.2010 to the Information Commission.

On examination of the papers submitted by the complainant along with the petition of complaint in the meeting of the Commission held on 30.12.2010, it was found that the application for information was addressed to the Designated Officer/Office Head. Filing the request for information to the Office Head instead of the Designated Officer of the organization was not proper as per Right to Information Act. On the other hand, Information Commission was not informed whether Designated Officer had been appointed by the concerned office or not. As a result the Vice-chancellor, Bangabandhu Sheikh Mujibur Rahman Medical University, Shahbag, Dhaka was requested to appoint Designated Officer in his office and to inform the Commission of the action taken by his office on the complaint vide Commission's Memo. No. TKK/Admin-84/2011-680(2) dated 05.01.2011.

Later on, the complainant again filed similar petition of complaint to the Information Commission and the Commission discussed the complaint in detail in its meetings held on 04.07.2011, 19.09.2011 and 13.10.2011. On detail examination it was decided to issue another letter to the Vice-chancellor, Bangabandhu Sheikh Mujibur Rahman Medical University, Shahbag,

Dhaka for compliance of the earlier letter no. TKK/Admin-84/2011-680(2) dated 05.01.2011 and to direct the complainant to submit the application for information to the Designated Officer. On the basis of this decision, letters were issued to the Vice-chancellor, Bangabandhu Sheikh Mujibur Rahman Medical University, Shahbag, Dhaka and the complainant on 17.10.2011.

**Decision:** The complaint was disposed of with an advice to the complainant to submit the request for information to the appropriate Designated Officer as it was not properly submitted earlier and with a direction to the opposite party to appoint Designated Officer in his office with intimation to the Commission. Inform all concerned by issuing copies.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 08**

**Complainant:** Mr. Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No.03, Block-A (J)  
Mirpur-06, Dhaka

**Opposite party:** Designated Officer/Office Head  
Bangladesh Health Professional Institute  
CRP, Mirpur-14, Dhaka

### **Decision Paper**

Complainant Mr. Utpal Kanti Khisha, House No. 51-52, Road No.03, Block-A (J), Mirpur-06, Dhaka, submitted an application on 29.07.2010 to the Designated Officer/Office Head, Bangladesh Health Professional Institute, CRP, Mirpur-14, Dhaka seeking for a copy of the notice and principles for realization of fees at the rate of Tk.500 (Five hundred) each from all first year students of all groups of Diploma in Medical Technology as fixed by the National Medical Council for registration and verification of certificate & mark sheet and the basis of fixing such fees, reasons thereof, list of the decision makers and copy of the decision.

Getting no information within the time limit he preferred an appeal to the Appellate Authority, the Principal, Bangladesh Health Professional Institute, CRP, Mirpur-14, Dhaka on 05.09.2010 and getting no remedy within the time limit he submitted this petition of complaint on 31.10.2010 to the Information Commission.

On examination of the papers submitted by the complainant along with the petition of complaint in the meeting of the Commission held on 30.12.2010, it was found that the application for information was addressed to the Designated Officer/Office Head. Filing the request for information to the Office Head instead of the Designated Officer of the organization was not proper as per Right to Information Act. On the other hand, Information Commission was not informed whether Designated Officer had been appointed by the concerned office or not. As a result the Principal, Bangladesh Health Professional Institute, CRP, Mirpur-14, Dhaka was requested to appoint Designated Officer in his office and to inform the Commission of the action taken by his office on the complaint vide Commission's Memo. No. TTK/Admin-84/2011-680(3) dated 05.01.2011.

Later on, the complainant again filed similar petition of complaint to the Information Commission and the Commission discussed the complaint in detail in its meetings held on 04.07.2011, 19.09.2011 and 13.10.2011. On detail examination, it was decided to issue another

letter to the Principal, Bangladesh Health Professional Institute, CRP, Mirpur-14, Dhaka for compliance of the earlier letter no. TTK/Admin-84/2011-680(3) dated 05.01.2011 and to direct the complainant to submit the application for information to the Designated Officer. On the basis of this decision letters were issued to the Principal, Bangladesh Health Professional Institute, CRP, Mirpur-14, Dhaka and the complainant on 17.10.2011.

**Decision:** The complaint was disposed of with an advice to the complainant to submit the request for information to the appropriate Designated Officer as it was not properly submitted earlier and with a direction to the opposite party to appoint Designated Officer in his office with intimation to the Commission. Inform all concerned by issuing copies.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### Complaint No. 09

**Complainant:** Ms Alaka Rani Das  
Vill: Khanpur, P.O. Tala  
Upazila: Tala, Satkshira

**Opposite party:** Designated Officer/Office Head  
Deptt. of Women and Children Affairs  
Upazila: Tala, Satkshira

Date of hearing: 22.03.2011

### Decision Paper

The complainant submitted a prayer to the Designated Officer/ Office Head of the Department of Women and Children Affairs of Tala Upazila on 25.07.2010 seeking for a copy of different services provided by the office. Getting no information within the time limit the complainant preferred an appeal to the Appellate Authority on 02.09.2010. Getting no remedy she submitted this petition of complaint to the Information Commission.

On examination, it was found that the copy of the application for information was not attached with the petition of complaint. However, with reference to her earlier complaint dated 24.07.2010 on the same issue, the Upazila Women and Children Affairs Officer, Tala, Satkshira was directed vide Commission's Memo. No. TKK/Admin-23/2010-548 dated 27.09.2010 to supply the requested information i.e copy of different services provided by the office of the Department of Women and Children Affairs of Tala Upazila as there was no impediment to supply such information as per section 7 of the Right to Information Act and a copy of the same letter was forwarded to the complainant. Accordingly, requested information was supplied to the complainant, Alaka Rani Das on 03.11.2010 and it was informed to the Commission on 14.03.2011 by the Upazila Women and Children Affairs Officer, Tala, Satkshira.

**Decision:** As the complainant received the requested information by this time, the case was disposed of releasing the opposite party, the Designated Officer, from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### Complaint No. 10

**Complainant:** Mr. Palash Das  
Vill: Khanpur, P.O. Tala  
Upazila: Tala, Dist. Satkshira

**Opposite party:** Md. Jalal Uddin, Designated Officer  
Upazila Project Implementation Officer  
Upazila: Tala, Dist. Satkshira

Date of hearing: 22.03.2011

### Decision Paper

Complainant Palash Das of Vill; Khanpur, Upazila- Tala, Dist. Satkshira submitted a prayer to the Designated Officer/Office Head of the Directorate of Relief and Rehabilitation of Tala Upazila on 25.07.2010 seeking for a copy of the allocation received for Kabikha projects of no. 06 Sadar Union from the M/o Relief and Disaster Management. Getting no information within the time limit the complainant preferred an appeal to the Appellate Authority on 02.09.2010. Getting no remedy he submitted this petition of complaint to the Information Commission.

On examination it was found that the copy of the application for information submitted to the Designated Officer/Office Head was not attached with the petition of complaint. However, with reference to his earlier complaint dated 24.07.2010 on the same issue, the Upazila Project Implementation Officer, Tala, Satkshira was directed vide Commission's Memo. No. TKK/Admin-23/2010-552 dated 27.09.2010 to supply the requested information i.e copy of the allocation received for Kabikha projects of no. 06 Sadar Union from the M/o Relief and Disaster Management as there was no impediment as per section 7 of the Right to Information Act to supply such information and a copy of the same letter was forwarded to the complainant. Accordingly, requested information was supplied to the complainant, Palash Das on 05.10.2010 and it was informed to the Commission on 14.03.2011 by the Upazila Project Implementation Officer Officer, Tala, Satkshira.

**Decision:** As the complainant received the requested information by this time, the case was disposed of releasing the opposite party, the Designated Officer, from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### Complaint No. 11

**Complainant:** Mr. Judhisthir Das  
Vill: Khanpur, P.O. Tala  
Upazila: Tala, Dist. Satkshira

**Opposite party:** Designated Officer  
Social Welfare Department  
Upazila: Tala, Dist. Satkshira

Date of hearing: 22.03.2011

### Decision Paper

Complainant Judhisthir Das of Vill; Khanpur, Upazila- Tala, Dist. Satkshira submitted a prayer to the Designated Officer/Office Head of the Department of Social Welfare of Tala Upazila on 25.07.2010 seeking for a copy of the list of agriculture cards distributed among the farmers in light of the latest notification issued by the M/o Agriculture. Getting no information within the time limit the complainant preferred an appeal to the Appellate Authority on 02.09.2010. Getting no remedy within the specified period of time he submitted this petition of complaint to the Information Commission.

With reference to his earlier complaint dated 24.07.2010 on the same issue, the Upazila Agriculture Officer, Tala, Satkshira was directed vide Commission's Memo. No. TKK/Admin-23/2010-549 dated 27.09.2010 to supply the requested information i.e the list of agriculture cards distributed among the farmers in light of the latest notification issued by the M/o Agriculture as there was no impediment to supply such information as per section 7 of the Right to Information Act. Accordingly, the Upazila Agriculture Officer supplied the requested information to the complainant Judhisthir Das with intimation to the Commission vide his Memo. No. 569/2 (2) dated 04.10.2010 by the Upazila Agriculture Officer, Tala, Satkshira.

**Decision:** As the complainant received the requested information by this time, the case was disposed of releasing the opposite party from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 12**

**Complainant:** Mr. Md. Mosharef Majhi  
Alta, Rayer Hat  
Upazila- Banaripara  
Dist: Barisal

**Opposite party:** 1. Haridas Shikari  
Upazila Agriculture Officer, Banaripara  
& Designated Officer  
2. Debangshu Kumar Saha  
Dy. Director, Agri. Ext, Barisal  
3. Md. Shah Alam  
Addl. Director, Agri. Ext, Barisal Region  
4. Director, Field Wing  
Deptt. of Agri. Ext, Khamarbari, Dhaka

Date of hearing: 17.04.2011

### **Decision Paper**

The complainant submitted a request for information of the agriculture department through the Upazila Nirbahi Officer on 31.05.2010 as per section 8 of the Right to Information Act. 2009 for implementation of agricultural plans of the govt. for the interest of the farmers. With reference to that application the Upazila Agriculture Officer sent a letter to the Deputy Director, Department of Agriculture Extension, Barisal on 05.07.2010 seeking for his instruction. Getting no information within the time limit the Complainant preferred an appeal to the Deputy Director, Department of Agriculture Extension, Barisal on 13.07.2010. Having no fruitful result in appeal he submitted a petition of complainant to the Chief Information Commissioner on 03.09.2010.

Information Commission heard the complaint on 22.03.2011 in presence of the complainant and no.1 alleged officer. During hearing the alleged Upazila Agriculture Officer, Mr. Haridas Shikari, informed the Commission that when he sought instruction from the Deputy Director, Department of Agriculture Extension, Barisal regarding whether the requested information can be supplied to the applicant or not, he sent it to the Additional Director, Department of Agriculture Extension, Barisal. The Additional Director sent a letter to the Director General, Department of Agriculture Extension, Dhaka seeking for his instruction. The Director General opined that there is no scope to supply confidential information of the government. As the Upazila Agriculture Officer did not get permission from the superior

authority, he could not provide the requested information. However, in reply to a query put to him by the Commission he informed that the requested information is available in his office. After hearing on 22.03.2011 the Upazila Agriculture Officer, Banaripara was directed to provide the requested information to the applicant by 10.04.2011 under intimation to the Commission as the requested information was not confidential. Alongside, for giving misleading instruction by violating the provisions of the Right to Information Act, 2009 it was decided to issue summonses to the Deputy Director, Department of Agriculture Extension, Barisal; Additional Director, Department of Agriculture Extension, Barisal Region and the Director General, Department of Agriculture Extension, Khamarbari, Dhaka for submission of written statement on the issue by being present in the commission on the next date. Accordingly, summonses were issued informing all concerned.

Being physically present during hearing today, the complainant stated that he received partial information from the Designated Officer and some more information was pending for receipt. On the other hand alleged officers informed the commission that they provided 544 pages of requested information to the applicant free of cost. They could not take right decision due to lack of knowledge about the law and expressed unwillingness to provide information. They are now completely aware of the law. As they have supplied requested information, they prayed for release from the charge of the complaint.

**Decision:** The alleged officers were released from the charge of the complaint as they provided 544 pages of requested information to the applicant and by this time they came out of their misconception about the RTI law. However, the Commission opined that providing information free of cost was not proper as government had earlier fixed the cost of information. The Designated Officer was advised to be more careful in discharging his duties in this regard in future. On the other hand the applicant was instructed to submit fresh application to the Designated Officer if he needs more information.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 13**

**Complainant:** Mr. Md. Imdadul

Vill: Kharia, Union: Kumarbhog

Upazila: Louhajang

Dist: Munshiganj

**Opposite party:** Mr. Md. Iqbal Hossain

Designated Officer &

Kanungo,

Upazila Land Office

Louhajang, Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

The Complainant submitted an application to the Designated Officer and Assistant Commissioner (Land) of Louhajang Upazila, Munshiganj on 16.05.2010 under section 8 (1) of the Right to Information Act, 2009 seeking for information regarding quantity of khas land existing in Ward no.1 of Kumarbhog Union along with a list thereof. Having received no information within the time limit he preferred an appeal to the concerned appellate authority on 07.07.2010. But the authority did not give any reply or instruction in this respect within the specified period of time as per provisions of this law.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 17.02.2011. But as the date was declared a half-holiday by the government, it was shifted to 23.02.2011. Today the case was heard in presence of both the parties.

The complainant on oath stated in his deposition that he did not get any information by filing application for information to the Assistant Commissioner (Land) of Louhajang Upazila, Munshiganj on 16.05.2010 regarding quantity of khas land existing in Ward no.1 of Kumarbhog Union. Getting no information he preferred an appeal to the concerned appellate authority on 07.07.2010 and getting no information within the specified period of time even on appeal he submitted this petition of complainant to the Information Commission. On 20.12.2010 the requested information was delivered to his neighbour, Saud Khan who received on his behalf from the Upazila Land Office, Louhajang and gave him the information provided.

On the other hand the person present on behalf of the opposite party Mr. Md. Iqbal Hossain, Designated Officer and Kanango, Upazila Land Office, Louhajang, Munshiganj stated in his deposition that he could not supply requested information because he failed to communicate with the applicant. However, requested information was handed over to Saud Khan on behalf of the applicant on 20.12.2010. The alleged officer respectfully prayed for his release from the charge of the complaint.

**Decision:** It reveals from the hearing that the complainant has received requested information as per requirement of his application. However, the commission alerted that if the name of the receiver of information is not mentioned in the application form, providing information to any representative of the applicant is not lawful. The case was accordingly disposed of by giving warning to the alleged officer so that such an occurrence shall not happen in future. Commission also warned the Designated Officer to come out of bureaucratic attitude and also instructed him to exhibit the procedure for RTI application and its structure in the notice board in front of his office.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 14**

**Complainant:** Mr. Md. Saud Khan

Vill: Kharia, Union: Kumarbhog

Upazila: Louhajang

Dist. Munshiganj

**Opposite party:** Mr. Mahbubur Rahman

Social Welfare Officer

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 15.02.2011

### **Decision Paper**

Complainant Mr. Md. Saud Khan, Vill: Kharia, Union: Kumarbhog, Upazila: Louhajang, Dist: Munshiganj submitted an application to the Upazila Nirbahi Officer, Louhajang, Dist- Munshiganj on 15.03.2010 seeking for the list of beneficiaries of old-age allowance of Ward No. 1 of Kumarbhog Union. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 07.07.2010 under section 24 of the Act which he did not receive.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 06.02.2011 and later on 15.02.2011. Today the case was heard in presence of both the parties.

The complainant stated in his deposition that he did not get any information by filing an application seeking for the list of beneficiaries of old-age allowance of Ward No. 1 of Kumarbhog Union to the former Upazila Social Welfare Officer. Getting no information he preferred an appeal to the concerned appellate authority on 07.07.2010 and getting no information within the specified period of time even on appeal he submitted this petition of complainant to the Information Commission. However, he is getting requested information from the presently working Upazila Social Welfare Officer.

On the other hand the person present on behalf of the opposite party Mr. Mahbubur Rahman, the Upazila Social Welfare Officer, stated in his deposition that he was posted to his present place of posting on 03.10.2010 and came to know that there was no application submitted in writing. At this stage when the complainant exhibited the acknowledgement

receipt of his application by the Social Welfare Office, he admitted it and stated that the application was placed to the former Social Welfare Officer and he was not aware of this application earlier.

**Decision:** It reveals from the hearing that the complainant has not yet received requested information as per requirement of his application. So, the case was disposed of with direction to the Designated Officer to supply requested information to the applicant by 22.02.2011 as it is mandatory to provide such information as per provisions of section 4 and 7 of the RTI Act, 2009. He was also directed to intimate the commission about his action by 23.02.2011. Inform all concerned by issuing copies.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 15**

**Complainant:** Mr. Md. Saud Khan

Vill: Kharia, Union: Kumarbhog

Upazila: Louhajang

Dist. Munshiganj

**Opposite party:** Mr. Mahbubur Rahman

Upazila Social Welfare Officer

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 15.02.2011

### **Decision Paper**

Complainant Mr. Md. Saud Khan, Vill: Kharia, Union: Kumarbhog, Upazila: Louhajang, Dist: Munshiganj submitted an application to the Upazila Social Welfare Officer, Louhajang, Dist- Munshiganj on 16.04.2010 seeking for information regarding how many people would get benefit and how they would get benefit under the social safety net project in the upazila. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 07.07.2010 under section 24 of the Act. But he did not get any reply within 15 days.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 06.02.2011 and later on 15.02.2011. Today the case was heard in presence of both the parties. The complainant stated in his deposition that he did not get requested information. He is a member of bedouin community. 18 families belonging to bedouin community have been included in the "One house one farm" project. Requested information is necessary for the development of the bedouin community.

Thereafter, on behalf of the opposite party Mr. Mahbubur Rahman, Upazila Social Welfare officer, stated in his deposition that he joined his present place of posting on 03.10.2010. So he could not see the letters kept in the previous file. If the applicant comes to his office now, he will provide requested information to the applicant.

At this stage the Information Commission directed him to ask the then Designated Officer to show cause in writing as to why information sought by the complainant was not provided. The Chief Information Commissioner said that as the information providing Designated Officers are generally deprived of facilities or for ill intention they are not enthusiastic to provide information. If information is not provided due to negligence of duty by

any person, then it is a major crime in the eye of law. On the other hand the complainant was asked by the Commission to pay the cost of information to the Designated Officer.

**Decision:** It reveals from the hearing that the complainant has not yet received requested information. So, the case was disposed of with a direction to the Designated Officer to supply requested information to the applicant by 22.02.2011 as it is mandatory to provide such information as per provisions of section 4 and section 7 of the RTI Act, 2009. He was also directed to intimate the commission by 23.02.2011 about the delivery of information along with his actions taken for not providing information earlier. Inform all concerned by issuing copies.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

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### **Complaint No. 16**

**Complainant:** Mr. Md. Saud Khan  
Vill: Kharia, Union: Kumarbhog  
Upazila: Louhajang  
Dist. Munshiganj

**Opposite party:** 1. Dr. Md. Abdul Malek Mridha  
UH&FPO  
Upazila: Louhajang  
Dist: Munshiganj  
2. Dr. Md. Shahjahan  
Civil Surgeon, Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

The complainant submitted an application to the Upazila Health and Family Planning Officer, Louhajang, Dist- Munshiganj on 29.03.2010 seeking for a copy of the circular relating to supply of medicine free of cost or at a nominal price and number of days in a week for providing health services in union based community hospital along with a copy of the time schedule for giving services. Getting no information or any reply within the time limit, he preferred an appeal to the appellate authority. Getting no information even on appeal he submitted this petition of complaint to the Information Commission.

On the first date of hearing on 15.02.2011 though the complainant was present yet on behalf of the opposite party the Upazila Health and Family Planning Officer, Louhajang, Dist- Munshiganj remaining absent directed the Statistician of his office who was present instead of him. As the the Upazila Health and Family Planning Officer, Louhajang, Dist- Munshiganj and the Civil Surgeon, Munshiganj were directly associated with the complaint, next date was fixed for hearing in their presence and summonses were issued to them. Accordingly the case was heard in presence of both the parties on 23.02.2011.

The complainant on oath stated in his deposition that he submitted the application for information to the Designated Officer, but he refused to provide information.

On the other hand the person present on behalf of the opposite party Dr. Md. Abdul Malek Mridha, Upazila Health and Family Planning Officer, Louhajang, Dist- Munshiganj at the beginning of his deposition admitted his mistake for not providing requested information. He stated that when the applicant submitted his application, at that time he was posted to his previous place of posting at Kaliganj. He joined his present place of posting on 08.08.2010. As all the requested information was in the custody of the Statistician, he was sent for hearing on the

previous date. As the Right to Information Act, 2009 is a new law, he could not acquire sufficient knowledge on it.

Dr. Md. Shahjahan, Civil Surgeon, Munshiganj on behalf of the opposite party stated that the former Civil Surgeon passed an order to provide requested information. But the Designated Officer did not provide information. The Designated Officer who was directed to provide information could not provide requested information due to his transfer. He further stated that there was preserved no such circular relating to supply of medicine free of cost or at a nominal price. However, the same practice has been being followed for a long period of time.

During hearing Information Commission wanted to know as to why the former Designated Officer could not provide information as sought for by the complainant and directed the Designated Officers to minutely go through the Right to Information Act, 2009. Warning the Designated Officers the Chief Information Commissioner stated that it is not lawful to send representative instead of Designated Officer to be present during hearing in the Information Commission.

**Decision:** It reveals from the hearing that requested information has not yet been provided to the applicant. So, the Commission directed the Upazila Health and Family Planning Officer to provide the circular/practice followed relating to supply of medicine free of cost or at a nominal price in writing within the working hour on 24.02.2011. Thereafter, the case was disposed of releasing the alleged officers from the charge of the complaint subject to compliance of the above stated directions.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 17**

**Complainant:** Mr. Md. Saud Khan

Vill: Kharia, Union: Kumarbhog

Upazila: Louhajang

Dist. Munshiganj

**Opposite party:** Mr. K.M Asaduzzaman

Manager, Sonali Bank, Haldia Branch

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

Complainant Mr. Md. Saud Khan, Vill: Kharia, Union: Kumarbhog, Upazila: Louhajang, Dist: Munshiganj submitted an application on 19.04.2010 to the Manager and Designated Officer, Sonali Bank, Haldia Branch, Loujang, Dist- Munshiganj seeking for a copy of the instructions for opening and operation of bank accounts by the citizens. Getting no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, he preferred an appeal to the appellate authority on 18.07.2010 as per section 24 of the Act. But getting no information even on appeal he submitted this petition of complaint.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 17.02.2011. But as the date so fixed was declared a half-holiday by the government the date was shifted to 23.02.2011 for hearing. Today the case was heard in presence of both the parties.

The complainant on oath stated in his deposition that he did not get any information by filing an application on 19.04.2010 for a copy of the instructions for opening and operation of bank accounts by the citizens. Getting no information he preferred an appeal to the concerned appellate authority on 18.07.2010 and getting no information within the specified period of time even on appeal he submitted this petition of complainant to the Information Commission.

He further added that when he sought for information on the above mentioned issue, the then Designated Officer refused to give such information. In response to such an attitude he exhibited a book published by the Information Commission on the Right to Information Act, 2009 and requested the Designated Officer to supply information as per that law. The presently working Manager, Sonali Bank, Haldia Branch, joined this station on 28.09.2010 and he got the requested information on 22.02.2011 after service of summons in this case.

On the other hand the person present on behalf of the opposite party Mr. K. M. Asaduzzaman, Manager, Sonali Bank, Haldia Branch stated in his deposition that he has been serving in his present place of posting at Haldia Branch since 28.09.2010 and provided requested information to the applicant. He also committed that he would provide requested information on such applications to be received in future. He prayed to the Commission for his release from the charge of the complaint.

During hearing Information Commission wanted to know as to why the former Designated Officer did not supply requested information and whether the presently working Manager asked the former Manager on this issue. Commission also stated that the former Designated Officer had to provide requested information as it was his legal responsibility. As he did not do it, the presently working Manager is directed to inform the matter in writing to the former Manager with intimation to the Commission.

On the other hand the Commission wanted to know from the complainant that whether he is satisfied on receipt of information. If the complainant is satisfied, it will be treated as disposed of. Otherwise the former Manager will be called and heard in person. In response the complainant requested the Commission to treat it as disposed of. At this stage the Commission asked the complainant to submit in writing that he had received the requested information. Commission also warned the complainant by stating that though he received information about 15 days ago, he did not inform the Commission. As a result the Designated Officer had to appear before the Commission by giving recess to his duties and many service receivers of his working place were deprived of services provided by him.

**Decision:** It reveals from the hearing that the complainant has received requested information as per requirement of his application and, of late, the alleged officer supplied requested information. So, the case was treated as disposed of after hearing and the Manager & Designated Officer was advised to be more careful in discharging his duties in future.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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### **Complaint No. 18**

**Complainant:** Mr. Md. Saud Khan

Vill: Kharia, Union: Kumarbhog

Upazila: Louhajang

Dist. Munshiganj

**Opposite party:** Mr. Kazi Habibur Rahman

Upazila Agriculture Officer

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

Complainant Mr. Md. Saud Khan, Vill: Kharia, Union: Kumarbhog, Upazila: Louhajang, Dist: Munshiganj submitted an application to the Upazila Agriculture Officer Officer, Loujang, Dist- Munshiganj seeking for a copy of the principles & instructions for distribution of agriculture cards, number of agriculture cards and the list of farmers who will be given this facility. Getting no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, he preferred an appeal to the appellate authority on 07.07.2010 as per section 24 of the Act. But he did not get requested information even on appeal within the time limit.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 17.02.2011. But as the date so fixed was declared a half-holiday by the government the date was shifted to 23.02.2011 for hearing. Today the case was heard in presence of both the parties.

The complainant on oath stated in his deposition that he received requested information after the service of summons for hearing in this case.

On the other hand the person present on behalf of the opposite party Mr. Kazi Habibur Rahman, Upazila Agriculture Officer stated in his deposition that there exists lack of human resources to execute the field operations being implemented in his office. So, he is to perform many additional duties. As a result there was a delay in providing requested information. He further stated that as Right to Information Act, 2009 is a new law he is not completely aware of his responsibilities under this Act. However, he committed that he will provide information as per provision of the Act if anybody submits any application to him in this regard in future. He respectfully prayed for his release from the charge of the complaint.

It reveals from the hearing that the complainant has already received requested information as per his requirement. Information Commission wanted to know from the alleged officer that whether the list of Designated Officer along with telephone numbers of the officials has been hung in the notice board of his office or not. Commission reminded him that the duty of the govt. servants is to serve the people. Commission also wanted to know whether citizen charter has been hung in front of his office. Commission further stated that the govt. servants shall have to be more active in discharging official duties. Commission also asked him how long he had been working in that place of posting and when he had received the application. He was further asked as to why he had not been aware of the law before the complainant produced before him the publication of the book containing RTI Act, 2009. Commission warned him saying that such kind of negligence would not be tolerated in future by the Commission.

**Decision:** As the complainant has already received requested information as per requirement of his application, the case was disposed of releasing the opposite party Mr. Kazi Habibur Rahman, Upazila Agriculture Officer from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

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### **Complaint No. 19**

**Complainant:** Mr. Md. Saud Khan

Vill: Kharia, Union: Kumarbhog

Upazila: Louhajang

Dist. Munshiganj

**Opposite party:** Mr. Kazi Habibur Rahman

Upazila Agriculture Officer

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

Complainant Mr. Md. Saud Khan, Vill: Kharia, Union: Kumarbhog, Upazila: Louhajang, Dist: Munshiganj submitted an application to the Upazila Agriculture Officer, Louhajang, Dist: Munshiganj seeking for information regarding the total number of agriculture cards to be distributed within Louhajang Upazila and how many of them would be distributed to the members of the Bedouin community. Getting no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 07.07.2010 under section 24 of the Act. But did not get any information even on appeal within the time limit.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 17.02.2011. But as the date so fixed was declared a half-holiday by the government the date was shifted to 23.02.2011 for hearing. Today the case was heard in presence of both the parties.

The complainant on oath stated in his deposition that there live 10,000 people belonging to Bedouin community and in total 150,000 people live in Louhajang Upazila. From amongst the said community only the complainant has received one agriculture card. For the development of the Bedouin community how many agriculture cards would be distributed within Louhajang Upazila and how many of them would be distributed to the members of the Bedouin community along with its list were sought for by filing an application on 29.03.2010. But for not getting information he submitted this petition of complaint. After the service of the summons in this case he received the requested information on 18.02.2010.

On the other hand the person present on behalf of the opposite party, Upazila Agriculture Officer, Louhajang, Munshiganj Mr. Kazi Habibur Rahman stated in his deposition that he could not supply requested information timely as he was busy with other official work in his office. Moreover, for not having proper knowledge about the Right to Information Act, 2009 and on production of a book on RTI Act published by the Information Commission he became aware of this law and supplied the requested information to the complainant. With due respect to the RTI Act he further stated that he would be bound to provide requested information as per rules. The alleged Designated Officer respectfully prayed for his release from the charge of the complaint.

**Decision:** As the complainant has already received requested information as per requirement of his application, the case is disposed of releasing the opposite party Mr. Kazi Habibur Rahman, Upazila Agriculture Officer from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### **Complaint No. 20**

**Complainant:** Mr. Md. Saud Khan

Vill: Kharia, Union: Kumarbhog

Upazila: Louhaganj

Dist. Munshiganj

**Opposite party:** Mr. Md. Iqbal Hossain

Kanungo, Upazila Land Office

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

The complainant submitted an application to the Assistant Commissioner (Land), Louhajang, Munshiganj on 19.04.2010 seeking for a list of khas land existing in ward no. 1 of Kumarbhog union. But getting no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, he preferred an appeal to the appellate authority on 07.07.2010 as per section 24 of the Act. However, he did not get any reply within the specified period of 15 days.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 17.02.2011. But as the date so fixed was declared a half-holiday by the government the date was shifted to 23.02.2011 for hearing. Today the case was heard in presence of both the parties.

The complainant on oath stated in his deposition that from amongst the Bedouin community only he has been settled with some khas land and for the development of other members of his community he applied for information about khas land existing in ward no.1 on 19.04.2010, but he did not get any information. Getting no information he preferred an appeal to the appellate authority on 07.07.2010 and on getting no information even on appeal he submitted this petition of complaint. However, he got the requested information by this time after filing the complaint.

On the other hand the person present on behalf of the opposite party Mr. Iqbal Hossain, Kanungo, Upazila Land Office, Louhajang stated in his deposition that the requested information had been provided to the applicant by this time. The alleged Designated Officer respectfully prayed for his release from the charge of the complaint.

**Decision:** It reveals from the hearing that the complainant has already received requested information as per his requirement. So, the case is disposed of releasing the alleged officer from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### Complaint No. 21/2011

**Complainant:** Mr. Abdul Hadi  
Vill: Goalimandra,  
Union: Haldia  
Upazila: Louhaganj  
Dist. Munshiganj

**Opposite party:** 1. Dr. Md. Abdul Malek Mridha  
Upazila Health & Family  
Planning Officer  
Upazila: Louhajang  
Dist: Munshiganj  
2. Dr. Md. Shahjahan  
Civil Surgeon, Munshiganj

Date of hearing: 23.02.2011

### Decision Paper

The complainant submitted an application to the Designated Officer, upazila Health and Family Planning Officer, Louhajang, Munshiganj on 19.04.2010 seeking for the following information:

- a copy of the circular relating to supply of medicine free of cost or at a nominal price from the Upazila Health Complex and
- a copy of the order for providing health services in union based community hospital/ FWC including the number of days in a week for giving such services.

Having received no information within the specified period of time as per provisions of the RTI Act, 2009 he preferred an appeal to the appellate authority on 05.07.2010. He did not get any remedy even on appeal within the time limit and hence submitted this petition of complainant to the Information Commission. However, he was provided with the requested information after the service of the summons from the Information Commission.

**Decision:** It reveals from the hearing that the complainant, though late, has already received requested information. So, the case is disposed of releasing both the alleged officers from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### **Complaint No. 22/2011**

**Complainant:** Mr. Md. Abdul Hadi

Vill: Goalimandra, Union: Haldia

Upazila: Louhajang

Dist. Munshiganj

**Opposite party:** Mr. Mahbulul Alam

Social Welfare Officer

Upazila: Louhajang

Dist: Munshiganj

Date of hearing: 23.02.2011

### **Decision Paper**

Complainant Mr. Md. Abdul Hadi, Vill: Goalimandra, Union: Haldia, Upazila: Louhajang, Dist: Munshiganj submitted an application as per provisions of the Right to Information Act on 16.05.2010 to the Upazila Social Welfare Officer, Louhajang, Dist- Munshiganj seeking for the list of safety net programmes being implemented in the Upazila and the list of beneficiaries and facilities allowed under each programme. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 07.07.2010 under section 24 of the Act. However, he did not get any information within the time limit and hence filed this petition of complaint to the Information Commission on 27.09.2010.

The complaint was discussed in the Commission's meeting held on 30.12.2010 and on taking cognizance the first date of hearing was fixed on 17.02.2011. But as the date so fixed was declared a half-holiday by the government the date was shifted to 23.02.2011 for hearing. Today the case is heard in presence of both the parties.

The complainant on oath stated in his deposition that he does house-hold work and has a little learning. Consulting his neighbor Mr. Saud Khan, he completed all work relating to submission of application. He got the requested information recently.

On the other hand the person present on behalf of the opposite party Mr. Mahbulul Alam, Upazila Social Welfare Officer stated in his deposition that the complainant submitted the application on 16.05.2010 seeking for the list of safety net programmes being implemented and the list of beneficiaries and facilities allowed under each programme. He was posted to the Louhajang Upazila as Social Welfare Officer on 03.10.2010 and as he was not aware of the application requesting for information earlier, there was a delay in providing information.

**Decision:** It reveals from the hearing that the complainant, though late, has already received requested information. So, the case is disposed of releasing the alleged Designated Officer, Mr. Mahbubul Alam from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### Complaint No. 23/2011

**Complainant:** Mr. Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No. 3  
Block-A (J), Mirpur-6  
Dhaka-1216

**Opposite party:** Mr. Md. Abdur Rahman  
Chief Public Relations Officer  
& Designated Officer  
Dhaka City Corporation  
Dhaka

Date of hearing: 17.04.2011

### Decision Paper

The complainant submitted an application on 09.09.2010 to the Designated Officer/Office Head of Dhaka City Corporation, Nagar Bhaban, Gulistan, Dhaka seeking for information about the authority of the passenger shades located in the Dhaka City Corporation area; name and address of such authority; if the DCC be the authority, the objectives of construction of such shades and terms & conditions for their use; and the basis/decision of renting out such shades to the shopkeepers. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 31.10.2010 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.12.2010. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

Being present during hearing the complainant on oath stated as above in his deposition. In reply on behalf of the opposite party, the Chief Public Relations Officer stated that as he did not get any application for information from the applicant by post or by any other means, he could not provide information. However, as he has now become aware of the application, he agreed to provide requested information to the complainant. He prayed for time for some days as requested information should have to be collected from different sections of the DCC.

**Decision:** After hearing, the case is disposed of directing the Designated Officer to provide requested information to the applicant within 5 days.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### **Complaint No. 24/2011**

**Complainant:** Mr. Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No. 3  
Block-A (J), Mirpur-6  
Dhaka-1216

**Opposite party:** Mr. Md. Abdur Rahman  
Chief Public Relations Officer  
& Designated Officer  
Dhaka City Corporation  
Dhaka

Date of hearing: 17.04.2011

### **Decision Paper**

The complainant submitted an application on 29.07.2010 to the Designated Officer/Office Head of Dhaka City Corporation, Nagar Bhaban, Gulistan, Dhaka seeking for a copy of circular containing principles for cleaning the drains and the person responsible for cleaning the drain located along side of Road No. 25, Block-A, Banani and the causes for not cleaning the drain though they have been water stagnant for a long time. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 31.10.2010 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.12.2010. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

Being present during hearing the complainant on oath stated as above in his deposition. In reply on behalf of the opposite party, the Chief Public Relations Officer stated that as he did not get any application for information from the applicant by post or by any other means, he could not provide information. However, as he has now become aware of the application, he agreed to provide requested information. He prayed for time for some days as requested information should have to be collected from different sections of the DCC.

**Decision:** After hearing, the case is disposed of directing the Designated Officer to provide requested information to the applicant within 5 days.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### **Complaint No. 25/2011**

<b>Complainant:</b> Mr. Utpal Kanti Khisha House No. 51-52 (1 <sup>st</sup> Floor) Road No. 3 Block-A (J), Mirpur-6 Dhaka-1216	<b>Opposite party:</b> Mr. Md. Abdur Rahman Tarafdar Executive Officer & Designated Officer Hill Zila Parishad Khagrachhari
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Date of hearing: 06.06.2011

### **Decision Paper**

The complainant submitted an application to the Designated Officer or the Chairman, Hill Zila Parishad, Khagrachhari on 05.11.2010 seeking for a list of development projects to be implemented by the Hill Zila Parishad, Khagrachhari during the financial year 2010-11; project wise allocation of resources; copy of the guidelines and time schedule for distribution of grants, if any, under any project conducted on cooperative basis with participation of the poor people of that area. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 31.10.2010 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.12.2010. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

The opposite party being absent the case was not heard and next date was fixed on 18.05.2011 for hearing along with the order for issuing summonses to all concerned.

Commission ordered in this respect that the complainant would submit to the commission by 23.05.2011 the points of dissimilarity with regard to information No.2 as requested in the application and other information not yet received. Next date is 06.06.2011.

The complainant on oath presented his allegation before the commission. The person present on behalf of the opposite party, Mr. Abdur Rahman Tarafdar stated that the application for information dated 05.09.2010 was received by the Chairman and he sent the application to the Chief Executive Officer through dak file. As the Chief Executive Officer was on leave, it remained in the custody of the assistant. He was late to be aware of the application as the assistant did not put it before him. Today the complainant clarified the request for information relating to the guidelines and time schedule for distribution of grants, if any, under any project

conducted on cooperative basis with participation of the poor people of that area. The Designated Officer further stated that no such project as mentioned in the No. 2 information request was included in the list of allocation received from the govt. during 2010-2011. Though there is Hill Zila Parishad Act, no regulation has yet been framed. Reply relating to information requested in the 2<sup>nd</sup> application of the complainant was sent to the Commission vide Memo. No. 29.236.016. 16.66. 013. 2011-795 dated 30.05.2011. It has been mentioned in the reply, "There is no decision for distribution of grants as there was no such project approved by the Khagrachhari Hill Zila Parishad during this year for implementation on cooperative basis with participation of the poor people of this area and as such there is no guideline for providing grants." Generally, on receipt of such allocation, grants are distributed according to the decision of the Parishad in its monthly meetings among different clubs, organizations, institutions or societies conducted on cooperative basis with participation of the poor people.

**Decision:** As the complainant has already received his requested information and he is satisfied, the case is treated as disposed of releasing the alleged officer from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### Complaint No. 26/2011

**Complainant:** Mr. Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No. 3, Block-A (J)  
Mirpur-6, Dhaka-1216

**Opposite party:** Dr. Farid Ahmed  
Director (Admn) & Designated Officer  
Directorate of Health  
Mohakhali, Dhaka

Date of hearing: 17.04.2011

### Decision Paper

The complainant submitted an application on 05.09.2010 to the Designated Officer or Director General of Directorate of Health, Mohakhali, Dhaka seeking for a copy of circular containing principles of private practice by the govt. doctors, if any, and a copy of the terms and conditions of operating private hospitals. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 31.10.2010 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.12.2010. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

Being present during hearing the complainant on oath stated in his deposition that he submitted an application for having a copy of circular containing principles of private practice by the govt. doctors and a copy of the terms and conditions of operating private hospitals. Having received no information on application or on appeal he submitted this petition of complaint to the Commission. In reply the Designated Officer of the Directorate of Health, Dr. Farid Ahmed, Director (Admin) informed that as he did not get any application for information from the applicant by post or by any other means, he could not provide information. He has brought the circular with him and may supply it just now. Moreover, the circular is available in the website of the Directorate. The complainant received the copy of the circular and informed that he would require some additional information.

**Decision:** Commission expressed dissatisfaction in respect of not getting the application sent by registered post in office. After hearing, the case is disposed of directing the Designated Officer to provide requested information to the applicant within 5 days.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

### Complaint No. 27/2011

**Complainant:** Mr. Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Road No. 3  
Block-A (J), Mirpur-6  
Dhaka-1216

**Opposite party:** Mr. Ali Ahmed  
Deputy Secretary (Admn-1) &  
Designated Officer or Minister  
Ministry of Establishment  
Bangladesh Secretariat, Dhaka

Date of hearing: 18.04.2011

### Decision Paper

The complainant submitted an application on 05.09.2010 to the Designated Officer or the Minister, Ministry of Establishment, Bangladesh Secretariat, Dhaka seeking for a copy of the latest circular relating to preservation of quota system for the tribal people in govt. service and if so, whether and how it is monitored. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 31.10.2010 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.12.2010. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

During hearing the complainant on oath deposed as stated in his application. On hearing the statement of the complainant, the Designated Officer of the Ministry of Establishment, Mr. Ali Ahmed, Deputy Secretary (Admn-1) informed that as he did not get any application for information from the applicant by post, e-mail or by any other means, he could not provide information. However, the requested information is preserved in his office and he would be able to supply it.

**Decision:** It reveals from the hearing that the Designated Officer or the Minister is not the same person and submission of application in such a manner is not proper. As the complaint was not submitted in a proper way, it was dismissed with a direction to the complainant to submit fresh application requesting for information to the concerned designated officer.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 28/2011**

**Complainant:** Mr. Md. Abdul Hakim (Banromy)      **Opposite party:** Mr. Farid Ahmed Bhuyan  
Vill. Baliar Kathi      Range Officer, Sadar Range  
P.O. Chakhar      Bhola & Designated Officer  
Upazila: Banaripara      Coastal Forest Production  
District: Barisal      Department, Bhola

Date of hearing: 18.04.2011

**Decision Paper**

The complainant submitted an application on 18.08.2010 to the Designated Officer of the Ministry of Forest and Environment, Bangladesh Secretariat, Dhaka seeking for a copy of the order passed by the Secretary on his application seeking remedy against the order dated 30.10.1986 of the Divisional Officer, Coastal Forest Production Department, Chittagong. Having received no information he preferred an appeal to the appellate authority on 19.09.2010. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission.

Due to absence of the complainant the case was heard ex parte. On behalf of the opposite party the representative of Bhola Region of the Ministry of Forest and Environment informed that the requested information had been supplied to the applicant by this time.

**Decision:** The case was disposed of with the direction to supply the requested information again by registered post in order to ensure the matter relating to delivery of information.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 29/2011**

**Complainant:** Mr. Md. Salauddin Biswas  
Advocate  
Legal Aid Centre  
2<sup>nd</sup> Floor, Thana Road  
Upazila: Godagari  
District: Rajshahi

**Opposite party: 1.** Mr. Md. Sirajum Munir  
Secretary, Godagari Municipality  
& Designated Officer  
2. Muhammad Aminul Islam  
Mayor, Godagari Municipality  
& Appellate Authority

Date of hearing: 18.04.2011

**Decision Paper**

The complainant submitted an application in prescribed format on 23.01.2011 to the Secretary, Godagari Municipality, Rajshahi seeking for a copy of the income and expenditure statement (from 13.05.2004 to 23.01.2011) and three other information including development work implemented in each ward. Having received no information or any reply as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 27.01.2011 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.01.2011. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

During hearing the complainant on oath deposed as stated in the petition of complaint and also mentioned that he had received requested information by this time. On behalf of the opposite party the Designated Officer and the Appellate Authority, the Mayor, Godagari Municipality informed the Commission that requested information had been supplied to the complainant by this time.

**Decision:** The case was disposed of as the requested information had been provided. However, the opposite parties were advised to be more careful in future in providing requested information in due time as per provisions of the RTI Act.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 30/2011**

**Complainant:** Mr. Nasim Ahmed

House No. 8, Flat-B  
Road No. 19, Nikunja-2  
Dhaka-1229

**Opposite party:** Mr. Fazlul Karim

Project Officer & Designated Officer  
Directorate of Secondary & Higher  
Secondary Education  
Education Bhaban, Dhaka

Date of hearing: 17.04.2011

**Decision Paper**

The complainant submitted an application on 07.10.2011 to Mr. Fazlul Karim, the Designated Officer of the Directorate of Secondary & Higher Secondary Education, Education Bhaban, Dhaka seeking for a copy of the investigation report of the Directorate of Secondary & Higher Secondary Education relating to not taking a post of the Technical Officer of the completed Promote Project under the revenue head; detailed explanation in favour of taking 8 out of 9 posts of Technical Officers under the revenue head and how Saleha Khandaker was appointed to the post of Computer Operation Supervisor in Dhaka Teachers' Training College after the expiry of the project. Having received incomplete and misleading information the complainant filed an appeal to the Appellate Authority on 25.10.2010 and having got no remedy within the specified period of time he submitted this petition of complainant to the Information Commission on 16.01.2011.

Alleged Mr. Fazlul Karim, the Designated Officer of the Directorate of Secondary & Higher Secondary Education, Dhaka informed that he did not receive any written application from the complainant, but got telephonic request. The complainant in reply stated that though he went to the alleged officer along with a written application, he (alleged officer) did not receive it and it was noted on the face of the application which was produced before the Commission. However, the alleged officer did not admit the allegation and said that he had brought the requested information with him.

**Decision:** Requested information was supplied to the complainant through the Commission and in case of necessity for more information the complainant was advised to submit fresh application. The Commission disposed of the case directing the alleged officer to give up the mentality to avoid the responsibility or showing negligence or inactiveness in providing information and warned him to be respectful to the law.

Sd/ (Prof. Dr. Sadeka Halim) Information Commissioner	sd/ (Mohammad Abu Taher) Information Commissioner	sd/ ( Muhammad Zamir) Chief Information Commissioner
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Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 31/2011**

**Complainant:** Mr. Utpal Kanti Khisha  
House No. 51-52 (1<sup>st</sup> Floor)  
Legal Aid Centre  
Road No. 03, Block-A (J)  
Mirpur-6, Dhaka-1216

**Opposite party:** Mr. Nazmul Haque Khan  
Deputy Secretary  
& Designated Officer  
Ministry of Education  
Bangladesh Secretariat, Dhaka

Date of hearing: 18.04.2011

**Decision Paper**

The complainant submitted an application on 05.09.2010 to the Designated Officer or Hon'ble Minister, Ministry of Education, Bangladesh Secretariat, Dhaka seeking for a copy of the govt. guideline regarding quota system for admission of the tribal students to public universities and colleges and whether there is any kind of monitoring in implementing this quota system and if so, how it is monitored. Having received no information or any reply within the time limit of 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 31.10.2010 under section 24 of the Act. However, he did not get any remedy within the time limit and hence filed this petition of complaint to the Information Commission on 30.12.2010. On taking cognizance the Commission ordered for issuing summons and accordingly summonses were issued to the concerned parties.

During hearing the complainant on oath deposed as stated in the petition of complaint. Hearing the statement of the complainant, the Designated Officer of the Ministry of Education, Mr. Nazmul Haque Khan, Deputy Secretary stated that he could not supply the requested information as he did not get any application from the complainant by post or e-mail or by any other means. However, he brought with him the requested information and it was produced before the Commission.

**Decision:** It reveals from the hearing that the Designated Officer or the Minister is not the same person and as such it is not proper to submit an application for information in such a manner. However, as the complainant has already received the requested information, the case is treated as disposed of and at the same time the complainant is advised to follow proper process in submitting any request for information in future.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 32/2011**

**Complainant:** Mr. Rabindra Nath Roy  
Senior Teacher  
Pather Bazar Secondary School  
Dighalia, Khulna

**Opposite party:** 1. Mr. Md. Badiuzzaman  
Designated Officer  
Jessore Education Board, Jessore  
2. Mr. Azizur Rahman Sabu  
Legal Adviser, Secondary & Higher  
Secondary Education Board, Jessore

Date of hearing: 04.07.2011

**Decision Paper**

Having received no information from the Jessore Education Board on submission of a request for information, the complainant submitted this petition of complaint to the Information Commission on 28.07.2010. In response to the petition of complainant a letter was sent to the Chairman, Jessore Education Board, Jessore on 27.09.2010 along with a copy of the Right to Information Act, 2009 and related annexure to appoint a Designated Officer and to inform the Commission of such appointment. But even after 100 working days the Chairman, Jessore Education Board did not supply the requested information or did not inform the Commission about the appointment of the Designated Officer. For this reason the complainant submitted another petition requesting for information to the Commission on 10.01.2011. In response the complaint was taken into cognizance and summonses were issued to both the parties.

On 18.04.2011 though the complainant was present during hearing, the opposite party was absent without any prior intimation. On his request the complainant was heard by the Commission. It revealed from the hearing that the complainant was illegally suspended without any decision of the Arbitration Board of the Jessore Education Board by showing a fake order. In spite of repeated submission of requests for having a copy of the decision of the Arbitration Board he was not supplied any information till date. Even on receipt of the letter vide Meme. No. TKK/Admin-23/2010-554 dated 27.09.2010 along with a copy of the RTI Act sent by the Commission Secretary to the Chairman, he did not appoint any Designated Officer in his Office or take any action to provide requested information which is a definite violation of the law. In spite of receiving summons from the Commission he showed negligence in discharging his duty

as per provisions of the Right to Information Act, 2009 by not sending the Designated Officer or his representative during hearing.

Next date was again fixed for hearing on 18.05.2011. The complainant was asked to submit the copies of the petition of the court case along with the order and relevant papers to the Commission. It was decided to send summonses to the opposite party, Chairman, Jessore Education Board again with a copy of the summons to the Secretary, Ministry of Education.

On behalf of the Designated Officer of the Jessore Education Board the Legal Adviser, Mr. Azizur Rahman Sabu stated in his deposition, it was communicated vide Memo.No. Admn-6/3931/239 dated 08.02.2011 that the content of the application of the complainant dated 28.07.2010 was not correct. Considering the gravity of his offence as per decision of the arbitration committee in agenda No. 2/5 of its meetings held on 15.10.97 and 16.10.97, it was decided to remove him finally from the service of the school. The copy of the decision was attached with the letter as annexure.

In this respect the Commission directed to produce the original resolution book of the Appeal and Arbitration Commission dated 15.10.97 and 16.10.97 before the Commission and next date was fixed for hearing the Designated Officer again on 06.06.2011.

Later on though summons was issued to the complainant by registered post he remained absent during hearing on 06.06.2011 and as such the case was heard *ex parte* today.

The Designated Officer, Sheikh Md. Badiuzzaman (Audit Officer), Jessore Education Board, Jessore stated in his deposition on oath that as per direction of the Commission in the earlier hearing he produced the resolution of the meetings held on 15.10.97 and 16.10.97 of the Appeal and Arbitration Board along with register before the Commission and submitted it along with the written statement as annexure. The complainant was also absent in the previous hearing and the reasons shown for his absence as stated in the *hajira* was not satisfactory and it was not consistent with the Right to Information Act, 2009.

**Decision:** As the complainant was repeatedly absent during hearing on different dates without showing reasonable grounds and the opposite parties produced sufficient papers along with the statements, the complaint submitted by Mr. Rabindra Nath Roy, Senior Teacher of Pather Bazar Secondary School, Dighalia, Khulna being groundless was dismissed.

Sd/	sd/	sd/
(Prof. Dr. Sadeka Halim)	(Mohammad Abu Taher)	(Muhammad Zamir)
Information Commissioner	Information Commissioner	Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 33/2011**

**Complainant:** Mr. Md. Abdur Rahim  
Multipurpose Colony  
House No. 3, Fishery Road  
Kishoreganj

**Opposite party:** 1. Mr. Md. Ruhul Amin  
Deputy Registrar  
Divisional Cooperative Office  
Dhaka

Date of hearing: 09.08.2011

**Decision Paper**

The complainant submitted an application on 21.11.2010 to the Designated Officer and Joint Registrar, Divisional Cooperative Office, Dhaka Division as per section 8(1) of the Right to Information Act, 2009 seeking for the following information:

- (a) information relating to different kinds of debts/loans under the government approved marketing scheme in the name of the District Multipurpose Cooperative Society Ltd., Kishoreganj which was considered correct through a test audit conducted by Mr. Sarwar Jahan, Deputy Registrar (Judicial) on 01.12.1996 as per Rule 105 of the Cooperative Rules and statements of repayment of govt. dues or amount of such balance;
- (b) photocopy of the approval before writing off from the last account of the organization without repayment of govt. loans;
- (c) photocopy of the prior approval of the Registrar, if it is already taken, relating to sale of 0.25 acre of land in Bajitpur town in 2008 and sale of 1.03 acre of land within the municipal area in Kishoreganj district headquarter in 2010 in the name of the District Multipurpose Cooperative Society Ltd., Kishoreganj and if prior approval has not been taken, the reasons thereof;
- (d) whether the system of nomination of 1/3 members of the management committee of the District Multipurpose Cooperative Society Ltd. by the Registrar is in practice or not, if not, the reasons thereof; and
- (e) copy of the amendment, if any, in the Cooperative Act, 2001/2002 and Cooperative Rules, 2004.

He received 4 out of the requested information on 18.01.2011 by normal post from the office of the Designated Officer vide his office Memo. No. 09/40/60 dated 05.01.2011. He was also advised to collect requested information no. 3 (a) of the application regarding accounts of unpaid govt. debts/loans from the office of the District Cooperative Officer, Kishoreganj. Being aggrieved with that decision, appeal was filed in form "C" to the Registrar, Department of Cooperatives for getting requested information No. 3(a). In response to the appeal the Designated Officer and Joint Registrar was directed to supply the requested information vide Memo. No. 82/Shilpa Seba dated 15.02.2011 of the Department of Cooperatives. After a personal meet on the expiry of the specified period of time he received the requested information, but he found the supplied information contradictory that led to a misleading situation.

So, he submitted this petition of complaint to the Information Commission for getting correct statement of the govt. debts/loans.

The complainant on oath stated in his deposition that he requested for 5 items of information. He stated that 4/5ths of the govt. loan was deducted by the writing off process. Landed property valued about Tk. 60 million was sold and he demanded a govt. inquiry for this. He received 4 items of information and was advised to collect another one from the District Cooperative Office. Information supplied earlier was conflicting with that of the information supplied later on. So, he wanted to know correct information about the amount of loan pending for payment to the govt. which was to be determined after proper inquiry.

On the other hand Mr. Md Ruhul Amin, Deputy Registrar, Divisional Cooperative Office, Dhaka stated on oath that he was not in that office and he became aware of this by consulting the file. The complainant was informed of the matter that there was no such loan pending for payment. He wanted to know the balance of statement-I regarding loan repayment. There was no govt. credit and marketing. Inquiry was made up to the date of request for information. He did not bring the inquiry report with him.

**Decision:** Commission directed the Designated Officer to supply the requested information i.e. copies of the statutory audit reports of the years from 2006-2007 to 2009-2010 to the complainant. He was also directed to submit the concerned inquiry report and the statements of repayment of loans of 2006-2010 to the Commission within 7 days.

Sd/	sd/	sd/
(Prof. Dr. Sadeka Halim)	(Mohammad Abu Taher)	( Muhammad Zamir)
Information Commissioner	Information Commissioner	Chief Information Commissioner

Information Commission  
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Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 34/2011**

**Complainant:** Sheikh Ali Ahammad  
31/3, Masdair  
Fatulla, Narayanganj

**Opposite party:** 1. Dr. Md. Golam Mostafa  
Upazila Health & Family Planning Officer  
Araihazar, Nganj & Designated Officer  
2. Dr. Md. Khorshed Alam  
Civil Surgeon-in-Charge  
Narayanganj & Appellate Authority

**Judgment**

**(Date: 08<sup>th</sup> September, 2011)**

The case record has been placed before the Commission today, the 8<sup>th</sup> September, 2011 for decision. The case was heard in detail in presence of both the parties on 09.08.2011 and 18.08.2011. Both the parties personally appearing before the Commission submitted their statements and answered the questions put to them by the Commission.

Complainant Shiekh Ali Ahammad, S/o Late Md. Abdul Aziz, Vill- 31/3, Masdair, Link Road, P.S- Fatulla, District- Narayanganj submitted the petition of complainant on 24.04.2011 to the Chief Information Commissioner stating therein that:

- (f) Whether one Mr. Mamun, S/o Abdul Mannaf ( Mannan Driver) of vill-Masdair, P.S Fatulla, Dist- Narayanganj was admitted to the Araihazar Upazila Health Complex and whether he stayed therein from 07.04.2009 to 11.04.2009 as a patient and
- (g) Whether S. I Hanif Howlader of the District Special Branch submitted any requisition to the Resident Medical Officer (RMO) of the Upazila Health Complex seeking for information in this regard or whether the RMO gave him anything in writing or not.

On the basis of the complaint the Upazila Health and Family Planning Officer by forming a committee directed to submit a report after inquiry and assured the complainant of providing requested information within next 10 days. After the expiry of that period when the Upazila Health & Family Planning Officer was contacted, he advised to wait for some more days. Later on the complainant came to know from a dependable source that the constituted committee had submitted the inquiry report after inquiry. He submitted a reminder letter on 02.03.2011 to

provide the requested information without making any delay. But having received no information he preferred an appeal on 06.03.2011 to Dr. Md. Khorshed Alam, the then Civil Surgeon-in-Charge in prescribed format attaching a copy of the gazette notification of the Right to Information Act with the appeal petition. On receipt of the appeal petition the Civil Surgeon sent a letter to the Director General of Health Services to let him know whether an ordinary citizen might receive such information on request and forwarded a copy of the same to the appellant. The Director General of Health Services directed him through the legal adviser to provide requested information and forwarded a copy of the same to the complainant. On receipt of that letter the complainant submitted another application requesting for information on 17.04.2011 and on personal contact on 20.04.2011 the Civil Surgeon informed him that a letter had already been sent to the Araihasar Upazila Health and Family Planning Officer from his office to provide requested information. Then he went to the office of the Upazila Health and Family Planning Officer on 21.04.2011 and sought for information from Dr. Md. Golam Mostafa who said that he would have to collect information after further inquiry by forming a new committee. Though he was entitled to have the requested information as per provisions of the Right to Information Act, 2009, he was harassed by not providing requested information in time and as such he submitted this petition of complaint for taking necessary steps for getting the requested information.

During hearing the complainant on oath adduced the same statement before the Commission and added that he received a letter dated 25.04.2011 containing some information which was misleading in his opinion and prayed for an order to have correct and complete information. Regarding the reason behind he mentioned that he requested for information from 07.04.2009 to 11.04.2009, but he was given information of only 07.04.2011 i.e. he was not given the information whether the said person had been admitted and under treatment with effect from 08.04.2011 to 11.04.2011 in that hospital.

**Statement of Dr. Golam Mostafa, Upazila Health and Family Planning  
Officer and Designated Officer, Araihasar, Narayanganj**

After the deposition of the complainant the Upazila Health and Family Planning Officer & Designated Officer stated on behalf of the opposite party that he joined his present place of posting on 12.12.2009. As the matter was of the time before his joining, he formed a committee consisting of 5 members by his office Memo. No. UZHCOM/Arai/11/126 dated 08.02.2011 to inquire into the matter and submit a report. Moreover, he wrote a letter to the Civil Surgeon, Narayanganj vide Memo. No. UZHCOM/ Arai/11/290 dated 06.03.2011 seeking instruction as to whether an officer of the government could provide such information on the personal request by an ordinary citizen. The Civil Surgeon, Narayanganj sought instruction from the Director General of Health Services by his office Memo. No. CSNJ/Admn/11 /1282 dated 16.03.2011. Later on the Civil Surgeon of Narayanganj directed the Upazila Health and Family Planning Officer to provide requested information to the complainant vide his Memo. No. CSNJ/Admn/11 /1809 dated 18.04.2011 and to inform him of the action taken. As per above

direction he sent the requested information to the complainant in his permanent address vide his office Memo. No. UZHCOM/Arai/11/803/1(2) dated 25.04.2011 by registered post. On consideration of his above statement he prayed for his release from the charge levelled against him in this case.

Commission asked the Upazila Health and Family Planning Officer & Designated Officer as to why he provided information regarding admission of said Mamun to the Health Complex on 07.04.2009 only instead of providing complete information regarding his admission to the Araihasar Upazila Health Complex and stay therein from 07.04.2009 to 11.04.2009 as patient. In reply the Upazila Health and Family Planning Officer & Designated Officer stated that as the said person was not admitted on 07.04.2009, there was no scope to stay under treatment up to 11.04.2009 and the discharge certificate was mentioned as false. At this stage in reply to another query put by the Commission, what the words "from 07.04.2009 to 11.04.2009" mean, he replied that those words meant whether he was admitted to the hospital or was under treatment starting from 07.04.2009 to 11.04.2009. He admitted the signature (Exhibit-1) put on his office Memo. No. 803 dated 25.04.2011 as of his own. During hearing he produced the Admission Register of the hospital (Exhibit-2) before the Commission. On scrutiny of the Admission Register it was found that the said Mamun was not admitted to the hospital from 07.04.2011 to 11.04.2011 which was also admitted by him during hearing.

**Statement of Dr. Md. Khorshed Alam, the then**

**Civil Surgeon-in-Charge of Narayanganj**

Thereafter, in reply to the question of the Commission the Civil Surgeon-in-Charge of the district of Narayanganj stated that he knows that the Right to Information Act, 2009 has been promulgated. But as he could not decide as to whether information should have to be provided on request or not, he sought instruction from the Director General of Health Services. He added that on receipt of the reply through Legal Adviser vide Memo. No. 3693 dated 10.04.2011, he directed the Upazila Health and Family Planning Officer, Araihasar vide his Memo. No. CSNJ/Admn/11 /1809 dated 18.04.2011 to provide requested information to the applicant as per rules with intimation to him.

**Points for decision:**

- (h) Whether the request for information was specific and clear;
- (i) Whether information sought for was provided within 20 working days as per section 9(1) of the Right to Information Act, 2009;
- (j) Whether the applicant was informed of the reasons for not providing requested information within 10 working days under section 9(3) of the RTI Act, if information was not discloseable as per section 9(1) of the said Act;

- (k) Whether the applicant was provided with any misleading, incomplete or fabricated information as per section 13(1)(e) and section 27(1)(d) of the Right to Information Act, 2009;
- (l) Whether there was any prohibition on providing requested information as per section 7 of the Right to Information Act, 2009; and
- (m) Whether there was any order passed by the Appellate Authority, the Civil Surgeon of Narayanganj within 15 days from the date of submission of appeal as per section 24(3) of the Right to Information Act, 2009.

**Analysis and reasons for decision:**

Considering the petition of complaint, statements adduced by the parties and the documents produced before the Commission including the registers and other documentary proofs it reveals that the request for information as stated in the application was specific and clear.

On through examination of the admission register of the hospital and other documents it also revealed that it was possible to provide requested information within 20 working days as per section 9(1) of the Right to Information Act, 2009. But requested information was not supplied within the time limit which is proved to be a clear violation of the law. Moreover, the applicant was not informed of the causes with reasonable explanation as to why requested information was not provided as per section 9(3) of the Right to Information Act, 2009. In response to the application the Designated Officer formed a committee instead of supplying information. Even on receipt and on the basis of the inquiry report submitted by the committee on 17.02.2011, he instead of providing requested information sent a letter to the Appellate authority, the then Civil Surgeon, Narayanganj on 06.03.2011 seeking for his instruction as to whether requested information could be provided or not. The Civil Surgeon instead of giving instruction sought instruction from the Director General of Health Services on 16.03.2011. On receipt of instruction from the Director General in respect of providing information the Civil Surgeon-in-Charge through his office letter dated 18.04.2011 directed the Designated Officer to provide requested information to the applicant with intimation to him. In response to this letter the Upazila Health and Family Planning Officer, Arahazar & Designated Officer on 25.04.2011 supplied partial information (said Mamun was not admitted to the Arahazar Upazila Health Complex on 07.04.2011) which seemed to be incomplete, misleading and harassing. Because, there was nothing mentioned about the days with effect from 08.04.2011 to 11.04.2011.

According to section 24(3) of the Right to Information Act no instruction was issued within 15 days of the receipt of the appeal by the Appellate Authority, the then Civil Surgeon-in-Charge, Narayanganj in respect of providing information. As a result, it revealed that the Appellate Authority failed to ensure the providing of requested information in time by the Designated Officer.

Both the Appellate Authority, the Civil Surgeon Dr. Md. Khorshed Alam and the Araihasar Upazila Health and Family Planning Officer & Designated Officer Dr. Md. Golam Mostafa admitted their ignorance about the Right to Information Act, 2009 to the Commission. They confessed their guilt before the Commission for the delay caused in providing information and for providing misleading information for not understanding the law properly; expressed sorrow & begged apology and informed the Commission that there would be no such mistake in future in providing information.

It also revealed that the prohibitions incorporated under section 7 of the Right to Information Act, 2009 are not applicable in providing requested information.

### **Order**

As the requested information as mentioned in the application was specific and clear;

As the information sought for was not provided to the applicant within 20 working days as per section 9(1) of the Right to Information Act, 2009;

As the applicant was not informed under section 9(3) of the RTI Act of the causes with reasonable explanation in writing as to why requested information was not provided;

As the applicant was provided with partial, incomplete and misleading information by the Upazila Health and Family Planning Officer & Designated Officer, Dr. Md. Golam Mostafa, though he was directed to provide requested information by the Civil Surgeon-in-Charge, Narayanganj on the basis of the instruction of the Director General of Health Services and as he confessed his guilt for his action before the Commission, expressed sorrow, begged apology and committed not to make any such mistake in future;

As no instruction was passed by the Appellate Authority, the Civil Surgeon of Narayanganj within 15 days from the date of submission of appeal as per section 24(3) of the Right to Information Act, 2009;

As the then Civil Surgeon-in-Charge of Narayanganj district Dr. Md. Khorshed Alam as Appellate Authority admitted his ignorance about the Right to Information Act, 2009 and failed to ensure the delivery of requested information in time as per law for lack of proper understanding about the Act and for this he confessed his guilt before the Commission, expressed sorrow, begged apology and committed not to make any such mistake in future; and

As the prohibitions incorporated under section 7 of the Right to Information Act, 2009 are not applicable in providing requested information in this case;

### **Hence,**

- (a) The Araihasar Upazila Health and Family Planning Officer & Designated Officer Dr. Md. Golam Mostafa is directed to provide requested information to the applicant within 7

days from the date of pronouncing judgment by the Commission i.e. by 15.09.2011 or earlier with intimation to the Commission. The Appellate Authority and the present Civil Surgeon, Narayanganj is directed to personally supervise and ensure the delivery of requested information to the complainant by the Designated Officer.

- (b) On consideration of the facts and circumstances of the case though the offence committed by the Designated Officer of the Araihasar Upazila Health Complex, Dr. Md. Golam Mostafa, is grave in nature, yet as he confessed his guilt, expressed sorrow and begged apology to the Commission, the Commission being empowered under section 25(11)(b) of the Right To Information Act and taking a lenient view imposed a fine of Tk. 1,000 (One thousand) only on Dr. Md. Golam Mostafa, the Designated Officer of the Araihasar Upazila Health Complex as per section 27(1)(b)(d)(e) of the said Act. In case of default in payment of fine, direction is given according to section 28 of the Right to Information Act, 2009 to realize the amount of fine as per provisions of the Public Demands Recovery Act, 1913(Act IX of 1913).
- (c) As the then Civil Surgeon-in-Charge of Narayanganj district and Appellate Authority Dr. Md. Khorshed Alam did not discharge his duty within the time limit as per provision of the Right to Information Act, 2009, he is censured and warned to be more careful in discharging his duties in future;
- (d) Direction is given to send copies of the judgment to the complainant, Sheikh Ali Ahammad, S/o Late Sheikh Md. Abdul Aziz, vill- 31/3, Masdair Link Road, P.S-Fatulla, Dist-Narayanganj and the opposite parties the Designated Officer of the Araihasar Upazila Health Complex, Dr. Md. Golam Mostafa and the then Civil Surgeon-in-Charge of Narayanganj district and Appellate Authority Dr. Md. Khorshed Alam for strict compliance of the decisions.
- (e) Direction is also given to send copies of the decisions to the Secretary, Ministry of Health and Family Welfare, Director General of Health Services and the present Civil Surgeon of Narayanganj district for information and taking necessary action.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
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Sher-e-Bangla Nagar, Dhaka-1207  
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**Complaint No. 35/2011**

**Complainant:** Mr. Md. Machhiudoula

Vill-North Chhalimpur (Fouzdarhat)

P.O- Jafrabad (4317)

P.S- Sitakundu

Dist- Chittagong

**Opposite party:** 1. Sub-Registrar

& Designated Officer

Sitakundu Sub-Registry Office

2. District Registrar

District Registry Office, Chittagong  
& Appellate Authority

Date of hearing: 18.08.2011

**Decision Paper**

Complainant Mr. Md. Machhiudoula submitted an application on 24.02.2011 to the Registrar, District Registry Office, Chittagong under section 8 of the Right to Information Act, 2009 seeking for the following information:

- (f) Whether deed no.6305 was registered on 13.12.1977 in the Sub-Registry Office of Sitakundu and if it was done, the names of the donor and receiver of the deed, the volume number, page number and nature of the deed;
- (g) Whether deed no.5013 was registered on 29.10.1963 in the Sub-Registry Office of Sitakundu and if it was done, the names of the donor and receiver of the deed, the volume number, page number and nature of the deed; and
- (h) Whether deed no.3648 was registered on 21.07.1977 in the Sub-Registry Office of Sitakundu and if it was done, the names of the donor and receiver of the deed, the volume number, page number and nature of the deed.

Having received no information within the time limit as per provision of the Right to Information Act, 2009 he preferred an appeal to the appellate authority on 29.03.2011 under section 24 of the Act. However, he did not get any remedy on appeal and hence filed this petition of complaint to the Information Commission for getting the requested information.

The complaint was discussed in the meeting of the Commission in detail and summonses were issued to all the parties related with the complaint fixing date for hearing on 09.08.2011. Though the complainant remained present on the due date yet the opposite parties remaining absent submitted their presence (Hazira) through an advocate. He submitted a prayer

for time. Later on the next date was fixed and summonses were issued fixing date on 18.08.2011. The case was heard in presence of both the parties on the date re-fixed.

The complainant on oath stated in his deposition that he submitted an application to the Chittagong District Sub-Registry Office seeking for some information regarding deed no.6305 dated 31.12.1977, deed no. 5013 dated 29.10.1963 and 3648 dated 21.07.1977. Having received no information he preferred an appeal to the appellate authority. Getting no information even on appeal within the specified period of 15 days he submitted this petition of complaint.

On the other hand the Sub-Registrar, Sitakundu Sub-Registry Office & Designated Officer and the Registrar, District Registry Office, Chittagong & Appellate Authority on oath begged apology for not attending personally before the Commission on the previous date and informed that they were present along with the requested information.

**Decision:** After hearing Commission warned the opposite parties orally and directed them not to make any kind of impediment in the field of providing information in future. Moreover, the Designated Officer was directed to provide requested information to the complainant immediately with intimation to the Commission. Accordingly the case was disposed of and the opposite parties were released from the charge of the allegation subject to delivery of requested information.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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Sher-e-Bangla Nagar, Dhaka-1207  
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**Complaint No. 36/2011**

**Complainant:** Mr. Parimal Palma  
Sr. Reporter, The Daily Star  
64-65 Kazi Nazrul Islam Avenue  
Farm Gate, Dhaka

**Opposite party:** Mrs. Shirin Afroze  
Wage Earners' Welfare Fund  
BMET

Date of hearing: 09.08.2011

**Decision Paper**

The complainant submitted an application on 22.11.2010 to the Bangladesh Manpower Employment and Training (BMET) seeking for information regarding Wage Earners' Welfare Fund. After a few days on query to the Designated Officer Mrs. Shirin Afroze he came to know that his application had been sent to concerned section. But he failed to have requested information even after the expiry of 20 days on repeated trials by different means. After the expiry of 20 days of the submission of the request for information he applied to the Appellate Authority & Director General of BMET who refused to receive the application on 23.11.2011. Thereafter when he came to the Commission to submit a complaint, there was found no document in support of submission of the appeal and hence he submitted the appeal petition to the Director General again on 23.02.2011 on the advice of the Secretary, Information Commission. Getting no reply he preferred an appeal to the Secretary, Ministry of Expatriate Welfare and Foreign Employment. When the Secretary sent him to the Director (Welfare), Mrs. Mafruha Sultana, she expressed inability to provide information stating that the information sought was not specific. Then the complainant wanted to have information for the year 2010 specifically, but failed. Under the above circumstances, he sought cooperation to have access to the requested information and submitted this petition of complaint to the Information Commission.

The complaint was discussed in the Commission's meeting held on 04.07.2011 and on taking cognizance the first date of hearing was fixed on 09.08.2011. Today the case was heard in presence of both the parties.

The complainant on oath stated in his deposition that he submitted an application to know as to how and where the Expatriate Wage Earners' Welfare Fund was used and how the fund up to 22.11.2010 was spent. But he did not receive any reply. Later on he applied to the DG

of BMET. Getting no information he preferred an appeal to the Secretary of the concerned ministry and thereafter he submitted this petition of complaint to the Information Commission.

On the other hand the person present on behalf of the opposite party Mrs. Shirin Afroze , Wage Earners' Welfare Fund, BMET stated in her deposition on oath that she put up the application for information dated 22.11.2010 in the file and a committee was formed. Requested information was sent to the complainant by post in his address as stated in the application.

**Decision:** As the Designated Officer sent the requested information to the complainant by post in his address as stated in the application, the case is disposed of releasing the opposite party from the charge of the complaint. However, if the complainant is not satisfied and needs any new information, he is advised to submit a fresh application.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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**Complaint No. 37/2011**

**Complainant:** Mr. Niranjan Kumar Biswas  
Bara Station Road  
Harijan Chaitanya Palli, Kustia

**Opposite party:** Mr. Anwar Ali  
Mayor  
Kustia Municipality

Date of hearing: 09.08.2011

**Decision Paper**

The complainant submitted an application on 29.08.2010 to the Designated Officer/Mayor, Kustia Municipality, Kustia as per section 8(1) of the Right to Information Act seeking for the following information:

- (i) How many health workers work in Kustia Municipality and
- (j) Copy of the field visit plan of the health workers.

Though there is a provision for supplying requested information within 20 working days from the date of receipt of the application, the authority did not give any reply and hence the complainant preferred an appeal to the Appellate Authority on 28.10.2010. But the Appellate Authority did not give any reply or issue any instruction within 15 days for its remedy. So he submitted this petition of complaint to the Information Commission under section 25 of the Right to Information Act, 2009 for ensuring his right to have information.

The complaint was discussed in the meeting of the Commission held on 04.07.2011 and on taking cognizance the date of hearing was fixed on 09.08.2011. Today the case was heard in presence of both the parties.

The complainant on oath stated that by this time he received his requested information.

**Decision:** As the complainant has already received the requested information, the case is disposed of releasing the opposite party from the charge of the complaint.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 38/2011**

**Complainant:** Dr. Shamsul Bari  
House No. 7, Road No. 17  
Block-C, Banani  
Dhaka- 1213

**Opposite party:** Sheikh Abdul Mannan  
Member, Planning, RAJUK  
& Designated Officer  
RAJUK Bhaban, Motijheel  
Dhaka -1000

Date of hearing: 31.10.2011

**Decision Paper**

The complainant submitted an application on 29.05.2011 to Sheikh Abdul Mannan, the Designated Officer & Member, Planning, Rajdhani Unnayan Kartripaksha (RAJUK), RAJUK Bhaban, Motijheel, Dhaka-1000 seeking for the following information:

- (k) Guidelines followed in according permission for construction of any building in any area and inspecting the concerned file and having a copy of the concerned guidelines;
- (l) Inspecting the file that contains measures taken for construction of non-residential building in residential area and having copies thereof; and
- (m) Inspecting the concerned file that contains information related to the existence of any such procedure to take opinion or allegation from the nearby residents on receipt of any application for construction of any building in any residential area and having concerned copies.

Having received no information within the time limit of 20 working days as per section 9(1) of the Right to Information Act, he preferred an appeal to the appellate authority on 14.07.2011. But getting no information even on appeal he submitted this petition of complaint to the Information Commission on 18.08.2011.

The complaint was discussed in the meeting of the Commission and summonses were issued to concerned parties fixing date of hearing on 13.10.2011. Thereafter the RAJUK authority informed through its Memo. No. RAJUK/Planning((UNI)/12/11/295 dated 10.10.2011 informed that the Designated Officer would not be able attend the Commission as he was out of the country and prayed for time. Next date was fixed for hearing on 31.10. 2011 and accordingly summons were issued to the parties.

The complainant on oath stated in his deposition that he submitted 3 applications to the Designated Officer and having received no information from the Designated Officer or even on appeal he submitted this petition of complaint. Though much time has elapsed, he has not get requested information even today.

On the other hand the opposite party Sheikh Abdul Mannan, Member, Planning, RAJUK stated on oath that he had already supplied the requested information to the complainant and the complainant thanked him on receipt of requested information. At this stage Dr. Shamsul Bari stated with permission of the Commission that he did not get the information requested on 29.05.2011. He received the information which was sought later on. Commission examined the information already supplied by the Designated Officer and found that the information sought earlier had the similarity with that sought later on in major part. Commission asked the Designated Officer whether there was any problem in providing requested information or showing concerned files to the complainant. The Designated Officer stated that there was no impediment in providing requested information or showing concerned files.

**Decision:** Commission directed the Designated Officer to provide requested information and to take measures to show concerned files to the complainant within next 15 days with intimation to the Commission and the case was accordingly disposed of.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 39/2011**

**Complainant:** Mr. Md. Fakhru Islam  
House No. 91/A (1<sup>st</sup> Floor)  
Bashiruddin Road  
Kalabagan, Dhaka-1205

**Opposite party:** Designated Officer  
BRTA  
Ellenbari  
Tejgaon, Dhaka-1215

Date of hearing: 31.10.2011

**Decision Paper**

The complainant submitted an application to the Designated Officer of BRTA, Ellenbari, Tejgaon, Dhaka-1215 on 03.03.2011 seeking for the following information:

- (n) List of persons who have been granted driving license in Dhaka city in 2010;
- (o) List of persons against whom action was taken for driving without license and
- (p) Guidelines for and dates of conducting operations.

Having received no information within 20 working days as per section 9(1) of the Right to Information Act, 2009 he preferred an appeal on 12.06.2011. But getting no remedy on appeal till today, he submitted a complaint to the Information Commission on 10.08.2011.

The complaint was discussed in the meeting of the Commission on 13.10.2011 and summonses were issued to concerned parties fixing date of hearing on 31.10.2011. Both the parties remained present on the due date by filing their hazira (attendance).

The complainant on oath stated in his deposition that he submitted 3 applications to the Designated Officer and having received no information from the Designated Officer within the time limit or even on appeal he submitted this petition of complaint to the Information Commission. Though much time has elapsed, he has not got requested information even today.

On the other hand the Designated Officer of BRTA stated on oath that he joined the BRTA in August last. The original Designated Officer went to Hajj and hence he has been nominated and is present before the Commission for hearing. He was not aware of the allegations stated in the complaint. However, there is no bar in providing requested information. But it will take time to deliver as the information sought is huge in quantity.

**Decision:** The Designated Officer is directed to provide requested information to the complainant by 20.11.2011 with intimation to the Commission and the case is accordingly disposed of.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 40/2011**

**Complainant:** Mr. Md. Fakhru Islam  
House No. 91/A (1<sup>st</sup> Floor)  
Bashiruddin Road  
Kalabagan, Dhaka-1205

**Opposite party:** Designated Officer  
Janata Bank Limited  
TSC Branch, Dhaka University  
Dhaka-1000

Date of hearing: 21.12.2011

**Decision Paper**

The complainant submitted an application to the Designated Officer of Janata Bank Limited, TSC Branch, Dhaka University Dhaka-1000 on 01.06.2011 seeking for the following information:

- (q) Guidelines for operating Janata Bank and guidelines for providing services to the citizens and having copies thereof and
- (r) List of services provided to the citizens.

Having received no information he preferred an appeal on 14.07.2011. But getting no remedy on appeal till today, he submitted a complaint to the Information Commission on 10.08.2011.

The complaint was discussed in the meeting of the Commission on 13.10.2011 and summonses were issued to concerned parties fixing date of hearing on 31.10.2011.

During hearing the engaged lawyer on behalf of the opposite party prayed for time on the ground that the Designated Officer, Mrs. Rokeya Sultana, being seriously ill is now under treatment in India. On hearing both the parties Commission allowed the time prayer and fixed 29.11.2011 for further hearing and accordingly summonses were issued to both the parties.

On this day the complainant remained absent and the lawyer on behalf of opposite party again prayed for time due illness of the Designated Officer, Mrs. Rokeya Sultana showing it as a humanitarian ground. After hearing both the parties Commission allowed the time prayer

and fixed 21.12.2011 for further hearing and accordingly summonses were issued to both the parties.

On the due date for hearing the complainant on oath stated in his deposition that he submitted 2 applications to the Designated Officer of Janata Bank Limited, TSC Branch, Dhaka University and having received no information from the Designated Officer within the time limit or even on appeal he submitted this petition of complaint to the Information Commission. During hearing he stated that he received major part of the requested information and expressed his willingness to have more information.

On the other hand the engaged lawyer of the opposite party informed that requested information was provided to the complainant vide Memo. No. RS/DUC//Info/2011 dated 23.08.2011 and Memo.No.JBL/DUC/Info.Supply/11dated 15.12.2011 of the Janata Bank Limited. Commission examined the papers and documents submitted by the Dhaka University TSC Branch of Janata Bank Limited and it was found that major part of the requested information had already been supplied.

**Decision:** Commission directed the Designated Officer to provide additionally requested information to the complainant within next 7 days with intimation to the Commission and the case is accordingly disposed of.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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**Complaint No. 41/2011**

**Complainant:** Mosammat Tahera Begum  
House No. 18, Road No. 5  
New Babupara,  
Upazila- Syedpur  
Dist-Nilphamari

**Opposite party:** Mr. Md. Jamaluddin  
Officer-in-Charge  
& Designated Officer  
P.S & Upazila- Syedpur  
Dist- Nilphamari

Date of hearing: 18.04.2011

**Decision Paper**

The complainant Mosammat Tahera Begum submitted an application to the Designated Officer & Officer-in-Charge of Syedpur Police Station, Upazila-Syedpur, Dist- Nilphamari on 30.07.2011 seeking for the following information:

How many tortured women submitted F.I.R to Syedpur Police Station from January to June, 2011 and photocopies thereof.

Having received no information he preferred an appeal to the appellate authority, the Superintendent of Police, Nilphamari on 03.10.2011. However, he did not get any remedy there and hence filed this petition of complaint to the Information Commission on 30.10.2011.

The complaint was discussed in the meeting of the commission on 21.12.2011 and as per decision of the meeting summonses were issued to the concerned parties fixing date of hearing on 09.01.2012.

During hearing the complainant being present stated in her deposition on oath that she submitted an application to the Designated Officer & Officer-in-Charge of Syedpur Police Station, Upazila-Syedpur, Dist- Nilphamari seeking for the aforesaid information. Having received no information on submission of request or even from the appellate authority on submission of appeal she submitted this petition of complaint to the Information Commission. During hearing she informed that on seeking information she had to face various troubles, even when she went to the Police Station 2/3 days before the date of submission on 30.07.2011 to submit the application hand to hand, the duty officer of the Police Station did not receive the application for information.

On the other hand the opposite party, the Designated Officer of Syedpur Police Station, Nilphamari stated on oath during hearing that she did not get any such application. However, he became aware of the allegation on receipt of the summons from the Commission under Memo. No. TTK/Admn-23/2009-334 dated 27.12.2011 and brought with him the requested information. He read aloud it before the Commission. Commission examined the papers submitted by the Designated Officer of Syedpur Police Station, Dist- Nilphamari and information therein.

**Decision:** Commission directed the duty officer, who was on duty when the complainant went to submit the application, to be more careful in discharging his duties. At the same time Commission disposed of the case directing the Designated Officer to supply requested information to the complainant with intimation to the Commission.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 42/2011**

**Complainant:** Mr. Md. Shsh Alam Chowdhury  
Tayef Enterprise  
114 (Ka) Lawyers' Building  
Court Building  
Chittagong-4000

**Opposite party:** 1. Mr. Khalid Mamun Chowdhury  
Additional Deputy Commissioner  
(Education & Development)  
D.C Office, Chittagong  
2. Israt Reza, Sr. Asst. Commissioner  
& Ex.Magte, D.C Office, Chittagong  
3. Md. Nazmul Islam Sarker, Asst.  
Commissioner & Designated Officer  
D.C Office, Chittagong  
4. Shah Md. Ziauddin Chowdhury  
Principal-in-Charge  
Shahi Commercial College, Chittagong

Date of hearing: 06.01.2012

**Decision Paper**

The complainant Mr. Md. Shsh Alam Chowdhury submitted an application on 12.07.2011 to the Designated Officer, Information Providing Unit, Office of the Deputy Commissioner, Chittagong seeking for the following information:

Information relating to appointment to the post of Principal of MPO listed Shahi Commercial College, Chittagong which is governed through the representative of the Deputy Commissioner.

Having received no information he preferred an appeal to the appellate authority, the Deputy Commissioner, Chittagong on 28.09.2011. However, he did not get any remedy there and hence filed this petition of complaint to the Information Commission on 14.11.2011.

The complaint was discussed in the meeting of the commission on 21.12.2011 and as per decision of the meeting summonses were issued to the concerned parties fixing date of hearing on 09.01.2012.

During hearing on the date fixed though the complainant was present, the Designated Officer of the Office Of the Deputy Commissioner, Chittagong and the Principal-in-Charge of Shahi Commercial College, Chittagong remained absent without showing any reason and hence next date for hearing was fixed on 06.02.2012 with direction to issue summons again.

The complainant being present on the date fixed stated on oath that he submitted an application seeking for the aforesaid information to the Designated Officer, Information Providing Unit of the Office of the Deputy Commissioner. Getting no information from the Designated Officer or from the Appellate Authority he submitted this petition of complaint to the Information Commission.

On the other hand on behalf of the opposite parties as Mr. Khalid Mamun Chowdhury, Additional Deputy Commissioner (Education and Development), Office of the Deputy Commissioner, Chittagong was on training in Thailand with effect from 16.02.2012 as per order of the Development and Implementation Branch-1 of the Ministry of Public Administration and Mrs. Israt Reza, Sr. Assistant Commissioner & Executive Magistrate, Office of the Deputy Commissioner, Chittagong was on maternity leave with effect from 15.01.2012 to 21.07.2012, they were absent during hearing.

However, Mr. Nazmul Islam Sarker, Assistant Commissioner & Executive Magistrate and Designated Officer , Office of the Deputy Commissioner, Chittagong stated on oath that for non-availability of requested information in his section, he requested the concerned officer of the Education Section of the Office of the Deputy Commissioner. In reply vide Memo. No. 00.20.1500.043.05.008.11.20 dated 05.01.2012 of the Education Section he mentioned that no action was taken on the inquiry report submitted by former Assistant Commissioner Begum Lutfun Nahar against the Principal-in-Charge of Shahi Commercial College as there was no recommendation/opinion in that report and there was no analysis to reach the decision. As the report was not taken into cognizance, the former Chairman of the Governing Body of the college, the Additional Deputy Commissioner (Education & Development) opined that there was no ground to provide information. For this reason he could not provide the requested information.

In reply to a query put by the Commission to another opposite party Shah Md. Ziauddin Chowdhury, Principal-in-Charge, Shahi Commercial College, Chittagong as to why he did not supply requested information he stated that he is the son of the founder principal of that college and has been serving as Principal-in-Charge since 1999 to till today. So, he expressed his inability to provide information under section 7 (h) wherein it has been mentioned that it is not mandatory to provide information whose disclosure may impair the personal confidentiality of one's life. Commission became totally upset for not providing requested information by showing the stated reason as the college is not a personal matter or property of any particular person, it is an institution.

**Decision:** After hearing Commission disposed of the case directing the Principal-in-Charge, Shahi Commercial College, Chittagong to provide requested information to the complainant by 09.02.2012 and Mr. Nazmul Islam Sarker, Assistant Commissioner & Executive Magistrate and Designated Officer, Office of the Deputy Commissioner, Chittagong to provide the copy of the inquiry report submitted by former Assistant Commissioner Begum Lutfun Nahar to the complainant by 12.02.2012.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
(Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
Archaeology Bhaban (2<sup>nd</sup> Floor)  
F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 43/2011**

<b>Complainant:</b> Mr. Md. Aminul Haque Amin Redwan Trade International 97 Mazar Cooperative Market (1 <sup>st</sup> Floor) P.S- Darus Salam Mirpur-1 Dhaka-1216	<b>Opposite party:</b> Designated Officer & District Cooperative Officer District Cooperative Office, Dhaka Cooperative Bhaban (2 <sup>nd</sup> Floor) Plot- F/10, Civic Centre Agargaon, Dhaka
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Date of hearing: 06.02.2012

**Decision Paper**

The complainant submitted an application on 23.06.2011 to Mr. Md. Aminul Haque Amin the Designated Officer & District Cooperative Officer, Dhaka, District Cooperative Office, Cooperative Bhaban (2<sup>nd</sup> Floor), Plot-F/10, Civic Centre, Agargaon, Dhaka-1207 seeking for the following information:

Copy of the direction signed on 03.05.2010 regarding compromise between the complainant and the respondent in respect of membership no. 878 of Mirpur Mazar Cooperative Market Society Limited lodged under rule 10(3) of the Membership Rules, 2004 and other related information.

Having received no information he preferred an appeal to the appellate authority. However, he did not get any remedy there and hence filed this petition of complaint to the Information Commission on 23.10.2011.

The complaint was discussed in the meeting of the Commission on 21.12.2011 and as per decision of the meeting summonses were issued to the concerned parties fixing date of hearing on 09.01.2012.

On receipt of the summons the complainant appeared before the Commission one day ahead and by submitting a petition prayed for time on the ground that he would not be able to attend during hearing on the due date. On the fixed date though the Designated Officer and

District Cooperative Officer was present during hearing, Commission fixed another date on 06.02.2012 for hearing with direction to issue summonses again.

During hearing on the next date the complainant being present stated in his deposition on oath that he submitted an application seeking for the said information to the Designated Officer & District Cooperative Officer, Dhaka. Getting no information he preferred an appeal to the appellate authority and the Joint Registrar, though directed to provide information, he did not have it. He informed the Commission in this regard and presented related papers in support of his statement.

On the other hand the opposite party, the Designated Officer and District Cooperative Officer, Dhaka stated in his deposition on oath that the complainant had been filing various cases in different courts for reinstatement of his membership. As there is an injunction from the court on his reinstatement as a member, he did not give any decision in this respect and as such he could not provide information.

**Decision:** On scrutiny of the papers submitted by the complainant Commission found that there is no such injunction on providing information. So, the case was disposed of with a direction to provide requested information as per order of the appellate authority to the complainant by 08.02.2012 under intimation to the Commission.

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner

Information Commission  
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F-4/A, Agargaon Administrative Area  
Sher-e-Bangla Nagar, Dhaka-1207  
Fax-088 02 9110638

**Complaint No. 44/2011**

<b>Complainant:</b> Mrs. Sayema Afroze Monitoring and Evaluation Officer BELA House No. 15/A, Road No. 03 Dhanmondi R/A, Dhaka-1205	<b>Opposite party:</b> Mr. Parbeen Sultana Prosecuting Officer & Designated Officer Directorate of Shipping Motijheel C/A (8 <sup>th</sup> Floor), Dhaka
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Date of hearing: 06.02.2012

**Decision Paper**

Complainant Mrs. Sayema Afroze submitted an application on 19.06.2011 to the Designated Officer, Department of Shipping, 141-143 Motijheel Commercial Area (8<sup>th</sup> Floor), Dhaka seeking for the following information:

- (s) Number of ships in whose favour NOC was issued from the date of order of the Hon'ble court i.e. 17.03.2009 to 19.06.2011;
- (t) Name and Designation of the officer who issued NOC;
- (u) Documentary proof in favour of compliance of the conditions for granting environmental clearance of the yards applying for NOC;
- (v) Total list of the imported ships (including Class, Weight and Waste);
- (w) Copies of Environmental Clearance and Waste Free Certificate (according to Basel Convention) of the imported ships;
- (x) Imported ships are of which countries' flag carriers and whether those countries are within the ambit of the Basel Convention.

Having received no information he preferred an appeal to the appellate authority on 01.08.2011. However, he did not get any remedy there and hence filed this petition of complaint to the Information Commission on 13.12.2011.

The complaint was discussed in the meeting of the commission on 21.12.2011 and as per decision of the meeting summonses were issued to the concerned parties fixing date of hearing on 09.01.2012.

During hearing on the date fixed though the complainant was present, the Designated Officer of the Department of Shipping, Dhaka remained absent without showing any reason and hence Commission fixed the next date for hearing on 06.02.2012 with direction to issue summons again to the concerned parties.

During hearing on the date fixed the complainant was represented by Syeda Rizwana Hasan who being present stated on oath that she submitted an application to the Designated Officer of the Department of Shipping, Dhaka seeking for the aforesaid 6 points (from a to f). Getting no information she submitted an appeal to the appellate authority, but failed to have requested information.

On the other hand during hearing the opposite party and Designated Officer of the Department of Shipping, 141-143 Motijheel Commercial Area (8<sup>th</sup> Floor), Dhaka stated in her deposition on oath that she was not informed of such an application for providing information, because she is newly appointed to this post. However, she said that she has no objection to provide information as requested by BELA and she will have no objection if BELA wants to collect information by checking concerned files.

**Decision:** It reveals from the hearing that as there is no impediment in providing and receiving information between the Designated Officer and BELA the case is disposed of with a direction to provide the requested information within 20 working days. The Designated Officer will inform BELA on fixing the date for inspection of the concerned files and BELA will collect necessary information on inspection of the files (except note sheets).

Sd/  
(Prof. Dr. Sadeka Halim)  
Information Commissioner

sd/  
(Mohammad Abu Taher)  
Information Commissioner

sd/  
( Muhammad Zamir)  
Chief Information Commissioner