

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, অক্টোবর ২৯, ২০০৯

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

মুদ্রণ ও প্রকাশনা শাখা

প্রজ্ঞাপন

তারিখ, ২৭ অক্টোবর ২০০৯

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

মোঃ আনোয়ার হোসেন

সহকারী সচিব।

(৭১৩৭)

মূল্য : টাকা ১৪.০০

Right to Information Act, 2009**Act. No. XX of 2009****An Act****to make provisions for ensuring free flow of information and people's right to information.**

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

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

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

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

it is hereby enacted as follows :—

Chapter 1**Introductory**

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

(2) Of this Act—

- (a) all the sections except sections 8, 24 and 25 shall be deemed to have come into force on 20 October, 2008; and
- (b) sections 8, 24 and 25 shall come into force on 1 July, 2009.

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

- (a) “Appellate Authority” means—
 - (i) in case of and information providing unit, the administrative head of its immediate superior office; or
 - (ii) if there is no superior office of such unit, the administrative head of that unit;
- (b) “Authority” means—
 - (i) any organization constituted in accordance with the Constitution of the People’s Republic of Bangladesh;
 - (ii) and ministry, division or office established under the Rules of Business made under article 55(6) of the Constitution of the People’s Republic of Bangladesh;
 - (iii) any statutory body or institution established by or under any Act;
 - (iv) any private organisation or institution run by government financing or with aid in grant from the government fund;
 - (v) any private organisation or institution run by foreign aid in grant;
 - (vi) any organisation or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organisation or institution; or
 - (vii) any organisation or institution as may be notified in the official Gazette from time to time by the Government;
- (c) “officer” shall also include and employee;
- (d) “information providing unit” means—
 - (i) head office, divisional office, regional office, district office or upazila office of any department, directorate or office attached to or under any ministry, division or office of the Government;
 - (ii) head office, divisional office, regional office, district office or upazila office of an authority;

- (e) “Information Commission” means the Information Commission established under section 11;
- (f) “information” includes any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority:

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

- (g) “right to information” means the right to obtain information from any authority;
- (h) “Schedule” means Schedule to this Act;
- (i) “third party” means any other party associated with information, other than that applying for information or any authority providing such information;
- (j) “officer-in-charge” means any officer appointed under section 10;
- (k) “prescribed” means prescribed by rules or regulations;
- (l) “regulations” means regulations made under section 34;
- (m) “Selection Committee” means the selection committee constituted under section 14;
- (n) “rules” means rules made under section 33.

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

- (a) the provisions of providing information shall not be affected by the provisions of this Act; and
- (b) the provisions of creating impediment in providing information shall be superseded by the provisions of this Act if they become conflicting with the provisions of this Act.

Chapter 2

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

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

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

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

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

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

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

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

- (a) particulars of its organisational structure, activities, responsibility of the officers and employees, or description and process of decision making;
- (b) lists of all laws, Acts, Ordinance, rules, regulations, notifications, directives, manuals, etc. of the authority including the classification of all information lying with the authority;

- (c) description of the terms and conditions under which a citizen may get services from the authorities in obtaining any license, permit, grant, consent, approval or other benefits and of such conditions that require the authority to make transactions or enter into agreements with him;
- (d) particulars of the facilities ensuring right to information of the citizens, and the full name, designation, address, and, in cases where applicable, fax number and e-mail address of the assigned officer.

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

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

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

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

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

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

- (a) any such information that may, if disclosed, cause a threat to the security, integrity and sovereignty of Bangladesh;
- (b) any such information relating to any aspect of foreign policy that may affect the existing relationship with any foreign country or international organisation or any regional alliance or organization;

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- (c) any secret information received from a foreign government;
- (d) any information relating to inherent secrets of commercial or business nature, copyright or intellectual property right that may, if published, affect the intellectual property right of a third party.
- (e) any of the following information that may, if disclosed, be gainful or damaging to any particular individual or organization, namely :—
- (i) any advance information about income tax, customs, VAT and law relating to excise duty, budget or change in the tax rate;
- (ii) any advance information about changes relating to exchange rate and interest rate;
- (iii) any advance information about the management and supervision of the financial institutions including banks;
- (f) any such information that may, if disclosed, obstruct the enforcement of law or incite any offence;
- (g) any such information that may, if disclosed, endanger the security of public or impede the due judicial process of a pending case;
- (h) any such information that may, if disclosed, offend the privacy of the personal life of an individual;
- (i) any such information that may, if disclosed, endanger the life or physical safety of any person;
- (j) any such information given in confidence to any law enforcement agency by a person;
- (k) any matter pending before any court of law and which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (l) any such information that may, if disclosed, impede the process of investigation;

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- (m) any such information that may, if disclosed, affect any investigation process of offence and the arrest and prosecution of offender;
 - (n) any such information which is, according to law, liable to be published only for a certain period of time;
 - (o) any such information that is generated through technical or scientific experiment, and is expedient to keep secret for strategic or commercial reasons;
 - (p) any such information pertaining to a purchase process before it is complete or a decision has been taken about it;
 - (q) any such information that may be prejudicial to the special rights of the House of the Nation;
 - (r) any secret information of a person which is protected by law;
 - (s) any advance, information relating to question papers of an examination or marks given;
 - (t) any document including summaries to be placed before the Cabinet or, as the case may be, before the Council of Advisers and information relating to discussions and decisions of such meetings :

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

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

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

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

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

- (ii) correct and clear description of the information sought for;
- (iii) other related information so that the location of the information sought for may be easily found out;
- (iv) description of the modes how he wants to have the information, that is making inspection, having copy, taking note or any other approved method.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 3

Designated Officer

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

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

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

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

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

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

Chapter 4

Establishment of Information Commission, etc.

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

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

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

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

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

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

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

- (a) non-appointment of an officer-in-charge by any authority, or its refusal to accept a request for information ;
- (b) refusal of any request for information;
- (c) a request for information has been left unattended or no information received within the time-limit specified under this Act;
- (d) if the applicant is asked for a fee or compelled to pay an amount of fee which he considers to be unreasonable;
- (e) if the applicant is provided with incomplete information or such information that appears to be misleading or false; and
- (f) any other matter relating to requesting or obtaining information under this Act.

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

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

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

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

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

- (a) to issue directives for the preservation, management, publication, publicity of and access to information by authority;
- (b) to prescribe the procedure for applying for information from the authority and, as the case may be, to fix appropriate price of information;
- (c) to formulate guidelines and directives as to the preservation and implementation of the right to information of the citizens;

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- (d) to consider the provisions recognized under the Constitution of the People's Republic of Bangladesh or any other law for the time being in force in order to preserve the right to information and recommend to the Government for their effective implementation by indicating the impediments;
 - (e) to identify the impediments against the preservation and implementation of right to information of the citizens and recommend to the Government for appropriate solution;
 - (f) to conduct research on the agreements relating to the right to information and other international instruments and to recommend to the Government for their implementation;
 - (g) to examine the similarities of the prevailing law relating to the maintenance and implementation of the right to information of the citizens and to make necessary recommendation to the Government or, as the case may be, to the appropriate authority in order to ensure their harmonization with the international instruments;
 - (h) to advise the Government to ratify or sign any international instrument on right to information;
 - (i) to conduct research on preservation and implementation of the right to information and to assist the educational and professional institution for conducting such research;
 - (j) to publicize the issues relating to the preservation and implementation of the right to information among different classes of citizens of the society and to increase their awareness about the right to information by publishing, disseminating or any other means;
 - (k) to advise and provide assistance to the Government in order to make necessary laws and administrative directives for preservation and implementation of right to information;
 - (l) to advise and provide assistance to the organizations or institutions working for the preservation and implementation of the right to information and to citizens in general;

- (m) to increase public awareness on right to information by conducting research, seminars, symposiums, workshops and similar other measures and disseminate the result obtained from the research;
- (n) to give the authority technical and other assistance with a view to ensuring right to information;
- (o) to establish a web portal for Bangladesh to ensure right to information;
- (p) to oversee the actions taken under any other law relating to the preservation and implementation of the right to information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 5

Financial matters of the Information Commission

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

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

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

(4) The following money shall be deposited to the fund, namely :—

- (a) annual grants provided by the Government;
- (b) grants provided by any institution with the approval of the Government.

20. **Budget.**—The Information Commission shall, within the time fixed by the Government, submit an annual budget to the Government for the next financial year in appropriate form specified in this behalf by the Government for approval and shall mention therein how much money it may require from the Government for such financial year.

21. Financial independence of the Information Commission.—(1) The Government shall, after due consideration of the Information commission's requisition, allocate specified amount of money to defray its expenses and the Information Commission need not to take the previous approval of the Government to spend the money allocated against the approved and prescribed heads.

(2) The provisions of this section shall not be construed to have prejudiced the rights of the Comptroller and Auditor General as mentioned in article 128 of the Constitution of the People's Republic of Bangladesh.

22. Accounts and audit.—(1) The Commission shall maintain its accounts properly and prepare an annual statement of its accounts.

(2) The Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General, shall audit the accounts of the Commission every year and shall submit a copy of the audit report to the Government with a copy thereof to the Information Commission.

(3) In order to conduct the audit in accordance with sub-section (2), the Auditor General or any person empowered by him in this behalf shall have access to all records, documents and papers, cash or money kept in the bank, undertakings, treasury and other property and may examine the Chief Information Commission, the Information Commissioners or any officer or employee of the Commission.

Chapter 6

Officers and Employees of Information Commission

23. The Secretary and other officers and employees of the Information Commission.—(1) There shall be a Secretary of the Information Commission.

(2) The Commission may, subject to the prior approval of the Government by determining the organizational organogram appoint such number of officers and employees as may be necessary for the efficient performance of its functions under this Act.

(3) The salaries, allowances and other terms and conditions of service of the Secretary and other officers and employees shall be determined by the Government.

(4) The Government may, upon request from the Information Commission, appoint any officer or employee of the Republic on deputation to the Commission.

Chapter 7

Appeal, Complaint, etc.

24. **Disposal of appeal, etc.**—(1) If Any person fails to receive information within the time specified in sub-section (1), (2) and (4) of section 9 or is aggrieved by a decision of the officer-in-charge may, within 30 (thirty) days from the expiry of such period or, as the case may be, from the receipt of such a decision, prefer an appeal to the appellate authority.

(2) If the appellate authority is satisfied that the appellant has failed to prefer an appeal within the time-limit as mentioned in sub-section (1) for any reasonable ground, it may accept the appeal even after the expiry of that time.

(3) The appellate authority shall within 15 (fifteen) days of the receipt of the appeal under sub-section (1) or (2)—

- (a) direct the concerned officer-in-charge to supply the appellant the requested information; and
- (b) dismiss the appeal if it is not considered fit for acceptance.

(4) The officer-in-charge on being directed to supply information under sub-section (3) shall, within the time specified in sub-section (1), (2) or, as the case may be, (4) of section 9, provide the appellant with the requested information.

25. **Making of Complaint, disposal, etc.**— (1) A person may lodge a complaint to the Information Commission for any of the following reasons namely :—

- (a) if he gets no information under sub-section (1) of section 13;

- (b) if he is aggrieved by the decision on his appeal under section 24;
- (c) if he gets no information within the time-limit mentioned in section 24 or, as the case may be, gets no decision about providing information.

(2) A complaint may be lodged to the Information Commission at any time in respect of any matter mentioned in clause (a) of sub-section (1), and within 30 (thirty) days from the date of such decision or, as the case may be, the date of exceeding the time-limit in respect of any matter mentioned in clause (b) and (c) of sub-section (1).

(3) If the Information Commission is satisfied that the complainant, for any reasonable cause, fails to lodge a complaint within the time limit as mentioned in sub-section (2), it may accept the appeal even after the expiry of that time.

(4) If the Information Commission is satisfied upon a complaint or otherwise that any authority or, as the case may be, any officer-in-charge has failed to do an act or has done an act that was not necessary to do in accordance with the provisions of this Act, it may take action against such authority or, as the case may be, such officer-in-charge under this section.

(5) On receipt of a complaint under sub-section (1) or if it is required to take an action under sub-section (4), the Chief Information Commissioner himself shall enquire into the complaint or delegate the duty to any other information Commissioner to enquire into the same.

(6) The Chief Information Commission or, as case may be, the Information Commissioner, within 30 (thirty) days from the date of taking or receiving duty under sub-section (5), shall, after completing the enquiry into the complaint, prepare a decision-paper for the Information Commission.

(7) The decision-paper mentioned in sub-section (6) shall be presented in the next meeting of the Information Commission, and it shall, on discussion in the meeting, take decision regarding the matter.

(8) During the enquiry into any complaint under this section, the authority or, as the case may be, the officer-in-charge against whose decision the complaint is lodged, shall be given an opportunity to present arguments in support of his decision.

(9) If a third party is involved in the complaint, the Commission shall also give such third party an opportunity to present his statements.

(10) The Information Commission shall, in general, dispose of any complaint made under sub-section (1) within 45 (forty five) days of receiving such complaint, but, in special cases, if it requires extended time to complete the enquiry and depositions of the witnesses, the complaint may be disposed of within such extended time :

Provide that the time limit of disposing of a complaint shall not, in any way exceed more than 75 (seventy five) days inclusive of extended time.

(11) At the time of taking decision under this section, the Information Commission shall have the following powers namely :—

- (a) to direct the authority or, as the case may be, the officer-in-charge to take the following steps which are necessary to take under the provisions of this Act, namely :—
 - (i) to provide the requested information in a specific manner;
 - (ii) to appoint an officer-in-charge;
 - (iii) to publish any special information or special class of information;
 - (iv) to bring changes in the procedures to be followed by the authority in respect of preservation, management or publication of information;
 - (v) to impart better training on right to information to the officers of the authority;
 - (vi) to give compensation for any loss or damage;
- (b) to impose fines under this Act;
- (c) to keep the decision of the authority in force;
- (d) to reject any complaint;
- (e) to classify the information newly by the authority;
- (f) to interpret any matters relating to the nature, classification, preservation, publication, supply of information in the light of this Act.

(12) Any decision passed under this section by the Information Commission shall be binding upon all concerned.

(13) The Information Commission shall inform its decision to all concerned in writing.

(14) The Information Commission shall take other steps in disposing of a complaint in such manner as may be prescribed by regulations.

26. **Representation.**—The parties to a complaint may present their statements before the Commission either personally or through a lawyer.

27. **Fines, etc.**—(1) With reference to the disposal of any complaint or otherwise, if the Information Commission has reasons to believe that an officer-in-charge—

- (a) has refused to receive any request for information or an appeal without assigning any reasons;
- (b) has failed to provide information to the applicant or to make decision within the time-limit determined by the Act;
- (c) has refused to receive a request or an appeal with mala fide intention;
- (d) has provided wrong, incomplete, confusing and distorted information in place of the information that was sought for;
- (e) has created impediments in receiving information;

then, the Information Commission may impose fine for per day 50 (fifty) taka from the date of doing such action by the officer-in-charge to the date of providing information, and such fine shall not, in any way, exceed more than 5000 (five thousand) taka.

(2) The Information Commission shall, before imposing any fine under sub-section(1), give the officer-in-charge an opportunity of hearing.

(3) If the Information Commission is satisfied that the officer-in-charge has created impediments in getting information of any citizen by any act under sub-section (1), than, it may, in addition to imposing fine under sub-section (2), recommend the concerned authority to take departmental action against the officer, treating his such act to be a misconduct, and may request the authority to inform the Information Commission about the action taken last in respect of this matter.

(4) If any fine or compensation payable under this Act is not paid, it may be recoverable from the concerned officer through such procedures as are applicable for the recovery of a land revenue in accordance with the provisions of Public Demands Recovery Act, 1913 (Act IX of 1913).

28. **Application of the Limitation Act, 1908.**—Subject to the provisions of this Act, the provisions of the Limitation Act, 1908 (Act IX of 1908) shall, as far as possible, apply in the case of preferring an appeal or lodging a complaint under this Act.

29. **Bar against filing suit.**—No person shall, except preferring an appeal before an appellate authority or, as the case may be, lodging a complaint before the Information Commission under this Act, raise any question before any court for anything done or deemed to be done, any action taken or the legality of any order passed or any instruction made under this Act.

Chapter 8

Miscellaneous

30. **Annual Report of the Information Commission.**—(1) The Information Commission shall, by 31 March of every year, furnish an annual report of its functions performed during the previous year to the president.

(2) In the report mentioned in sub-section (1), the following information shall be included, namely :—

- (a) the number of requests for information made to each authority;
- (b) the number of decisions for refusing requests for information to the applicants, and description of the provisions of this Act under which these decisions were taken;
- (c) the number of appeals preferred against the decisions of the officer-in-charge, and the result thereof;

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- (d) particulars of any disciplinary action taken against any officer by any authority;
 - (e) the amount of money collected by each authority under the Act;
 - (f) description of different activities taken by the authorities in implementing the provisions of this Act;
 - (g) reform proposals received from different authorities relating to ensuring right to information of the citizens;
 - (h) number of complaints received by the Information Commission;
 - (i) description of the actions taken by the Information Commission in respect of the complaint received;
 - (j) number of officers punished by the Information Commission and description of such punishments;
 - (k) total amount of fine imposed and recovered by the Information Commission;
 - (l) description of the regulations made and instructions issued by the Information Commission;
 - (m) accounts of incomes and expenditures of the Information Commission;
 - (n) any other related matters that the Information Commission thinks necessary to be included;
 - (o) specific recommendations to take actions against those authorities that appear to be unwilling to follow the provisions of this Act.

(3) After receiving the report under sub-section (1), the President shall cause the report to be laid before the Parliament.

(4) The Information Commission shall publish and publicize its annual report submitted to the President under sub-section (1) on the mass media and website.

(5) For preparing the report under this section, every authority shall give other related assistance to the Information Commission along with providing necessary information.

31. **Protection of action taken in good faith.**—No, suit, prosecution or other legal proceedings shall lie against the Information Commission, the Chief Information Commissioner, the Information Commissioners or any officers or employee of the Information Commission, or officer-in-charge of any authority or any other officer or employee there of it any body is affected by any information made public or deemed to be made public in good faith under this Act, or rules or regulations made there under.

32. **Inapplicability of this Act in case of certain organisations and institutions.**—(1) Notwithstanding anything contained in any provisions of this Act, this Act shall not apply to the organisations and institutions which are involved in state security and intelligence mentioned in the Schedule.

(2) Notwithstanding anything contained in sub-section (1), this section shall not apply to such information that are pertaining to corruption and violation of human rights in the above-mentioned organisations and institutions.

(3) On receipt of any request for information under sub-section (2), the concerned organisation or institution shall, subject to the approval of the Information Commission, provide the applicant with the requested information within 30 (thirty) days from the date of receipt of such request.

(4) The Government if necessary may, in consultation with the Information Commission, amend the Schedule increasing or decreasing the number of organisations and institutions mentioned in the Schedule by a notification published in the official Gazette from time to time.

33. **Power to make rules.**—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules in consultation with information commission.

34. **Power to make regulations.**—For the purposes of this Act, the Information Commission may, with the prior approval of the Government and by notification in the official Gazette, make regulations.

35. **Removal of ambiguity.**—If any ambiguity arises in implementing any provisions of this Act, the Government may, by notification in the official Gazette and subject to consistency with the provisions of this Act, remove such ambiguity.

36. **Original and English Text.**—The Original Text of this Act shall be in Bangla and there shall be an authentic text of an authorised translation of it in English :

Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

37. **Repeal and savings.**—(1) The Right to Information Ordinance, 2008 (Ord. No. L of 2008) is hereby repealed.

(2) Notwithstanding such repeal, any act done or any measures taken under the Ordinance shall be deemed to have been done or taken under this Act.

SCHEDULE

(Vide section 32)

State security and intelligence agencies established by the Government.

Serial N0.	Organisations or Institutions
1	2

1. National Security Intelligence (NSI).
2. Directorate General Forces Intelligence (DGFI).
3. Defence Intelligence Units .
4. Criminal Investigation Department (CID), Bangladesh Police.
5. Special Security Force (SSF).
6. Intelligence Cell of the National Board of Revenue.
7. Special Branch, Bangladesh Police.
8. Intelligence Cell of Rapid Action Battalion (RAB).