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20 no. law of 2009

*The law 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, transparency and accountability in all public, autonomous and statutory organisations and in other private institutions run on government or foreign funding 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 run on government or foreign funding;

Therefore following law has been promulgated

## **Chapter 1**

### **Introductory**

**1. Short title and commencement.-** (1) This law may be called the Right to Information law, 2009.

(2) Of this law,

- (a), all the sections except sections 8, 24 and 25 shall come into force immediately; and
- (b) sections 8, 24 and 25 shall come into force on the 90<sup>th</sup> (ninetieth) working day from the date of commencement of this law and

**2. Definition. -** Unless there is anything repugnant to the subject or context, in this Ordinance-

(a) " Appellate Authority" means-

- (i) in case of a information providing unit, the administrative head of its immediate superior office; or
- (ii) if there be 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) any 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 or Ordinance;
- (iv) any private organisation or institution run on government funding or with help from the government exchequer;
- (v) any private organisation or institution run on foreign funding;

- (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” means an employee also;
- (d) “information providing unit” means-
- (i) head office, divisional office, regional office, district office or sub-district (*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 sub-district (*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 note-sheets or copies of note-sheets shall not be included in it;

- (g) “right to information” means the right to obtain information from any authority;
- (h) Schedule means Schedule of this law
- (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 employed under section 10;
- (k) “prescribed” means prescribed by the Rules;

- (l) “regulation” means any regulation made under section 34;
- (m) “selection Committee” means the selection committee constituted under section 14;
- (n) “rules” mean any rule made under section 33.

**3.Overriding effect of this law:** Of any existing law-

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

## **Chapter 2**

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

**4. Right to information.** – Subject to the provisions of this law, 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 information.

**5. Preservation of Information.** - (1) In order to ensure right to information under this law, 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-frame preserve in computer all information that 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, and description and process of decision making;
- (b) lists of all laws, acts, ordinance, rules, regulations, notifications, directives, manuals etc of and 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 policies or takes any decisions important , 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, free of charge, be made easily available for public information and its copies shall be stocked for sale at nominal price.

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

(7) The authority shall publish and publicise 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.

**7. Publication of or providing certain types of information not mandatory. –**

Notwithstanding anything contained in any other provisions of this law, no authority shall be bound to provide following information, namely-

- (a) any such information that may, if disclosed, pose to be a threat to the security, integrity and sovereignty of Bangladesh;
- (b) any such information relating to any foreign policy that may offend the existing relationship with any foreign country or international organisation or any regional bloc or organization;
- (c) any secret information received from a foreign government;
- (d) any information relating to inherent secrets of commercial or business nature, copyright or intellectual property that may, if published, harm 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, such as:-
  - (i) any advance information about income tax, customs, VAT and law relating to excise duty, about budget or change in the tax rate;
  - (ii) any advance information about changes related 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 information that might, if disclosed, endanger the security of public or impede the due judicial process of a pending case;
- (h) any information that might, if disclosed, offend the privacy of the personal life of an individual;
- (i) any information that might, if disclosed, endanger the life or physical safety of any person;
- (j) any information given in confidence to any law enforcement organization by a person;
- (k) any matter pending in 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 information that may, if disclosed, impede the process of investigation;
- (m) any information that may, if disclosed, affect any criminal investigation process and arrest or prosecution of offenders;
- (n) any such information which is, according to law, liable to be published only for a certain period of time;
- (o) any information that is generated through technical or scientific experiment, and is expedient to keep secret for strategic or commercial reasons;
- (p) any information pertaining to a purchase process before it is complete or a decision has been taken about it;

- (q) any information that may be prejudicial to the special rights of the National Parliament;
- (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 obtained;
- (t) any document including summaries to be placed before the Cabinet, or as the case may be, Council of Advisers and information relating to discussions and decisions of such meetings:

Provided that the decisions of Cabinet or as the case may be, Council of Advisors, , reasons thereof, and the basis upon which the decisions are taken, may be made public.

Further provided that the relevant authority shall take prior approval from Information Commission for withholding information under this section.

**8. Request for Information.-** (1) Under this law a person may apply to the officer-in-charge requesting for information either in writing or through electronic media or through email.

(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, namely 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 media or through email.

(4) In the case of obtaining information under sub-section (1), the person making the request shall pay reasonable fee 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, and 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) Despite anything contained in sub-section (1), if more than one unit or authority is 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 fails to provide the information sought for due to any reason, he shall inform the applicant the reasons thereof in writing within 10 (ten) working days.

(4) Despite 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) and (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 fix 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 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) section 8, is appropriate, and such information is supplied by a third party or a third party's interest is involved in it and the third party is considering 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) Despite anything contained in section 7, no request for information may be totally rejected on the ground that part of it is associated with information that is not mandatory for publication, and the portion of the information that is not prohibited and is reasonably separable from the portion that is not mandatory for publication 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, including such assistance as may be appropriate for any inspection.

**Chapter 3**  
**Designated Officer**

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

(2) Within 60 (sixty) days of the commencement of this law, all authorities established after such commencement shall nominate a designated officer for each of the units for providing information according to the provisions of this ordinance.

(3) Within 60 (sixty) days of the commencement of this law, all offices established after such commencement shall nominate a designated officer for each of the units for providing information according to the provisions of this ordinance.

(4) All authorities shall inform the Information Commission the names, designation, address and, in cases where applicable, fax number and email addresses of the designated officer appointed under sub-section (1), (2) and (3) within 15(fifteen) working days from the date such appointments.

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

(6) Where a designated officer seeks support from other officer under sub-section (5) and due to failure to extent support by such other officer, any provision of the law is contravened, such other officer shall be deemed to the officer-in-charge for determining the liability under this law.

#### **Chapter 4**

##### **Establishment of Information Commission, etc.**

**11. Establishment of Information Commission** (1) After the commencement of this law, as soon as possible, a commission under the name the

Information Commission shall, for carrying out the purposes of this Ordinance and in accordance with the provisions of this ordinance, be established.

(2) The Commission shall be an independent statutory body and shall have perpetual succession and a common seal and subject to the provisions of this ordinance, shall have powers to acquire both movable and immovable properties, own and alienate such properties and shall have the right to sue and be sued by its own name.

(3) The Information Commission shall have its headquarters in Dhaka and in case of necessity may establish branch offices anywhere in Bangladesh.

**12. Composition 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 action and proceeding of the Commission shall be rendered unlawful or no question shall be raised about those because of any vacancy in any membership or flaw in the composition of the Commission.

**13. Powers and functions of the Information Commission:** (1) If any person files a complaint and of the reasons of the following, the Information Commission shall, subject to the provisions of this ordinance, 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 upon request for information;

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

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

(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 Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:—

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

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

(5) The Information Commission shall have the following functions, namely:-

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

- (i) conduct research on preservation and implementation of the right to information and contribute in the educational and professional institution for their implementation;
- (j) work in order to increase awareness about the right to information by publishing, disseminating or any other means the issues related to the preservation and implementation of the right to information among different classes of citizens of the society;
- (k) 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) advise and provide assistance to the organizations or institutions who are working for the preservation and implementation of the right to information and to citizens in general;
- (m) 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) give the authority technical and other assistance with the aim to ensuring right to information;
- (o) establish a web portal for Bangladesh to ensure right to information;
- (p) oversee the actions taken under any other laws relating to preservation and realization of the right to information.

**14. Selection Committee:** (1) With a view to providing recommendation for the appointment of the Chief Information Commissioner and Information Commissioners, there shall be a Selection Committee consisting of the following 5 (five) members: orkers.

- (a) a judge of the Appellate Division, nominated by the Chief Justice, who shall be the Chairperson of the Committee;
- (b) the Cabinet Secretary to the Government of the People's Republic of Bangladesh;
- (c) one member each from the ruling party and the opposition, nominated by the Speaker while the Parliament is in session;

(d) A government nominated representative involved in Journalism profession equivalent to editor or prominent member of the society related to mass communication

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

(3) Presence of at least 3 (three) members shall constitute quorum of the Selection Committee meetings.

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

(5) In the case of a tie in the Selection Committee, the Chairperson shall have the right to a casting vote.

(6) The Selection Committee shall prescribe the procedure of its meetings.

(7) No question shall be raised and no actions and proceedings of the Selection Committee shall be rendered unlawful only because of any vacancy in the post of any member or any flaw in the composition of the Committee.

**15. Appointment, tenure and 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) No Chief Information Commissioner or other Information Commissioner shall be eligible to get appointment or hold office after he has attained the age of 67 (sixty-seven) years.



(3) The Chief Information Commissioner and other Information Commissioner 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 Commissioner 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 Information Commissioners shall be appointed from amongst 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, by a letter signed by him and addressed to the President, resign from his office.

(7) In the case of vacancy in the post of the Chief Information Commissioner or in the case of his absence, illness or, if the Chief Information Commissioner is unable to perform his duties for any other reason, the senior-most Information Commissioner shall temporarily perform the duties of the Chief Information Commissioner until a newly appointed Chief Information Commissioner joins the post or until the Chief Information Commissioner is able to resume his own duties.

**16. Removal of the Chief Information Commissioner and Information Commissioners:** (1) The Chief Information Commissioner and Information Commissioners shall not be removed for any reason and procedure other than the reasons and procedure applicable for a Judge of the Supreme Court.

(2) Notwithstanding anything mentioned in sub-section (1), the President may remove the Chief Information Commissioner and Information Commissioner from their respective office, if he-

- (a) is adjudged insolvent by any appropriate court of law;
- (b) engages during his term of office in any paid employment outside the duties of his office;
- (c) is adjudged a lunatic by any appropriate court of law;
- (d) is convicted of an offence which involves moral turpitude.

**17. Salaries, Allowances and other facilities of the members:** The rank, remuneration, allowances and other facilities of the Chief Information Commissioner and Information Commissioners shall be determined by the government.

**18. Meetings of the Commission:** (1) Subject to the provisions of this ordinance, 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, any other Information Commissioner selected by him, shall preside over the meeting.

(3) Presence of any one (1) from among the Information Commissioner and the Chief Information Commissioners shall constitute quorum in commission meetings.

(4) Every member shall have one vote each in taking any decision in meetings of the commission and in the case of a tie, the President of the meeting shall have the right to a casting vote.

## **Chapter 5**

### **Financial issues of the Information Commission**

**19. Information Commission Fund.-** (1) To carry out the purposes of this ordinance a fund, called the Information Commission Fund, shall be constituted.

(2) Subject to this Section and the provisions of the rules, the management and administration of the Information Commission Fund (hereinafter referred to as 'the fund') shall be vested in the Commission.

(3) The salaries and allowances of the members, officers and employees of the Commission shall be borne from the fund in accordance with the terms and conditions of their service and other expenses of the Commission shall also be borne from this fund.

(4) The following money shall be deposited in the fund, namely-

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

**20. Budget.-** The Information Commission shall, within the time determined by the Government, submit the coming year's budget in appropriate form specified by the government for approval of the government and shall mention therein how much money it may require from the government.

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

(2) It shall not be interpreted that the rights of the Comptroller and Auditor General as mentioned in Article 128 of the Constitution of the People's Republic of Bangladesh is curtailed by this section..

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

(2) The Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General, shall audit the account of the Commission every year and shall submit one copy of the audit report to the Government and one copy to the Commission.

(3) In order to conduct the audit in accordance with sub-section (2), the Auditor General or any person empowered by him on this behalf may examine all

records, documents and papers, cash or money kept in the bank, undertakings, treasury and other properties and may ask any member or any officer or employee of the Commission.

## **Chapter 6**

### **Officers and Employees of Information Commission**

**23. Officers and Employees of the Information Commission:** (1) There shall be a Secretary of the Commission.

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

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

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

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## **Chapter 7**

### **Appeal, Complaint etc.**

**24. Appeal, Disposal etc.-** (1) Any person who receives no decision 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 Head of the office of the concerned authority.

(2) If the appellate authority is satisfied that the appellant for any reasonable cause fails lodge an appeal within time frame as mentioned in sub-section (1), 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 requested information; and

(b), dispose 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 section 9, and as the case may be under sub-section (1), (2) or (4), provide the appellant the requested information.

**25. Complaint, Disposal etc.-** (1) A person may lodge a complain with 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-frame mentioned in section 24 or, as the case may be, no decision regarding getting information.

(2) A complaint may be lodged with the Information Commission at any time in respect of any matter mentioned in sub-section (1) (a), 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 sub-section (1) (b) and (c).

(3) If the Information Commission is satisfied that the complainant for any reasonable cause fails to lodge a complaint within time frame 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 an 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 Ordinance; 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 taking an action under sub-section (4) becomes necessary, 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) Within 30 (thirty) days from the date of taking duty under sub-section (5), the Chief Information Commission or as case may be, the Information Commissioner 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 Commission, and it shall, on discussion in the meeting, decide 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 whom 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 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 limits of disposing a complaint shall not, in any way, exceed more than 75 (seventy five) days inclusive of extended time.

(11) The Information Commission shall have the following powers at the time of taking decision under this section, namely-

- (a) to direct the authority or as the case may be, officer-in-charge to take following steps that are necessary to take under the provisions of this ordinance, namely-
  - (i) to provide the requested information in a specific particular 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 ordinance;
- (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 nature, classification, preservation, publication, supply of information in the light of this ordinance.

(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, in a procedure prescribed by regulations, take other steps in disposing a complaint.

**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) refuses to receive any request for information or an appeal without assigning any reasons;
- (b) fails to provide information to the applicant or make decision within the time limits determined by this ordinance;
- (c) refuses to receive a request or an appeal with mala fide intention;
- (d) provides wrong, incomplete, confusing and distorted information in place of the information that is sought for;
- (e) creates impediments in proving information;

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



(2) The Information Commission shall, before imposing any compensation under sub-section (1), give the officer-in-charge an opportunity to place his arguments.

(3) If the Information Commission is satisfied that the officer-in-charge creates impediments in getting information by any citizen by the an act under sub-section (1), then, it may, in addition to imposing compensation under sub-section (2), recommend the concerned authority to take departmental action treating such an act of such officer to be a misconduct, and may request to keep the Information Commission informed in respect of the action taken last.

(4) If any compensation or fine payable under this ordinance 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 Demand Recovery Act, 1908 (Act IX of 1908).

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

**29. Bar against filing suit.-** Other than filing an appeal before an appellate authority or as the case may be, lodging a complaint before the Information Commission under this law, no person shall, raise any question before any court in respect of any action taken or deemed to be taken, anything done or any order passed, or in respect of legality of any instruction made under this ordinance.

## **Chapter 8**

### **Miscellaneous**

**30. Annual Report of the Information Commission.-** (1) The Commission shall, by 31 March of every year, submit an annual report to the President about its activities of the previous year.

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

- (a) the number of requests made to each authority;
- (b) the number of decisions refusing requests for information to the applicants, and description of the provisions of this ordinance under which these decisions were made;
- (c) the number of appeals filed against the decisions of the officer-in-charge, and the result thereof;
- (d) particulars of any disciplinary action taken against any officer by any authority;
- (e) the amount of money collected by each authority under this ordinance;
- (f) description of different activities taken by the authorities to implement the provisions of this ordinance;
- (g) reform proposal received from different authorities relating to ensuring right to information of the citizen;
- (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 compensation 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 proper;
- (o) recommendations to take actions against those authorities that appear to be unwilling to follow the provisions of this law.

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

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

(5) For the sake of preparing the report under this section, every authority shall help the Information Commission providing necessary information and render other necessary assistance..

**31. Indemnity for acts done in good faith:** No prosecution, suit, or other legal proceedings shall be initiated against the Commission, the Chief Information Commissioner or any Commissioner, officers or employees thereof or Officer in Charge of any authority or any other officer or employee thereof in respect of any information made public or deemed to be made public in good faith under this ordinance or rules or regulations made thereunder.

**32. Inapplicability of this Ordinance in case of certain organisations and institutions.-** (1) Notwithstanding anything contained in any provisions of this ordinance, this Ordinance shall not be applicable for the organisations and institutions involved in state security and intelligence mentioned in the schedule.

(2) Despite 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 from the Information Commission, provide the applicant the requested information within 30 (thirty) days from the date 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 in the schedule by notification published in the official gazette from time to time..

**33. Power to make rules.-** The Government may, by notification in the official gazette, make rules to carry out the purposes of this ordinance.

**34. Power to make regulations:** The Information Commission may, to carry out the purposes of this Ordinance and 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 ordinance, the Government may, by notification in the official gazette and subject to consistency with the provisions of this ordinance, remove such ambiguity.

**36. Original version and English version:** Original version of the law will be in Bengali and there will be reliable translated version in English.

In the case of any conflict between the Bengali and English versions, the Bengali version shall prevail.

37. Repealing and preservation 1) henceforth the RTI Ordinance, 2008 (number 50 ordinance 2008) has been repealed

(2) Although, the above law is repealed, any act or any arrangement taken up under the ordinance will be treated as having been done or taken under this law.

## **SCHEDULE**

( Article 32)

### **State security and intelligence agencies established by the government.**

<b>Serial No.</b>	<b>Organisations or Institutions</b>
<b>1</b>	<b>2</b>

1. National Security Intelligence (NSI)
2. Directorate General of 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)

Asfaq Hamid

Secretary

