

Daily Star

Committed to PEOPLE'S RIGHT TO KNOW

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The Right to Information Ordinance, 2008 (RTI) came into effect with the government publishing a gazette notification Monday. However, people will have to wait 90 working days before they can use the law to get information.

Within the 90 working days, an information commission will be formed for proper execution of the law and resolving public complaints regarding information. All preparation for releasing information under the law would be made within these 90 days.

Even though at first six security and intelligence agencies were kept outside the purview of the ordinance, the gazette shows eight agencies.

The agencies are National Security Intelligence, Directorate General of Forces Intelligence, Defence Intelligence Unit, Criminal Investigation Department of police, Special Security Force, intelligence cell of National Board of Revenue.

The Special Branch of Police and intelligence unit of Rapid Action Battalion were added later.

However, if the information is related to corruption and violation of human rights in these agencies, they will have to provide the information within 30 days.

The ordinance classifies information which may pose threat to the security, integrity and sovereignty of Bangladesh, obstruct law enforcement or incite any offence, endanger public security or impede due judicial process of a pending case, affect any criminal investigation, be prejudicial to the special rights of the Parliament, documents including summaries to be placed before the cabinet, or the council of advisers and information relating to discussions and decisions of such meetings.

Within 60 days of promulgation of the ordinance all public, autonomous and statutory organisations and other private institutions run on government or foreign funding that have been brought under the new law will nominate an officer-in-charge for each of the unit to provide information.

"Appointing authorised officers at government offices requires government orders. We will request all ministries in seven days to issue orders in this regard," Information Secretary Jamil Osman told The Daily Star.

The information ministry will form a five-member selection committee soon to recommend candidates for the job of chief information commissioner and information commissioners to the president. It will recommend two candidates for each post.

"We will soon prepare our proposal for the selection committee and finalise it after getting the nod from government high-ups," the information secretary said, adding that his ministry has commenced a 12-week-long roadmap for implementing the ordinance.

A judge of the Appellate Division of the Supreme Court, nominated by the chief justice, will head the selection committee that will also have the cabinet secretary as a member. The Speaker of the parliament would nominate a member each from the treasury bench and the opposition bench and the government would nominate a representative of eminent citizens for the selection committee.

The information commission will consist of a chief information commissioner and two commissioners, at least one of them will be a woman. It will have its headquarters in Dhaka and in case of necessity would be able to establish offices anywhere in Bangladesh.

The information commission will lay down guidelines to be followed by the authorities for publication and publicity of information and obtaining information.

Every authority shall prepare and publicise a list of information which will be supplied free of cost, the ordinance says.

People will have to apply for information either in writing or through electronic media or through email and will have to pay fees for applying and for the information where applicable.

However, the authorities may exempt an individual or a class of individuals or any other class from paying such fees.

The government in consultation with the information commission and by notification in official gazette may fix the fees and if needed the price of information.

The officer-in-charge of providing information upon receiving a request will provide the information within 20 working days. However, if more than one unit or authority is involved, the information will be provided within 30 working days.

If the officer-in-charge fails to provide the information, he will inform the applicant the causes in writing within 10 working days.

If the sought information is linked to life and death, arrest or release from jail, the officer-in-charge will provide the preliminary information within 24 hours.

The council of advisers on September 20 gave the final approval to the RTI ordinance.

Against the backdrop of a longstanding demand, the caretaker government took the initiative to formulate the RTI as part of its institutional reforms. After an eight-member government-formed body prepared a primary draft in February, opinions from different stakeholders were sought before the information ministry submitted it to the cabinet on June 18 when it approved it in principle.