

Commonwealth Human Rights Initiative, New Delhi

The Right to Information Ordinance, 2008

of Bangladesh

Salient Features

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Against the backdrop of a longstanding civil society demand, the caretaker government of Bangladesh took the initiative of putting in place a right to information (RTI) law as part of its programme for reforming institutions of governance. After an eight member government appointed body prepared a preliminary draft in February 2008, opinions from different stakeholders were sought. The draft law was based on a working paper on RTI prepared by the Law Commission of Bangladesh in 2002. Civil society organisations in Bangladesh along with a core group of experts were also involved in the drafting process based on the working paper prepared by the Law Commission. The Ministry of Information formed a drafting committee to synthesise the provisions contained in various draft Bills. A representative of the civil society coalition advocating for the adoption of transparency legislation was also nominated to this committee. The draft legislation prepared by this committee, after several weeks of deliberation, was placed in the public domain for seeking comments and opinion from civil society and the people in general.

The Ministry of Information revised the draft law by incorporating some of the suggestions received during this consultation process and submitted it to the Cabinet in June 2008. The Council of Advisors of the caretaker government provisionally approved the RTI Ordinance in June. The Cabinet sent back the draft to the Ministries of Information and Law with suggestions to incorporate some more changes. On 20 September 2008, the Council of Advisors approved the final version of the Right to Information Ordinance. The President of Bangladesh signed it into law on 20 October, 2008. This Ordinance was notified in the Bangladesh Gazette the same day. Bangladesh joined the 80+ strong community of nations that has put in place a law for providing people access to information held by public bodies.

Preamble:

The Ordinance's purpose is to ensure free flow of information and people's right to information. The freedom of thought, conscience and speech is recognised in the Constitution as a fundamental right and the right to information is an alienable part of it. Since all powers of the Republic belong to the people, it is necessary to ensure right to information for their empowerment.

The right to information shall ensure that transparency and accountability in all public, autonomous and statutory organisations and in private organisations run on government or

foreign funding shall increase, corruption shall decrease and good governance shall be established. It is expedient and necessary to make provisions for ensuring transparency and accountability.

The Ordinance was promulgated by the President in exercise of powers conferred in Article 93(1) of the Constitution. It was promulgated in circumstances when the Parliament was dissolved and the President was satisfied that the existing circumstances required immediate action to be taken.

Comes into Force: Section 1

All provisions will come into force immediately except for Sections 8, 24, 25 which shall come into effect from the 90th working day from the date of commencement of this ordinance. This includes the sections on request for obtaining information (Sec.8), appeals mechanism (Sec.24) and complaints mechanism (Sec. 25).

Definitions: Section 2

Authority and Information Providing Unit: Section 2

An 'authority' is an entity that has information disclosure obligations under this Ordinance if it meets one or more of the following criteria:

- Any organisation/institution constituted in accordance with the Constitution of People's Republic of Bangladesh;
- Any ministry, division or office constituted under the Rules of Business as given in Article 55(6) of the Constitution;
- Any statutory body or institution established by or under any Act or Ordinance¹;
- Any private organisation or institution supported by government funding or with help from the government exchequer;
- Any private organisation or institution supported by foreign funding;
- Any private organisation or institution that undertakes government functions in accordance with any contract made on behalf of the government or made with any government or governmental organisation or institution;
- Any other organization or institution as may be notified by the government in the official gazette from time to time.

Every authority meeting the aforementioned criteria is required to deal with information requests through its offices functional at one or more levels.

The **Information Providing Units** include:

- The 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;

¹ These include elected local bodies such as Union Parishads, Upazila Parishads, municipalities and municipal corporations.

- The head office, divisional office, regional office, district office or sub-district (*upazila*) office of an authority.

Third Party: Section 2

Third Party is any other party associated with the information sought, other than requester applying for information or the authority providing the information.

Information: Section 2

Information is in relation to an authority's constitution, structure and official activities and includes any: memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine readable documents and any other documentary material regardless of its physical form or characteristics.

Information does not include official note sheet or photocopies of note sheets.

Right to Information: Section 4

Every citizen has a right to information from the authority and the authority shall be bound to provide information to a citizen on demand.

Information Disclosure by Authorities: Section 6

Each authority has to publish and publicise all information in an indexed manner which is easily accessible to the citizens regarding any decision taken, programme or activity executed or proposed. In disclosing this information, no authority shall conceal or limit access to any information;

Each authority must publish a report at least every two years which will contain the following information:

- 1) The particulars of an authority's organizational framework, functions and duties and responsibilities of its officers and employees and the description of decision-making processes;
- 2) List of all laws, acts, ordinances, rules, regulations, notifications, directives, and manuals etc. of authorities and classification of all information available with the authorities.
- 3) Description of the terms and conditions under which any person may obtain from an authority, license, permit, grant, allocation, consent, approval or the description of any other facilities and of such terms and conditions, that require the authority to make transactions or enter into agreements with him;
- 4) Description of all facilities in order to ensure the right to information of the citizens and the name, designation, address, and where applicable fax number and e-mail address of the officer-in-charge.

If an authority frames any important policy or takes any important decisions, then it must disclose these and if necessary, explain the reasons and causes in support of these policies and decisions.

Reports prepared by an Authority under this section shall be made available for public information, free of charge and copies shall be stocked for sale at a nominal price;

All publications made by an authority shall be made easily available to the public at a reasonable price;

The authorities shall publish and publicise matters of public interest through press releases or any other method;

The Information Commission shall through regulations lay down guidelines and directives to be followed by the authorities to publish, publicise and obtain information.

What is not Open? – Section 7

None of the authorities will be obliged to give the citizens the following information:

- 1) Information disclosure of which would be a threat to the security, integrity and sovereignty of Bangladesh;
- 2) Information related to any foreign policy, the disclosure of which would cause harm to existing relationships with any foreign state, or international institution or any regional bloc or organization;
- 3) Information received in confidence from a foreign government
- 4) Information related to commercial or business confidence, copyright or intellectual property right, the disclosure of which would harm the intellectual property rights of any third party;
- 5) Information the disclosure of which would either benefit or harm an individual or institution, such as :
 - a) any advance information regarding income tax, customs, VAT and law relating to excise, budget or change in the tax rate;
 - b) any advance information regarding changes related to currency exchange rate and interest rate ;
 - c) any advance information regarding the management and supervision of financial institutions including banks;
- 6) Information the disclosure of which would obstruct the enforcement of law or incite any offence;
- 7) Information the disclosure of which would endanger the security of the people or would impede the judicial process of a pending case;
- 8) Information the disclosure of which would cause invasion of the privacy of the personal life of an individual;
- 9) Information, the disclosure of which would endanger the life or physical safety of any person;
- 10) Information given in confidence by a person to help a law enforcement institution;
- 11) Information related to 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;
- 12) Information related to any matter which is under investigation whose disclosure might impede the investigation process;

- 13) Information, the disclosure of which would affect any criminal investigation process and the arrest and prosecution of the offenders;
- 14) Information, which according to law is liable to be published only for a specified time period;
- 15) Information obtained through technical or scientific experiments which is expedient to be kept secret for strategic and commercial reasons;
- 16) Information related to any purchase processes before it is complete or before any decision is taken regarding about it;
- 17) Information whose release may lead to breach of privileges of National Parliament;
- 18) Information regarding any person which is to be kept in confidence by law;
- 19) Advance information regarding question papers of an examination or the marks obtained;
- 20) Documents including summaries to be placed before the Cabinet or as the case may be, in the meetings of the Council of Advisors and information relating to deliberations and decisions made, provided that the decisions of the Cabinet or the Council of Advisors, the reasons and material basis upon which the decisions were taken shall be made public.

Partial Disclosure: Section 9

No request for information can be totally rejected because a part of it is exempt from disclosure. The portion of the information that can be provided and does not contain any information that cannot be given, and which can be reasonably severed from any part that contains exempt information shall be provided to the applicant.

Who is Excluded? – Section 32 and the Schedule

The following organizations and institutions involved with national security and intelligence as mentioned in the schedule shall not be covered by the RTI Ordinance:

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)

The number of institutions mentioned in the list above can be decreased or increased by the Government by amending the Schedule in consultation with the Information Commission from time to time by notification published in the official gazette.

These partially excluded agencies must give and cannot deny access to information relating to corruption and human rights violation. If a request for such information is received, then the concerned organization or institution must give the information, subject to the approval of the Information Commission within 30 days from the date of receiving the request.

Authority's Duties: Section 5, 8

- 1) Maintaining information in a catalogued and indexed form and preserving it in an appropriate manner;
- 2) Computerising all information that can be computerised within a reasonable time frame and connecting them through a country-wide network to facilitate access to information;
- 3) Following the guidelines and directives given by the Information Commission for the maintenance and management of information;
- 4) Preparing, publishing and publicising a list of information that will be given free of cost based on the directives of the Information Commission.

Officer-in-Charge: Section 10

Every authority is required to nominate an officer to deal with information requests under this Ordinance.

- 1) Every authority established before and after the enactment of this Ordinance must nominate one officer-in-charge for each of its 'information providing units' within 60 days from the notification of the Ordinance by each authority established before and after the enactment of this Ordinance for each 'information providing unit'. Also, all offices created after the notification of the Ordinance must nominate one officer-in-charge in each office as well as in each of the newly created 'units'.
- 2) Each authority shall inform the Information Commission, the names, designations, addresses and where applicable the fax numbers and e-mail addresses of the officers-in-charge within 15 working days from the date of appointment.
- 3) Any other officer whose support is sought by the officer-in-charge while discharging his/her duty shall be bound to extend necessary help.

Duties of Officer-in Charge: Section 9

- 1) The officer-in-charge shall provide assistance to an applicant who is sensorily disabled to access records and also provide assistance in case of inspection;
- 2) The officer-in-charge must inform the applicant the reasons for failing to provide the requested information within 10 working days;
- 3) In case the information sought is available with the officer-in-charge then he shall fix a reasonable price of that information and request the applicant to pay the amount within five (5) working days;
- 4) If information sought has been supplied by third party or is treated as confidential by the third party, then the officer-in-charge must give written notice to the latter within five (5) days of receiving the information request for written or oral opinion. The officer-in-charge shall take its representation into consideration and make a decision in respect of providing information to the applicant.

Application Procedure: Section 8

- 1) A citizen/person may make an application for information to the officer-in-charge in writing or electronically or by e-mail.
- 2) In the request, the following information must be given:

- Name, address, and where applicable fax number and e-mail address of the applicant;
 - Correct and clear description of the information sought;
 - Any other useful and related information that might help in locating the requested information;
 - Description of the form of access, namely by inspecting, taking photo copies, taking notes or any other approved method.
- 3) The information request can be made either in the form printed by the authority or in the prescribed format. However, if the forms are not printed or are not easily available or the format has not been prescribed, then the application can be written on a plain white paper by giving all the information mentioned above or can be sent through electronically or by e-mail;
 - 4) The applicant will have to pay reasonable fees as may be prescribed by the officer-in-charge;
 - 5) The government may in consultation with the Information Commission prescribe the fees for requesting for information and if necessary the cost of information by notification in the official gazette. The government may also exempt an individual or class of individuals or any other class from paying the fees.

Procedure and Time Limits for Providing Information: Section 9

- 1) Officer-in-charge shall provide information within 20 working days from the date of receiving the application;
- 2) In case more than one "information providing unit" or authority is involved with the information requested, then information shall be given in 30 working days from the date of application;
- 3) In case the officer-in-charge rejects a request, then he must inform the applicant in writing the decision and reasons for rejection within 10 working days from the date of application;
- 4) In case basic information concerning any person's life or death, arrest and release from jail is sought then it must be given within 24 hours from receiving the request;
- 5) In case the requested information is available with the officer-in-charge for disclosure then he must calculate the reasonable fee and inform the applicant that the fees must be paid within five (5) working days;
- 6) If no action is taken on an application for information within the specified time limits mentioned above .it will be treated as if the request has been refused (deemed refusal).

Appeals Mechanism: Section 2, 24

Appellate Authority

- 1) In case of the 'information providing unit' the appellate authority is administrative head of its immediate superior office. In case the unit does not have a superior office, then the appellate authority is the administrative head of that unit.
- 2) If any person is not given information within the time-limits specified in Section 9 or is aggrieved by the decision of the officer-in-charge, then he/she can appeal before the appellate authority within the next 30 days from receiving the decision;

- 3) If the appellate authority is satisfied that the appellant, for justifiable reasons, could not submit the appeal within the specified time limit of 30 days, then he may accept the appeal even after the expiry of that time;
- 4) The appellate authority shall within 15 days from the date of receiving the appeal either:
 - direct the concerned officer-in-charge to provide the requested information; or
 - reject the appeal if it not fit for acceptance.
- 5) In case the officer-in-charge is directed to provide the information by the appellate authority, then he/she must provide the information within the time specified in Section 9 to the appellant.

Information Commission – Powers and Functions: Section 13

Powers:

- 1) The Information Commission has the power to receive complaints from any person, inquire into and dispose off complaints received on the following issues -
 - a) Non-appointment of officer-in-charge by an authority or its refusal to accept requests for information;
 - b) Refusal upon request for any information;
 - c) Not being given either a response or the information requested for within the specified time period;
 - d) If the applicant is asked to pay a fee or is compelled to pay an amount of fee which he/she thinks are unreasonable;
 - e) If the applicant feels that the information given is incomplete, false or misleading
 - f) In respect of any other matter relating to requesting or obtaining information under this ordinance.
- 2) Information Commission may on its own accord or upon a complaint, conduct an inquiry;
- 3) The Information Commission or the Chief Information Commissioner or Information Commissioners may exercise powers of Civil Court as per the Code of Civil Procedure 1908 in respect of following matters, namely -
 - a) summon and enforce attendance of persons, compel them to give oral or written evidence on oath and to produce documents or things;
 - b) Examine and inspect information;
 - c) Receive evidence on affidavit;
 - d) Requisition information from any office;
 - e) Issue summons for witnesses or documents; and
 - f) Any other matter which may be prescribed in the Rules to fulfil the objectives of the ordinance.
- 4) While inquiring into a complaint, the Information Commission or the Chief Information Commissioner or Information Commissioners have the power to examine on the spot any information kept in custody with any authority.

Functions:

The functions of the Information Commission include the following:

- Issuing directives to authorities for preservation, management, publication, publicity and access to information;
- Prescribing the application procedure to be followed by citizens accessing information from an authority and fixing the appropriate price of information;
- Formulating and publishing guidelines and directives for preservation and implementation of citizens' right to information;
- In order to preserve the right to information, considering the provisions recognised under the Constitution or any other law in force and providing recommendations to the Government for their effective implementation by indicating the impediments;
- Identifying the impediments against the preservation and implementation of citizen's right to information and recommending appropriate solutions to the Government;
- Conducting research on agreements related to the right to information and other international instruments and recommending to the Government for their implementation;
- Examining the similarities of various international instruments and existing laws on right to information, and in case of dissimilarities and in order to harmonize with the international instruments making suitable recommendations to the Government or the appropriate authority;
- Advising Government to ratify or sign any international instrument on right to information;
- Conducting research on preservation and implementation of right to information and providing support to educational and professional institutions for their implementation;
- Generating and increasing awareness about the right to information amongst different sections of society through dissemination and publication of information and other methods;
- Advising and providing support to the Government to make the necessary laws and administrative directives for preservation and implementation of the right to information;
- Providing necessary advice and support to organizations and institutions working on right to information and the civil society;
- Conducting research and organising seminars, symposium, workshops and adopting other similar measures to increase people's awareness on right to information and disseminating the results obtained from the research ;
- Providing technical and other support to authorities with the aim to ensure the right to information;
- Establishing a web-portal for Bangladesh to ensure the right to information;
- Overseeing the systems set up under any other law on right to information.

Independent Complaints Mechanism: Section 25

- 1) Any person may submit a complaint with the Information Commission for one or more of the following reasons:
 - a) As given in Section 13 (1) i.e.:

- Non-appointment of an officer-in-charge by an authority or refusal to accept application for information;
 - Refusal upon request for any information;
 - Not receiving a response or the information requested within the specified time period as given in the Ordinance;
 - If the complainant is asked to pay or is compelled to pay an amount of fee which he/she thinks are unreasonable;
 - If the complainant is given incomplete information, or feels that the information given is false or misleading; and
 - In respect of any other matter relating to requesting or obtaining information under this Ordinance.
- b) If the person is aggrieved by the decision of the appellate authority on his appeal under Section 24;
- c) If the person does not get the information from the officer-in-charge within the time limits specified i.e. 20 days (if information is sought from one unit), 30 days (if information is sought from more than one unit or authority) and 24 hours (information related to life and death or arrest and release from jail).

In case of point a) given above, a complaint can be filed with the Information Commission any time and in case of points b) and c) the complaint can be filed within 30 days from the date of getting a decision or as the case may be. If the Information Commission is satisfied that the complainant could not file the complaint due to reasonable causes within the specified time limit, then the Commission may receive the complaint even after the expiry of the time limit.

- 2) On the basis of a complaint, or if the Information Commission is satisfied that any authority or officer-in-charge has failed to carry out any function then the Commission has the powers to take action against such authority or officer.
- 3) The Chief Information Commissioner has the power to inquire into any complaints received by the Information Commission. If he/she has delegated these powers to other Information Commissioners they may also inquire into complaints received from aggrieved citizens. A working paper on the decision regarding the complaint is prepared within 30 days from receiving the complaint. This paper has to be presented before the Information Commission in the next meeting where the final decision will be taken;
- 4) During the inquiry, any authority or the officer-in-charge, against whose decision, the complaint is being made, will be given a reasonable opportunity of being heard;
- 5) In case a third party is involved with the subject matter of a complaint, then the third party will be given an opportunity to present his/her opinion;
- 6) Ordinarily the Information Commission shall take 45 days to dispose off a complaint from the date on which the complaint is received. However, in certain cases, the time could be extended if required, in order to complete the inquiry and depositions of the witnesses. However, the time limit for disposing a complaint shall not exceed more than 75 days including the extended time;
- 7) While taking a decision on a complaint, the Information Commission shall have the following powers:
 - (i) Direct the authority or the officer-in-charge to take the following steps:
 - To provide the requested information in a specified manner;

- Appoint officers-in-charge;
 - Publish any special information or special class of information;
 - Bring necessary changes in the procedures followed by the authority with regard to preservation, management or publication of information;
 - Impart better training on right to information for officers of Authorities;
 - Provide compensation to the complainant for any loss or other detriment suffered;
- (ii) Impose Penalty;
- (iii) Uphold decisions of the authorities;
- (iv) Reject complaints;
- (v) Re-classification of information by the authorities;
- (vi) To interpret any matters relating to nature, classification, preservation, publication and supply of information as per the Ordinance.

The decisions of the Information Commission in cases of complaints shall be binding on all concerned parties;

The decisions of the Information shall be communicated to all parties in writing;

The Information Commission shall through procedures prescribed in the regulations, take other steps in disposing complaints.

Establishment and Composition of the Information Commission: Sections 11, 12

- 1) The Information Commission must be established as soon as possible after the Ordinance comes into force. It shall be an independent statutory body;
- 2) The Information Commission includes 1 Chief Information Commissioner and 2 other Information Commissioners of whom one person shall be a woman. The Chief Information Commissioner is the Chief Executive of the Commission.
- 3) The Headquarters of the Information Commission will be based in Dhaka. Branch offices may be established in other parts of the country by the Commission.

Appointment Process, Qualifications and Terms of Service: Sections 14, 15, 17

Selection Committee

- 1) In order to provide recommendations for the appointment of the Chief Information Commissioner and the Information Commissioners a Selection Committee shall be constituted which includes the following five (5) members:
 - A judge of the Appellate Division to be nominated by the Chief Justice, who shall be the Chairperson of the Committee;
 - Cabinet Secretary to the Government of the People's Republic of Bangladesh;
 - One member each from the ruling party and the opposition, nominated by the Speaker while the Parliament is in session;
 - A representative nominated by the Government from amongst prominent members of society.

- 2) The Ministry of Information shall be responsible for constituting the Selection Committee and it shall also provide the necessary secretarial assistance. Presence of a minimum of three (3) members will constitute the quorum for the Selection Committee meetings.
- 3) In order to appoint the Chief Information Commissioner and the Information Commissioners, the Selection Committee shall on the basis of majority decision of the members present at the meeting, recommend two (2) names against each vacant post to the President. In case of a tie in the Selection Committee while voting, the Chairperson has the right to cast the deciding vote. The Selection Committee will decide the procedure of its meetings.

Appointment, tenure, salaries etc

- 1) Persons having vast knowledge and experience in law, justice, journalism, education, science, technology, information, social work, management or public administration shall be appointed as the Chief Information Commissioner and Information Commissioners..
- 2) The Chief Information Commissioner and Information Commissioners shall be appointed by the President based on the recommendations of the Selection Committee.
- 3) The Chief Information Commissioner and Information Commissioners shall hold office for five (5) years from date of appointment or till they attain the age of 67 years, whichever is earlier.
- 4) The Chief Information Commissioner and Information Commissioners are not eligible for reappointment for the same post. However, Information Commissioners shall not be ineligible for appointment to the post of Chief Information Commissioner.
- 5) The rank, remuneration, allowances and other facilities shall be determined by the Government.

Removal of Chief Information Commissioner and Information Commissioners: Section 16

- 1) The Chief Information Commissioner and Information Commissioners can be removed for the same reasons and by the same procedures by which a Judge of the Supreme Court can be removed.
- 2) The President may order the removal of the Chief Information Commissioner or any Information Commissioner if the person –
 - a) is adjudged insolvent by an appropriate court of law;
 - b) engages in any paid employment outside the duties of his office;
 - c) is adjudged a lunatic by an appropriate court of law;
 - d) is convicted of an offence involving moral turpitude

Information Commission Fund, Budget and Financial Independence of the Information Commission: Section 19, 20, 21

An Information Commission Fund shall be constituted for parking funds allotted to the Information Commission. The Information Commission, will manage and administer this fund.

The salaries and allowances of the Chief Information Commissioner, Information Commissioners, the Secretary and the other officers and employees shall be paid from this

fund in accordance with the terms and conditions of their service. Other expenses of the Commission shall also be borne by this fund.

The following money shall be deposited in the Information Commission Fund:

- Annual grant given by the Government;
- Grant given by any institution with the approval of the Government.

Every year the Information Commission shall within the time specified by the Government, submit an annual budget for the next financial year in the specified form for approval. It must specify the amount of money required by the Information Commission for that financial year. The Government after considering the Information Commission's requisition will allocate a specific amount. The Commission, however, need not take the Government's approval to spend the allocated money.

Officers and Employees of the Information Commission: Section 23

The Information Commission shall have a Secretary. In order to carry out its functions in an effective manner, the Commission shall also appoint as many officers and employees as may be necessary with approval from the Government. The salaries, allowances and terms of employment of the Secretary and other officers and employees will be decided by the Government.

Information Commission's Annual Report: Section 30

- 1) The Information Commission shall submit to the President an annual report of the previous year's activities by 31 March every year.
- 2) Each report shall contain the following details:
 - Number of information requests received by each authority;
 - Number of decisions refusing requests for information to the applicants and a description of the provisions in the Ordinance under which these decisions were made;
 - The number of appeals filed against the decisions of the officers-in-charge and the results of these appeals;
 - Particulars of any disciplinary actions taken by the authorities against their officers;
 - The amount of money collected by each authority;
 - Description of the various activities undertaken by the authorities;
 - Proposals for reform received from different authorities relating to ensuring right to information of citizens;
 - Number of complaints received by the Information Commission;
 - Description of the actions taken by the Information Commission in dealing with the complaints received;
 - Number of officers penalised by the Information Commission and the descriptions of such punishments;
 - The total amount of penalties imposed and the amount recovered by the Information Commission;

- The instructions and regulations issued by the Information Commission;
 - The accounts of income and expenditure of the Information Commission;
 - Any other related information which the Information Commission considers necessary to be included in the report;
 - Recommendations made to the authority to take appropriate measures in case it is noticed that such authority is not following the provisions of the Ordinance.
- 3) The President shall cause the report to be placed before the National Parliament;
 - 4) The Information Commission shall publish and publicise the annual report through the mass media and the website;
 - 5) Every authority shall provide the necessary documents and other related assistance to the Information Commission as needed in preparing this report.

Penalty Provisions: Section 27, 28

While deciding on a complaint, or if the Information Commissioner believes that for any reason given below, any officer-in-charge will be liable for a fine of 50 Taka per day up to a maximum of 5,000/- Taka for –

- i) refusing to accept an application or appeal without any reasonable cause;*
- ii) not furnishing information or not taking a decision on this matter within the time specified;*
- iii) malafidely denying the request for information or appeal;*
- iv) instead of giving the information requested, giving incorrect, incomplete or misleading or distorted information and ;*
- v) obstructing furnishing of information in any manner.*

The Information Commission has the power to impose this penalty from the date of the aforementioned actions till the date on which the information is provided. However, the Information Commission shall give the officer-in-charge a reasonable opportunity of being heard before the penalty is imposed on him/her.

In addition to the penalty, if the Information Commission is satisfied that the officer-in-charge has created impediments in providing information, it may recommend the concerned authority to take departmental action against such misconduct and request the authority to keep the commission informed about the actions taken.

In case of failure to recover the penalty or compensation from the officer-in-charge, then that amount can be recovered through such procedures as are applicable for recovery of land revenue in accordance with the provisions of the Public Demands Recovery Act, 1913.

Application of the Limitation Act of 1908: Section 28

In case of appeals or complaints filed under this Ordinance, the provisions of the Limitation Act, 1908 will be as far as possible be applicable.

Power to Make Rules and Regulations: Section 33, 34

The Government in consultation with the Information Commission will frame the rules and notify in the official gazette. In case of the regulations, the Information Commission with prior approval of the Government will frame them and notify in the official gazette.

Power to Deal with Removal of Ambiguity: Section 35

If any ambiguity arises in implementing any provisions in the Ordinance, then the Government through a notification in the official gazette and subject to consistency with the provisions in the Ordinance shall remove such ambiguity.

Publication of a Translated English version: Section 36

After the commencement of the Ordinance, a translated English version may be published by the Government if necessary by notification in the official gazette. In case of any conflict between the Bengali and English versions, the former shall prevail.

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