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Government of the People's Republic of Bangladesh  
Ministry of Law, Justice and Parliamentary Affairs

NOTIFICATION

Date, 05 Kartik 1415 BS/ 20 October 2008

**No. 50 (Mu Pra).**- The following ordinance made by the President of the People's Republic of Bangladesh on 05-7-1415 BS, corresponding to 21-10-2008, is hereby published for general information.

**Ordinance No. 50 of 2008**

AN  
**ORDINANCE**

**An Ordinance to make provisions for ensuring free flow of information and the people's right to information.**

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

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

Whereas transparency and accountability in all public, autonomous and statutory organisations and in other private institutions run on government or foreign funding will increase, corruption will decrease and good governance will be established if the right to information of the people is ensured; and

Whereas it is expedient and necessary to make provision for ensuring transparency and accountability in all public, autonomous and statutory organisations and in other private institutions run on government or foreign funding; and

And whereas the parliament stands dissolved and it has appeared to the satisfaction of the President that situation exists for taking immediate steps;

Now therefore in exercise of the powers given in Article 93(1) of the constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following ordinance:-

## Chapter 1 Introduction

**1. Short title, application and commencement.-** (1) This ordinance shall be called the Right to Information Ordinance, 2008.

(2) (a) This Ordinance, except for Articles 8, 25 and 26 shall be come into effect immediately; and

(b) Articles 8, 25 and 26 of the Ordinance shall be come into effect on the 90<sup>th</sup> (ninetieth) working day of the Ordinance' and

**2. Definition. -** In this Ordinance, if not repugnant to the subject or context,-

(a) " Appellate Authority" means-

(i) in case of a unit providing information, the administrative head of its immediate superior office; or

(ii) if there be no superior office of the unit providing information, the administrative head of that unit providing information;

(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 enunciated 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) " unit providing information" 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 a government ministry, division or office;

(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 12;

(f) "Information" means and includes any memo, book, design, map, circular, communication, contract, data, log book, material, model, opinion, order, document, press-release, record, report, sample, any instrument or work done through electronic process, correspondence, memorandum, plan, diagram, work described in picture or graphics, photograph, audio, video, documentary material, copy of any document, drawing, painting, written or illustrated work,

picture, film, microfilm, sound recording, movie, machine readable record, report including an inspection report, account statement, copies of any project proposal 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) "Third Party" means any other party associated with information, other than that applying for information or any authority providing such information;
- (i) "Officer in Charge" means any officer employed under Section 10;
- (j) "Prescribed" means prescribed by the Rules;
- (k) "Regulation" means any Regulation made under section 34;
- (l) "Selection Committee" means the selection committee constituted under Section 14;
- (m) "Rules" mean any Rule made under section 14.

**3. Primacy of this Ordinance:** (a) Provisions of any other law made for providing information for the time being in force shall not be impeded by the provisions of this Ordinance; and

(b) The provisions of this Ordinance shall have precedence notwithstanding any provision contained in any other law that obstructs providing information and conflicts with the provisions of this Ordinance.

## **Chapter 2**

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

**4. Right to information.** – Subject to the provisions of this Ordinance, every citizen shall have the right to information from the authority and on request from a citizen the concerned authority shall be obliged to provide him information.

**5. Preservation of Information.** - (1) In order to ensure right to information under this Ordinance, 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 and for the facility of obtaining information shall connect them through a country-wide network.

(3) The Information Commission shall by rules prepare guidelines for the preservation and management of information to be followed by every authority and all authority shall follow them.

**6. Publication of Information** .- (1) Every authority shall publish and publicise all decisions taken, programme or all information pertaining to all work done or

proposed to be done by indexing them in such a manner as may easily accessible to the citizens.

(2) In publishing and publicising information under Sub-Section (1) no authority shall be able to conceal any information or limit easy access to it.

(3) Every authority shall publish a report at least every 02(two) years, which will contain the following information:

(a) particulars of its organisational framework, programme, 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/statement of the terms and conditions under which a citizen can obtain from the authorities any license, permit, grant, consent, approval or other benefits and if because of the afore-mentioned terms and conditions, necessity arises for transactions and agreements to be signed with him, description of all such terms and conditions;

(d) particulars of the facilities provided by the authority in order to ensure the right to information of the citizens and the full name, designation, address, and, in cases where applicable, fax number and e-mail address;

(4) if the authority make or take any important policy, it shall publish all such policy and decision and if need be shall explain the reasons and causes in support of such policy and decision.

(5) report prepared by authority under this section shall be made easily available for inspection by the public at free of charge 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) authority shall publish and publicise matters of public interest through press conferences or through other means.

(8) The Information Commission, through regulations, shall lay down guidelines to be followed by the authority for publication, publicity and obtaining information.

**7. Publication of or providing certain types of information are not mandatory.** – Whatever be the provisions elsewhere in this Ordinance, no Authority shall be obliged to provide information in the following cases:

(a) such information, disclosure of which may pose to be a threat to the security, integrity and sovereignty of Bangladesh;

- (b) such information relating to any foreign policy matter as may offend the existing relationship with any foreign country or international organisation or any regional bloc or organization;
- (c) secret information received from a foreign government;
- (d) publication of any information relating to inherent secrets of commercial or business nature, copyright or intellectual property publication of which may harm the intellectual property right of a third party.
- (e) disclosure of any of the following information which may 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 narcotics, 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) disclosure of any such information as may obstruct the enforcement of law or may incite any offence;
- (g) information, the disclosure of which would endanger the security of public or impede the due judicial process of a pending case;
- (h) information, the disclosure of which would offend the privacy of the personal life of an individual;
- (i) information, the disclosure of which would endanger the life or physical safety of any person;
- (j) information given in confidence to 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) information which would impede the process of investigation;
- (m) any information which would affect any criminal investigation process and arrest or prosecution of offenders;
- (n) any such information which, according to law, is liable to be published only for a certain period of time;

(o) information obtained through technical or scientific experiment, which it 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) such as may be prejudicial to the special rights of the National Parliament;

(r) any secret information of a person which is guarded by law;

(s) advance information relating to question papers of an examination or marks obtained;

(t) documents 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 Council of Advisers, as the case may be, reasons thereof, and the material basis upon which the decisions were taken, may be made public.

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

(2) In the request mentioned in sub-section (1), the following subjects will have to be mentioned, namely:-

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

(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) account of the method in which the information is sought, namely inspection, copy, note or any other approved method.

(3) 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 however 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 under sub-section (2) on a piece of white paper, or in electronic media or through email.

(4) in case of obtaining information under sub-section (1), the person making the request shall have to pay requisite reasonable fee as may be prescribed by the officer-in-charge.

(5) the government, in consultation with the Information Commission and by notification in the official gazette, may fix the fees and, if need be, the price of

information, and 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 that has been supplied free of cost on the instruction of the Information Commission.

## **9. Procedure for providing information**

(1) The Officer in charge, on receipt of a request under sub-section (1) of section 8 shall provide the information to the applicant on receipt of the request within 20 (twenty) working days.

(2) Whatever be the provision of sub-section (1), if more than one unit or authority is involved with the information requested for, the sought after information will be provided within 30 (thirty) working days.

(3) Whatever be the provisions of section (1) and (2), if the officer-in-charge fails to provide the sought after information due to any reason, he shall inform the supplicant in writing his causes for failure within 30(thirty) working days.

(4) Whatever be the provisions of section (1) and (2), if a request made under sub-section(1) of section 8 is regarding the life and death, arrest and release from jail, the officer-in-charge shall provide preliminary information within 24 (twenty-four) hours.

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

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

(7) For determining the price under sub-section (6) actual expense of printing, electronic format or photocopying or print-out may not be exceeded.

(8) Under sub-section (1) section 8, if an officer-in-charge thinks that the request made for information is appropriate, and a third party is involved in its supply, and if the third party's interest is involved in it and the third party is considering it as secret information, in that case the officer-in-charge shall cause a notice to be served to 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 decide regarding providing information to the supplicant.

(9) Whatever be the provisions of 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 request that may reasonably be separated from the portion that is not mandatory for publication shall be provided to the supplicant.

(10) Where access to the record or a part thereof is required to be provided and the person to whom such access is to be provided is 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 Officer in Charge**

**10. Officer in Charge.**-(1) Within 60 (sixty) days of the promulgation of this ordinance, all authority existing prior to the promulgation of this ordinance shall nominate an officer-in-charge for each of the units for providing information as per the provisions of this ordinance.

(2) Within 60 (sixty) days of the promulgation of this ordinance, all authority established after the promulgation of this ordinance shall nominate an officer-in-charge for each of the units for providing information as per the provisions of this ordinance.

(3) Within 60 (sixty) days of the promulgation of this ordinance, all offices established after the promulgation of this ordinance shall nominate an officer-in-charge for each of the units for providing information as per the provisions of this ordinance.

(4) All authority shall inform the Information Commission of the names, designation, address and, in cases where applicable, fax number and email addresses of the officers-in-charge appointed under sub-section (1), (2) and (3) within 15(fifteen) working days

(5) An officer-in-charge working under this ordinance may seek the support of any other officer and the latter shall on such request be obliged to extend necessary help.

### **Chapter 4 Establishment of Information Commission, etc.**

**11. Establishment of Information Commission** (1) After the coming into force of this Ordinance, as soon as possible, a commission named the Information Commission shall, for the purposes of fulfilling the objectives of this Ordinance, be established in accordance with the provisions of this Ordinance.

(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 it shall be capable of suing and be sued in its own name.

(3) The Information Commission shall have its headquarters in Dhaka and in case of necessity would be able to establish offices anywhere in Bangladesh.

**12. Formation 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 procedure of the Commission shall be rendered unlawful and no question shall be raised about those because of any vacancy in any membership or flaw in the formation of the Information Commission.

**13. Powers and functions of the Information Commission:** (1) If any person files a complaint about any of the following matters, 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 an authority, or its refusal to accept an application for information;

(b) refusal upon request for information;

(c) an application for information has not been replied to or no information received within the time limit specified under this Ordinance;

(d) if the supplicant is asked for a fee or compelled to pay an amount of fee which he considers to be unreasonable;

(e) if the supplicant is given incomplete information or such information that appears to be misleading or false; and

(f) in respect of any other matter relating to requesting or obtaining access to information under this Ordinance.

(2) The Information Commission on its own accord or on the basis of any complaint may 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 powers like a civil court under Code of Civil Procedure, 1908 (Act V of 1908) on the following issues, 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) bring any information from any office;

(e) issue summons for witnesses or documents; and

(f) any other matter which may be prescribed to fulfil the objectives of this ordinance.

(4) Whatever be there 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, will be able examine on ground any information relating to the complaint in the custody of an 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 of application in order to obtain 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 in force for the time being 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 proper 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 the 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) to give the authority technical and other assistance with the aim to ensuring right to information;
- (o) to establish a web portal for Bangladesh to ensure right to information;
- (p) to deem steps under other laws relating to preservation and realization of the right to information.

**14. Selection Committee.-** (1) A Selection Committees consisting of the following 5 (five) members shall be constituted for making 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 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) one representative nominated by the Government from amongst the prominent members of the society.

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

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

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

(6) The Selection Committee shall be able to ascertain the procedure of its meetings.

(7) No question shall be raised and no actions and procedure of the Selection Committee shall be rendered unlawful only because of any vacancy in any membership or any flaw in the formation 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 in public administration.

(6) The Chief Information Commissioner or Information Commissioners may, at any time, by a letter signed by him and addressed to the President, resign from his office.

(7) In 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 any Information Commissioner shall temporarily perform 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 for, and procedure in, which a Judge of the Supreme Court can be removed.

(2) Notwithstanding anything mentioned in sub-section (1), the President shall be able to 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:** (1) 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 Information Commission shall be able to determine the procedure of its meetings.

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

(3) Presence of any two of the Chief Information Commissioner and Information Commissioners shall constitute quorum in Information Commission meetings.

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

**19. Information Commission Fund.-** (1) In order to fulfil the objectives 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, allowances and the money to be given in accordance with the terms and conditions of the service of the members, officers and employees of the Information Commission shall be given from the fund 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 the by the Government;
- (b) grant given by any institution with the approval of the Government.

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

**21. Financial independence of the Information Commission.-**(1) The government after due consideration of the requisition given by the Information Commission to defray its expenses will allocate specified amount of money and the Information Commission will not need to take government approval to spend the approved money allocated under specified heads.

(2) There shall be no explanation by the provision of this section that the rights of the Comptroller and Auditor General as mentioned in Article 128 of the Constitution of the People’s Republic of Bangladesh has been infringed upon .

**22. Accounts and audit:** (1) The Information 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 Information Commission.

(3) In order to conduct the audit in accordance with sub-section (2) the Auditor General or any person empowered by him for this purpose shall be able to examine all records, documents and papers, cash or money kept in the bank, undertakings, treasury and other properties and shall be able to question any member or any officer or employee of the Information 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 Information Commission.

(2) The Information Commission shall have the authority to appoint such number of officers and employees as may be necessary for the competent 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, on request of the Information Commission, shall be able to appoint any officer or employee appointed in the service of the Republic in deputation to the Information Commission.

## **Chapter 7**

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

**24. Appeal, Disposal etc.-** (1) Any person who does not receive a 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 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 justifiable reasons could not lodge an appeal within time frame as mentioned in sub-section (1), he 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 to the appellant; and

(b) If it does not consider it fit for acceptance, discharge the appeal application.

(4) The officer-in-charge on being directed to furnish information under sub-section(3) shall from the date of receiving the instruction and within the time specified in section 9, under sub-section (1), (2) or (4), as the case may be, give the appellant 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 does not get information as mentioned in sub-section (1) of section 13;

(b) if he is aggrieved by the decision on his appeal under section 24;

(c) if he does not get information within the time-frame mentioned in section 24 or, as the case may be, there be no decision regarding getting information.

(2) A complaint may be lodged with the Information Commission at any time on any issue mentioned in sub-section (1) (a) and within 30(thirty) days from the date of decision or, as the case may be, of passing the time-limit, on issues mentioned in (b) and (c).

(3) If the Information Commission is satisfied that the appellant could not lodge the complaint within the time-limit of sub-section (2), it can accept the complaint even after the passing of the time-limit.

(4) If on the basis of a complaint or otherwise the Information Commission is satisfied that any authority, or as the case may be, any officer-in-charge has failed to follow the provisions of this ordinance or has done an act that is not to be done, the Information Commission will be able to take action against the authority, or as the case may be, the officer-in-charge.

(5) After receiving a complaint under sub-section (1) or if need arises to take action under sub-section (4), the Chief Information Commissioner himself will inquire into the complaint or give any other Information Commissioner the responsibility.

(6) Within 30 (thirty) days of taking up the responsibility under sub-section (5), the Chief Information Commissioner or, as the case may be, the Information Commissioner, will prepare a decision paper for the Information Commission.

(7) The decision paper will have to be placed in the next meeting of the Information Commission and the Information Commission after deliberation in its meeting will take decision on the issue.

(8) During inquiry, the authority or the officer-in-charge against whose decision the complaint has been lodged, will have to be given the opportunity to place argument in favour of its or his decision.

(9) If any third party is involved with the subject of the complaint, the Information Commission will give that third party to place its statement.

(10) The Information Commission will ordinarily complete disposing of complaints received under sub-section (1) within 45 (forty-five), but in special circumstances, if extended time is needed to hear deposition of witnesses or conduct inquiry etc., the complaint may be disposed of within the extended time:

Provided however that under no circumstance the time-limit for disposal of the complaint with the extended time shall exceed 75 (seventy-five) days.

(11) The Information Commission will have the following powers to take decisions under this section, namely:-

- (a) Instruct an authority or, as the case may be, an officer-in-charge to take the following steps that are necessary to be taken according to the provisions of this ordinance, namely:-
- (i) to furnish the requested for information in a specified manner;
  - (ii) appoint an officer-in-charge;
  - (iii) publish a particular or particular category of information;
  - (iv) bring in required changes in the procedure to be followed by the authority in matters of preservation, management and publication of information;

- (v) higher training for the officers of the authority regarding the right to information;
  - (vi) compensate for any harm or distress;
    - (b) impose any fine under this ordinance;
    - (c) the decision of the authority;
    - (d) dismiss complaints;
    - (e) new classification of information by the authority;
    - (f) to clarify in a new way in the light of this ordinance the nature, classification, preservation, publication and supply of information;
- (12) Decisions of the Information Commission under this section will be obligatory for all concerned.
- (13) The Information Commission will inform all concerned of its decision in writing.
- (14) The Information Commission will take other steps to dispose of complaints in a specified process determined by regulations.

**26. Representation.**-The parties to the complaint shall be able to appear before the Information Commission either personally or through a lawyer.

**27. Fines, etc.**- (1) Where the Information Commission, at the time of disposing of any complaint or otherwise is of the belief that the Officer in Charge has—

- i. without any reasonable cause refused to receive a request or appeal;
- ii. failed to, within the time specified in this ordinance, furnish the supplicant with information or give a decision on the issue;
- iii. rejected the request for information or appeal with *male fide* intention;
- iv. given incorrect, incomplete, misleading or distorted information or obstructed in any manner in furnishing the information instead of giving the information sought for;
- v. obstructed the path of obtaining any information-

the Information Commission shall impose a penalty at the rate of taka 50 (fifty) every day starting from the day of his doing that type of work till the day of furnishing information on the officer-in-charge, and such fine shall in no way exceed taka 5000(five thousand).

(2) The Information Commission will give the concerned officer in charge an opportunity to submit his explanation before imposing such fine.

(3) If the Information Commission is satisfied as such that any officer has obstructed a citizen's obtaining information by indulging in activity mentioned in sub-section (1), the Information Commission, in case where applicable, deeming such activity as misconduct may recommend to the concerned authority for starting departmental proceedings against him in addition to the fine mentioned in sub-section (2).

(4) Any penalty or compensation payable under this section, if not paid, shall be recoverable from the concerned official in the same manner as arrear land revenue is recovered under the Public Demands Recovery Act, 1913 ( Act IX of 1913).

**28. Application of the Limitation Act , 1908.-** Subject to the provisions of this Ordinance, the provisions of the Limitation Act, 1908 (Act IX of 1908) shall, as far as may be applicable, apply to an appeal filed under this Ordinance.

**29. Bar against filing suit.-** No court shall entertain any suit, application or other proceeding in respect of any order made under this Ordinance and no such order shall be called in question otherwise than by way of an appeal 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 will be included:

- (a) the number of requests for furnishing information made to each authority;
- (b) the number of decisions where applicants were not given the requested information and the account of provisions of this Ordinance under which these decisions were made;
- (c) the number of appeals preferred against the decisions of the officer-in-charge and the outcome of the appeals;
- (d) particulars of any disciplinary action taken against any officer;
- (e) the amount of charges collected by each authority under this Ordinance;
- (f) account of various steps taken by the authorities to realize the objectives of this Ordinance;
- (g) various proposals received from the different authorities connected to the establishment of the right to information of the citizens;
- (h) the number of complaints received by the Information Commission;
- (i) account of steps taken by the Information Commission regarding the complaints;
- (j) number of the officers disciplined by the Information Commission and its account;
- (k) total quantity of fines imposed and realised by the Information

Commission ;

- (l) instructions and regulations promulgated by the Information Commission;
- (m) account of income and expenditure of the Information Commission;
- (n) other connected issues that the Information Commission thinks fit for inclusion in report;
- (o) specific recommendation for taking steps by an authority that shows lack of interest in applying the provisions of this ordinance.

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

(4) The Commission shall, in order to inform the public of the same, publish and publicize its annual report under sub-section (1) submitted to the President on the mass media and website.

(5) In order to prepare the report under this section every authority shall help the Information Commission with information and other related help.

**31. Exemption for acts done in good faith:** If any person sustains any damage due to any act pertaining to information that was provided or intended to be provided, in good faith, under this Ordinance, or Rules or Regulations made there under, he cannot sue in civil or criminal court or initiate any legal proceedings 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.

**32. Inapplicability of this Ordinance in case of certain organisations and institutions.-**

(1) Whatever be the provisions of this Ordinance, organisations and institutions involved in state security and intelligence mentioned in the schedule will not come under this Ordinance.

(2) In spite of sub-section (1), if there be any information pertaining to corruption and violation of human rights in the above-mentioned organisations and institutions, this section will not be applicable.

(3) If there be any request for information under sub-section (2), the concerned organisation or institution, with the approval of the Information Commission, shall give the supplicant requested information within 30 (thirty) days.

(4) The government in consultation with the Information Commission may amend the number of organisations and institutions in the schedule by notification in the official gazette.

**33. Power to make rules.-** The Government by notification in the official gazette may frame Rules to achieve objectives of this Ordinance.

**34. Power to make Regulations:** The Information Commission, in order to achieve objectives of this Ordinance and with the prior permission of the Government and by notification in the official gazette, may frame Regulations.

**35. Elimination 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, eliminate such ambiguity.

**36. Publication of a translated English version:** (1) The Government after the promulgation of this ordinance may, if necessary, publish a translated English version of this Ordinance by notification in the official gazette.

(2) If there be any conflict in the Bengali and English versions, the Bengali version shall have precedence.

## SCHEDULE

( Article 32)

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

Serial No.	Organisation or Institution
1	2

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

Date: 05-07-1415 BS/20-10-2008.

**Prof Iajuddin Ahmed**  
**President**  
**People's Republic of Bangladesh**

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**Quazi Habibul Awal**  
**Secretary.**