

# IMPLEMENTING AN EFFECTIVE INFORMATION COMMISSION

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# Right/Access to information under RTI Act

- Right to information from authorities upon request
- Voluntary Publication/Disclosure by Public offices/authorities.
- Under directives by Information Commission

# Information Commission

- Act provides for establishment of IC for the purposes of fulfilling the objectives of ensuring peoples' right to information
- IC ---independent, statutory ---with legal personality

# Selection Committee

- Constituted to recommend for the appointment of the Chief Information Commissioner and Information Commissioners
- Constituted by, among others, of a Judge of the Appellate Division, 2 Members of Parliament (from the Government and Opposition sides)

# Role of Information Commission

- Facilitating disclosure by publishing guidelines/procedures for application to obtain information, prices etc.
- Issuing of directives for the preservation, management, publication, publicity of and access to information
- Ensuring access to information on complaint or appeal
- Promoting RTI to raise awareness of the RTI law
- Promotion of RTI
- Developing materials on RTI
- Advocacy

# Wide qualifications in the Act

- 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.

# Selection of IC under RTI Act, Bangladesh

- Selection committee formed
- Meeting on June 23<sup>rd</sup>
- IC to start functioning from 1<sup>st</sup>  
July, 2009

# Selection of Information Commissioner and other Commissioners

due to lack of rules and regulations re  
selection there is

➔ lack of transparency as to who is on the  
panel and how selected

➔ how and on what justification/grounds  
selection will take place

➔ Preamble to the Act stresses:  
transparency and accountability .....

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- Absence of rules does not mean lack of transparency, openness (e.g. Energy Commission)
- The nature of the Act based on Art. 39 as part of fundamental rights presupposes open invitation
- The recent trend/stance of the Court; (example Energy Commission) and norms by interpretation appointments to the IC may be open to interpretation

# Composition of IC

- Staff: An efficient organogram needed.
- Donors could be involved.
- Appointment: Lucrative package of compensation needed for appointment of committed and qualified staff

# Financial Independence

- The rank, remuneration, allowances and other facilities of the Chief Information Commissioner and Information Commissioners shall be determined by the government.

# Criticisms:

- Salaries, allowances, facilities, RANK to be determined by the Government  
No power of contempt
- IC not given the exclusive authority to determine the appointment of officers and employees---needs prior approval of Govt.---curtails independence of IC.

- The annual report must be submitted first to the president who shall then cause it to be submitted to the Parliament---depends on his/her discretion

# Transparency and accountability

- IC shall give notice of its decision, but not reasons for its decision.
- Web Portal: depends on the volume of information disclosed
- Annual Report: depends on the capacity of the commission and cooperation of authorities.

# Recommendations

- Immediate Appointment of ICs/  
Selection Committee
- Building the office of IC (organizational,  
financial and operational)
- Strengthening Authority of the IC

# Recommendations

- Rule making with particular focus on appointment and selection of panel of commissioners, fee structures
- Even without rules in place, begin the formation of the first IC through open invitation and advertisement
- Involving civil society and media in operational activities
- Massive campaign for awareness building
- Emphasize upon better record keeping

- Encourage the culture of efficient and timely information collection starting immediately
- Awareness by citizens movement of the general population and of public bodies
- Training of Commissioners essential
- Maybe begin with staggered implementation of the law