

RTI : Scope for Legislature and Courts

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CONSTITUTION & RTI

- Article 7 (1) : All powers in the Republic belong to the people ...
- Article 11: Democracy and human rights and “effective participation by the people through their elected representatives in administration at all level shall be ensured.”

CONSTITUTION & RTI

- Article 39: Freedom of thought and conscience, is guaranteed.
- The right of every citizen to freedom of speech and expression and the freedom of press are guaranteed.

ACCESS TO INFORMATION

- Only to a certain class of people;
- General people (with/without positive duty of dissemination);
- Specific restrictions on disclosure of information

RESTRICTED ACCESS :

PARLIAMENT

- Article 76: the Standing Committee of Parliament has the power to require a Ministry to furnish relevant information;
- Article 145A: The President shall cause all treaties with foreign countries to be laid before Parliament.

GENERAL ACCESS : LEGISLATURE

- Articles 44A to 44CC: Requirement to provide information on wealth and expenditure by Parliament candidates;
- Article 44D (1) : Open to inspection by any person;
- Article 44D(2) Returning office to supply copies of any statement, return or document kept under clause (1).

RESTRICTED ACCESS : COURT

- All procedural laws provides for access to information to an aggrieved person to seek redress against the decision;
- Code of Civil Procedure, Criminal Procedure Code, Artharin Adalat Court Act, Income Tax Ordinance, Customs Act, Labour Act, SAT Act

GENERAL ACCESS : COURT

- S-76 Evidence Act – Duty upon a public officer to supply a copy of the “public documents”;
- S-74 : “Public Document” (1) documents forming the act or records of the acts (i) of the sovereign authority, (ii) of official bodies and tribunals, (iii) of public officers, legislative and executive and (2) public records kept in Bangladesh of private documents.

GENERAL ACCESS : COURT

- R-9 Public Procurement Rules – Maintenance of documents and records regarding public procurement and duty upon CPTU to issue guidance note for ensuring dissemination of information about contract award to the general public.

GENERAL ACCESS

- Article 141: Annual Report with cases in which PSC's advice was not accepted and reasons;
- S-31 (3) Tax Ombudsman Act : Publication of Annual Report and to be opened for public access;
- S-190 Companies Act : Copy of Balance Sheet to be filed with Registrar;
- S-191 CA: Rights of members to copies of Accounts and Reports.

GENERAL ACCESS

- Rule 15 : Environment Conservation Rules : DOE to supply information and data on quality of water, hazardous wastes and quality of air

ACCESS TO INFORMATION

- Access to information has been recognised by the Supreme Court as part of the fundamental right to freedom of expression in a judgment of the High Court Division (*Advocate Abdul Momen Chowdhury vs. Election Commission*).

Thank You

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