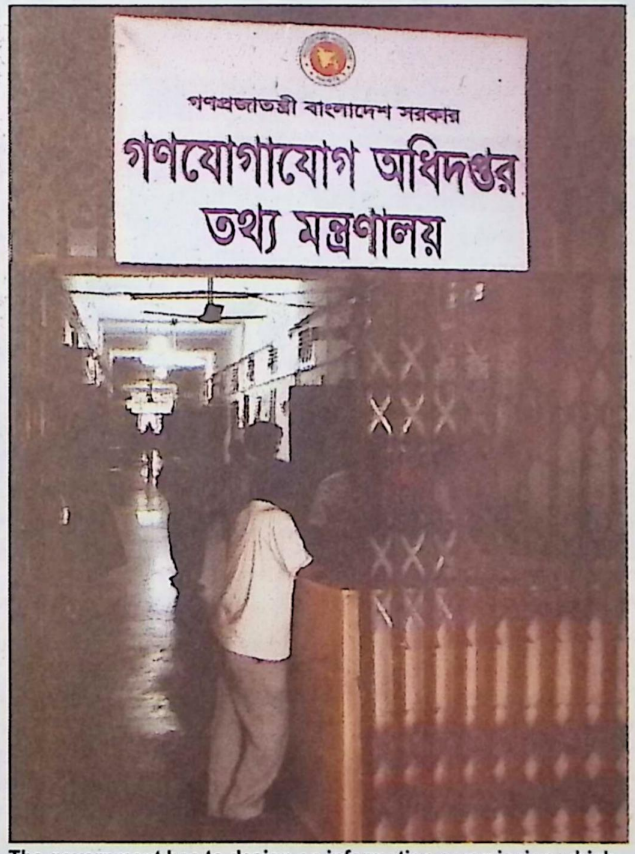
Designing an Effective Information Commission

The first major hurdle has been crossed, the right to information law has been passed, but now the government has to design an information commission which will effectively use and interpret the law so that ordinary citizens can make best use of it. Moderating the discussion on the issue was Faruq Sobhan, President, Bangladesh Enterprise Institute. He started by saying, "while the law is important, it's implementation is just as important." He went on to say that the choice of people would make or break the commission, a point which would be repeated throughout the hour and a half long discussion.

The first discussant was Dr. Shahnaz Huda, Professor of Law, University of Dhaka. She started off by saying that even though she looked for the right to information law, it took her a very long time before she could finally find a copy. She brought up some other points of interest when she said that no one really knew who would be on the selection panel for the information commissioners. The process should be open and transparent yet there were no clear answers as to who would be selecting and on what basis. Another problem that was highlighted was that rule making powers were given to the information ministry and not the information commission. A further issue is that the status of the chief information commissioner and other information commissioners will be decided by the government. Ideally they should be given the status of High Court and Appellate Division judges. Over and above all these issues the training of commissioners is also an aspect of the commission that has to be dealt with very carefully.

The Director of Article 19 Bangladesh, Tahmina Rahman added a few points of her own to the mix. She very rightly pointed out that the selection of the commissioners would greatly influence the direction of the commission overall. Much like the selection of a judge to the supreme court in America affects the direction of future court rulings, the same could and will happen in Bangladesh to the information commission, therefore making it essential that the proper people are chosen. The issue of independence and accountability is also paramount for an organisation that may in its time name and shame people within the government.



The government has to design an information commission which will effectively use and interpret the law.

The last speaker, Andrew Ecclestone, Honourary Senior Research Fellow, Constitution Unit, University College London talked about the formation of the commission as well as commissions around the round, their problems and their successes. His first questions was one that the current government will be pondering over as we speak, what do you want to achieve? As soon as one can answer that question the formation of a commission becomes a lot easier. He praised the Bangladeshi right to information law for having set 30 days as the maximum amount of time investigators will have to complete an investigation. In the UK it could take up to a year simply to be assigned an investigator and in that respect our law was far more rigid. He also laboured over the point of affirmative and proactive disclosure and how that could help both the government and the commission. The topic of extra voluntary disclosure, where by the government does not have to disclose information, yet still does it was also central to his speech. Eventually an effective information commission all boiled down to the proper selection of people coupled with the a streamlined method of information collection and lastly a stubborn will to make the government more accountable to the people who elected them. ■