

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-86/2012

Complainant: Mr. Bidarshan Chakma

Father: Kalacharan Chakma
Village: Khabangparia
PO & Upazila: Khagrachhari
Dist.: Khagrachhari

Opposite Party: Mr. Jibon Roaza

Executive Engineer
& Designated Officer (RTI)
Hill District Council
Khagrachhari
Khagrachhari Hill District.

Decision Paper

(Date: 14-02-2013)

01| The complainant lodged petition on 22-07-2012 to Begum Shrabasti Roy, the Land Officer and the Designated Officer (RTI) of Hill District Council, Khagrachhari seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- 1) How much money has been allocated from the Ministry in the emergency fund of Hill District Council, Khagrachhari in the Fiscal Year 2011-2012? Copy of it.
- 2) To whom the money has been distributed from the emergency fund by Hill District Council in Fiscal Year 2011-2012? Name, list and address of the recipient.

02| Having received no information within the stipulated time, the complainant preferred an appeal petition on 16-09-2012 to Mr. Kujendra Lal Tripura, the Chairman and Appellate Authority (RTI) of Hill District Council Khagrachhari. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 11-10-2012 to the Information Commission.

03| The matter was discussed in the meeting of the Commission on 06-11-2012. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 27-11-2013.

04| On the date fixed for hearing, both the complainant and the Designated Officer are absent. The complainant informed by letter that, his HSC test examination would start from 24-11-2012. So, he lodged application to the Commission to re-schedule the date of hearing. The Commission sanctioned time and fixed the date of hearing again on 30-12-2012 and summonses were issued to the concerned parties.

05| The complainant is present but the Designated Officer (RTI) is absent on the fixed date of hearing. Assigned lawyer of the Designated Officer (RTI) Mr Supal Chakma is present. The complainant Bidarshan Chakma in his statement said according to RTI Act, he sought for information in para 01. Having received no information, he preferred an appeal petition to the appellate authority. Getting no remedy even after submission of appeal, he submitted the complaint to the Information Commission.

06| Mr. Supal Chakma, advocate for the Designated Officer mentioned in his statement that, as Designated Officer was attended in an emergency meeting, he could not come. As Designated Officer was absent, fixing the date of hearing again on 30-01-2013 and summonses were issued to the concerned parties.

07| The complainant is present on the fixed date of hearing. Designated Officer (RTI) is absent. Mr. Supal Chakma, advocate for the Designated Officer (RTI) is present. The complainant Mr. Bidarshan Chakma mentioned in his statement that, according to the Right to Information Act he lodged petition to the Designated Officer seeking for the information mentioned in para no.01. Not getting the information, he lodged an appeal petition to the Appellate Authority. Without getting any solution, the complainant submitted the complaint to the Information Commission.

08| Mr. Supal Chakma, advocate for the Designated Officer mentioned in his statement that, the complainant has been sent letter for paying the cost of the requested information. As the cost of the information was not found, it was not possible to provide the information. If the cost of information is found from the complainant, the information can be provided.

09| As the Designated Officer is absent on the fixed date of hearing, fixing the date of hearing again on 14-02-2012 and summonses were issued to the complainant and the Designated Officer. For giving the necessary direction about presenting the Designated Officer in the tribunal in the mentioned time, copy of summonses has been sent to the Secretary, Ministry of Chittagong Hill Tract Affairs, Bangladesh Secretariat, Dhaka & the Chairman Hill District Council.

10| The complainant and the Designated Officer are absent on the fixed date of hearing. The complainant informed by letter that, he got all of the requested information. So, he did not have any complaint and requested to take necessary action in this matter. Mr. Supal Chakma, advocate for the Designated Officer informed the Commission that, he provided the requested information to the complainant and requested to dispose of the complaint.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences that, the Designated Officer (RTI) provided the requested information to the complainant. The complainant informed the Commission that he got his requested information. As the complainant got his requested information and as requesting to take the necessary action in this matter, so, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

Since, the complainant informed the Commission that he got his requested information and as applied to settle the complaint, so, the complaint is disposed of.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-93/2012

Complainant: Mr. Mostak Ahmed Mobarki
Father: Late Moulana Mobarak Ali
Editor, Dainik Bangabani
85, Nayapaltan (4th Floor), Dhaka-1000

Opposite Party: Mr. Md. Fakrul Kabir
Senior Assistant Secretary
& Designated Officer (RTI)
Office of the Wakfa Administrator
4, New Eskaton Garden, Dhaka.

Decision Paper
(Date: 30-01-2013)

- The complainant lodged petition on 29-08-2012 to the Designated Officer of the Office of the Waqf Administrator, 4, New Eskaton Garden, Dhaka seeking for the following information as per section 8(1) of Right to Information Act, 2009-
- Where is location of EC-1400 (Dhaka) - Emdad Ali Waqf Estate and on how measurement of land this estate is located?
- Who and when established this estate? Whether this is a registered Waqf Estate? Who was appointed its Motwalli first?
- How many Motwalli there is and their names and residential addresses? Whether any woman is owner as Motwalli?
- In the rent receipts the name two women is shown as owner by Motwalli, are they really owner as Motwalli? If so, by dint of which rule/law/authorization?
- By what No. khatian and plot of CS, SA, RS & present City Survey this estate comprises of? Whether there is any personal property in the concerned khatian and plot no.? If any, by which rule management between the personal property and Waqf property can be conducted? Whether the owners of the personal property given you or your Motwalli right to run their property?
- Whether any order was announced from your office to separate the personal property, if any, its copy. Whether any order was passed from the honorable court in this matter, if any provide the information.
- Whether there is any rule about rent and sale of the Waqf estate? If any, inform the matters of the rule?
- How many tenants in Emdad Ali Waqf Estate? Inform their names and address.
- Whether the Motwalli took permission from the office of Waqf Administration before engaging the tenants doing business in Emdad Ali Waqf Estate? If any, its information.
- Whether there is any multistoried building in Emdad ali Waqf Estate? If any how many multistoried building there? Who constructed those building? Whether the Motwalli or the tenants constructed those?
- What are names & addresses of constructors/tenants/owners of the multistoried buildings? How much is collected as rent from owners of each building?
- Whether rent is collected regularly from every tenant? If any provide its information.
- Whether approval was taken from the office of Waqf Estate or Rajuk as per Building Code prior to constructing the buildings established in Emdad Ali Waqf Estate?
- Whether any step was taken from your Motawalli or from your office for evicting the illegal

installations? If any, give information in that matter.

- Whether this estate is look after from your office-if any there is report in this matter in your office-copy of that report is required.
- Whether there is regular audit on the income-expenditure statement of Emdad Ali Waqf Estate? What is the last year of auditing?
- Whether the Motwalli of this Estate pay the fixed subscription in your office?
- What steps have been taken from your office for determining rent of this property as per market value?
- Whether this Waqf Esate located at the commercial area of Dhaka City? If yes, whether the rent from every business enterprise is realized at commercial rate?
- Whether the tenants of this estate gave any sub-let without taking your permission? If any, is it illegal? If illegal, whether any action was taken against the Motawalli or the concerned tenants? If action was taken what type of action? And if not, what is its cause?
- Whether your Motwalli has any negligence? If any, what action was taken against him?
- Will you take any action to evict the illegal installations?

02) Having received no information within the stipulated time, the complainant lodged the petition on 31-10-2012 to the Waqf Administrator and Appellate Authority (RTI) of the Office of Waqf Administrator. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 28-11-2012 to the Information Commission.

03) The complaint was discussed in the meeting of the Commission on 10-12-2012. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 31-12-2012.

04) The complainant and the Designated Officer presented their statements appearing on the fixed date for hearing. The complainant, during hearing, sought for time as he was not prepared to present his statement appropriately. The Commission sanctioned the application and fixed the date of hearing again on 30-01-2013 and summonses were issued to the concerned parties.

05) The complainant and the Designated Officer presented their statements appearing on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act he lodged petition to the Designated Officer seeking for the information mentioned in para no: 01. Without getting any solution, the complainant submitted the complaint to the Information Commission. He further said that, out of requested 22 information, he got 1 information completely, 18 information partially and he did not get any response about 3 information.

06) Mr. Fakrul Kabir, the Designated Officer of the office of Waqf Administrator mentioned in his statement that, he provided the partial information. Rest of the information kept to the Motwalli of the said Estate Mr. Alhaj Khorshed Ali. In the mean time, though letter was sent to him seeking for information. As he did not provide the information, requesting for the last time letter was sent from the office of the Waqf Administrator in memo no- O:Pro:/Dha:-1/241/(1) on 18-12-2012. The Motwalli submitted response in ref no- MuShaKha/A/1-1-2013 on 17-01-2013 through the learned advocate. He informed in response that, as case is running in the Honorable High Court about the requested information, that means, it is not possible to provide information in the matter of sub judice. Whether there is any injunction of the court on the information, if not the commission demanded information. In providing the rest of the information after taking the opinion of the own legal adviser, and if not legal bar, the Designated Officer ensured to provide with the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, as the Designated Officer tried to collect information from third party that means Motwalli Mr. Alhaj Md. Khorshed Ali sending him letter. As the Motwalli did not assist the Designated Officer providing him information it was not possible to provide the requested information to the complainant in time. The response, the Motwalli provided by his advocate, considering that the opinion of the own legal adviser of the Waqf Estate, as the Designated Officer ensure of providing other requested information to the complainant, so, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Designated Officer has been directed to provide the requested information to the complainant if, not injunction on the requested information on or before 14-02-2013 on the condition of paying the cost of the information.
- The Designated Officer has been directed to inform in writing the cause to the complainant and the Information Commission about the information those are not suitable to provide.
- The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archaeology Building (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207
Fax-088 02 9110638

Complaint No: 94/2012

Complainant: Mr Mohammed Shah Alam Chowdhury Tayef Enterprise 124(ka), Bar Council Building Court Building, Chittagong-4000.	Opposite Party: 1) Begum Suraiya Akter Sweety Assistant Commissioner & Executive Magistrate & Designated Officer (RTI) Office of the Deputy Commissioner, Chittagong. 2) Shah Md Zia Uddin Chowdhury Principal (In- Charge) Shahi Commercial College, Chittagong.
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Decision Paper

(Date : 30-01-2013)

- ❖ The complainant submitted the complaint to the Information Commission on 02-12-2012. He mentioned in his complaint that after giving the decision to provide the requested information, most of his requested information was not been provided to him and most of the provided information is false. So, to get the real information, he submitted this complaint again. It is noted that according to section 8(1) of Right to Information Act, 2009 earlier he submitted the petition to the Designated Officer on 12-07-2011 seeking for the information below:
 - Requesting for the information of appointment of Principal, Shahi Commercial College by the representative of Deputy Commissioner.
- ❖ Having received no information within the stipulated time, the complainant preferred an appeal petition on 28-09-2011 to the Deputy Commissioner and Appellate Authority. After that without getting any solution even submission of the appeal, the complainant submitted the complaint on 14-11-2011 to the Information Commission. Summonses were issued to the concerned parties after taking cognizance of the complaint no: 42/2011 fixing the date of hearing on 09-01-2012. Though the complainant, Designated Officer, office of the DC, Chittagong were present but Principal (In- Charge), Shahi Commercial College, Chittagong was absent. Summonses were issued to the concerned parties again fixing the date of hearing on 06-02-2012. The Commission, after hearing the complaint on 06-02-2012, directed to the Principal (In- Charge), Shahi Commercial College to provide the requested information to the complainant within 09-02-2012 and to Mr. Md. Nazmul Islam Sarker, Assistant Commissioner & Executive Magistrate & Designated Officer (RTI), Office of the Deputy Commissioner, Chittagong to provide the inquiry report, inquired by former Assistant Commissioner Mrs. Lutfun Nahar within 12-02-2012. Later on, the complainant termed the information, he received, as partial and false and submitted the complaint to the Information Commission on 02-12-2012.
- ❖ The complaint was discussed in the meeting of the Commission on 10-12-2012. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 31-12-2012.
- ❖ The complainant and the Designated Officer presented their statements appearing on the

fixed date for hearing. During hearing, it was noticed that Designated Officer (RTI), Office of the Deputy Commissioner, Chittagong are concerned with this complaint. So, Summonses were issued to Designated Officer (RTI), Office of the Deputy Commissioner, Chittagong and others fixing the date of hearing on 31-01-2013.

- ❖ The complainant, the Designated Officer and Principal (In- Charge), Shahi Commercial College, Chittagong presented their statements appearing on the fixed date of hearing. The complainant mentioned in his statement that some partial and false information was provided after the decision on complaint no: 42/2011, so, he submitted this complaint to the Information Commission.
- ❖ Begum Suraiya Akter Sweety, Assistant Commissioner & Executive Magistrate, & Designated Officer (RTI), Office of the Deputy Commissioner, Chittagong mentioned that the inquiry report, inquired by former Assistant Commissioner & Executive Magistrate Mrs. Lutfun Nahar, was provided to the complainant on 04-10-2010. He has also been advised to get the rest information from the concerned college.
- ❖ Principal (In- Charge), Shahi Commercial College, Chittagong mentioned in his speech that he has provided the information to the complainant. He assured that if he is known which part of the information is partial or false, he would provide the same.
- ❖ During hearing, the Commission asked Designated Officer (RTI), Office of the Deputy Commissioner, Chittagong and Principal (In- Charge), Shahi Commercial College, Chittagong whether the college is independent authority according to section (Kha) of RTI Act, 2009. It is also known that the Designated Officer (RTI) is not appointed in the college.

Discussion

Hearing the statements of the complainant, the Designated Officer and Principal (In- Charge), Shahi Commercial College, Chittagong and reviewing the submitted evidences, it was noticed that, the Designated Officer (RTI) is not appointed in the college. As the Designated Officer (RTI) is not appointed in the college according to law, so, the Designated Officer (RTI) is to appoint and to fix the appellate authority by the Chairman of Governing body.

Decision

The complaint is disposed of with the following directions:-

- As Shahi Commercial College, Chittagong is an independent authority, so, Chairman of Governing body of the college and DC Chittagong is directed to appoint the Designated Officer (RTI) and to fix the appellate authority according to section 10 and section 2 of RTI Act, 2009 (ka) respectively.
- The Complainant is directed to apply for information to the Designated Officer according to RTI Act, 2009, after the appointment of Designated Officer (RTI) in Shahi Commercial College.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 01/2013

Complainant:
Mr. Md. Rahim Ullah
Managing Director
Feni Tannery (Pvt.) Ltd
Father- Late Moulvi Ershad Ullah
325/4/1, 7/A, West Dhanmondi
Jhigatola, Dhaka-1209.

Opposite Party:
Mr. Md. Mamun Al Rashid
Deputy Secretary and Designated Officer
Loan and Poor Industry Section
Bank and Financial Institute Department
Finance Ministry, Bangladesh Secretariat
Dhaka.

Decision Paper
(Date: 30/01/2013)

1. The Complainant submitted an application to the Deputy Secretary and Designated Officer of Loan and Poor Industry Section, under Finance Ministry, Mrs. Sabina Yasmin as per section 8(1) of the Right to Information Act, 2009 on 14/02/2012 seeking for the information mentioned below:
 - * Realization of loans from the provision fund, amount of loans realized in bond and subsidy head and attested copy of the statements of allocation to sick industries/projects in writing off the principal amount of loan of 1,585 (One Thousand Five Hundred and Eighty Five) sick industries as stated in the financial budget of 2011-2012 (Budget speech-193), repayment of bank loans, writing off interest and subsidy amounting to Tk. 2590 crores (Twenty five thousand nine hundred million) in total.
2. He preferred an appeal to the Secretary of Finance Ministry and Appeal Authority that as per the memo no. 53.003.018.00.00.045.2010-366 dated 24/5/2012 the Designated Officer Mrs Sabina Yasmin has provided him incomplete, false and misleading information. After submitting the appeal, the Appellate authority decided to cancel the appeal application under section 24(3)(b) of Right to Information Act, 2009, as per memo no 53.003.018.00.00.018.2012-807 dated 4/11/2012. He also filed another complaint against that decision on 5/12/2012 to Information Commission.
3. The issue was discussed in the meeting of the commission on 14/1/2013. As per the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 30/01/2013.
4. On the date of hearing both the complainant and the Designated Officer remaining present adduced their statements.. The Complainant's assigned lawyer, Mr. Abu Ahmed Aktaruzzaman mentioned that, as per the Right to Information Act, 2009 the Designated Officer was applied to provide information under section-01. On the day 24/5/2012 the Designated Officer Mrs. Sabina Yasmin provided such information that was totally false and baseless. Then an appeal was preferred to the concerned Secretary of Finance Ministry and Appeal Authority on 6/9/2012. After that on 4/11/2012 the Appellate Authority decided to cancel the appeal under sub section 24(3)(b) of Right to Information Act, 2009.

5. The concerned Deputy Secretary and Designated Officer, Mr. Md. Mamun Al Rashid of Loan and Poor Industry Section of Finance Ministry informed that, as the requested information was not available to him, so he collected information from Sonali Bank Ltd. and delivered the copy to the complainant. There is no other information available to him from any bank and financial institute.

Discussion

Considering the statements adduced and documents produced by both the parties it has been revealed that the Designated Officer has delivered the information after collecting from Sonali Bank Ltd. He had no other information to him. It would be more appropriate to apply to the Designated Office of Sonali Bank Ltd. instead of applying to Bank and other Financial Institutions for information.

Decision

The complaint has been resolved following the instruction given below:

As the required information by the complaint was not available in the Loan and Poor Industry Section, Bank and Financial Institute Department of Finance Ministry, so the complainant is instructed to apply to the Designated Officer of Sonali Bank Ltd. for necessary information. If the required information is not available to the Designated Officer of Sonali Bank, then he is told to submit Appeal to the Appellate Authority. If the problem is not resolved then, he should file complaint to Information Commission.

Send copies of the order to all the concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 02/2013

Complainant:
Mr. Chowdhury Muhammad Ishaq
Chairman/ MD
Elite Lamps Limited, 19/3, Pallabi
Mirpur, Dhaka-1216

Opposite Party:
Mr. Helal Uddin Ahmed
General Manager and Designated Officer
Sonali Bank Limited, Head Office
35-44, Motijheel C/A, Dhaka.

Decision Paper
(Date: 30/01/2013)

1. According to the filed complaint number 10/2012 and 50/2012 under Appeal Application Memo no. 5(8) followed by the decision of 2012, government allotted loan amount information for Sick Industry Elite Lamps Ltd, was not properly delivered by Sonali Bank Ltd and instead of that information was provided for the year of 2005, as the authority did not implement the decision of the Information Commission so to take necessary action against the Designated Officer of Sonali Bank Ltd and for proper supply of information a complaint should be filed on 05/12/2012 to Information Commission.

Short description of the submitted complaints to Information Commission by the complainant: as per the Complaint no 10/2012 the complainant asked for:

* Realization of loans from the provision fund, amount of loans realized in bond and subsidy head and attested copy of the statements of allocation to sick industries/projects through writing off the principal amount of loan of 1,585 (One Thousand Five Hundred and Eighty Five) sick industries as stated in the financial budget of 2011-2012 (Budget Speech-193), repayment of bank loans, writing off interest and subsidy amounting to 2,590 crores (Two Thousand Five Hundred Ninety) in total.

Commission gave decision on 3/5/2012 after hearing. According to the instructions the Designated Officer of Sonali Bank was supposed to provide Public Document Audit Report about appeal application 5(8) and the complainant mentioned that some false information have been provided on 10/07/2012. Being dissatisfied with the provided information two individual complaints were filed by the complainant, demanding punishment on 2/7/2012 and 15/7/2012 respectively to the Information Commission. After taking the complaint in cognizance, necessary instruction was provided on 19/9/2012 for complaint no. 50/2012.

2. Necessary discussion took place in the meeting on 14/1/2013 at Information Commission about the complaint submitted on 5/12/2012. As per the decision of the meeting summonses were issued to the parties concerned fixing the date of hearing on 30/1/2013.
3. On the date of hearing both the complainant and the Designated Officer remaining present and adduced their statements. The Complainant mentioned that he sought for the information to the Designated Officer which was mentioned in para-01. According to the decision of the commission he should have provided the complete information, but he did not do that and provided only the partial information. As the provided information was not complete so the complainant has filed the complaint to the Information Commission for necessary action against the Designated Officer and provide full information.

4 . The concerned Designated Officer, Mr. Helal Uddin Ahmed of Sonali Bank Limited informed that, as per the decision of the complaint no 50/2012 the information has been provided to the complainant. He also mentioned that, the available information in Bank has been provided to him. There is no other information available to provide to the complainant.

Discussion

After listening to the Complainant and Designated Officer, and reviewing all the submitted proofs, it has been proved that the Designated Officer has delivered the information which was available to him. There was no other additional information, so those cannot be provided to the complainant. He has informed the commission that he would inform the complainant in written about the issue. So the case seems to be disposable.

Decision

The complaint is disposed of with the instruction given below:

The Designated Officer is instructed to inform that he has no other additional information to him on or before 7/2/2013 as per section 9(3) of the Right to Information Act, 2009.

All the concerned should be sent copies.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 03/2013

Complainant:

Mr. Mohammed Ali Akbar
S/O- Late Sekandar Ali
Bangladesh Legal Aid and Services Trust
(BLAST)
YMCA Development Center
1/1, Pioneer Road, Kakrail
Dhaka-1000.

Opposite Party:

Mr. Mir Mohammed Morshed
Director (Communication and Publication)
And
Designated Officer
Bangladesh Telecommunications Co. Ltd
(BTCL)
37/E, Eskaton Garden, Dhaka.

Decision Paper

(Date: 30/01/2013)

1. Complainant submitted an application on 02.10. 2014 seeking for some information below to the Designated Officer, Mr. Mir Mohammed Morshed, Director (Communication and Publication), Bangladesh Telecommunications Co. Ltd (BTCL), 37/E, Eskaton Garden, Dhaka:

* The Bangladesh Legal Aid and Services Trust (BLAST), used telephone number- 02-8317185 was requested to transfer on 15 February 2009 followed by ref no- BLAST/ Admin/ 532/0209, and as per the demand of Telephone office the Main Demand Note copy, Liability handover certificate, Bill copy of six months and photo was submitted.

Then on 26 August 2009 followed by the organization ref: BLAST/Admin/148/0819, 20 September 2010, Ref no BLAST/ Admin/ 294/0910 and Ref no BLAST/ Admin/ 522/112011, dated 30 November 2011 the office was requested to inform the progress of the work. Till now no further information was given about the telephone transfer. What is the present status of Telephone transfer?

2. As the Designated Officer did not provide the requested information, the complainant preferred an appeal to Mr. Md. Azizul Islam, Managing Director and Appellate Authority, Bangladesh Telecommunication Co. Ltd. (BTCL), 37/E, Eskaton Garden, Dhaka. Getting no remedy within the specified period time he submitted this complaint to the Information Commission on 17/12/2012.
3. The issue has been discussed in the meeting of the commission on 14/1/2013. As per the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 30.1.2013.
4. On the date of hearing the complainant and the Designated Officer remaining present adduced their statements. The complainant stated in his deposition that he submitted an application to the Designated Officer seeking some information in para-01 but the Designated Officer did not provide any information or did not issue any Regret Letter, the complainant preferred an appeal to the Appellate Authority. When he has not received any response after appeal then he filed a complaint to Information Commission. But after receiving the summon of commission the telephone line has been transferred and presently working smoothly. The complainant expressed

his satisfaction after getting the telephone line connected by using the Right to Information Act . He informed the commission that he has not further complain about it.

5. The concerned Designated Officer, Mr. Mir Mohammed Morshed, Director (Communication and Publication) of Bangladesh Telecommunication Co. Ltd. (BTCL), 37/E, Eskaton Garden, Dhaka informed that, the Telephone line transfer request for 02-731-7185 of Bangladesh legal aid and Services trust (BLAST) could not be done for the manpower shortage in time.

We are trying our best to serve the customer in due time. In the mean time we have taken necessary initiative to solve the complain of the complainant. He also informed that, necessary Designated officer for each unit has not be assigned in Bangladesh Telecommunication Co. Ltd. (BTCL), then if the concerned designated officer is complaint then the necessary solution would be easier for the complainant.

Discussion

Considering the statement adduced and the papers submitted by both the parties it reveals that the complainant has already received the desired information as well as desired service. The complainant expressed his satisfaction by using the RTI Act and informed that he has no no further complain about it. So, the case seems to be disposable.

Decision

The complaint is disposed of with following instruction:

01. As the complainant has received the requested information and expressed his satisfaction with the solution and informed that he has no further complain about the complaint, so, the complaint is considered as disposed of.
 02. BTCL authority is directed to assign individual Designated Officer and supplementary Designated officer to each department / Unit of Bangladesh Telecommunication Co. Ltd. (BTCL), as per Right to Information Act, 2009 section 10.
 03. Both the parties are directed to inform the Commission on compliance of the directions.
- Send the copies of the order to all the concerned parties.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archaeology Bhaban(2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207
Fax-088029110638

Complainant: Mr Aminul Islam
House: 24/1, Road: 04
Block-D, Banasree, Rampura
Dhaka-1209/1219

Opposite Party: Mr Nasimul Baten
Head of Operations
&
Designated Officer
DBHL, Landmark Building (10th Floor)
12-14, North Gulshan C/A
Dhaka-1212

Decision Paper

(Date: 30-01-2013)

Complainant Mr Aminul Islam filed the petition of complaint to the Information Commission on 11-12-2012 against the DBHL Ltd. under section 13(1)(e) of the Right to information Act, 2009. In his complaint he complained:

*DBH Ltd authority has provided with false information about BPRD Circular No-27/2010 & Circular No-07/2004.

He also filed another petition of complaint to the commission on 01-01-2013. He complained:

*DBH Ltd did not provide with “the circular of Bangladesh Bank by the strength of which interest is being charged monthly in case of long term loan” within 10-12-2012 under the instruction of Information Commission's decision on 26-11-2012.

2. The complaint was discussed in the meeting of the commission on 14-01-2013 and as per the decision of the commission summonses were issued to the concerned parties fixing the date of hearing on 30-01-2013.
3. On the date fixed for hearing, through summonses issued by the commission the complainant and the designated officer remaining present adduced their statements. The complainant stated in his deposition that the DBH limited authority has willfully provided with the false information about BPRD Circular NO 27/2010 & Circular No-07/2004 and did not provide with “the circular of Bangladesh Bank by the strength of which interest is being charged monthly in case of long term loan”.
4. The designated officer of DBH Limited Mr Nasimul Baten stated in his deposition that the BRPD Circular of Bangladesh Bank is applicable for the scheduled banks and DFIM (Department of Financial Institute Markets) is applicable for the financial institutions. FID Circular No-3(C) of Bangladesh Bank dated 30 June, 2003 stated different categories of loan/amanat/interest being charged on leeze and repayment of interest processes such as (1) Imposition of simple interest or interest on principle, (2) Frequency of imposition of interest (3) Imposition of fixed or changing rate of interest will be determined by the authority of financial institutions. According to the said circular a deed was signed between DBH Limited and Mr Aminul Islam for repayment of loans in monthly equal installments. Designated Officer furthermore stated that knowing all the components of the deed the complainant signed the deed yet he could not understand the reason to file complaint to the Information Commission.

Discussion

5. After hearing the both parties and considering the documents produced during hearing it reveals that the Designated Officer provided with partial information to the complainant. As the Designated Officer ensured to provide requested information to the complainant subject to realization of cost of information the case seems to be disposable.

Decision

The case is disposed of with the following directions:

The complainant is directed to apply for information to the Designated Officer (RTI) of Bangladesh Bank according to Right to Information Act,2009. The Designated Officer of DBHF is released from the charge as the complaint against him has not been proved.

Send copies of the order to the parties concerned.

sd/-
(Prof. Dr Sadeka Halim)
Information Commissioner

sd/-
(Mohammed Abu Taher)
Information Commissioner

sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archaeology Bhaban(2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207
Fax-088-02-9110638

Complaint No: 05/2013

Complainant:Mr Md Abdul Jabbar Valiant Freedom Fighter S/o Late Jaynul Abedin 45/1-C, Kallyanpur Road No-11, Dhaka-1207	Opposite Party:Mr Md Humayun Kabir Deputy Senior Executive & Designated Officer Trading Corporation of Bangladesh Kawran Bazar, TCB Building,Dhaka.
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Decision Paper

(Date: 31.01.2013)

01| The complainant filed the petition of complaint to the Information Commission on 13.12.2012 referring his previous complaint no-87/2012. He told that he submitted an application on 02.09.2012 under the provisions of Right to Information Act,2009 seeking the information of Attested copies of the resolution of the Board Meeting held in the month of September,2002 regarding retrenchment of employees and the list of the then Directors along with their names. The Designated Officer supplied two attested copies of the meetings but he did not provide with the list of the then Directors.

The complainant in his complaint sought for the following information:

The names of the Directors worked at Trading Corporation of Bangladesh in September, 2002.

Earlier, the complaint number 87/2012 was disposed of after hearing on 26/11/2012 with the directives to provide the requested information to the complainant.

02| The complaint was discussed in the meeting of the commission on 14.01.2013 and as per the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 30.01.2013.

03| On the date fixed for hearing, both the Complainant and the Designated Officer remaining present adduced their statements. The complainant stated in his deposition that he submitted the request for information to the designated officer on 02.09.2012 as per the provisions of the Right to Information Commission Act, i.e Attested copies of the minutes of the Board Meeting held in the month of September,2002 regarding retrenchment of employees and the list of the then Directors along with their names. The Designated Officer supplied two attested copies of the meetings but he did not provide with the list of the then Directors. So he filed the petition of complaint to the commission and requested the commission to give directives to the designated officer to provide him the requested information.

04| The Designated Officer, Mr Md Humayun Kabir stated in his deposition that he has already supplied the attested copies of the minutes of the Board Meeting held in the month of September,2002. As the names of the Directors were in the minutes so he did not provide the names separately. He further informed that he would provide the information if the complainant would pay the price of information.

Discussion

After hearing the statements of both the parties and considering the documents submitted it reveals that the Designated Officer has provided with partial information. As the Designated Officer ensured the delivery of information subject to realization of cost of information, the case seems to be disposable.

Decision

01.The Designated Officer is directed to provide the list of the names of the Directors worked at Trading Corporation of Bangladesh in September,2002 to the complainant on or before 07.02.2013 subject to realization of cost of information.

02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no:1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.

03.Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned

sd/-
(Prof. Dr Sadeka Halim)
Information Commissioner

sd/-
(Mohammed Abu Taher)
Information Commissioner

sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-06/2013

Complainant: Begum Sayeda Sharfunnesa
Mallika-1, Eskaton Garden Government Officers
Quarters, Eskaton Garden Road.
Dhaka.

Opposite Party: 01) Mr. Md. Kamruzzaman
Assistant Administrator
& Designated Officer
Office of the Waqf administrator
4, New Eskaton Garden, Dhaka.
02) Mr. Md. Nurul Huda
Waqf Administrator
Office of the Waqf Administrator
4, New Eskaton Garden, Dhaka.

Decision Paper

(Date: 15-04-2013)

- 01) According to the complaint no.-47/2012 filed to the Information Commission, hearing has been held in the Information Commission on 26-11-2012 in the presence of both of the parties. After the hearing, in spite of the direction of providing the information by 04-12-2012, the opposite party Designated Officer, Office of the Waqf Administrator, 4 New Eskaton Garden, Dhaka did not provide the information within the stipulated time. As a result, the complainant submitted the complaint to the Information Commission on 23-12-2012 and requested to take the effective action about providing the information.
- 02) The matter was discussed in the meeting of the Commission on 14-01-2013.
According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 31-01-2013.
- 03) The complainant and the Designated Officer presented their statement being attended on the date fixed of hearing. Motawalli (third party) was absent. According to the complaint no.-47/2012 filed to the Information Commission, hearing has been held in the Information Commission on 26-11-2012 in the presence of both of the parties. After the hearing the Information Commission directed to provide two information out of his requested 10 information. But the Designated Officer, Office of the Waqf Administrator, 4, New Eskaton Garden, Dhaka did not provide the information within the stipulated time. So, he requested the Information Commission to take the effective action about providing the information.
- 04) Mr. Md. Fakrul Kabir, the designated Officer of Office of the Waqf Administrator informed in his statements that, according to the complaint no.-47/2012 as per the given decision letter was sent to the Motwalli Mr. Md. Khorshed Ali on 26-11-2012 giving direction of providing two requested information to the complainant in emergency basis. In this case he (Motwalli) did not provide the requested information of the complainant taking 2/3 times. Furthermore, while letter has been sent on 18-12-2012 for the last time according to the said direction the

Motwalli submitted a reply on 17-01-2012 by his appointed advocate. In his reply he mentioned that, as the requested information of the complainant is the matter of trial case as per section 7(Ta) of Right to Information Act at present it is not possible to provide such type of case.

- 05) Hearing the statements of both of the parties whether the matter of the given response that means the matter of requested information given by learned advocate Mr. Shahnewaz Khan appeared for Mr. Khoeshed Ali, the Motawalli of Waqf Estate is Subjudice or not, the Commission giving direction of submitting the own legal adviser of fixed the date of hearing on 03-03-2013. As per the decision of the Commission both the concerned parties were summoned.
- 06) On the date fixed for hearing, the learned advocate Mr. Humayun Kabir Shikder appeared for the complainant and the Designated Officer presented their statements appearing themselves. The learned advocate Mr. Humayun Kabir Shikder appeared for the complainant and informed in his statements that, two requested information of the complainant are as follows:
 - a) Attested photocopy of rent receipts of the legal tenants of Khan Saheb Haji Emdad Ali. (from 01-06-2011 to 01-07-2012).
 - b) Full names, addresses and telephone number of the tenants of the said Waqf Estate.

According to the complaint no.-47/2012 filed to the Information Commission hearing has been held in the Information Commission on 26-11-2012 in the presence of both of the parties. After the hearing in spite of the direction of providing the information as per the decision of the Information Commission the opposite party Designated Officer, Office of the Waqf Administrator, 4 New Eskaton Garden, Dhaka did not provide the information within the stipulated time. So, the complainant requested to take the effective action about providing the prayed information to him.

- 07) The learned advocate Mr. Mesbah Uddin Khan appeared for the Designated Officer of Waqf Estate informed in his statements that, after the hearing on 31-01-2013 according to the given decision opinion was sought from the legal adviser of the office of the Waqf Administrator. In his opinion legal adviser said that, as the prayed information of the complainant is the Subjudice of the under trial case if the two information is provided it will be the contempt of court. It is physically found that, two cases are under trial of Motwalli with the complainant. Mr. Md. Khorshed Ali, the Motawalli of the said estate did not cooperate properly for settling the matter. "Is it is said to the complaints of the continuous case in somewhere, it cannot be provided two prayed information of the complainant, or if provided it will be harmful? If injunction what amount cannot be provided? If there is any injunction why the Waqf Administration do not taking any action against the Motawalli not for cooperating in the matter of providing information?" In the response of such question of the Commission the learned advocate for the opposite party said that, According to chapter 61 of Waqf Ordinance at first legal notice can be made in the concerned matter. In the next time legal action can be taken in its sequence.
- 08) When the learned advocate Md. Shahnewaz Khan for Motawalli and legal adviser of the Office of the Waqf Administrator gave their opinion the matter as the Subjudice for presenting the clear explanation for it and as the Motawalli was not attend even after announcing summon for the more than one time what action has been going to take against him according to Wakfa Ordinance, a day of hearing has been fixed on 10-03-2012 as the special complaint. Summon was issued for the concerned parties according to the decision of the Commission.
- 09) On the basis of the summon of the Commission on the day fixed for hearing the complainant and the Designated Officer presented their statements being appeared. But the Motawalli (third

party) is absent. The complainant complaint in his statements that, two prayed information was not found still now.

- 10) The learned advocate Mr. Mesbah Uddin Khan appeared for the Designated Officer of Waqf Estate informed in his statements that, after the hearing on 31-01-2013 according to the given decision opinion why the matter is Subjudice to the legal adviser of the office of the Waqf Administrator and the Motawalli? When asked for the clear explanation he provided the separate explanation. Their sent explanation has been presented in the tribunal.
- 11) The provided explanation by the legal adviser and the Motawalli submitted by the Designated Officer has been reviewed by the Commission. After the reviewing the Commission gave this opinion that, "The Commission is not satisfied in the explanation provided by the own legal adviser of the Office of the Waqf Administrator and the Mr. Shahnewaz Khan, the learned advocate for the Motwalli. Besides this, according to the direction of the previous hearing the Waqf Administrator did not take any action against the Motwalli. So, for the proper solution of the matter what is the liabilities of the Appellate Authority it is necessary to inform. In this matter next day of hearing is fixed on 15-04-2013. According to the decision of the Commission summon was issued to the complainant, the Designated Officer of the Office of opposite party Wakfa Administrator and the Appeal Authority.
- 12) On the basis of the summon of the Commission on the day fixed for hearing the complainant, the Assistant Administrator and the Designated Officer & Appeal Authority of the Office of the opposite party Wakfa Administrator and Wakfa Administrator being attended presented their statement. The complainant informed in his statement that, he did not get his two prayed information and he do not know what action has been taken against the Motawalli.
- 13) Mr. Md. Aatur Rahman, the learned advocate for the Appeal Authority of the Office of the Wakfa Office informed in his statements that, in spite of all out effort of collecting two requested information of the complainant form Motawalli of the concerned Wakfa Estate, it was not possible to be collected. Deeming the two prayed information as Sub-judice the Motawalli did not provide the two information. When asked whether any court order injunction in providing the proposed information the Commission was informed there is no information in the Office of Waqf Administrator in this matter. But, not for providing the said information the concerned papers and documents has been sent to the legal adviser for filling the criminal case as per section 61 of Waqf Estate of 1962 against the Motawalli. A certificate has been provided to this effect that, case will be lodged in the concerned court on 16-04-2013 by the legal adviser of the Office of Wakfa Administrator.

Discussion

Hearing the statements of both complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, though the prayed information of the complainant is said to be Subjudice whether injunction was ordered by any court, to this effect no information is mentioned in the office of the Waqf Administrator or in the explanation given by the legal adviser of the Office of the Waqf Administrator or Motawalli. As the prayed information of the complainant remain to the third party that means to Mr. Khorshed Ali, the Motawalli of the Estate and in spite of providing direction of providing information again and again no providing the prayed information the steps taken by the Waqf Administrator against the Motwalli is clear as correct to the Commission as per Wakfa Ordinance 1962.

Decision

The complaint is disposed of with the following directions:-

- 1) The Appellate Authority & the Designated Officer of the Office of Waqf Administrator has been directed to file case against the Motawalli by 16-04-2013 as per application.

- 2) The Appellate Authority & the Designated Officer of the Office of Waqf Administrator has been directed to inform to the Commission regularly about the progress of the case.
- 3) The Appeal Authority & the Designated Officer of the Office of Waqf Administrator has been directed to send to the Commission the names, addresses, mobile numbers and the rent receipts including audit report completed by the audit team by 02-05-2013.
- 4) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Send the copy to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archaeology Bhaban(2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207
Fax-088-02-9110638

Complaint No: 07/2013

Complainant: Mr. Ripon Chakma
S/o: Sunity Chakma
Vill: Khabangparia
P.O.+Upazila: Khagrachhari
District: Khagrachhari

Opposite Party: Mr. Jiban Rowaza
Executive Engineer
& Designated Officer
Khagrachhari Zilla Parishad
Khagrachhari Hill District

Decision Paper

(Date: 14-02-2013)

3. The complainant submitted an application on 08-11-2012 to Mr Jibon Rowaza, Executive Engineer and Designated Officer Khagrachhari Zilla Parishad, Khagrachhari Hill District under section 8(1) of the Right to Information Act, 2009 seeking for the following information:
 - a) Copies of the order of allocation of food grains in Khagrachhari Zilla Parishad for the fiscal year 2011- 2012.
 - b) Number of projects, name of the projects along with amount of allocation per projects.
2. Having received no information within the time limit the complainant preferred an appeal to the Appellate Authority & Chairman, Khagrachhari Zilla Parishad, Mr Kuzendra Lal Tripura on 12-12-2012. Getting no remedy even on submission of appeal he filed the petition of complaint to the Information Commission on 02-01-2013.
3. The complaint was discussed in the meeting of the commission on 14-01-2013 and as per the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 31-01-2013.
4. On the date fixed for hearing the complainant was present but the Designated Officer remained absent. The complainant Mr Ripon Chakma stated that he submitted an application to the designated officer as per the provision of the Right to Information Act seeking the information as quoted in para-1. Having received no information he preferred an appeal to the Appellate Authority. Getting no remedy even on submission of appeal he filed the petition of complaint to the Information Commission.
5. The engaged lawyer, Mr Supal Chakma, on behalf of the designated officer stated that notice was issued to the complainant to realize the cost of information but the complainant did not realize the cost of information. So the information was not supplied to him. If the complainant realize the cost of information he will be provided with the information he sought for.
6. As the designated officer remained absent summonses were issued to the complainant and the designated officer fixing the date on 14-02-2013 for further hearing and copies of the summonses were also sent to the Secretary, Ministry of Chittagong Hill Tract Affairs, Bangladesh Secretariat, Dhaka and Chairman, Zilla Parishad for giving directives to the designated officer to be present in the tribunal on the date fixed for hearing.

7. On the date fixed for hearing both the Complainant and the Designated Officer remained absent. The complainant submitted through a letter that he already received his requested information and prayed for disposal of the complaint. The engaged lawyer Mr. Supal Chakma, on behalf of the designated officer, informed the commission that the requested information was supplied and prayed for the disposal of the complaint.

Discussion

After hearing the complainant and the engaged lawyer of the designated officer and considering the documents submitted, it reveals that the Designated Officer provided the requested information to the complainant. The complainant informed the commission through a letter that he received his requested information and prayed for the disposal of the complaint. Hence, the case seems to be disposable.

Decision

The case is disposed of with the following directions:

As the complainant informed the Commission that he already received his requested information and as he prayed for disposal of the complaint, hence, the case is disposed of.

sd/-
(Prof. Dr Sadeka Halim)
Information Commissioner

sd/-
(Mohammed Abu Taher)
Information Commissioner

sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 08/2013

Complainant:
Mr Md. Shafiur Rahman
1/20, Kallyanpur Housing Estate
Kallyanpur, Dhaka-1207

Opposite Party:
Mr. Anisuzzaman Tarafdar
General Secretary
And
Designated Officer
Kallyanpur Estate Multipurpose Society Limited
Kallyanpur, Dhaka.

Decision Paper
(Date: 31/01/2013)

1. The complainant filed a complaint on 27/12/2012 to Information commission to get solution on the information providing rules by the Kallyanpur Estate Multipurpose Society Limited (reg-234/84) by his complain no- 76-2012. He mentioned that after hearing on 26/11/2012 the designated officer, Kallyanpur Estate Multipurpose Society Limited, Kallyanpur, Dhaka given information has some discrepancies and rules were broken mentioned below:
 1. At the time of providing information the regulation mentioned section 4(5) attestation rules were not mentioned and it has no acceptance.

It is clearly seen that, all the provided information has been copied with great intelligence by hiding the names of prepared, recommender and all inscribed authoritative signatures. So, the authenticity of the papers are under question and have not modality of acceptance.
 2. As per the section 8(2)(E) the information seeker can visit the main papers, ask for copy or any other approved procedure should be mentioned clearly and the Society authority has clearly denied to present the papers. So the information identification and receiving is still due.
 4. In reality it seems that, as per section 6(2) to keep the reality of the papers hidden intentionally the incomplete paper has been presented. When related information was asked then the society denied to follow the rules. So, the collected information is partial and incomplete.
 5. As per the decision and order of Information Commission within 7 working days that means in 05/12/2012 the information needed to be delivered. As there is no holiday in the society actually total 9 working days have passed. Against it after full 6 idle working days on 30/11/2011 through a letter and on 02/11/2011 at 7.00- 7.30 PM being present in the society office they were requested to identify the documents again. In the meantime, total 12 working days have passed on 08/12/2012 the incomplete/partial papers were provided.

In this situation-

- a. As the papers have been submitted in irregular system, so they can be directed by authority to deliver again as per rules.
- b. Authority is requested to give necessary direction to society to present necessary information and deliver in proper manner.

Before as per the complain of Complainant as per case no 76/2012 dated 26/11/2012, after hearing necessary instruction was given to designated officer to provide information and settled the complaint.

2. The issue has been discussed in the meeting on 14/01/2013 about the complainant filed complain dated 27/12/2012. As per the decision of the meeting on 31/01/2013 the date of hearing was settled and the parties were summoned.
3. As per the summonses issued from the commission, the complainant and Designated Officer presented their statement. The complainant told that, Designated Officer (RTI) provided incomplete information and there was not seal or signature on it. So he applied to commission to get the complete information with the Seal and Sign of Designated Officer (RTI).
4. Kallyanpur Estate Multipurpose Society Limited, Kallyanpur, Dhaka assigned General Secretary and Designated officer Mr. Anisuzzaman Tarafder mentioned in his speech that, the provided information has been provided without seal and sign erroneously. He also ensured to provide the required information as per the application of complainant.

Discussion

After listening to the Complainant and Designated Officer, and reviewing all the submitted proofs, the designated officer ensured that he will provide the necessary information with seal and sign so the complaint seems to be disposable.

Decision

The complaint has been resolved following the instruction given below:

01. The designated officer is directed to provide full information to the complainant with seal and signature.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no:1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.
03. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 09/2013

Complainant:
Mr M A Hai
10/20, Kallyanpur Housing Estate
Kallyanpur, Dhaka-1207

Opposite Party:
Mr. Anisuzzaman Tarafdar
General Secretary
And
Designated Officer
Kallyanpur Estate Multipurpose Society
Limited
Kallyanpur, Dhaka.

Decision Paper

(Date: 31/01/2013)

1. The complainant filed his complaint on 27/12/2012 to Information commission to get solution on the information providing rules by the Kallyanpur Estate Multipurpose Society Limited (reg- 234/84) by his complain no- 77/2012. He mentioned that after hearing on 26/11/2012 the designated officer, Kallyanpur Estate Multipurpose Society Limited, Kallyanpur, Dhaka given information has some discrepancies and rules were broken mentioned below:

1. At the time of providing information the regulation mentioned section 4(5) attestation rules were not mentioned and it has no acceptance.

2. It is clearly seen that, all the provided information has been copied with great intelligence by hiding the names of prepared, recommender and all inscribed authoritative signatures. So, the authenticity of the papers are under question and have not modality of acceptance.

3. As per the section 8(2)(E) wise the information asked person can visit the main papers, ask for copy or any other approved system should be mentioned clearly and the Society authority has clearly denied to present the papers. So the information identification and receiving is still due.

4. In reality it seems that, as per section 6(2) to keep the reality of the papers hidden intentionally, the incomplete paper has been presented. When related information was asked then the society denied to follow the rules. So, the requested information is partial and incomplete.

5. As per the decision and order of Information Commission the information should have been supplied within 7 working days that means within 05/12/2012 but in reality, total 12 working days have passed on 08/12/2012 the incomplete papers were submitted.

In this situation-

a. As the papers have been submitted in irregular system, so they can be directed by authority to deliver again as per rules.

Before as per the complain of Complainant as per case no 77/2012 dated 26/11/2012, after hearing necessary instruction was given to designated officer to provide information and settled the complaint.

2. The issue has been discussed in the meeting on 14/01/2013 about the complainant filed complain dated 27/12/2012. As per the decision of the meeting on 31/01/2013 the date of hearing was settled and the parties were summoned.

3. As per the summonses issued from the commission the complainant and Designated Officer presented their statement. The complainant told that, Designated Officer (RTI) provided information was not complete and there was not seal or signature on it. So he applied to commission to get the complete information with the Seal and Sign of Designated Officer (RTI).

4. Kallyanpur Estate Multipurpose Society Limited, Kallyanpur, Dhaka assigned General Secretary and Designated officer Mr. Anisuzzaman Tarafder mentioned in his speech that, the provided information has been provided without seal and sign erroneously. He also ensured to provide the required information as per the application of complainant.

Discussion

After listening to the Complainant and Designated Officer, and reviewing all the submitted proofs, the designated officer ensured that he would provide the necessary information with seal and sign so the complaint seems to be disposable.

Decision

The complaint has been resolved following the instruction given below:

01. The designated officer is directed to provide full information to the complainant with seal and signature.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no: 1-3301-0001-1807 as per section 9 of the Right to Information Act, 2009 and Rule 8 of the Right to Information (Receipt of Information) Rules,2009.
03. Both the parties are directed to inform the Commission on compliance of the directions.

Send the copies to the concerned parties.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 10/2013

Complainant:
Mr Iqbal Habib
House-70, Road-11/A
Dhanmondi, Dhaka-1205.

Opposite Party:
Sheikh Abdul Mannan
Member (Planning)
RAJUK

Decision Paper

(Date: 03/03/2013)

01. The complainant submitted an application to Sheikh Abdul Mannan, Member (Planning), RAJUK as per RTI Act, 2009 section 8(1) seeking for the information mentioned below:

- 1.) Copy of application to RAJUK for approval of Housing Projects under RAJUK enlistment (with all attachment).
- 2.) Their proposed Mouza name and land amount (as indicated in Project map and Map copy)
- 3.) According to their application, RAJUK taken initiatives and as per Private Land Development Regulation, 2004, section 18 last three year resolution.
- 4.) Approved project map (indicated in map) related information and
- 5.) Permission to see the papers

02. As per the application the necessary information was delivered to the complainant on 17/10/2012, by memo no- RAJUK/Admin/ 33/287/1876. Mentioning the information as incomplete the complainant filed an appeal on 03/12/2012 to the Chairman, RAJUK. When the issue was not resolved then on 08/01/2013 he filed complaint to Information Commission.

03. The issue has been discussed in the commission meeting on 14/01/2013. As per the decision of meeting the both parties are summoned to be present on 31/01/2013 for hearing.

04. The designated officer applied to the commission for extension as on the day of hearing he would be staying abroad for official works. Commission approved the issue and on 03/03/2013 resettled the date of hearing and both the parties were summoned for hearing.

05. On the day of hearing both the complainant and designated officer presented their statement. The complainant mentioned that, as per RTI, 2009, section 1 he applied to the designated officer for information. According to that, vide no- RAJUK/Admin/ 33/287/1876 dated 17/10/2012, he was given information that was incomplete. Being dissatisfied with the issue he appealed to the Chairman, RAJUK. Due to not taken any initiative to resolve the issue he filed the complaint to information commission. The designated officer mentioned that he has asked the complainant to take the information via email, but he also denied that the email was not received.

06. Sheikh Abdul Mannan, RAJUK Member (Planning) and Designated officer mentioned that, as he did not had the information ready under section 1 and requested information was not clear, he asked the concerned section vide memo- RAJUK/Admin/33/287/1697 dated 16/09/2012 to provide such information. As far as the requested information was understood has been sent to him vide memo no

RAJUK/Admin/ 33/287/1876 dated 17/10/2012. Being dissatisfied with the given information the complainant preferred an appeal application to the Chairman, RAJUK. As per the appeal application the complainant was sent an email dated 21/01/2013 for paying the cost of information and checking the documents. But later the complainant did not contact.

Discussion

After listening to the Complainant and the Designated Officer, and reviewing all the submitted proofs, it was found that the complainant's requested information was not specific and clear for which the Designated Officer could not provide them properly. Among the requested information, in serial no: 1 the specific names of RAJUK Housing Projects and in Serial no: 3 the dates, years should be mentioned. If the complainant applied in the proper way then it reveals that the designated officer could have provided all information properly.

Decision

The case is disposed of with the following instruction:

The complainant is directed to submit the request for information clearly as per section 8 of Right to Information Act, 2009.

Send copies to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archaeology Bhaban(2nd Floor)
F-4/A,Agargaon Administrative Area
Sher-e-Bangla Nagar,Dhaka-1207

Complaint No: 11/2013

Complainant:Mr Iqbal Hossain Forkan
Vice Chairman
Bangladesh Co-operative Insurance Ltd
4/G,Concord Grand
169/1 Shantinagar
Dhaka-1207

Opposite Party: Begum Rikta Dutt
Deputy Register
&
Designated Officer
Department of Co-operative,Co-operative Bld
F-10/A-B, Agargaon,Dhaka-1207

Decision Paper

(Date: 31-01- 2013)

4. The complainant submitted an application on 25-09-2013 to the Designated Officer, Department of Co-operative seeking for the following information:

*Attested Photo Copy of Annual Audit Report of Bangladesh Co-operative Insurance Ltd for the year of 2005-2006,2006-2007,2007-2008,2008-2009 & 2009-2010.

*Attested Photo Copy of the letter of Chairman,Bangladesh Co-operative Insurance to the Register vide Memo No-Bacoili/Pro:Ka:/Secretary/2011-143 dated23-10-2011.

*Attested Photo Copy of the letter of Department of Co-operative to the Chairman of Bangladesh Co-operative Insurance Ltd vide Memo No-47.61.0000.027.35.031/93.106 dated 26-04-2012

*Attested Photo Copy of the minutes of Annual General Meeting held on 28-08-2012 & list and names of the members present in the meeting according to the article 19(2) of the Co-operative Society Rules,2004.

5. The Designated Officer informed the applicant that he would be unable to provide the information within the time limit. Being aggrieved he preferred an appeal to the Secretary, Local Government & Rural Development & Appellate Authority. Getting no remedy even on appeal he submitted this petition of complaint to the Information Commission on 08-01-2013.

3. The complaint was discussed in the meeting of the commission on 14-01-2013 and as per decision of the meeting, summonses were issued to the concerned parties fixing date of hearing on31-01-2013.

4. On the date fixed for hearing both the complainant and the opposite party remaining present adduced their statements. The complainant stated in his deposition that he for the information but the designated officer denied to provide the same. Being aggrieved, he preferred an appeal to the appellate authority. Again getting no remedy even on appeal he filed this petition of complaint to the Information Commission.

5. Deputy Register and the Designated Officer of the department of Co-operative Mrs Rikta Dutt in her deposition stated that she does not have any information of para-1. As the third party is involved with the requested information so she sent letters to the concerned wing as well as to Bangladesh Co-operative Insurance Ltd to collect the requested information. The concerned wing informed that under the provision of section 9(8) of Right to Information Act,2009 the aforesaid

society had their interest and they had written objection so there have no scope to provide the requested information according to the section 9(3) of Right to Information Act,2009. So she did not provide the information. Being present here, in the tribunal, she learnt that this is a public document. So, she ensured the commission to provide the requested information after collecting the information from the concerned wing.

Discussion

Considering the statements adduced and documents produced by both the parties it revealed that the requested information is a public document. There is no legal bar in providing the requested information. As the Designated Officer ensured the commission to provide the requested information after collecting from the concerned section, the case seemed to be disposable.

Decision

The case is disposed of with the following directions:

5. The Designated Officer is directed to provide requested information on or before 20-02-2012 subject to realization of cost of information.
6. The Designated Officer is directed to deposit the amount realized as cost of information to the govt. treasury in code no1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and rule 8 of the Right to Information(Receipt of Information) Rules,2009.
7. Both the parties are directed to inform the Commission on compliance of the decisions.

Send the copies of the order to the parties concerned.

sd/-
(Prof. Dr Sadeka Halim)
Information Commissioner

sd/-
(Mohammed Abu Taher)
Information Commissioner

sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archaeology Bhaban(2nd Floor)
F-4/A,Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207
Fax-088-02-9110638

Complaint No: 12/2013

Complainant: Mr Md Abdul Baki
Head Master
Shoulmari Multilateral High School
S/o-Md Omar Ali
Vill: Shoulmari, P.o: Dakaligonj
Uz: Jaldhaka, Dist: Nilphamari.

Opposite Party:Mst Roksana Begum
District Education Officer
&
Designated Officer
Office of the District Education Officer
Nilphamari.

Decision Paper
(Date: 03-03-2013)

01. The complainant submitted an application on 09-10-2012 to Mst. Roksana Begum, District Education Officer & Designated Officer under section 8(1) of the Right to Information Act, 2009 seeking for the following information:

Being the legal Head Master of Shoulmari Multilateral High School, I submitted pay bill of teachers & staff from January 2012 to March 2012, scholarship bill of the students to you under my signature & seal and also under the injunction order of the learned Assistant Judge Court, Jaldhaka, Nilphamari and lifted from the bank under your counter sign. But all on a sudden you cut my name from the pay & festival bill from April 2012 to August 2012. You are kindly requested to inform me the cause of holding my pay & festival bill.

02. Having received no information within the time limit the complainant preferred an appeal to Deputy Director, Secondary & Higher Secondary Education, Rangpur Region & Appellate Authority on 18-11-2012. Getting no remedy even on submission of appeal he lodged the petition of complaint to the Information Commission on 16-01-2013

03. The complaint was discussed in the meeting of the commission on 13-02-2013 and as per the decision of the meeting summonses were issued to the concerned parties fixing date of hearing on 03-03-2013.

04. On the date fixed for hearing both the Complainant and the Designated Officer remained absent. The complainant informed the Commission through letter that he had received the requested information. So, he had no more complaint and he requested the Commission to dispose of the case. The Designated Officer Mst Roksana Begum informed the Commission through letter vide Memo No: Deo/Nil/212 dated 26-02-2013 that requested information had been provided to the complainant. She sent a prayer to the commission to release her from personal appearance and to dispose of the complaint.

Discussion

After examining the documents produced, it reveals that the Designated Officer had provided the requested information to the Complainant and the Complainant received his requested information. The complainant informed the Commission that he had no objection and prayed for the disposal of the complaint; the case seems to be disposable.

Decision

As the complainant informed the Commission that he received his requested information and as he prayed for the disposal of the complaint, hence, the case is disposed of.

Send copies of the order to all the parties concerned.

(Prof. Dr Sadeka Halim)
Information Commissioner

(Mohammed Abu Taher)
Information Commissioner

(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 13/2013

Complainant:
Mr. Md Shahidul Islam
S/O- Md. Anwar Hossain
T, 46/ka, Malgudam
Mymensingh- 2200.

Opposite Party:
Abul Fayez Md. Abid
Finance Advisor and
Chief Accounts Controller/ East, Bangladesh
Railway.
CRB, Chittagong.

Decision Paper
(Date: 03/03/2013)

1. The complainant requested the Finance Advisor and Chief Accounts Controller/ East, Bangladesh Railway, CRB, Chittagong as per RTI Act, 2009 section 8(1) for the information mentioned below:
 - a. How many wards for the post of Auditor from Madaripur District, as per job circular published in Daily Independent, dated 27/04/2011 (Finance Advisor and Chief Accounts Controller/ East Office, Bangladesh Railway.CRB, Chittagong.)
 - b. What is the achieved number in the Viva-voce by the applicant? (Name of the applicant is Md. Shahidul Islam, Name of the Post- Auditor, Roll No- Madari- 131).
N.B. Viva test 02/01/2012 (Center- Meeting Room, T, A Branch, Polo Ground, Chittagong.
 - c. What is the achieved number of written and viva-voce exam of the applicant.?
 - d. What is the total achieved number of the appointed person from ward quota in written and viva-voce exam?
 - e. Separate Tabulation sheet of the Written and Viva test.
 - f. Attested copy of the attendance sheet of the viva test.
 - g. How many auditor has been appointed in final recruitment, on which date and how many from ward quota.

As per the application dated 14/06/2012, the Director of Communication Department, on 01/10/2012 vide memo no- 54.01.0000.002.04.008.12 provided the information. But the complainant was not satisfied to the information and under RTI Act, 2009 section 8(1) applied to the Finance Advisor and Chief Accounts Controller/ East, Bangladesh Railway.

CRB, Chittagong for the information mentioned below:

Information on the appointment of Auditors in Bangladesh Railway (as per the appointment circular in Daily Independent newspaper dated 27/04/2011)

1. The Daily Independent newspaper of 27/04/2011 (published from Finance Advisor and Chief Accounts Controller/ East, Bangladesh Railway. CRB, Chittagong) did not mention that, if the post is less/ the ward quota will not be settled for the district wise applicant. Division wise the children quota will be distributed. As per section 3 from the first total vacant post, as per

regular rules 10% from the orphans/ physically disable and 40% would be reserved for the ward for the Railway officers,that would be divided among district quota. The question is-

- a. The attested information provided to applicant on 23/09/2012 tells that, there was no specific quota for district. Division wise the quota has been distributed. Here the circular mentioned condition says that ward quota would be given from district quota, so from where the division quota came?
- 02) Ward quota of how many districts of Dhaka Division was fixed/ not fixed and how many wards have been appointed finally from the districts?
- 03) How many wards from Madaripur greater district submitted application and how many of them took part in the examination?
- 04) What was the lowest number fixed for pass number in written and viva-voce?
- 05) Copy of the service rules of Bangladesh Railway
- 06) On what basis 63 persons have been appointed against 41 posts mentioned in the advertisement? (Explanation with proof)
- 07) Achieved number of the applicant in viva-voce, photocopy of draft tabulation sheet (No computer print), tabulation sheet of written examination(Name of the examiners with name, designation and signature)
- 08) Attested copy of attendance sheet (Mobile numbers written by the applicants in the attendance sheet)
- 09) The information provided by the authority on 23/09/2012 was oblique so I need original attendance sheet without any alteration.
- 10) How many persons, from which districts, have been appointed finally as Auditor?

Sl No	Name of the quota stated in the circular	Total appointed candidates as per quota	Candidates from districts	Remarks
1.	Orphan ward/Physically Impaired			
2.	Railway ward(Reserved)			
3.	FF Quota			
4.	Female			
5.	Tribal/Ethnic Quota			
6.	Ansar and VDP Quota			
7.	General Applicant			

- b. As per condition 1(tha) of Job circular it is told that, if anyone apply from special quota then with proof the application should be submitted. Additionally in the section 4(cha) it has been mentioned that if the ward quota is limited to 40% then why the total result will not be limited to district quota?

- c. In the information dated 23/09/2012 it has been told that instead of 41 (forty one) person total 63 (sixty three) has been appointed. So, what does the term means, post amount is less?
 - d. Does not the ward quota for Madaripur district is not under district quota? If not, then why the matter was not mentioned clearly in the job circular (pls provide specific information and attested copies of proof)? As an example, it has been mentioned in the circular that candidate from 14 district need not to be applied.
 - e. How the division wise ward quota has been divided? What does it mean by the manpower amount?
2. When the complainant did not receive information then he preferred an appeal on 07/01/2013 to Mr. Abu Taher, Director General, Bangladesh Railway and Appeal Authority, Rail Bhaban, Dhaka. Getting no response, he filed a complaint to the Information Commission on 29/01/2013.
 3. The complaint was in the meeting of the commission on 13/02/2013. As per the decision of the meeting, the date of hearing was fixed on 03/032013 and both parties were summoned.
 4. On the day of hearing both the complainant and the opponent were present and presented their statement. The complainant mentioned that, as per RTI Act, Section8 (1) he has applied to the Finance Advisor and Chief Accounts Controller of Bangladesh Railway. The Director of Communication Department of Rail Bhaban provided information on 01/10/2012 vide memo no 54.01.0000.002.04.008.12. As he was not satisfied with the information he preferred an appeal to Md Abu Taher, Director General of Bangladesh Railway on 07/01/2013. After getting no response from him he filed a complaint to information commission on 29/01/2013.

The Opponent mentioned in his statement that, as per RTI Act, he is not the designated officer. There is a designated officer for the concerned Bangladesh Railway Chittagong, East office. Complainant did not apply to the concerned designated officer and applied to the Finance Advisor and Chief Accounts Controller. He informed that, on 14/06/2013 the complainant has been delivered all required information. He also mentioned that, if the complainant apply for information under RTI Act, 2009 then it would be easier to get information. He applied to the commission to get relief from the charge.

Discussion

Considering the statement adduced and the papers submitted by both the parties it reveals that the complainant has not applied to the designated officer of the concerned office. It would be easier for him to get information if applied properly. The opponent Mr. Abul Fayez Md Abid is the Finance Advisor and Chief Accounts Controller of Bangladesh Railway Chittagong, East office and is not the designated officer of the section. So, he can be released from the charge and the case seems to be disposable as well.

Decision

The case is disposed of with the following directions:

1. The complainant is advised to apply to the proper Designated Officer for information and thus the complaint is resolved.
2. The opponent Mr. Abul Fayez Md Abid is the Finance Advisor and Chief Accounts Controller of Bangladesh Railway Chittagong, East office is released from the charge.

All the concerned should be sent copies.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 14/2013

Complainant:
Mr. Amik Chakma
S/O- Late Maheswar Chakma
Village- Khabang Paria
Post- Upz- Khagrachari
District- Khagrachari Hill Distirct

Opposite Party:
Mr. Jiban Roaja
Executive Engineer
And Designated Officer (RTI)
Hill District Council Khagrachari
Khagrachari Hill District.

Decision Paper

(Date: 29/05/2013)

The complainant requested the Executive Engineer and Designated Officer (RTI), Mr. Jiban Roaza through Registered post letter as per RTI Act, 2009 section 8(1) for the information mentioned below:

* Copy of the written exam and number sheet of Viva -voce of the appointed candidates as Government Primary School Teacher in 2011, to Primary Education Division, Phase- 2 transferred to Khagrachari Hill District Council.

2. Having received no information, the complainant preferred an appeal by registered post to the Chairman and Appellate authority (RTI), of Hill District Council, Khagrachari.

3. The issue has been discussed in the commission on 13/02/2013. As per the decision of the commission, both the parties have been summoned for hearing on 03/03/2013.

4. The complainant and the Designated Officer (RTI) both applied for time extension. Commission allowed their prayer. Both the complainant and the Designated Officer (RTI) were summoned for further hearing on 15/04/2013.

5. On the day of hearing the Complainant Mr. Amik Chakma is present. The Designated Officer (RTI) Mr Jiban Roaza is absent and have applied for time extension again. On behalf of the Designated Officer, his lawyer Mr. Supal Chakma applied for time extension through a Fax at 5.45 PM on 14/04/2013. As 14/04/2013 was a government holiday, the issue of time extension has been presented to hearing on 15/04/2013. In the meantime, the complainant Mr. Amik Chakma was present in the commission. As the opponent was not present, he claimed that he has been harassed and financially faced loss and as compensation applied for 1500/- (one thousand five hundred taka). After considering the application for time extension that was sent lately by the Executive Engineer and designated officer (RTI), Mr. Jiban Roaza was considered leniently by the commission under RTI Act, 2009 section 25 sub clause 11(u) and by paying the TA/DA of the complainant as compensation of 1000/- (one thousand taka), the application is granted. Further, summonses was issued for the next hearing dated 30/04/2013 to the complainant and designated officer (RTI).

6. On the date of hearing, the complainant Amik Chakma was present and the assigned lawyer Mohammed Abdul Halim Faruk, by the Designated Officer (RTI), Mr. Jiban Roaza applied to time extension to submit the explanation in written. Commission considered the application again with the condition to pay the complainant TA/DA 1200/- (one thousand two hundred taka). The next date of hearing was 09/05/2013 and both the complainant and designated officer were summoned.

7. Due to hartal, the date of hearing was shifted from 09/05/2013 to 29/05/2013 and informing the issue it was summoned to complainant and the designated officer again.

8. On the date of hearing, the complainant Mr Amik Chakma was present and on behalf of the Designated Officer (RTI) Mr. Jiban Roaza, assigned lawyer Mr. Mohammed Abdul Halim Faruk presented their statement. The complainant mentioned in his statement that under RTI Act, 2009 section,8 (1) he has applied for the information. When he failed to get the information then he preferred an appeal to the Appellate Authority (RTI). When the issue was not resolved then he filed complaint to the Information Commission.

9. On behalf of the Designated Officer (RTI), Mr Jiban Roaza, his assigned lawyer, Mr. Mohammed Abdul Halim Faruk mentioned in his statement that, the applicant applied for information on 03/12/2012. On that time Mr. Jiban Roaza, the Designated Officer (RTI) was abroad in a government work. For that reason, the information could not be provided in time. The applicant has asked for the Copy of the written exam and number sheet of Viva of the appointed candidates of Government Primary School Teacher, to Primary Education Division Phase-2 transferred to Khagrachari Hill District Council. Khagrachari Hill District Council thought that it was not mandatory to provide. The applicant did not participate in the examination. He does not have the right to get the exam paper copy of others. This issue can create such chaos later or social instability can occur. As per the commission comment, 'After all the published exam result, the achieved number of participant would be considered as public document', the assigned lawyer on behalf of the Designated Officer (RTI), Mr. Mohammed Abdul Halim Faruk ensured that the Copy of the written exam and number sheet of Viva-voce of the appointed candidates of Government Primary School Teacher, to Primary Education Division Phase-2 would be provided to the complainant. But he requested commission that providing copy of written exam papers might create any legal problem later.

10. The Designated Officer's (RTI) assigned lawyer, Mr. Mohammed Abdul Halim Faruk mentioned in written statement that, as Mr. Amik Chakma was not a candidate for the exam, necessary information was not delivered to him. On hearing even the complainant also did not oppose the statement.

Discussion

Considering the statement adduced and the papers submitted by the both parties it reveals that the Designated Office (RTI) was abroad so the information could not be delivered on time. As the complainant is not the candidate of same exam, so the Copy of the written exam and number sheet of Viva of the appointed candidates of Government Primary School Teacher, to Primary Education Division Phase-2 was not provided to him. Though, the complainant Mr. Amik Chakma was not himself a candidate of the exam, so he did not oppose the statement and it revealed that providing such information to him will not be proper. As the Designated officer's assigned Lawyer ensured that the number of viva would be delivered to the complainant, the issue seems to be disposable.

Decision

The complaint is disposed of with the following directions:

01. The designated officer is directed to provide the information to complainant on or before 06/06/2013.
02. Though the complainant Mr. Amik Chakma was not a participant of the exam, so the designated officer (RTI) is instructed not to provide the written exam paper copy to the complainant.

03. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no: 1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.
04. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 15/2013

Complainant:
Mr. Amik Chakma
S/O- Late Maheswar Chakma
Village- Khabang Paria
Post- Upz- Khagrachari
District- Khagrachari Hill Distirct

Opposite Party:
Mr. Jiban Roaja
Executive Engineer
And Designated Officer (RTI)
Hill District Council Khagrachari
Khagrachari Hill District.

Decision Paper

(Date: 29/05/2013)

1. The complainant requested the Executive Engineer and designated officer (RTI), Mr. Jiban Roaza through Registered post letter as per RTI Act, 2009 section, 8(1) for the information mentioned below:

1. How much food grain has been allotted to the Hill District Council of Khagrachari in the financial year 2011-12, with copy of specific papers
2. Against those allotted food grain how much project has been allotted, the copy of the project names.

2. When the complainant did not receive the information in time, he appealed to the Chairman and Appeal Authority, Hill District Council, Khagrachari, Mr. Kujendra Lal Tripura by registered post. But when he got no response on the issue he complained to Information Commission on 30/01/2013.

3. The issue has been discussed in the meeting of the commission on 13/02/2013. As per the decision of the meeting, both parties were summoned for hearing on 03/03/2013.

4. Both the complaint and the Designated officer applied to commission for time extension. Commission accepted their application and resettled the date for hearing on 15/04/2013 and summoned both the complainant and the designated officer.

5. On the date of hearing the complainant Mr. Amik Chakma was present. The designated officer (RTI) Mr. Jiban Roaja was absent. His assigned lawyer, Mr. Supal Chakma requested for time extension via fax at 5.45 PM on 14/04/2013. Due to 14/04/2013 was a government holiday the paper was presented to commission at the time of hearing on 15/04/2013. Commission accepted the application for time extension of Mr. Jiban Roaza, Designated Officer. On 30/04/2013 was the new date of hearing and both the parties were summoned.

6. On the date of hearing the complainant Mr. Amik Chakma was present and the Designated Officer's assigned lawyer Mr. Mohammed Abdul Halim Faruk applied for time extension to submit written application. Commission approved the time and next date of hearing was set on 09/05/2013 and both the parties were summoned.

7. Due to blockade the date of hearing was resettled from 09/05/2013 to 29/05/2013. Both the complainant and the Designated Officer were summoned about the next date of hearing.

8. On the date of hearing the complainant Mr. Amik Chakma was present and the Designated Officers' assigned lawyer, Mr. Mohammed Abdul Halim Faruk presented his statement. The complainant mentioned, as per RTI Act, 2009 section 1 he applied for information. When he was not provided with the

information, he preferred an appeal to the appellate authority. When he got no response then he filed the complaint to Information Commission.

9. On behalf of the Designated Officer, the lawyer Mr. Mohammed Abdul Halim Faruk told that the applicant applied for information on 03/12/2012. In the meantime, Mr. Jiban Roaza, Designated Officer was abroad, so he could not provide the information. The complainant was asked to pay the information price via a letter vide memo no- 29.236.016.33.66.001.2011-5075 dated 24/04/2013. But the complainant did not collect information. When the commission asked as the required information is preserved properly and can be delivered to the complainant, then in answer the lawyer informed that, all the information is collected and preserved and ensured to deliver to the complainant.

Discussion

After listening to the Complainant and Designated Officer, and reviewing all the submitted proofs, it was found that the Designated Officer was in abroad, so the information could not be delivered. As the Designated Officer's assigned lawyer ensured that the required information would be delivered so, the case seems to be disposable.

Decision

The complaint has been resolved following the instructions given below:

01. The designated officer is directed to provide the information to complainant within on or before 06/06/2013.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no:1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.
03. Both parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 16/2013

Complainant:
Mr. Farid Ahmed
S/O- Late Mohammed Ismail
Flat-N-12, Dom Inno Invierno
170-171, Elephant Road, Hatirpool
New Market, Dhaka.

Opposite Party:
Mr. Md. Humayun Kabir
Director and designated officer
National Human Rights Commission
Gulfesha Plaza (13th floor)
8 Shahid Selina Parvin Road,
Magbazar, Dhaka-1217.

Decision Paper

(Date: 03/03/2013)

- 01.** The complainant submitted an application on 29/12/2012 to the Designated Officer and Director, National Human Rights Commission under section 8(1) of the Right to Information Commission seeking for the following information:
 - 1) Did the matter of reticent Lemon come to Human Rights Commission in written? Did the Human Rights commission take cognizance of the issue of Lemon suomoto? Is there any decision of the Commission about this? Copy/copies of those decisions.
 - 2). Does the Human Rights Commission have investigated the complaint of making Lemon disable by RAB; Filing false case against him and his family? If so, what is the result of the investigation? Did Human Rights Commission recommend to investigate the matter to the Ministry of Home Affairs? On the basis of the recommendation, did the MOHA investigate the matter and submit any report? If given, then as per the report did the Human Rights Commission recommend any departmental proceeding against the concerned Rab/Police Officers? If so, then I need the copy of the recommendation and investigation report.
- 02.** Having received no information, the complainant preferred an appeal to the National Human Rights Commission Secretary, Mr. Md. Tajul Islam Chowdhury on 04/01/2013. Getting no result even on submission of appeal, he submitted this complaint to the Information Commission on 30/01/2013.
- 03.** The complaint was discussed in the meeting of the Commission on 13/02/2013. As per the decision of the meeting both the parties were summoned fixing the date of hearing on 03/03/2013.
- 04.** On the date of hearing, the complainant's assigned lawyer Md. Abdul Halim and Designated Officer given their statement. The complainant's assigned lawyer mentioned that, as per the provision of section 8(1) of the RTI Act, 2009 information was sought for mentioned in para-1 and 2. When he failed to get the information, then he preferred an appeal to Appellate Authority. Getting no response, he submitted this complaint to Information Commission.
- 05.** Designated Officer of National Human Rights Commission, Mr. Md. Humayun Kabir informed that due to his staying abroad, he could not provide information in time. After getting the appeal, the complainant was summoned to be present in the appeal hearing. As the complainant was not present in appeal hearing, the appellate authority rejected the appeal. Being summoned by Information Commission, the Designated Officer informed verbally, that the requested information can be provided to the complainant.

Discussion

Considering the statements adduced and papers submitted by the parties, it reveals that the Designated Officer was abroad so the information could not be delivered. As the Designated Officer ensured that the required information would be delivered so, the case seems to be disposable.

Decision

The case is disposed of with the following directions:

01. The designated officer is directed to provide the information to the complainant within or before 10/03/2013.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no:1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.
03. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 17/2013

Complainant:
Mr. Shekh Rabiul Islam
S/O- Late Shekh Abdur Rab
136/1, West Kafrul (4th Floor)
Agargaon, Dhaka.

Opposite Party:
Mr. Md. A K M Fazlul Haq
Assistant Director
And
Designated Officer
BIAM Foundation, 63, New Eskaton, Dhaka.

Decision Paper

(Date: 03/03/2013)

1. The complainant filed a complaint on 04/02/2013 to Information Commission with reference to his complaint no 89/2012.

He mentioned in the complaint that, after hearing the complaint no: 89/2012 on 31/12/2012 the Information Commission directed Begum Nurun Aktar, Assistant Director (Training) and Designated Officer, BIAM Foundation, 63, New Eskaton, Dhaka to provide the information within 7 January 2013. But she has violated the order of Information Commission and have not provided the information yet.

2. The issue was discussed in the meeting of Commission on 13/02/2013. As per the decision of the meeting date of hearing was fixed on 03/03/2013 and both parties were summoned.

3. On the date of hearing both the complainant and the Designated Officer remaining present adduced their statements. The complainant stated that, as per the decision of the complaint no 89/2012 on 31/12/2012, he was not provided with the information within 07/01/2013. After getting the decision paper on 26/02/2013 the Designated Officer provided only partial information.

4. The Designated Officer, Mr. A, K, M Fazlul Haque of BIAM Foundation informed that, he has joined as the Designated Officer recently. After getting the charge as Designated Officer, as far as possible, he has collected information and provided on 26/02/2013. He is trying to get the information. He will provide the rest of the information when available.

Discussion

After hearing the statements of both the parties and considering the documents submitted it reveals that the Designated Officer provided partial information. As the designated officer ensured to provide requested information to the complainant, the case is considered to be disposable.

Decision

The case is disposed of with following directions:

01. The Designated Officer is directed to provide the information to the complainant on or before 12/03/2013 subject to realization of cost of information.

02 .The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no: 1-3301-0001-1807 as per section 9 of the Right to Information Act, 2009 and Rule 8 of the Right to Information (Receipt of Information) Rules, 2009.

03. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 18/2013

Complainant:
Mr. Ripon Chakma
S/O- Suniti Chakma
Village- Khabang Paria
Post- Upz- Khagrachari
District- Khagrachari Hill Distirct

Opposite Party:
Mr. Jiban Roaja
Executive Engineer
And Designated Officer (RTI)
Hill District Council Khagrachari
Khagrachari Hill District.

Decision Paper
(Date: 15/04/2013)

1. The complainant submitted an application on 12/12/2012 to the Executive Engineer and Designated Officer (RTI), Mr. Jiban Roaza through Registered letter as per the provision of section 8(1) of RTI Act, 2009 seeking for the information below:

* Copy of the written exam and number sheet of Viva -voce of the appointed candidates as Government Primary School Teacher in 2011, to Primary Education Division, Phase- 2 transferred to Khagrachari Hill District Council.

Without receiving the paper in time the complainant preferred an appeal to the Chairman and Appellate Authority (RTI) of Hill District Council, Khagrachari on 22/01/2013, by registered letter. Again getting no remedy even on submission of appeal, he filed this complaint to the Information Commission on 17/02/20163.

2. The complaint was discussed in the meeting of the Commission on 14/03/2013 and as per the decision of the meeting summonses were issued to both the parties fixing the date of hearing on 15/04/2013.
3. The complainant was absent on the date of hearing and have not applied for time extension. On behalf of the Designated Officer, the assigned lawyer applied for time extension through Fax on 14/04/2013. Commission granted the prayer.

Discussion

As the complainant is absent without any intimidation, it reveals that he does not have the need for the information.

Decision

As the complainant is absent without any intimidation and have not applied for time extension, so the complaint is dismissed.

Send copies of the order to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 19/2013

Complainant:
Mr. Md. Forkan
S/O- Md. Salek Mia
Badsha Plaza, Level-3, 20 Link Road,
Bangla Motor Mor, Dhaka-1000.

Opposite Party:
1. Mr. Md. Humayun Kabir
Director (Admin and Finance)
And Designated Officer (RTI)
National Human Rights Commission
Gulfesha Plaza (13th Floor)
8 Shahid Selina Parvin Road
Mogbazar, Dhaka-1217.
2. Mr. Md. Tajul Islam Chowdhury
Secretary and Appeal Authority(RTI)
National Human Rights Commission
Gulfesha Plaza (13th Floor)
8 Shahid Selina Parvin Road
Mogbazar, Dhaka-1217.

Decision Paper

(Date: 29/05/2013)

1. 1. The complainant submitted an application on 29/11/2012 to Mr. Md. Humayun Kabir, Director (Admin and Finance) and Designated Officer (RTI), National Human Rights Commission, Gulfesha Plaza (13th Floor), 8 Shahid Selina Parvin Road, Mogbazar, Dhaka-1217 under section 8(1) RTI Act, 2009 seeking for the information mentioned below:
 - 1) It is the duty of the Commission under National Human Rights Act, 2009 to make a regulation where detailed rules would be given for taking complains, settle complains etc. Does the commission have made these sort of regulation?. If made, then one copy should be provided.
 - 2) How does Commission investigate the violation of human rights? That means what is the modus operendi? Who remain present on the investigation? Is anybody allowed on behalf of the complainant in time of investigation? Who signs in the investigation report? How many complaints have been investigated in 2010, 2011 and 2012? In how many of them Commission has got prove for violation? I need the investigation reports of 2011 and 2012.
 - 3) As per RTI Act, 2009 how many information has been provided by NHRC? Is there any application seeking for information submitted? How many information has been provided in the year 2012.
 - 4) On which date Human Rights Commission has appointed Information Officer and Appeal Authority under RTI Act and informed the Information Commission? I need the copy of the appointment letter.
2. Having received no information, he preferred an appeal to Appellate Authority (RTI) and Secretary, National Human Rights Commission Mr. Md. Tajul Islam Chowdhury on 03/01/2013. After appealing the Designated Officer (RTI) provided information vide memo no: NHRC/Info/213/12/409 on dated 27/01/2013. Getting no remedy the complainant filed a complaint to the Information Commission on 19/02/2013.

3. The issue was discussed in the meeting of the Commission on 14/03/2013 and as per the decision of the meeting concerned parties were summoned for hearing on 15/04/2013.
4. On the date of hearing the complainant, an assigned lawyer on behalf of him, Mr. Md. Abdul Halim, and Designated Officer (RTI) were present. The Designated Officer (RTI) informed that the requested information could not be provided as because he did not receive any application. Later on, after appeal hearing the information was provided. As the complainant was not satisfied with the information, another date of hearing was fixed on 30/04/2013 for hearing and the complainant, Designated Officer (RTI) and Appellate Authority (RTI) were summoned.
5. On the date fixed for hearing the Designated Officer (RTI) applied for time extension. Commission granted the petition and fixed another date of hearing on 29/05/2013 and summonses were issued on Complainant, Designated Officer (RTI) and Appellate Authority (RTI).
6. On the date of hearing an assigned lawyer on behalf of the complainant, Mr, Mr Abdul Halim, Designated Officer (RTI) and Appellate Authority (RTI) were present. Complainant stated in his statement that, he applied for information in para-1, as per the provision of RTI Act, 2009. Having received no information he preferred an appeal to the Appellate Authority(RTI). Then after hearing in appeal the information was provided. Being dissatisfied with the information he filed a complaint to Information Commission. He mentioned that the information provided by the Human Rights Commission is partial and incomplete. He requested to Information Commission for resolving the issue.

Designated Officer (RTI) mentioned in his statement that, he could not provide information to the complainant as because he did not receive the application. After appeal hearing he came to know about the issue and provided information to the complainant. But the complainant being dissatisfied with the information, filed complaint to the Information Commission. At the time of hearing Designated Officer (RTI) mentioned that, as much as the portion of the requested information has been provided. He assured to provide rest information requested in specific and clear format.

Discussion

After hearing the concerned and considering the documents submitted, it reveals that the Designated Officer has provided a partial portion of information to the complainant. As the Designated Officer ensured to provide the requested information to the complainant, the case is considered to be disposable.

Decision

The case is disposed of with following directions:

01. The Designated Officer is directed to provide the rest information to complainant subject to realization of cost of information.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no:1-3301-0001-1807 as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.
03. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 20/2013

Complainant:
Mr. Ferdous Hasan
S/O- Md. Hasan Ali Sheikh
JC Road, Dhanbandi
Sirajgonj.

Opposite Party:
I. Sultana E Rowshan
Assistant Monitoring Officer
District Primary Education Officer's Office
Rajshahi

Decision Paper

(Date: 15/04/2013)

01. The complainant submitted an application to Sultana E Roshan, Designated Officer (RTI) of District Primary Education Officer's Office, Rajshahi, under RTI Act, 2009 section 8(1) seeking for the information mentioned below:

1). How many primary, private registered and community school in the district? How many students, present teachers, vacant post of teachers and shifts are there? If there is teacher shortage then what is the reason, and how the curriculum activities of the schools are being conducted? If there is not satisfactory result of the students then what are the actions taken? A copy of that. Student attendance in those schools. If, the attendance rate is not satisfactory then a copy of the actions taken against the concerned.

2). What is the duty of District Primary Education Officer? From the date of application how many head master/ assistant teacher has been transferred in last 5 years? What was the reasons for transfer? Copy of transfer policy. Name, list of the applicant teachers with name of schools.

3). After joining of the District Primary Education Officer Nafisa Begum to the workplace, how many head master and assistant teacher have been provided attachment? Their name and schools. Copy of the attachment policy. Name of the teachers provided with PTI school experimental attachment. The name of their main school and the presently serving school. Copy of PTI school experimental attachment policy.

4). Present situation of the disposable pension files till date of application after joining the present District Primary Education Officer? How many have been submitted? Reasons for objection, teachers' name and school's name. How many departmental cases are ongoing against the teachers? Present situation of the cases. Reasons for case and names of teachers. How many teachers have received promotion? If given, then through which regulation it has been given? Name of the promoted teachers and name of schools.

5). District Primary Education Officer, Nafisa Begum's husband and father's present address. Mentioned permanent and present address in application. Joining date to present office.

6. Name of the Upazila Education officer, present office address and date of joining to service. What was their educational qualification, present and permanent address as per application. After joining how many schools have been visited? Schools' name, date, time mentioned visit book copy. How many teachers have been transferred and given attachment? Name of the applicant teacher. Copy of transfer regulation. Sub Cluster regulation copy. Training date, time, present teacher, officers' name and designation under last 5 year sub cluster. Copy of Sub Cluster Training Monitoring and sent report to proper authority.

7). Final result copy of the Assistant Teacher Appointment 2010 for Private Registered Primary Schools. Finally selected applicants (as per job application) with educational qualification, name, present and permanent address. Assigned school and teachers' name (Union merit and female quota wise). Copy of posting regulation. Final result copy of the Assistant Teacher Appointment 2011 for Government Primary Schools with (as per job application) educational qualification, name, present and permanent address of the applicants and posted schools' name. Posting regulation copy.

Having received no information within specific time, the complainant preferred an appeal to the Deputy Director Primary Education, Rajshahi Division and Appellate Authority, Mr Nazimuddin on 06/01/2013. Getting no response after submission of appeal, he filed a complaint to the Information Commission on 20/02/2013.

2. The issue was discussed in the meeting of the commission on 14/03/2013. As per meeting decision concerned parties were summoned on 15/04/2013 for hearing.

3. On the date of hearing both the complainant and opposition party given their statement. Complainant mentioned that he applied to the Designated Officer seeking for some information mentioned in para-1 under RTI Act, 2009. Failed to get proper response he preferred an appeal to the Appellate Authority. Without getting any response, he filed this complaint to the Information Commission.

4. In the statement of the opposition party she said that she is not the assigned Designated Officer under RTI Act. There is an assigned Designated Officer in District Primary Education Officer's office, Rajshahi. A letter regarding this issue has been sent to the complainant.

Discussion

Considering the statement adduced by the complainant and document produced it was found that the complainant has not applied to the assigned Designated Officer of the District Primary Education Officer's office, Rajshahi. As the opposing party, Sultana E Rowshan, Assistant Monitoring Officer from District Primary Education Officer's office, Rajshahi is not the Designated Officer, so she should be released from the charge and the complaint seems to be disposable.

Decision

The complaint is disposed of with following instruction:

01. To get the required information, the complainant should file application to the concerned Designated Officer.
02. The opposition Begum Sultana E Roshan, Assistant Monitoring Officer, District Primary Education Officer's office, Rajshahi is released from the charge.

Send copies of the order to the concerned parties.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-21/2013

Complainant: Mr. Md. Abdul Halim

Father: Late Abul Hashem Akan
Room no.-403, Supreme Court Bar
Association Bhaban
Bangladesh Supreme Court, Dhaka.

Opposite Party: Mr. Md. Humayun Kabir

Director (Admin & Finance)
& Designated Officer (RTI)
National Human Right Commission
Gulfesha Plaza (13th floor)
8 Shahid Selina Parvin Road
Moghbar, Dhaka-1217.

02) Mr. Md. Tajul Islam Choudhury

Secretary & Appellate Authority (RTI)
National Human Rights Commission
Gulfesha Plaza (13th floor)
8, Shahid Selina Parvin Road
Moghbar, Dhaka-1217.

Decision Paper

(Date: 29-05-2013)

- 01)** The complainant filed a petition on 13-12-2012 to **Mr. Md. Humayun Kabir**, Director (Admin & Finance) and the Designated Officer (RTI), National Human Rights Commission, Gulfesha Plaza (13th floor) 8, Shahid Selina Parvin Road, Moghbar, Dhaka-1217, seeking for the following information as per section 8(1) of Right To Information Act, 2009-

S.N	Question	Information requested
1.	Has the Commissioner submitted its 2011 report to the President of Bangladesh as a requirement of section-22 of the Act?	If yes, please tell me the date of such submission. If not, can you please tell me how the commission can upload its report on its website without submitting it to the President?
2.	How many recommendations have so far been made to the government or ministries under Department -19(1)(ka) when the commission found violation of human rights?	Copies of such recommendation needed, if any.
3.	Has the commission so far made any recommendation for interim compensation to any victim or victim's family member under Department -19(2) and 15(7)?	
4.	Has the commission framed any rule of mediation under Department 15?	If yes, I need a copy of the rules. If not, can you please tell me how the commission arrange and operate this mediation? How many members do represent this mediation? I need of copies of three mediations disposed of.
5.	How many human rights violation have so far been dealt with by the commission in its suo motu jurisdiction in 2011 and 2012?	I need copies of 5 suo motu matter and the decisions by the commission.

6.	Has the commission so far asked for any report from the government under Department 18(1) against armed forces for violation of human rights?	If yes, in how many cases? I need 3-4 copies of such letter asking for report.
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- 02) Having no information within the stipulated time, the complainant preferred an appeal to Mr Tazul Islam Chowdhury, the Appellate Authority (RTI) and the Secretary of National Human Rights Commission on 03-01-2013. Immediately after lodging the petition the Designated Officer provide the information to the complainant vide memo no.- NHC/InformationPro:/213/410 on 27-01-2013. Being dissatisfied with the information provided, the complainant submitted this complaint on 25-02-2013 to the Information Commission.
- 03) The complaint was discussed in the meeting of the commission on 14-03-2013 and as per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15-04-2013.
- 04) On the date of hearing, the complainant and the Designated Officer (RTI) remaining present adduced their statements. As the Designated Officer (RTI) did not receive any petition so, it was not possible for him to provide the information in time. Information was provided after the appeal hearing. Since the complainant was not satisfied with the information provided, for ensuring his verified information fixing the date of next hearing on 30-04-13 summonses were issued to the complainant, Designated Officer (RTI) and the Appellate Authority (RTI).
- 05) The Designated Officer (RTI) lodged petition seeking time. The Commission granted the time and fixed the date of hearing again on 29-05-2013 and issued summonses to the complainant, Designated Officer (RTI) and the Appellate Authority (RTI).
- 06) The complainant and the Designated Officer (RTI) are appeared. The complainant mentioned in his statement that, according to the Right To Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking the information mentioned in chapter no.01. Not getting the prayed information he lodged appeal to the Appeal Authority. He was provided information after the appeal hearing. As he was not satisfied with the gotten information he lodged complaint to the Information Commission. Mentioning the provided information as partial and incomplete by the Human Right Commission he prayed solution from the Information Commission.
- 07) Designated Officer (RTI) mentioned in his statement that, as he did not get any application for the complainant for getting the information he could not provide the information in due time. In the next time after the appeal hearing being informed about the application of getting the information of the complainant he provided the prayed information of the complainant. The partial information out of the prayed information of the complainant has been sent by the Human Rights Commission. He gave surety to the complainant to provide rest of the information after reviewing the National Human Rights Commission Act, 2009 and Right To Information Act, 2009 on the basis of decision taken in the next meeting by the National Human Rights Commission and on the basis of the opinion by the Ministry of Home Affairs.
- 08) So, that it is not delayed or complication to provide the prayed information of the complainant for that purpose the Information Commission reviewing with the complainant and the Designated Officer (RTI) determined the following information to be provided:-
- The complainant informed to the commission that the information mention in serial no.01 has been provided correctly. So, no action is needed in this matter.
 - In case of serial no. 02 reviewing the Right To Information Act, 2009 and National Human Right Commission Act, 2009 and if it is required the approval of the third party that means the Ministry of Home Affairs, information might be provided after getting that approval. If it is not possible to be provided it can be notified to the complainant mentioning its cause.

- In case of the information of serial no. 03 & 06 information might be provided if the approval of the Ministry of the Home Affairs is got.
- In case of the information of serial no. 04 information might be provided if the approval of the National Human Rights Commission is got.
- In case of the information of serial no. 05 information might be provided as per the decision of the meeting of the National Human Rights Commission held after today's hearing of the Information Commission

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted documents it reveals that, the Designated Officer (RTI) provided the partial information to the complainant. As the Designated Officer (RTI) assured to provide the rest of the information to the complainant after reviewing the National Human Rights Commission Act, 2009 and Right To Information Act, 2009 and as per the decision of the meeting of National Human Rights Commission after today's hearing and according to the direction received from the Ministry of Home Affairs so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Designated Officer (RTI) is directed to provide the requested information to the complainant on or before 06-06-2013 subject to realization of cost of information after reviewing the National Human Rights Commission Act, 2009 and Right to Information Act, 2009 and as per the decision of the meeting of National Human Rights Commission after today's hearing and according to the opinion from the Ministry of Home Affairs .
- The Designated Officer is directed to deposit the amount realized as cost of supplied information as per section 9 of the Right to Information Act,2009 and Rule 8 of the Right to Information(Information finding related) Rules, 2009 to the govt. treasury in code no: 1-3301-0001-1807.
- Both parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 22/2013

Complainant:

Mr. Alauddin Al Masum
S/O- Late Md. Yakub Ali
624/2, Ibrahimpur
PS-Kafrul, Dhaka.

Opposite Party:

1. Syed Shariful Islam
Assistant Commissioner (Land) and
Designated Officer
Gulshan Circle, Dhaka.
2. Md. Abdullah Al Mamun Talukder
Assistant Commissioner (Land)and
Designated Officer
Tejgaon Circle (14/2), Topkhana Road.
Dhaak-1000

Decision Paper

(Date: 16/04/2013)

The complainant submitted an application to Syed Shariful Islam, Assistant Commissioner (Land) and Designated Officer under section 8(1) of the Right to Information Act,2009 seeking for the following information:

* Information on how many mutations completed for the land of SA Khatian No- 102, SA Plot No- 2473, Land Amount 0.4600 Acre under Vatarra Mouza, Tejgaon PS, previously Gulshan under Dhaka district, in ascending order. Information on how many mutations completed for the land of SA Khatian No- 102, SA Plot No- 2473, Land Amount 0.4600 Acre under Vatarra Mouza, Tejgaon PS, previously Gulshan under Dhaka district, in ascending order.

Assistant Commissioner (Land) and Designated Officer Syed Shariful sent a notice of regret on 03-05-2012 vide memo no: Ac(L)(Gul)31/2 that he will be unable to provide the requested information as the concerned information is preserved in Tejgaon Circle office. Later he submitted application to Mr. S M Shafique, Assistant Commissioner (land) and Designated Officer, Tejgaon Circle,14/2, Topkhana Road, Dhaka seeking for the the information below: . Information on how many mutations completed for the land of SA Khatian No- 102, SA Plot No- 2473, Land Amount 0.4600 Acre under Vatarra Mouza, Tejgaon PS, previously Gulshan under Dhaka district, in ascending order.

The Assistant Commissioner (Land) and Designated Officer Mr S M Shafique provided the information on18-06-2012 vide memo no- AC(L)/Tej/2012-652(Sang). Being dissatisfied with the information the complainant preferred an appeal to Md. Mahibul Haq, DC,Dhaka and Appellate Authority. Getting no response on submission of appeal, he filed this complaint to the Information Commission on 28/02/2013.

2.The complaint was discussed in the meeting of the commission held on 14/03/2013 and summonses were issued to the concerned parties fixing the date of hearing on 16/04/2013.

3. On the date of hearing the complainant and Designated Officer remaining present and adduced their statements. The complainant mentioned that, he did not get any information on submission of his request mentioned in para-1 under the provision of RTI Act, 2009. Without getting any response he preferred an appealed to the Appellate Authority. When he did not get any response then he filed a complaint to the Information Commission.

4. Designated Officer of Gulshan Circle Syed Ashraf Islam told that from 2012 Tejgaon Circle is separated from Gulshan Circle. There is no mutation register that means no register-9 in the circle. After separation the mutation has been done and preserved at Tejgaon Circle.
5. The Tejgaon Circle Designated Officer, Mr. Abdullah Al Mamun Talukder mentioned that on 17/12/2012 he joined as Assistant Commissioner (Land). He came to know about the issue when query was done from Information Commission. In this case, he discussed with Assistant Commissioner (Land), Gulshan Circle, Dhaka to solve the issue. He informed the commission that, after verifying the data from Register 9, Register-2 of Vajara Mouza, under Gulshan Circle the information can be provided.
6. Both the Designated Officers of two circles mentioned that, the complainant's requested data has been preserved to any one of the circles. It is possible to share necessary data among them and the data can be provided. According to their comments the Designated Officer of Tejgaon circle with the help of Designated Officer of Gulshan Circle ensured to provide the required data.

Discussion

Considering the statements adduced and the papers submitted by both the parties it reveals, that the Designated Officer of Gulshan Circle has provided partial information. The Designated Officer of Tejgaon Circle, with the help of Designated Officer of Gulshan Circle, ensured to provide the required information to the complainant, the case seems to be disposable.

Decision

The complaint is disposed of with the following instructions:

01. The Designated officer of Tejgaon Circle is instructed to provide necessary information to the complainant on or before 02/05/2013 subject to realization of cost of information.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no: 1-3301-0001-1807 as per section 9 of the Right to Information Act, 2009 and Rule 8 of the Right to Information (Receipt of Information) Rules, 2009.
03. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 23/2013

Complainant:

Mr. Alauddin Al Masum
S/O- Late Md. Yakub Ali
624/2, Ibrahimpur
PS-Kafrul, Dhaka.

Opposite Party:

1. Syed Shariful Islam
Assistant Commissioner (Land) and
Designated Officer
Gulshan Circle, Dhaka.
2. Md. Abdullah Al Mamun Talukder
Assistant Commissioner (Land) and
Designated Officer
Tejgaon Circle (14/2), Topkhana Road.
Dhaak-1000

Decision Paper

(Date: 16/04/2013)

The complainant submitted an application on 26-04-2012 to Syed Shariful Islam, Assistant Commissioner (Land) and Designated Officer under section 8(1) of the RTI Act, 2009 seeking for the following information:

* Information on how many mutations has been done for the land of RS Khatian No- 1618, Plot No- 6600, Land Amount 0.2300 Acre under Vatara Mouza, previously Gulshan Ps under Dhaka district, and how much land is mutated, in whose name, in ascending order.

Assistant Commissioner (Land) and Designated Officer Syed Shariful Islam sent a regret letter to the complainant on 03/05/2012, vide memo no- ACL(Gul)31/1 that the concerned information is preserved in Tejgaon Circle office. Later on the complainant submitted an application to Assistant Commissioner (land) and Designated Officer, Mr. S M Shafique, 14/2, Topkhana Road, Tejgaon Circle, Dhaka under section 8(1) of the RTI Act, 2009 seeking for the same information.

The Assistant Commissioner (Land) and Designated Officer Mr. S M Shafique provided information as per memo no- AC (L)/Tej/2012-653(Sang) on 18/06/2012. Being dissatisfied with the information the complainant preferred an appeal to DC (Dhaka) and Appellate Authority Mr. Md. Mahibul Haque. When he got no response from there, he filed this complaint to the Information Commission on 28/02/2013.

2. The issue has been discussed in the meeting of the commission on 14-03-2013. As per the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 16/04/2013.

3. On the date of hearing the complainant and Designated Officer remaining present adduced their statements. The complainant mentioned that, under RTI Act, 2009 he has applied to the Designated Officer for some information. Without getting any response he preferred an appeal to the Appellate Authority. When he did not get any response from the appellate authority then he filed a complaint to the Information Commission.

3. Syed Shariful Islam, Assistant Commissioner(Land), Gulshan Circle and Designated Officer told that from 2012 Gulshan Circle is separated from Tejgaon Circle. There is no mutation register i,e register- 9 in circle. After separation the mutation has been done are preserved at Tejgaon Circle.

4. The Tejgaon Circle Assistant Commissioner (Land) and Designated Officer, Mr. Abdullah Al Mamun Talukder mentioned that he joined as Assistant Commissioner (Land) on 17-12-2012. He came to know about the issue when query was done from Information Commission. In this case he discussed with Assistant Commissioner (Land), Gulshan Circle, Dhaka to solve the issue. He mentioned to the commission that, after verifying the data from Register 9, Register-2 of Vatarā Mouza, under Gulshan Circle the information can be provided.
5. The Commission observed after hearing both the Designated Officers of both circles that, the complainant's requested information has been preserved to any one of the circles. It is possible to share necessary information among them and the information can be provided. According to their comments the Designated Officer of Tejgaon circle, with the help of Designated Officer of Gulshan Circle, ensured to provide the required information.

Discussion

After hearing the statements of both the parties and considering the documents produced during hearing it reveals that the Designated Officer of Tejgaon circle, with the help of Designated Officer of Gulshan Circle, ensured to provide the required information to the complainant and hence the case seems to be disposable.

Decision

The case is disposed of with the following instructions:

01. The Designated officer of Tejgaon Circle is instructed to provide necessary information to the complainant on or before 02/05/2013 subject to realization of cost of information.
02. The Designated Officer is directed to deposit the amount realized as cost of information to the government treasury in code no: 1-3301-0001-1807 as per section 9 of the Right to Information Act, 2009 and Rule 8 of the Right to Information(Receipt of Information) Rules,2009.
03. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of order to all the parties concerned.

Signed
Prof. Dr. Sadeka Halim
Information
Commissioner

Signed
Mohammed Abu Taher
Information
Commissioner

Signed
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-24/2013

Complainant: Mr. Nihar Bindu Biswas
Father: Nimai Chandra Biswas
Hindol-Ga, 406 Taltola Government Colony

Sher-E-Bangla Nagar, Dhaka-1207

Opposite Party: Mr. Modhusudan Sarker
Principal & Designated Officer(RTI)
Idris Molla Degree College
Kalaya, Baufal, Patuakhali.

Decision Sheet

(Date: 29-05-2013)

01) The complainant lodged petition on 13-01-2013 to **Mr. Modhusudan Sarker**, Principal & Designated Officer(RTI), Idris Molla Degree College, Kalaya, Baufal, Patuakhali seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- a) Copy of notice made for me by the college authority from 2009.
- b) Copy of resolution of the managing committee of termination and final dismissal and its information.
- c) Copy of approval letter by the National University for the final termination.

02) Not getting the requested information within the stipulated time, the complainant lodged appeal on 05-02-2013 to Mr. A B M Reza, The Chairman & Appellate Authority, Idris Molla Degree College, Kalaya, Baufal, Patuakhali. After that without getting any solution, the complainant submitted the complaint on 03-03-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 16-04-2013.

04) The Designated Officer (RTI) lodged petition seeking time. The Commission sanctioned the time and fixed the date of hearing again on 29-05-2013 and issued summonses to the parties.

05) The complainant and the Designated Officer presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, he came in Dhaka with 2 (two) years education leave from the Principal in 2008 to complete M.Phil. After that, he had been issued the notice of show cause that, he remained absent in college not receiving the education leave. Respond of show cause has been given. Then he was terminated and after that he was dismissed. In this situation according to section 8(1) of the Right To Information Act, 2009 he submitted an application to the Designated Officer (RTI) seeking for the information mentioned above. Not getting the requested information he preferred an appeal to the appellate authority (RTI). After that without getting any solution the complainant submitted the complaint to the Information Commission

06) The Designated Officer Mr. Modhusudan Sarker informed in his statement that, the complainant was the Lecturer of Idris Molla Degree College of Kalaya Union of Baufal Upazila of Patuakhali district. He went to the education leave without the approval of the Governing Body. In this respect, several show cause notices have been issued to the complainant one after another. He further mentioned that, complaint against the complainant found in the investigation of the Investigation Committee formed as per rules and

as the decision of the Governing Body was approved by the National University in the recommendation of the said Investigation Committee the complainant has been dismissed from his service. The learned advocate Mr. A K M Shafikul Islam appearing for the Designated Officer mentioned that, the complainant did not lodge any petition to the Designated Officer to get the requested information. After getting the summon from the Information Commission, the requested information has been collected and later on the complainant was sent letter to collect the information after paying the cost of the information. But the complainant did not collect the same. The Designated Officer brought the requested information of the complainant with him and gave surety of providing the same to the complainant.

Discussion

Hearing the statements of both complainant and the Designated Officer (RTI) and reviewing the submitted documents it seems that, the Designated Officer (RTI) sent letter to the complainant to collect the information after paying the cost of the information. But the complainant did not collect the same. Though The Designated Officer brought the requested information of the complainant with him yet he gave surety of providing the requested information to the complainant. As the Designated Officer gave surety of providing the requested information of the complainant, so the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the requested information to the complainant on or before 30-05-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the value of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both of the parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Send the copy to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-25/2013

Complainant: Mr. Md. Iqbal Hossain Forkan **Opposite Party: 01) Rikta Dattta**
Vice-Chairman

Bangladesh Cooperative Insurance Co.
8/G, Concord Grand, 169/1, Shantinagar
Dhaka-1217

Deputy- Registrar
(Coordination & Work evaluation)
Designated Officer
Directorate of Cooperative, Sambai
Bhaban, F-10/A-B,
Agargaon, Dhaka-1207
02) Mr. Md. Amir Azam
Deputy- Registrar (Bank & Insurance)
Directorate of Cooperative, Sambai
Bhaban, Dhaka.
03) Mr. Md. Humayun Khalid
Registrar
Directorate of Cooperative, Sambai
Bhaban, Dhaka.
04) Chairman
Bangladesh Cooperative Insurance Co.
Siham Skyview Tower, 9 Floor
45, Bijoy Nagar, Dhaka.

Decision Paper
(Date: 29-05-2013)

01) As per the direction of the Information Commission after hearing of both the parties

on the complaint no.- 11/2013 on 31-01-2013 the Designated Officer of Opposite Party Directorate of Cooperative did not provide the requested information to the complainant. So, he has submitted the complaint on 05-03-2013 to the Information Commission. He submitted petition with humble request for providing the requested information. By memo no.- 47.610.0000.027.40.022/93 (part file) 63 Babi, date: 12-02-2013 of the Directorate of Cooperative sending copy to the Secretary, Rural Development & Cooperative Department in this effect direction has been verified that, "--- as there is no prohibition providing any other information without the information mentioned in the schedule of Right To Information Act, in respect of the mentioned situation in providing the verified information of the applicant and as per the petition as no information was provided from Bangladesh Cooperative Insurance Co. it is humbly requested for the direction of the legal side in the matter of the letter".

02) It is necessary to mention that, **Rikta Dattta**, Deputy- Registrar of the Directorate of Cooperative and Designated Officer in memo no.- 07/09 (2nd part)-42 (Sa/Mu), date: 13-02-2013 informed to the Commission that, according to the petition of receiving the information of the complainant, the Designated Officer was informed from the concerned section that, there is no scope of providing the information to the applicant as per section 9(8) & 9(3) of Right to Information Act, 2009. In the next time, according to the direction of the Commission when requested to the concerned

section for providing the requested information again for providing information by 20-02-2013, Mr. Md. Humayun Khalid, the Registrar of Directorate of Cooperative sent letter to the Secretary, Rural Development & Cooperative Department and gave the copy to the Designated Officer. Besides, this, Designated Officer requested to the Chairman/General Secretary of the concerned Samity for providing the requested information as per the section 9(8) of Right To Information Act, 2009 and sent the copy of letter to the complainant of not providing any information from Bangladesh Cooperative Insurance Co.

Considering the complaint in the meeting of the commission on 14-03-2013, the date of hearing was fixed on 16-04-2013 and summonses were issued to the complainant, Officer in Charge, the Chairman of Bangladesh Cooperative Insurance Co., Deputy- Registrar (Bank & Insurance) of the Directorate of Cooperative & Appellate Authority, the Registrar of the Directorate of Cooperative.

03) The complainant lodged petition seeking time. The Commission sanctioned the time and fixed the date of hearing again on 29-05-2013 and issued summonses to the complainant and the Officer in Charge.

04) The complainant and the Designated Officer was absent on the date fixed for hearing. Sending the letter to the Information Commission, the complainant informed that, he has been provided with the requested information. So, he has no complaint in this matter and requested to dispose of the complaint. Rikta Datta, the Designated Officer sent a letter to the Information Commission by memo no- 07/09 (2nd part)-99(2) Sa/Mu, date: 13-02-2013 in this effect that the requested information of the complainant has been provided.

Discussion

Reviewing the submitted evidences of both the complainant and the Designated Officer it was noticed that, the Designated Officer has provided the requested information to the complainant. The complainant got all of his requested information. As he informed the Commission that he has no complaint about the information he received, the complaint seems to be disposable.

Decision

Since, the complainant got his requested information in this effect and informed to the Commission and as applied to settle the complaint, so the complaint is disposed of.

Send the copy to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-26/2013

Complainant: Mr. Md. Abdul Hakim

Father: Late Momin Uddin Howlader
Vill.: Balia Katha, PO: Chakhar
Upazila: Banaripara, Dist.: Barishal

Opposite Party: Momena Khatun

Deputy Secretary
& Designated Officer
Ministry of Environment &
Forest, Dhaka.

Decision Paper
(Date: 16-04-2013)

01) The complainant lodged petition by register post on 10-01-2013 to **Mr. Dr. Md. Afzal Hossain**, the Deputy Secretary, Ministry of Environment & Forest and Designated Office for seeking the following information as per section 8(1) of Right To Information Act, 2009-

- The Honorable Information Commission took hearing on 19-09-2012 in response to the complaint submitted by the complainant on 01-07-2012. **Mr. Dr. Md. Afzal Hossain**, the Deputy Secretary in this respect was directed that, as the requested information of the complainant is related with his service, so, you observing all of the sources of the request information by 25-09-2012, will take measure of providing the information. In spite of direction to you to inform to the complainant if there is any verified information without observing all of the sources of the verified information on 11-04-2012 of the complainant as per the direction of the Information Commission, according to the decision of date: 30-06-1996 of case no.-298/94 of the Appellate Division of the Honorable Supreme Court the last Administrative Appeal Tribunal in its given decision on 30-06-1996 of case no.-9/93 to this effect directed that- The petitioner was in the service of the republic and the cause of action is against his employer that is government of pupils republic of Bangladesh and not against his appointing authority or/and appellate authority. Because, as the Chief Conservator of Forest is appointing authority, so according to the mentioned decision in spite of having any right for taking any action or giving opinion against his complainant, you the Designated Officer have deprived me from the fundamental right of getting the information according to 27(1)(Kha) of Right to Information Act and article 7(Ka) of the constitution providing him on 26-09-2012 after long 8 months of the letter of out of right respectively on 24-01-2012 & 30-05-2013 and providing the copy of direction on 16-03-2011, 26-04-2011 and 15-05-2011 of re-instating the service of the Deputy-Secretary of Admin Sub-section-2 of the Ministry of Forest providing on 26-09-2012.

- The verified portion that you (Designated Officer) did not provide him as per the direction of the Honorable Commission on 26-12-2012, he seeking the right information of those portion requested to get the right and correct information according to the Right To Information Act and article 7(Ka) of the Constitution,

- If the file of case record taken on 19-12-2009 from him mentioned in chapter “K & Kha” of the application on 11-04-2012 of the complainant if not kept to Admin Sub-section-2, in that case under which information Admin Sub-section-2 directed to attend him personally in the hearing on 13-03-2011 by the notice sent on 08-02-2011, it information and in spite of his attending in the hearing on 13-03-2011 in which reason not taking his hearing why he was sent back. Information with its correct cause and which date the Honorable Forest Secretary taken his hearing on his appeal petition submitted on 24-04-2011, 07-05-2011, 31-05-2011 and 08-06-2011 as per the direction on 16-03-2011, 26-04-2011 and 15-05-2011 for re-instating the service of Admin Sub-section-2 mentioned in chapter Ga of his petition on

11-04-2012 and what is the memo no. of hearing notice with its right decision and what decision was taken in that hearing with its information what is the memo no. of that decision, it's all information.

Since **Mr. Dr. Md. Afzal Hossain**, The Deputy Secretary, Ministry of Forest and the Designated Officer was not in that charge the letter was returned back, then the complainant preferred an appeal petition on 24-01-2013 to Mr. Shafikur Rahman Patwary, the Secretary of the Ministry of Environment & Forest. After that without getting any solution, the complainant submitted the complaint on 07-03-2013 to the Information Commission.

02) The matter was discussed in the meeting of 14-03-2013 of the Commission. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 16-04-2013 as to the complaint.

03) The complainant and the Designated Officer presented their statement being attended on the date fixed for hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in par no.01. Not getting the requested information, he preferred an appeal to the appellate authority. After that without getting any solution the complainant submitted the complaint to the Information Commission.

04) Begum Momena Khatun, the Designated Officer of the Ministry of Environment & Forest mentioned in her statement that, recently she joined the ministry. Date is mentioned in the requested information of the complainant, but as memo no. was not mentioned it is not clear what information was requested. As a result, it was not possible for her to provide the information. If the complainant inform the memo no. she will be able to provide the information to the complainant.

Discussion

Hearing the statements of both complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, as the Designated Officer could not understand the matter of the requested information, she could not provide the information. If the Designated Officer can get the memo nos. of the requested information of the complainant, she can provide the requested information to the complainant. As the Designated Officer gave surety of providing the requested information to the complainant, so the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The complainant has been directed to provide the memo nos. of the requested information to the Designated Officer before 15-05-2013.
- 2) The Designated Officer has been directed to provide the requested information to the complainant on or before 15-05-2013 on the condition of paying the cost of information.
- 3) The Designated Officer has been directed to inform the complainant in writing if the requested information is not available.
- 4) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 5) Both parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Send copy to the concerned parties

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-27/2013

Complainant: Mr. Md. Rowshan Ali

Father: Late Bidesh Pramanik
House No.-4/19, Ward No.-7
Bir Muktijodya Rejaul Baki Sarak
Jaleshwaritola, Bogra.

Opposite Party: Mr. Md. Kamrul Ahsan

Deputy- Director
& Designated Officer(RTI)
Anti-Corruption Commission
Integrated District Office, Bogra

Decision Sheet
(Date: 16-04-2013)

01) The complainant submitted an application on 28-01-2013 to **Mr. Md. Kamrul Ahsan**, the Deputy Director & Designated Officer, Anti-Corruption Commission, Integrated District Office, Bogra seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Copy of inquiry report submitted to Anti-Corruption Commission, Head Office, Dhaka

As per, Memo no.-ACC/BiKa/Bogra/1740, date: 21-09-2011 of Anti-Corruption Commission, Rajshahi Divisional Office, Bogra and Memo no.- E/R no.-31/2011 of Anti-Corruption Commission, Integrated District Office, Bogra.

The Designated Officer expressed his unwillingness to provide the information by memo no.-ACC/IDO/Bogra/192, date: 29-01-2013. Since the Designated Officer expressed his unwillingness to provide the information, the complainant preferred an appeal petition to the Director and Appellate Authority, Anti-Corruption Commission, Rajshahi Divisional Office, Bogra. Without getting any solution even after lodging the appeal, he lodged this complaint to the Information Commission on 10-03-2013.

02) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 16-04-2013.

03) On the date fixed for hearing the complainant, the Designated Officer remaining present adduced statements. The complainant mentioned in his statements that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking the information mentioned in para no.01. Not getting the information he preferred an appeal petition to the Appellate Authority. Without getting any solution, the complainant submitted the complaint to the Information Commission.

04) Mr. Md. Rafiqul Haq Benu, the learned advocate appeared for **Mr. Md. Kamrul Ahsan**, the Designated Officer of Anti- Corruption Commission, Integrated District Office, Bogra informed in his statements that, making a complaint against the complainant included E/R No.-07/2010 of the ACC Office about the assets out of knowledge his client Mr. Md. Kamrul Hasan making an inquiry made a recommendation for announcing separate notice of separate assets statements according to section 26(1) of Anti- Corruption Commission Act, 2004 against the complainant and his wife Most. Monowara Begum and submitted report by memo no.- 111, date: 18-01-2011. While notice has been issued in regard to the direction of the ACC they submitted the assets statement in due time. The assets statements submitted by Mr. Md. Rowshan Ali making under E/R no.-31/2011 and the assets statements submitted by his wife Mrs

Monowara Begum making under E/R no.- 32/2011 his client **Mr. Md. Kamrul Ahsan**, the Designated Officer of Anti- Corruption Commission, Integrated District Office, Bogra inquired. After the inquiry he recommended to record E/R no.-31/2011.

05) He submitted a report after recommending for filling a case in section 26(2) and 27(1) of Anti Corruption- Commission Act, 2004 and in section 109 of Penal Code against Mrs. Monowara Begum and Mr. Md. Rowshan Ali in E/R no.- 32/2011. Accordingly case no.-14, date: 06-03-2012 was filed at Bogra Sadar PS. After investigation of the case was submitted in the learned court as charge sheet no.-673, date: 02-12-2012 by Bogra Sadar PS. At present the case is under trial. Since the case no.-14, date: 06-03-2012 of Bogra PS against Rowshan Ali is under trial and the demanded inquiry report remained with case docket, so it is not possible to provide the prayed information of the complainant as per section 7(Chha) of Right To Information Act, 2009. Besides this, as Mr. Md. Kamrul Ahsan remain in the charge of Appeal Authority as the additional charge next to the Designated Officer in the matter of prayed information of the complainant could not take decision as the appeal authority.

05) In response to the Designated Officer, the Commission want to know that, whether F I R & Charge sheet were accepted on the basis of "Departmental Inquiry Report"? In response of such question of the Commission, the Designated Officer replied, F I R has been made and in the next time charge has been submitted. He said after reviewing the Right to Information Act, 2009 and Anti Corruption-Commission Act, 2004 it will be possible to provide the requested information to the complainant.

Discussion

Hearing the statements of both the complainant and the opposite party and reviewing the submitted evidences it was noticed that, there is no constraints in Right to Information Act, 2009 to provide the requested information to the complainant. Since the charge sheet of the case has been submitted on the basis of the inquiry report, so it is apparent that the petitioner can get the requested information. In order to implementing the Right to Information Act, as the Designated Officer after reviewing the Anti Corruption Commission Act, 2004 gave surety to provide the requested information to the complainant, so the complaint seems to be disposable .

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the requested information to the complainant on or before 22-04-2013 on the condition of paying the cost of information.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-28/2013

Complainant: Mr. Md. Nurul Islam

Father: Late Dalil Uddin Mridha

Vill.: Tafalbaria

PO: Baro Gopaldi

PS: Dasmina, Dist.: Patuakhali

Opposite Party: Dr. Md. Mosfazur Rahaman

Deputy-Director (In Charge)

Inspector of school

& Designated Officer

Directorate of Secondary & Higher Education ,
Barishal Zone, Barisal.

Decision Sheet

(Date: 16-04-2013)

01) The complainant lodged petition by registered post on 08-01-2013 to School Inspector & designated Officer, Directorate of Secondary & Education, Barisal Zone, Barisal seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- a) Photocopy of inspection of the Deputy-Director on 26-07-2012.
- b) Photocopy of result of 2010 & 2011 of JSC Examination.
- c) Photocopy of registered name list of the students of JSC Examination of class 8 in 2012.
- d) Photocopy of inspection report of February month in 2011 of District Education Officer Patuakhali.
- e) Photocopy of approval of the Managing Committee & recognition and renewal.

Not getting the prayed information within the stipulated time the complainant lodged the petition by registered post to **Dr. Md. Mosfazur Rahaman**, the Deputy-Director and Appellate Authority of Directorate of Secondary & Higher Education , Barishal Zone, Barisal on 05-02-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 10-03-2013 to the Information Commission.

02) The matter was discussed in the meeting of 14-05-2013 of the Commission. According to the decision of the meeting summon was announced to the concerned parties fixing day of hearing on 16-04-2013 as to the complaint.

03) The complainant and the Designated Officer presented their statement being attended on the fix date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in para no.01. Not getting the information, he preferred an appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission.

04) **Dr. Md. Mosfazur Rahaman**, & Designated Officer of the Directorate of Secondary & Higher Education , Barisal mentioned in his statement that, as the post of school inspector of his office is vacant he has been working as the Officer in Charge. Information has been sent by post as soon as application of receiving information come in hand, probably the complainant did not get the same. He

brought the prayed information with him. The Director of the Education Bhaban of Dhaka is the administrative Chief of his Head Office. So, the Director of Dhaka Education Bhaban will be his Appeal Authority.

Discussion

Hearing the statements of both the complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, the Designated Officer has provided his requested information. But the complainant did not get the same. According to the Right to Information Act, the Director of Dhaka Education Bhaban is the Appellate Authority. It is apparent from the statement of Designated Officer that, the complainant did not submit his appeal petition to the appropriate authority. The Designated Officer brought the requested information of the complainant with him and as he gave surety to provide the complainant all of his requested information the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) Since The Designated Officer brought the requested information of the complainant with him he has been directed to provide the requested information to the complainant on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-29/2013

Complainant: Mr. Delawar Bin Siraj

Father: Late Haji Siraj Uddin
2/2 R.K Mission Road
Dhaka-1203

Opposite Party: Mr. Md. Mosfazzur Rahaman

Deputy-General Manager (Pari:&
Purchase) Aa:Da:
& Designated Officer
Milk Vita, 139-140
Tejgaon I/A, Dhaka.

Decision Sheet
(Date: 16-04-2013)

01) The complainant lodged petition on 26-12-2012 to Mr. Md. Nazrul Islam, General Manager and the Designated Officer, Milk Vita, 139-140, Tejgaon I/A, Dhaka seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- a) Photocopy of approval bill of paying Tk.5,00,000/- as maintenance and digital banner setting costs of National Tree Fair 2012, counter page of cheque book;
- b) The present Chairman Mr. Hasib Khan Tarun after taking charge of his office till today in the advertisement sector in which organizations advertisement of what amount of taka has been given, name of the organizations, address and types statement of the grand total money.
- c) Statements (typed) the Chairman after taking his charge from which sectors what amount of facility he has taken.

02) Not getting the requested information within the stipulated time, the complainant lodged the appeal petition on 23-01-2013 to Mr. Hasib Khan Tarun, the Chairman and Appellate Authority Milk Vita, 139-140, Tejgaon I/A, Dhaka, that has been taken by the concerned office on 30-01-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 18-03-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 04-04-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 30-04-2013.

04) The Designated Officer lodged petition seeking time for submitting the reply. The Commission sanctioned the time and fixed the date of hearing again on 29-05-2013 and issued summonses to the complainant and the Designated Officer.

05) The complainant and the Designated Officer remaining present, adduced their statement on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in para 01. Not getting the information he lodged an appeal petition to the Appellate Authority. Without getting any solution, the complainant submitted the complaint to the Information Commission.

06) **Mr. Md. Mosfazur Rahaman**, the Designated Officer informed in his statement that, he newly took the charge of his office. He gave surety of providing the information of serial (Ka) & (Kha) mentioned in chapter no.01 of the complainant, but as the information of serial (Ga) is unclear it was not possible for him to provide.

Discussion

Hearing the statements of both the complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, the Designated Officer gave surety of providing two information that means the information mentioned in serial (Ka) & (Kha) of the requested information of the complainant. As the third one is unclear it is not to be provided and since gave surety of providing rest two information it seems the case is to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the information mentioned in serial (Ka) & (Kha) of requested information of the complainant on or before 06-05-2013 on the condition of paying the cost of the information.
- 2) The complainant has been directed to apply again clearly for the third information mentioned in chapter no.01.
- 3) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 4) Both parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-30/2013

Complainant: Mr. Alauddin Al Masum
Father: Late Md. Yakub Ali
624/2, Ibrahimpur PS
Kafrul, Dhaka.

Opposite Party: Mr. Morarji Deshai Borman
Executive Magistrate
& Designated Officer
Office of the DC, Dhaka.

Decision Sheet
(Date: 30-04-2013)

01) The complainant lodged petition on 03-02-2013 to **Mr. Morarji Deshai Borman**, The Executive Magistrate & Designated Officer of Office of the DC of Dhaka District seeking the following information as per section 8(1) of Right To Information Act, 2009-

- It is found that, the seal of LA section of DC of Dhaka in the said attached deed no.-17295 of 19-12-1999 purchased in the name of Sheikh Md. Anowar Hossain, son of Late Abdur Razzaq, whether the said attached seal is of the LA section of DC or against the said deed whether any land has been acquired by LA 13/2010-2011 of DC.

According to the petition Mr. Mohammed Raselul Kader, the Land Acquisition Officer of the Office of the DC of Dhaka district in place of Designated Officer provided information to the complainant on 08-01-2013 by memo no.-05.41.2600.33.033.006.12-29. Being dissatisfied with the given information, he lodged an appeal on 19-02-2013 to Mr. A.N. Samsuddin Azad Chowdhury, the Divisional Commissioner and Appellate Authority. According to the appeal the authority accept the appeal hearing on 10-03-2013 in presence of both of the parties. After hearing the appeal, while the authority disposed of the appeal petition, the complainant submitted the complaint on 21-03-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 04-04-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 30-04-2013.

03) The complainant and the Land Acquisition Officer of the Office of the DC of Dhaka district in place of Designated Officer presented their statement being attended on the fix date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. In this respect Mr. Mohammed Raselul Kader, the Land Acquisition Officer of the Office of the DC, Dhaka district provided information to the complainant on 08-01-2013. Being dissatisfied with the given information he lodged an appeal on 19-02-2013 to Mr. A.N. Samsuddin Azad Chowdhury, the Divisional Commissioner and Appellate Authority. According to the appeal, the authority accept the appeal hearing on 10-03-2013 in presence of both of the parties. After hearing the appeal, the authority disposed of the appeal petition. Then the complainant submitted the complaint on 21-03-2013 to the Information Commission.

04) **Mr. Morarji Deshai Borman**, The Executive Magistrate & Designated Officer of Office of the DC of Dhaka District mentioned in his statement that, according to the petition of receiving information

of the complainant, letter has been sent to the concerned office for providing information. The information are provided to the complainant, those are sent from the relevant office. Since the complainant was not satisfied with given information and lodged an appeal petition to the appellate authority. Hearing the appeal, the appellate authority disposed of the petition.

05) When the Commission asked Mr. Mohammed Raselul Kader, the Land Acquisition Officer of the Office of the DC of Dhaka district he said that, the ‘Acquisition’ seal was not given from their office. When Commission asked, whether the said land has been acquired? Then he said some portion of the said land has been acquired in favor of Rajuk.

06) When Commission asked whether the requested information of the complainant can be given in writing? Then in this question the Designated Officer gave surety to the commission to provide the requested information in writing.

Discussion

Hearing the statements of both the complainant and the Land Acquisition Officer of the Office of the DC of Dhaka district Designated Officer and reviewing the submitted evidences it was noticed that, as the Designated Officer(RTI) has given surety about providing the requested information to the complainant, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the requested information to the complainant on or before 02-05-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-31/2013

Complainant: Mr. Md. Mojibur Rahman

Father: Late Md. Mokram Ali
Mollikpur, PS-Sadar
District: Sunamganj

Opposite Party: Md. Nurul Islam

District Primary Education officer
& Designated Officer
Sunamganj.

Decision Sheet

(Date: 30-04-2013)

01) The complainant lodged petition on 13-12-2012 to District Primary Education Officer of Sunamganj district & Designated Officer by post seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- 1) The photocopies of complaints submitted by Kondarpa Narayan Goon, Office Assistant Cum Typist, Establishment Section, Office of The DC, Sunamganj, son of Late Ketoki Ranjan Goon, house-104, Natun Para, Sunamganj Pourashava, PS-Sunamganj Sadar, Sunamganj on 23-09-2012, 01-11-2012 in the light of Public Employees (Discipline & Appeal) Rules, 1985 against Begum Shankori Rani Dey, Koitaki Government Primary School, Chhatak, Sunamganj;
- 2) According to the complaints mentioned in chapter no.-1 the photocopies of investigation report, the photocopies of the testimony of appellant, witnesses and accused Begum Shankori Rani Dey.
- 3) Photocopy of disagreement petition submitted by Kondarpa Narayan Goon, Office Assistant Cum Typist, Establishment Section, Office of The DC, Sunamganj, son of Late Ketoki Ranjan Goon, house-104, Natun Para, Sunamganj Pourashava, PS-Sunamganj Sadar, Sunamganj on 13-11-2012.

Not getting the requested information in stipulated time the complainant preferred an appeal to the Deputy-Director of Directorate of Sylhet District Primary Education on 31-01-2013. Without getting any solution even after the appeal petition the complainant submitted the complaint on 21-03-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 04-04-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 30-04-2013.

03) The complainant and the Designated Officer presented their statement being attended on the date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information he preferred an appeal to the Appellate Authority. Without getting any solution even after submission of the appeal petition, the complainant submitted the complaint to the Information Commission.

04) Md. Nurul Islam, District Primary Education Officer & Designated Officer of Sunamganj District mentioned in his statement that, the requested information no. 1 & 2 of the complainant has been sent by post but it came back. In the matter of requested information no.2 (Investigation report & other papers), Investigation Officer, Upazila Education Officer, Sunamganj Sadar mentioned in his letter that,

as the said matter is under trial at Nari O Shishu Nirjatan Adalat, Sunamganj he did not investigate the same. In this condition, as there was no investigation report it was not possible to provide. He came with requested information no. 1 & 2 and gave surety to deliver to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, the Designated Officer has sent the requested information no.1 & 2 of the complainant by post. But the information came back for not finding the address of the receiver. As a result, the complainant did not get his requested information. Since, requested information no.2 remain under trial at the court, and not investigated by the Investigation Officer as there is no investigation report in this regard it was not possible to provide for the Designated Officer. He came with requested information no. 1 & 2 of the complainant as the Designated Officer has given surety about providing the requested information, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the requested information to the complainant on or before 02-05-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the value of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-32/2013

Complainant: Mr. Md. Shafiur Rahman
Father: Late Md. Abdul Jawat
1/20 Kalayanpur Housing Estate
Kalyanpur, Dhaka-1207

Opposite Party: Mr. Md. Akherul Islam
Manager
& Designated Officer (RTI)
Sale and distribution Division-Pallabi
Dhaka Electric Supply Company Ltd.
House-4, Road-17, Blcok-C, Section-10
Mirpur Housing Estate, Dhaka-1216.

Decision Sheet

(Date: 30-04-2013)

01. The complainant submitted an application on 09-02-20213 to the Designated Officer (RTI), Sale and Distribution Division-Pallabi , Dhaka Electric Supply Company Ltd. on 09-02-20213 seeking for the following information as per Department 8(1) of Right To Information Act, 2009-

a) Demanded information in fifth column of Attachment-A enclosed with that followed by DESCO under The Electricity Act, 1910.

b) Disconnecting all of the existing connection taken the separate meter by the former DESA of 16 years ago by following the rule violation system by transforming all of the independent single meter into sub-meter against that to set one totally new check meter and marking the same as the main meter information about the rules & regulations of DESCO about its management, announcing the electricity bill and payment.

Attachment-A

Information Required: Procedures followed by DESCO item-wise under column-5 against the provisions of the Electricity Act, 1910 listed under column-4 on Management, Installation and Billing of Check Meters vis-à-vis consumers' Correct Metter.

SL	Act Ref	Section	Sub-section/Subject Title	Followed by DESCO
1	2	3	4	5
1	Electricity Act, 1910	21(1)	License shall not be prescribe any special form of appliance.	
2	”	(4)	Difference or dispute to be decided either by the Electricity Inspector or by arbitration.	
3	”	24(1)	Discontinuance of supply to consumer neglecting to pay charge for energy: Licensee may discontinue the supply until such sum or, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer.	

4	”	(4)	Discontinuance of energy to consumer: Any difference or dispute to be decided by Electricity Inspector.	
5	”	26(1)	Meters: Supply of energy to be ascertained by means of a correct meter and the licensee shall cause the consumer to be supplied with such a meter	
6	”	(2)	Consumer hired meter: The licensee shall keep the meter correct, and, in default of his doing so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.	
7	”	(3)	Consumers own meter: The consumer shall keep the meter correct-----	
8	”	(6)	The Electricity Inspector shall decide difference or dispute as to the correctness of the meter.	
9	”	(7)	Check Meter: The licensee may, for the purpose of ascertaining correctness of the consumers meter, or regulating the amount of energy supplied to the consumer, may place such ‘additional check meter’ upon the premises of the consumer strictly at the place provided in the Act.	
10	”	(7)	Explanation Clause: Use the check meter shall be limited to strictly for the purpose of ascertaining correctness of the consumer meter and, if needed under sub-Department (1), replace by correct meter. Check meter shall in no way be used as a mechanism for billing purpose. Without being requisitioned upon by the consumer, the licensee itself installs it at its own exigency as a monitoring tool.	

Since the petition of getting the information has been refused, the complaint preferred an appeal on 04-03-2013 to the Managing Director & Appellate Authority, Dhaka Electric Supply Company Ltd., Head Office. Not getting any solution, the complainant submitted this complaint on 25-03-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 04-03-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 30-04-2013.

03) The complainant and the Designated Officer (RTI) remaining present adduced their statements on the date fixed for hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in para -01. The request for information has been denied. Not getting the requested

information he preferred an appeal to the Appellate Authority (RTI). Being denied in appeal, the complainant submitted the complaint to the Information Commission. After getting the summonses issued from the Commission, the Designated Officer (RTI) proposed to the complainant to solve the matter by mutual discussion. The complainant agreed on it. In this respect the complainant prayed time to solve the matter by mutual discussion.

04) Mr. Md. Akherul Islam, The Manager and the Designated Officer (RTI) of Sale and Distribution Division- Pallabi, Dhaka Electric Supply Company Ltd. stated in his statement that, in providing the requested information the higher authority of 'DESCO' has some engagement in taking decision and approval process, time is required to solve the matter. In the meantime, while the complainant has proposed to settle the matter, he agreed on it. In this respect he prayed time from the Commission. At the same time he gave surety to provide the requested information as early as possible.

Discussion

After hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted documents it reveals that both the parties prayed time to solve the matter on the basis of mutual discussion and understanding. Since the Designated Officer (RTI) gave surety to the complainant to provide the requested information, the case seems to be disposable.

Decision

The case is disposed of with the following directions:-

- 1) The Designated Officer (RTI) is directed to provide the requested information on or before 30-05-2013.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury according to the section no,9 of Right to Information Act, 2009 and Rules 8 of the Right To Information (Receipt of Information) Rules, 2009.
- 3) Both the parties are directed to inform the Information Commission on compliance of the directions.

Send copies of the order to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-33/2013

Complainant: Mr. Golma Mostafa Jibon
Father: Gazi Md. Moyez Uddin Sarker

Railway Colony (Adjacent to Markas
Mosque), Sirajganj.

Opposite Party: Mr. Mohammed Hasib Sarker
Assistant Commissioner & Designated Officer,
Sirajganj.

Decision Sheet

(Date: 30-04-2013)

01) The complainant lodged petition on 09-01-2013 to the Designated Officer of the office of the DC of Sirajganj district by post seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- a) He want to know how many fairs, Ananda melas, Jatra, Circus & Housing games were sanctioned in the district from the day of joining Md. Humayun Kabir in Sirajganj as the DC and up to his transfer to elsewhere. Names, address and Mobile Number of those to who sanction was given of holding fairs, Ananda melas, Jatra, Circus & Housing games and the approved time and the address of the places:
- b) How many amount was collected in the name of LR fund or how many amount was collected any other sector as sanction of such fairs, Ananda melas, Jatra, Circus & Housing games; In which system those were collected or realized, amount or estimation of those and want to see the details papers and photocopies.
- c) When in which sector those collected or realized money was expended, in which system those are expended want to see the details papers and photocopies;
- d) He want to know how many fairs, Ananda melas, Jatra, Circus & Housing games were sanctioned in the district from the day of joining Md. Aminul Islam in Sirajganj as the DC and till today. Names, address and Mobile Number of those to who sanction was given of holding fairs, Ananda melas, Jatra, Circus & Housing games and the approved time and the address of the places:
- e) How many amount was collected in the name of LR fund or how many amount was collected any other sector as sanction of such fairs, Ananda melas, Jatra, Circus & Housing games; In which system those were collected or realized, amount or estimation of those and want to see the details papers and photocopies.
- f) When in which sector those collected or realized money was expended, in which system those are expended want to see the details papers and photocopies;

Not getting the requested information in stipulated time, the complainant preferred an appeal petition to the Divisional Commissioner of Rajshahi on 12-02-2013 by post. According to the appeal petition Sonia Binte Tabid, Assistant Commissioner (General Section), Office of the Divisional Commissioner, Rajshahi Division, Rajshahi as the appellate authority by memo no.- 05.43.0000.012.02.001.12-245(2) on 25-02-2013 sent a letter to DC or Sirajganj district by order for settling the matter and taking the necessary action. Without getting any solution even after the appeal petition, the complainant submitted the complaint on 25-03-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 04-04-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 30-04-2013.

- 03) The complainant and the Designated Officer presented their statement being attended on the date fixed for hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information he preferred an appeal petition to the Appellate Authority. According to the appeal petition Sonia Binte Tabid, Assistant Commissioner (General Section), Office of the Divisional Commissioner, Rajshahi Division, Rajshahi as the appeal authority sent a letter to DC or Sirajganj district by order for settling the matter and taking the necessary action. Without getting any solution even after submission of appeal petition, the complainant submitted the complaint to the Information Commission.
- 04) **Mr. Mohammed Hasib Sarker**, Assistant Commissioner & Designated Officer of the office of the DC of Sirajganj mentioned in his statement that, he took his office as the Designated Officer on 16-03-2013. As the requested file with entire information of serial no. Ka, Kha, Ga and partial information of serial no. Gha of the complainant being recorded “Gha’ Class routine according to chapter no. 88(4) of Rules 2008 of Secretariat, such kinds of file can be kept in the relevant office for 1 (one) year time. After 1 (one) year as such kind of file is not needed so, those were damaged. But it was not possible to provide all of the information of the complainant. When the complainant asked to take the information those are found, he refused to take those. In this regard, information has been sent to the address to the complainant by post on 25-03-2013. The copy was given to him, also brought with him. If the complainant cannot get the sent information the Designated Officer gave surety to provide the same again.

Discussion

Hearing the statements of both complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, according to chapter no. 88(4) of the direction of Secretariat 2008 the file under “Gha” class of the office of the DC of Sirajganj district being damaged after 1 (one) year so, it was not possible to provide all of the requested information to the complainant. The information those are found out of the requested information of the complainant, the Designated Officer delivered the same to the complainant on 25-03-2013. But the complainant informed that he did not get the information. The Designated Officer brought the information with him and the Designated Officer has given surety of providing the requested information of the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the requested information to the complainant on or before 26-05-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-34/2013

Complainant: Mr. Md. Mozammel Haq

Father: Late Munshi Mortuza Ali
30 No. R M Das Road
Sutrapur, Dhaka-1100

Opposite Party: Mr. Md. Humayun Kabir

Director (Admin & Finance)
& Designated Officer
National Human Right Commission
Gulfesha Plaza (13th floor)
8 Shahid Selina Parvin Road
Moghbazsar, Dhaka-1217.

Decision Sheet

(Date: 29-05-2013)

01) The complainant lodged petition on 13-12-2012 to the Officer in Charge, National Human Right Commission seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Attested photocopies of information about the settlement of petition of Md. Mozammel Haq, the Higher Assistant Cum Cashier of Fire Service & Civil Defense in his petition on 26-02-2012 and 18-06-2012 by the Commission by its memo no.- NaHuC/Complaint-126/12/862, date: 24-07-2012 in ex-parte from the Commission without questioning the applicant.

02) The Designated Officer provided the information to the complainant by memo no.-

NaHC/In:Te:/213/12/408 on 27-01-2013. The provided information is not related with the requested information of the complainant. Not being provided his requested information, he lodged an appeal petition to the Secretary of National Human Right Commission and Appellate Authority on 05-02-2013. Without getting any solution even after submission of appeal petition, the complainant submitted the complaint on 28-03-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 04-04-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 30-04-2013.

04) The Designated Officer lodged petition seeking for time. The Commission sanctioned the time and fixed the date of hearing again on 29-05-2013 and issued summonses to the complainant and the Designated Officer.

05) The learned advocate Mr. Md. Abdul Halim for complainant and the Designated Officer presented their statement being attended on the fix date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. The Designated Officer provided information to the complainant on 27-01-2013. The provided information in not related with the requested information of the complainant. Without getting any solution, the complainant submitted the complaint to the Information Commission.

06) **Mr. Md. Humayun Kabir**, the Designated Officer of National Human Right Commission mentioned in his statement that, information has been sent in the address of the complainant on 26-05-2013 by letter and copy has been sent to the Commission.

Discussion

Hearing the statements of both the learned advocate for the complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, the Designated Officer provided the requested information to the complainant. If the provided information has not been received, the Designated Officer has given surety of providing the requested information to the complainant. So, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer has been directed to provide the requested information to the complainant on or before 06-06-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-35/2013

Complainant: Mr. Md. Abdul Haq

Father: Haji Md. Abdul Hakim

Harua East Fishery Road
Upazila & Dist.- Kishorganj

Opposite Party: Mr. Md. Fazlul Haq

District Primary Education Officer

& Designated Officer (RTI)
Office of the District Primary Officer
Kishorganj.

Decision Sheet

(Date: 05-06-2013)

The complainant **Mr. Md. Abdul Haq** lodged petition on 27-01-2013 to **Mr. Md. Fazlul Haq**, the District Primary Education Officer and the Designated Officer(RTI), working at Office of the District Primary Officer of Kishoreganj seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Mariam Akter (Mori), wife of Abdul Latif (Badal), vill: Goalhati, Upazila-Nikoli. Father- Md. Motiuar Rahman, vill.: Mindib, Upazila: Karimganj, Dist.: Kishorganj. From when she has been working as the primary teacher at Jhaotola Govt. Primary School? And whether she enrolled as the student of Guru Doyal College from the said date as the student of Accounting? And whether she took training from Kishorganj PTI in session 2011?

- 02)** Not getting the requested information within the stipulated time, the complainant lodged an appeal petition to the Divisional Deputy-Director of the Directorate of Primary Education on 20-02-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 31-03-2013 to the Information Commission.
- 03)** The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.
- 04)** The complainant and the Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information, he lodged the appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission.
- 05)** **Mr. Md. Fazlul Haq**, District Primary Education Officer and & Designated Officer (RTI) working in Office of the District Primary Officer of Kishorganj district mentioned in his statement that, at present he has been transferred elsewhere. At the time of working in Kishorganj the petition of getting information has been found. The complainant has been provided with the information from what date Mariam Akter was working at Jhaotola Govt. Primary School this information has been provided to the complainant and a copy of providing information has been brought with him. Since the rest of the information is not related to his office, the complainant has been sent letter giving advice for making petition for getting the information in form 'Ka' to the Designated Officer (RTI) of Kishorganj Guru

Doyal College and the Designated Officer (RTI) of Kishorganj PTI separately as per Right to Information Act, 2009 and Right to Information (Rules about getting information), 2009.

- 06) Mariam Akter (Mori), wife of Abdul Latif (Badal), vill.: Goalhati, Upazila-Nikli did you get the requested information in this matter? Being asked this question by the commission, the complainant said that, he got the partial information from the requested information and has been advised to collect rest of the information from Kishorganj Guru Doyal College and Kishorganj PTI.

Discussion

Hearing the statements of both the complainant and the Designated Officer(RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer(RTI) provided the requested information to the complainant that is related to his office. The complainant has been sent letter giving advice for making petition for getting the information in form 'Ka' to the Designated Officer (RTI) of Kishorganj Guru Doyal College and the Designated Officer (RTI) of Kishorganj PTI separately. Since the taken action considered as correct, so, the case seems to be disposable.

Decision

Since, the complainant has been provided with the partial information, and has been advised to submit the petition for getting the information in form 'Ka' to the Designated Officer (RTI) of Kishorganj Guru Doyal College and the Designated Officer (RTI) of Kishorganj PTI separately, so, the complaint has been disposed of.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-36/2013

Complainant: Mr. Md. Shahiduzzaman
Father: Md. Samsul Haq
Jail keeper no.-42381, Jail Keeping Barak

Patuakhali District Jail, Patuakhali.

Opposite Party: Mr. Md. Siddikur Rahman
Senior District Super
& Designated Officer(RTI)
Jessore Central Jail.

Decision Sheet

(Date: 05-06-2013)

The complainant **Mr. Md. Shahiduzzaman** lodged petition on 22-01-2013 to **Mr. Md. Siddikur Rahman** the Senior District Super of Jessore Central Jail and & Designated Officer(RTI), seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- Photocopy of memo no.-3301 of Jessore Central Jail, date: 02-09-2012;
- Photocopy of order no.-631 of Jessore Central Jail, date: 10-09-2012;
- Photocopy of memo no.-44.07.4700.064.03.007.12-2349 (19) of Jail Deputy-Inspector General Khulna and Barishal Division, date: 09-09-2012, in which memo he was ordered to transfer in Patuakhali district jail.

Not getting the requested information within the stipulated time, the complainant lodged the appeal petition to Mr. A.K.M.Fazlul Haq, the Jail Deputy-Inspector General Khulna and Barishal Division Head Office and Appellate Authority (RTI) on 14-02-2013 by register post. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 04-04-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

03) The complainant and the Designated Officer (RTI) presented their statement being attended on the fix date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information, he lodged an appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission.

04) **Mr. Md. Siddikur Rahman** the Senior District Super of Jessore Central Jail and & Designated Officer(RTI) mentioned in his statement that, prior to that the complainant made petition in white paper and regarding that he has been provided with the information. After that, the complainant seeking for the same information apply again to get the information under Right to Information Act, 2009. As he has not the clear idea about the Right to Information Act, 2009, it was not possible to provide the requested information to the complainant in due time. He said, three requested information of the complainant brought with him and will be able to provide to the complainant.

Discussion

Hearing the statements of both the learned advocate for the Complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, as the Designated Officer(RTI) brought the requested information of the complainant with him and as given surety about providing the requested information to the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) **Mr. Md. Siddikur Rahman** the Senior District Super of Jessore Central Jail and & Designated Officer (RTI) has been directed to provide the requested information to the complainant on or before 13-06-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both of the parties are directed to notify the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 37/2013

Complainant:
Mr. Md. Abdul Jalil Munshi
S/O- Late Wazed Ali
Vill and Post- Moluhar
Upz- Banaripara
Dist-Barisal

Opposite Party:
Designated Officer- RTI
No 2 Ilupar Union Parishad
Upazila- Banaripara
District- Barisal

Decision Paper

(Date: 04-08-2013)

The Complainant submitted an application on 23-01-2011 to the Designated Officer (RTI) of No-2 Iluhar Union Porishad of Banaripara Upazila, Barisal District seeking for the information mentioned below:

* Present Government has given allocation of money and project implemented for the No-2 Ilupara Union Porishad, Banaripara Upazila from the beginning to June 2012, the name, list of the Implemented Committee Chairman and Secretary. The projects are of TR, Food for Work, KBT, LGSP, SDB, Sanitation, One house one farm, 40 day employment project etc from Government fund, the total amount of allocation and progress information.

02. Getting no response, he filed an appeal petition to the No -2 Iluhar Union Porishad Chairman and Appellate Authority (RTI), Mr. Md. Shahidul Islam on 10/01/2013. When he did not get any response from the appeal application then he filed complaint to the Information Commission on 04/04/2013.

03. The issue has been discussed in the meeting of the commission on 14/05/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date on 05/06/2013 for hearing.

04. The complainant applied for time. The commission granted time and settled the date of hearing on 24-06-2013 and both the Complainant and Designated Officer were summoned.

05. The complainant applied for time again. The commission sanctioned time and settled the date of hearing on 04/08/2013 for hearing and both the Complainant and Designated Officer were summoned.

06. The complainant applied for time extension for the third time, though the complainant previously applied for time before twice and scope for resolving the issue have been created, so, the Commission this time rejecting the application informed the Complainant.

07. On the date of hearing, both the Complainant and Designated Officer (RTI) was absent.

Discussion

Both the complainant and designated officer (RTO) was absent on hearing. Complainant has taken time extension twice and commission sanctioned that. When the complainant applied for time extension for the third time, then it was regretted and informed the complainant. As the complainant asked for time

extension again and again, even the application was rejected and it revealed that, the complainant actually do not have the need for any information.

Decision

Though the complainant has applied for time again and again and finally was absent and finally commission has rejected his application, even he was not present in the last hearing, so, the complaint is disposed of. All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-38/2013

Complainant: Mr. Ferdous Hasan

Father: Md. Hasan Ali Sheikh
JC Road, Dhanbandhi
Sirajganj.

Opposite Party: Dr. Parvez Rahim

Deputy-Director (Establishment)
& Designated Officer(RTI)
Directorate of Primary Education
Mirpur-2, Dhaka-1216.

Decision Sheet

(Date: 24-06-2013)

The complainant **Mr. Ferdous Hasan** lodged petition by registered by post on 31-10-2013 to **Dr. Parvez**, Deputy-Director (Establishment) of the Directorate of Primary Education and & Designated Officer(RTI), seeking the following information as per section 8(1) of Right To Information Act, 2009-

- Providing separate obtained mark of written and viva-voce test with names and addresses of the candidates took part in written and viva-voce test of Assistant Teacher Appointment `2010 at Government Reg.: Primary School in Sirajganj district.

Not getting the requested information within the stipulated time, the complainant lodged the appeal petition to Mr. M M Niaz Uddin, The (In Charge) Secretary of the Ministry of Primary and Mass Education and Appellate Authority (RTI) on 06-01-2013 by register by post. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 08-04-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

03) The Designated Officer (RTI) lodged petition seeking time. The Commission sanctioned the time and fixed the date of hearing again on 24-06-2013 and issued summonses to the complainant and the Designated Officer.

04) The complainant and the Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information, he lodged an appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Dr. Parvez, the Designated Officer (RTI) mentioned in his statement that, he has been working as the Designated Officer (RTI) in the Directorate of Primary and Mass Education from 1 October, 2012. He said, after getting in hand of the petition of receiving the information from the complainant, letter has been sent to the concerned section for providing his requested information. The concerned section said that as the requested information of the complainant is secrete and sensitive, so, the same could not be provided. So, the requested information of the complainant could not be provided.

06) If the result of the examination is published that will be regarded as the public document. So, the Commission expressed its view that, the requested information is not any secrete matter. According to the

comments of the Commission, the Designated Officer (RTI) gave surety of providing the requested information.

Discussion

Hearing the statements of both the complainant and the Officer in Charge (RTI) and reviewing the submitted evidences it was noticed that, the request information of the complainant is the public document. As the requested information is not any secret matter so, there is no legal constraints in providing the same. As the Designated Officer (RTI) gave surety of providing the requested information of the complainant, so, the case seems to be disposable.

Decisions

The complaint is disposed of with the following directions:-

- 1) The Designated Officer (RTI) has been directed to provide the requested information to the complainant on or before 15-07-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties are directed to notify the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-39/2013

Complainant: Mr. Ferdous Hasan

Father: Md. Hasan Ali Sheikh
JC Road, Dhanbandhi
Sirajganj.

Opposite Party: Mr. Md. Awlad Hossain

Assistant Monitoring Officer
& Designated Officer(RTI)
Office of the District Primary
Education Officer, Natore.

Decision Paper
(Date: 05-06-2013)

The complainant **Mr. Ferdous Hasan** lodged petition by registered by post on 06-11-2012 to **Mr. Md. Awlad Hossain**, the Assistant Monitoring Officer of the Office of the District Primary Education Officer, Natore & Designated Officer (RTI), seeking for the following information as per section 8(1) of Right To Information Act, 2009-

1. How many primary govt. Non-govt. reg. and community schools in district? Number of students, present teachers, vacant teachers and shift number. If there is teacher crisis in the school, its cause and in which way education procedure is running in those school? Result of passing in the last education session. If there is no expected result, what action has been taken against the concerned of those schools, its copy. Rate of attendance of the students in each school. If the attendance is not satisfactory, what action has been taken against the concerned of those schools, its copy.
2. What are the responsibilities of the District Primary Education Officer? How many Head Teachers/Assistant Teachers were transferred by the District Primary Education Officer in the last 5 year from the date of applying? What is the cause of transferring? Copy of the transfer policy. Name list of the applicant teachers with the name of school.
3. How many Head teachers and Assistant teachers were annexed by the District Primary Education Officer (Current Charge) Md. Abul Kashem after joining his current working place from the date of application? Their name and school name. Copy of annexure policy. Name of the annexed teachers at PTI Training School. Their main schools and name of the present working school. Copy of policy giving annexure in PTI Training School.
4. How many pension file disposed of by the District Primary Education Officer (Current Charge) Md. Abul Kashem after joining his current working place from the date of application? How many files are pending? Cause of objection and name of the teachers and name of the schools. Present status of the objection files. How many schools were visited? With the time of visiting, time, date and name of schools. Against how many teachers there is divisional case was lodged? Present status of the causes. Cause of case and the name of the teachers. How many teachers were promoted? If so, according to under which policy they are promoted? Name of the promoted teachers and their school name.
5. How many divisional cases against District Primary Education Officer (Current Charge) Md. Abul Kashem. Cause of case, present status and settlement , copy of the under trail cases.
6. Name of working place, present working place and date of joining in the service for the first time of all of the Upazila Education Officer. Their educational qualification, permanent and present address as per their petition in the service. How many school were visited by them from joining to

their service? Copy of the visiting book with name of schools, date and time. How many teachers were transferred and annexed? Name of the applying teachers. Date of petition and school names. Copy of the transferring policy. Copy of sub-cluster policy. Place, time, present teachers, name of the officers, designation of sub-cluster training of last 5 years. Monitoring of sub-cluster training and copy of sent report to the appropriate authority.

7. Photocopy of final result of Teacher Appointment 2010 of Non-governmental Reg. Primary School. Name, permanent & present address with the educational qualification of the finally selected candidates (As per the petition of the service). Name of the posting schools and teachers (As per Union merit list and women quota). Copy of posting policy. Name, permanent & present address with the education qualification of the finally selected candidates (As per the petition of the service) in Assistant Teachers Appointment-2011 of Govt. Primary Schools and name of the posting schools. Copy of the policy of posting.

Not getting the requested information within the stipulated time, the complainant lodged the appeal petition by registered post to Mr. Nazimuddin, The Deputy-Director of the Directorate of Rajshahi Division Primary Education and Appellate Authority (RTI) on 06-01-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 08-04-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

03) The complainant and **Mr. Md. Awlad Hossain**, the Assistant Monitoring Officer of the Office of the District Primary Education Officer, Natore & Designated Officer (RTI) presented their statement being attended on the fix date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information, he lodged an appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission.

04) **Mr. Md. Awlad Hossain**, the Assistant Monitoring Officer of the Office of the District Primary Education Officer, Natore & Designated Officer (RTI) mentioned in his statement that, Mr. Hossain was appointed as the Designated Officer (RTI) as per the gazette. Besides this, the requested information of the complaint was not clear and specific. Though, he brought with him some portion of the requested information to provide him.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the complainant did not apply to the appropriate Designated Officer (RTI) to get the information and the complaint was not clear and specific. The complaint seems to be disposed of giving suggestion to the complainant to apply clearly and specifically to the appropriate Designated Officer (RTI).

Decision

The case is disposed of giving suggestion to the complainant to apply clearly and specifically to the appropriate Designated Officer (RTI) to get the requested information as per the provision of the Right to Information Act, 2009.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-40/2013

Complainant: Mr. Shahidur Rahman
Father: Late Nobio Uddin Mandol

Vill.: Moholgiri
PO: Goaler Char
PS: Islampur, Dist.: Jamalpur

Opposite Party: Mr. Mohammed Nazmul Haq
Deputy-Secretary (Admin &
Establishment)
& Designated Officer(RTI)
Board of Secondary and
Bokshi Bazar,
Intermediate
Dhaka.

Decision Paper

(Date: 05-06-2013)

The complainant **Mr. Shahidur Rahman** lodged petition by registered by post on 12-11-2012 to **Mr. S M Kamal Uddin Haider**, the Deputy-Secretary (Admin) & Designated Officer(RTI) Board of Secondary and Intermediate, Dhaka seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- According to memo no.-308/Jamal/9023 on 24-07-2012 by the order of the Chairman School Inspector, Board of Secondary and Intermediate, Dhaka approved the Managing Committee of Goaler Char High School, PO: Goaler Char, Upazila: Islampur, Dist.: Jamalpur. Voter list of electing the guardians' & Teachers' representatives of the said Managing Committee, list of the candidates and their submitted nomination letter, result of the election, schedule of the election; by which the Managing Committee of the said Goaler Char High School has been approved.

Not getting the required information within the stipulated time, the complainant lodged an appeal petition to the Chairman of Board of Secondary and Intermediate, Dhaka and Appellate Authority (RTI) on 06-01-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 10-04-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

03) The complainant and **Mr. Mohammed Nazmul Haq**, present Designated Officer(RTI) presented their statement being attended on the fix date of hearing. The learned advocate Mr. Sanowar Hossain appeared for the complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information, he lodged an appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission.

04) **Mr. Mohammed Nazmul Haq**, Deputy-Secretary (Admin & Establishment) of Board of Secondary and Intermediate of Dhaka & Designated Officer (RTI) mentioned in his statement that, it was not possible to provide the requested information to the complainant as **Mr. S M Kamal Uddin Haider**, the former Designated Officer (RTI) of the said office has been transferred elsewhere. He newly took his charge. He further mentioned that, all of the requested information of the complainant is not kept in his office. He gave surety to provide the information those are kept in his office.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the former Designated Officer(RTI) of the said office has been transferred elsewhere. He newly took his charge. As the present Designated Officer (RTI) gave surety to provide the complainant all of his requested information that kept in his office, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer (RTI) has been directed to provide the requested information to the complainant on or before 13-06-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 41/2013

Complainant:
Mr. Nasim Ahmed
Father- Abu Ahmed Aminuzzaman
Flat- B, House-8, Road- 19
Nikunja-2, Khilkhet, Dhaka-1229

Opposite Party:
Designated Officer- RTI
Ministry of Public Administration
Bangladesh Secretariat, Dhaka

Decision Paper
(Date: 18-08-2013)

According to the Right to Information Act, 2009, section 8(1) on 28/02/2013 the Complainant submitted an application to the Designated Officer- RTI, Mr. Ali Ahmed for the information mentioned below:

Applicant's requested information on 2/9/2013:

1. On last 22/01/2006 two officers were appointed and deputed with the concerned officer in the Planning Department of Secondary and Higher Education Directorate under Promote Project. Was there any previous permission from Public Administration Department? How many post has been created after completion of the promote Project? Require detailed information.
2. As per the Memo no- EM/S&B/Sec-6/Sim-18/2004-77, dated 19/3/2006 total 44 post under 4 category has been transferred under Revenue section for 11 Government Teachers Training College for the Rural Private Secondary School Female Teacher Appointment- Promote project, that has been sent by the Education Ministry for a detailed proposal on 19/3/2005. A full copy of the proposal and a detailed letter of the same memo.
3. I have applied to know about the created 44 post under 4 category where 23 post has been transferred to the revenue section as per the memo no letter- EM/S&B/Sec-6/Sim-18/2004-70, dated 30/3/2006 regarding the information of 23 officer who are still in service after completion of the project. But I did not received detailed information about it. Then I applied for detailed information on 4/7/2012 but did not received any detailed information. So, I am applying for detailed information further.
4. The recruitment rules for the proposed post under revenue section as per government permission and in case of absence of the recruitment rules, the signed paper of the secretary and the PP of the Establishment Ministry of last 21/10/2008 in an inter- ministerial meeting with the Education Ministry with presented PP(for 44 post under 4 category with 23 post to be transferred to Revenue section related PP). All information related to the issue.

Applicant's requested information on 17/9/2013:

1. Under the Education Ministry- Rural Private Secondary School Female Teacher Appointment- Promote Project, has been ended and temporarily 18post has been transferred under revenue section on 1/6/2010 and a permission letter of the Government Grants Establishment Ministry in the memo mentioned letter:

Date- 13/6/2010, Memo no- 05.1555.015.01.04.018.2004-213

2. On last 17 April 2000 date, as per memo no EM/S&B/Team-4-2/UPN-47/97-61 the published Officer Circular of the Establishment and Management section of the Establishment Ministry.

3. The copy of the Promote project recruitment information(that has been presented by the Joint Secretary to the Establishment Ministry to the Inter Ministerial Meeting).

4. On last 8/8/2012 the answer of the Education Ministry given on 11/9/2012 as per memo no- OM34-GA/2012/27928/7-GA that has been informed to the applicant that total 44 post has been proposed for transferring under to Revenue Section under the Education Ministry by project director. At the time of project hand over the paper was not hand over to the Education Ministry. Education Ministry has told me to collect the information from Establishment Ministry. A full copy of the Proposal.

Applicant requested information on 30/10/2013:

On last 27/9/2012 an application was sent to the Public Administration Ministry where a post of Technical Officer was left for transferring under the Revenue Section. What is the decision regarding the issue, could not be known till now.

While not getting the necessary information the complainant on 28/3/2013 filed an appeal to the Senior Secretary and Appellate Authority (RTI) of Establishment Ministry. On 31/03/2013 as per memo no 05.00.0000.110.00.141.08.333 the Senior Secretary informed that all these information are about Education Ministry and cannot be delivered. Due to not receiving the information, the complainant filed a complaint to information commission on 17/4/2013.

02. The issue has been discussed in the meeting of the commission on 14/05/2013. As per the decision of the meeting, summonses has been issued to the concerned parties fixing the date 05/06/2013 for hearing.

03. The Designated officer applied for time. The commission granted time and on next 24/06/2013 the further date of hearing was fixed and both the Complainant and Designated Officer were summoned.

04. The Designated officer was absent on the date of hearing another date for hearing was rescheduled on 4/8/2013 and both the Complainant and Designated Officer were summoned.

05. The Designated Officer was staying in abroad for that he applied for time extension and commission granted it. Next date of hearing was set as 18/8/2013 and summonses were issued to Complainant and Designated Officer (RTI).

06. On the date of hearing, the Complainant and Newly assigned Designated Officer (RTI) of Ministry of Public Administration, Deputy Secretary Md. Mahbubor Rahman was present and gave their statement. The complainant mentioned in his statement that as per section 8 (1) of RTI Act, 2009 he has applied for information. While he failed, then he preferred an appeal to the Appellate Authority. But there was no further action, then he lodged complaint to the Information Commission. Then he received a portion of the information.

07. Newly assigned Designated Officer (RTI) of Ministry of Public Administration, Deputy Secretary Md. Mahbubor Rahman mentioned in his statement that all relevant information has been delivered to the complainant. He has been advised to contact Education Ministry for further information. Even the complainant has filed a Writ Petition to Honorable High Court. The issue has been under trial and as per section 7(ta) of RTI Act, 2009 the matter is subjudice, so legally the information cannot be delivered.

08. When the Complainant was asked about the Writ Petition to Honorable High court for information receiving, then the complainant agreed on the issue.

Discussion

Considering the statements adduced and the documents submitted by both parties it reveals that the complainant has already received partial information out of his request. The rest information is related with Ministry of Education. So, he is advised to collect the information from the said ministry. The Designated Officer (RTI) of Ministry of Public Administration mentioned about a Writ Petition of High Court and the complainant agreed with it. So, under section 7(ta) of RTI Act, 2009 the issue can be resolved.

Decision

The complaint is disposed of with following directions:

1. Due to the issue is under trail under High Court and as per Section 7(ta)of RTI Act, 2009 and Subjudice, so, the information cannot be delivered to the complainant and the issue should be informed to the Complainant officially by the concerned Designated Officer(RTI).
2. The concerned Designated Officer (RTI) is instructed to inform the Education Ministry to assist with further information.
3. Let the copy of this Order/ decision be sent to the Senior Secretary of Public Administration Ministry and Secretary of Education Ministry.
4. All the instructions should be followed and let the commission be informed.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission

Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-42/2013

Complainant: Arnika Dhali

Husband: Kiron Dhali
Vill.: Kazirhula, PO: Sahas
Dumuria, Khulna.

Opposite Party: Mr. Selim Reza

Assistant Commissioner (Land)
& Designated Officer(RTI)
Dumuria, Khulna.

Decision Paper

(Date: 05-06-2013)

The complainant **Arnika Dhali** lodged petition on 13-01-2013 to Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer(RTI) of Dumuria Upazila of Khulna District seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- How many meetings of Upazila agriculture khas land management and settlement committee have been held from 1990 to 2012, copy of resolution of those meeting.

02) Not getting the sought information within the stipulated time, the complainant lodged an appeal to the DC of Khulna district and appellate authority (RTI) Mr. Mesbah Uddin on 12-03-2013. With regard to the appeal Mr. Md. Al Mamun, the Assistant Commissioner (Complaint & Information Section) of the office of the DC of Khulna sent letter to the Assistant Commissioner (Land) of Dumuria Upazila of Khulna district to take necessary action by the memo no.- 05.40.4700.017.07.03.04/2013-61/2, date: 19-03-2013. Selim Reza, the Assistant Commissioner (Land) and the Designated Officer(RTI) of Dumuria Upazila of Khulna district in memo no.- U:L:O:/Dumu/Khas/2013-196 on 01-04-2013 directed to Union Land Officer, Union Land Office, Sharafpur, Dumuria, Khulna to provide the requested information to the applicant as per rules. In the same letter he requested to the complainant to collect the requested information from the concerned Union land officer. After that without getting any solution, the complainant submitted the complaint on 21-04-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

04) The complainant and the Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged an appeal petition to the appellate authority (RTI). With regard to the appeal Mr. Md. Al Mamun, the Assistant Commissioner working in Complaint & Information Section of the office of the DC of Khulna sent letter to the Assistant Commissioner (Land) of Dumuria Upazila of Khulna district to take necessary action. After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer(RTI) informed in his statement that, no resolution has been made from 1990 to 2004 as there was no government direction. Prior to 2005 creating file in the name of the person was sent in DC office, no resolution was made. The resolution from 2005 to 2008 kept in the office. In the next time as the meeting of selection committee of khas land settlement was not held there was no resolution from 2008 to 2012.

06) Being asked by the commission whether the copy of resolution from 2005 to 2008 can be provided, the Designated Officer (RTI) gave surety of providing the copy of resolution as per Right to Information Act, 2009.

Discussion

Hearing the statements of both the complainant and the Designated Officer(RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer(RTI) gave surety of providing the requested information to the complainant from 2005 to 2008 those are kept in his office. So, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer(RTI) of Dumuria Upazila of Khulna District has been directed to provide the requested information to the complainant from 2005 to 2008 on or before 13-06-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties are directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-43/2013

Complainant: Mr. Mostain Gazi

Father: Wazed Ali
Vill.: Ghoshgati, PO: Sahas
Dumuria, Khulna.

Opposite Party: Mr. Selim Reza

Assistant Commissioner (Land)
& Designated Officer(RTI)
Dumuria, Khulna.

Decision Paper
(Date: 05-06-2013)

The complainant Md. Mostain Gazi lodged petition on 13-01-2013 to Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer (RTI) of Dumuria Upazila of Khulna District seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- What is the amount of khas land and marshy land of Mouza Wari of Sahas Union?

02) Not getting the sought information within the stipulated time, the complainant preferred an appeal to the DC of Khulna district and appellate authority (RTI) Mr. Mesbah Uddin on 12-03-2013. With regard to the appeal Mr. Md. Al Mamun, the Assistant Commissioner (Complaint & Information Section) of the office of the DC of Khulna sent letter to the Assistant Commissioner (Land) of Dumuria Upazila of Khulna district to take necessary action by the memo no.- 05.40.4700.017.07.03.04/2013-61/1 on date: 19-03-2013. Selim Reza, the Assistant Commissioner (Land) and the Designated Officer(RTI) of Dumuria Upazila of Khulna district in memo no.- U:L:O:/Dumu/Khas/2013-196 on 01-04-2013 directed to Union Land Officer, Union Land Office, Sharafpur, Dumuria, Khulna to provide the requested information to the applicant as per rules. In the same letter he requested to the complainant to collect the requested information from the concerned Union Land Assistant officer. After that without getting no information, the complainant submitted the complaint on 21-04-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

04) The Complainant and the Designated Officer (RTI) presented their statement being present on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the prayed information he lodged the appeal petition to the appellate authority (RTI). With regard to the appeal Mr. Md. Al Mamun, the Assistant Commissioner working in Complaint & Information Section of the office of the DC of Khulna sent letter to the Assistant Commissioner (Land) of Dumuria Upazila of Khulna district to take necessary action. After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer (RTI) informed in his statement that as the complainant did not communicate in the next time so, it was not possible for him to provide the information. But he has prepared the requested information and gave surety to provide the same to the complainant.

Discussion

Hearing the statements of both the Complainant and the Designated Officer (RTI) and reviewing the submitted documents it was noticed that, the Designated Officer (RTI) has prepared the requested

information and assured to provide to the complainant. As the Designated Officer ensured the delivery of the requested information to the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer(RTI) of Dumuria Upazila of Khulna District has been directed to provide the prayed information of the complainant on or before 13-06-2013 on the condition of paying the value of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the value of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both of the parties have been directed to notify the Information Commission after implementing/ maintaining the directions.

Send the copies of order to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-44/2013

Complainant: Tilak Mandal

Husband: Bikash Mandal
Vill.: Kazirhola, PO: Sahas
Dumuria, Khulna.

Opposite Party: Mr. Selim Reza

Assistant Commissioner (Land)
& Designated Officer(RTI)
Dumuria, Khulna.

Decision Sheet

(Date: 05-06-2013)

The complainant Tilak Mandal lodged petition on 13-01-2013 to Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer (RTI) of Dumuria Upazila of Khulna District seeking the following information as per section 8(1) of Right to Information Act, 2009-

- List of landless farmers selected for providing the agricultural khas land at Sahas Union from 1987 to 2012.

02) Not getting the sought information within the stipulated time, the complainant lodged an appeal to the DC of Khulna district and appeal authority (RTI) Mr. Mesbah Uddin on 12-03-2013. With regard to the appeal Mr. Md. Al Mamun, the Assistant Commissioner, Complaint & Information Section, the office of the DC of Khulna sent letter to the Assistant Commissioner (Land) of Dumuria Upazila of Khulna district to take necessary action by the memo no.- 05.40.4700.017.07.03.04/2013-61/3 on date: 19-03-2013. Selim Reza, the Assistant Commissioner (Land) and the Designated Officer(RTI) of Dumuria Upazila of Khulna district in memo no.- U:L:O:/Dumu/Khas/2013-196 on 01-04-2013 directed to Union Land Officer, Union Land Office, Sharafpur, Dumuria, Khulna to provide the requested information to the applicant as per rules. In the same letter he requested to the complainant to collect the requested information from the concerned Union land officer. After that without getting any solution, the complainant submitted the complaint on 21-04-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

04) The complainant and the Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the appellate authority (RTI). With regard to the appeal Mr. Md. Al Mamun, the Assistant Commissioner working in Complaint & Information Section of the office of the DC of Khulna sent letter to the Assistant Commissioner (Land) of Dumuria Upazila of Khulna district to take necessary action. After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer(RTI) informed in his statement that, as the complainant did not communicate in the next time, it was not possible to provide the information. But he has prepared the requested information and gave surety to the complainant to provide the same to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) informed that the requested information to the complainant is prepared and gave surety of providing to the complainant. S, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer (RTI) of Dumuria Upazila of Khulna District has been directed to provide the requested information to the complainant on or before 13-06-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-45/2013

Complainant: Mr. B H Belal

(Father: Haji Md. Nurul Islam)
Chief Reporter, AparadhBichitra
53, Motijheel Modern Mansion
(14th Floor), Dhaka.

Opposite Party: Mr. Md. Jahedul Haq

Assistant Professor
& Designated Officer(RTI)
Dhaka Residential Model College
Dhaka.

Decision paper

(Date: 24-06-2013)

01. The complainant lodged petition on 02-03-2013 to Colonel Md. Mosleh Uddin Bhuiyan, the Principal & Designated Officer(RTI), Dhaka Residential Model College, Dhaka seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- a) 1) The list of the committee of admission test of recently held admission test 2012; 2) Published result sheet of admission test; 3) Tabulation sheet; 4) Code Sheet; 5) D-Code Sheet; 6) Code Slip; 7) Question sheet of the admission test; 8) Answer sheet of the admission test (the information immediately required mentioned in 1-6 of Ka and information no. 7-8 required to be maintained in unchanged);
- b) 1) Appointment letter ; 2) Bio-data & 3) Service Statement of the present principal of the said college;
- c) 1) Said college Appointment letter ; 2) Bio-data & 3) Service Statement of the recently outgoing principal of the said college Colonel Md. Kamruzzaman;
- d) Resister khata, class routine & result sheets of distribution of classes from 2007 to till today;
- e) Name list of the teachers mentioning the date of birth and date of joining of the teachers.

Mr. Md. Jahedul Haq, The Assistant Professor of Dhaka Residential Model College issued notice to the complainant failing to provide him the information by memo no.- admin/415/13 on 11-03-2013. The complainant being aggrieved with the failure notice lodged an appeal petition on 31-03-2013 to the Chairman of the Dhaka Residential Model College and Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint on 23-05-2013 to the Information Commission.

- 02)** The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.
- 03)** On the fixed date of hearing the learned advocate Mr. S M Abdur Rouf appeared for the Designated Officer (RTI) while the complainant was personally present.. For the necessity of the personal hearing of the Designated Officer (RTI) the learned advocate for the Designated Officer (RTI) praying time lodged application. The Commission sanctioned the time. Summonses were issued to the complainant and the Designated Officer (RTI) again fixing the date of hearing on 24-06-2013.
- 04)** On the date of fixed for hearing, the complainant and the learned advocate Mr. S M Abdur Rouf appeared for the Designated Officer (RTI) Mr. Md. Jahedul Haq and Md. Mosleh Uddin Bhuiyan, the Principal of Dhaka Residential Model College. The complainant stated in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he

lodged the appeal petition to the appellate authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

- 05) Mr. Md. Jahedul Haq**, the Assistant Professor of Dhaka Residential Model College informed in his statement that, he was appointed as the Designated Officer (RTI) of Dhaka Residential Model College. As the requested information of the complainant is not fit for providing as per the rule of Official Secrets Act, 1961 (applicable for the Defense force), the complainant was provided the failure notice on 11-03-2013.
- 06)** In answer of the question under which ministry Dhaka Residential Model College is run the Designated Officer (RTI) informed that, the institution is run under the ministry of education. So, Official Secrets Act, 1961 (applicable for the Defense force) is not applicable in this case. In the convenience of providing the requested information to the complainant after discussion with the complainant and the Designated Officer(RTI) the Information Commission determined the following information as to be suitable for providing:-
- The information mentioned in nos.- 1,2,7 of serial no (k) mentioned in the petition respectively are- list of committee of admission test of recently held admission test 2012, published result sheet of admission test, and the copy of question paper of the admission test can be given, however, the information mentioned in serial nos: 3,4,5,6 are respectively –Tabulation sheet, code sheet, D-code sheet, code slip as regarded in the level of secrecy, the Commission expressed its opinion for not providing such information.
 - The information mentioned in serial no.8 of serial no. (Ka)- The Commission expressed its opinion that it will not be appropriate to provide all of the answer sheet of the admission test. But, if written petition is made mentioning the answer sheet of the examinee specifically in that case copy might be provided.
 - Information mentioned in no. (1) out of the information mentioned in serial nos. (Kha) & (Ga) is suitable for providing and the information mentioned in nos. (2) & (3) making customized that can be provided to the complainant.
 - The information mentioned in serial no. (Gha) such as- register khata distribution of class from 2007 to till today, class routine and the information kept in result sheets might be provided.
 - The information mentioned in serial no.(Uma) such as- requirement of knowing the date of birth and date of joining of the teachers mentioning that specifically copy might be provided under the written application.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) was not understood which type of requested information are possible to bring under Right to Information Act, 2009 and which types of information is not possible to provide, it was not possible to provide the requested information to the complainant. At the time of hearing as the Designated Officer (RTI) giving surety to provide the information suitable to provide to the complainant according to the direction mentioned in chapter no.06 of Right to Information Act, 2009 in the requested information of the complainant, the complainant is clearly become suitable for disposed of.

Decision

The complaint is settled or disposed of providing the following directions:-

- 1) The Designated Officer (RTI) has been directed to provide the requested information of the complainant on or before 07-07-2013 on the condition of paying the value of the information.

- 2) The complainant has been directed to lodge petition to the Designated Officer (RTI) to get the information mentioned in 8 OF serial no. (Ka) and serial no. (Uma) mentioned in chapter no.1 by specifically on 27-06-2013.
- 3) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 4) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Send the copy of the order to all the concerned

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-46/2013

Complainant: Mr. Md. Abdur Razzaq
Father: Late Raham Ali Mandal
Vill.+PO+Union: Ghurka
Upazila: Roiganj, Dist.: Sirajganj

Opposite Party: Assistant Commissioner
& Designated Officer(RTI)
Upazila Land Office Roiganj
Sirajganj.

Decision Paper

(Date: 05-06-2013)

The complainant Mr. Md. Abdur Razzaq lodged petition on 27-01-2013 to the Assistant Commissioner (Land) & Designated Officer (RTI) of Roiganj Upazila of Sirajganj District seeking the following information as per section 8(1) of Right To Information Act, 2009-

- (a) What is the amount of land of pond of plot no.623 of R.S khatian no. 436, J.L No.-109 of Jagannathpur Mouza of Roiganj PS?
- (b) Whether the pond of the said plot khatian has been given lease/settlement to any person/Youth Development Samity/Fishermen Cooperative Society? If so in what condition that has been given as leased? Photocopy of lease deed.
- (c) Copy of policy of governmental Jalmahal settlement.

02) Not getting the requested information within the stipulated time, the complainant lodged an appeal in registered post to the DC of Sirajganj district and appellate authority (RTI) on 21-03-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 28-04-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

04) The complainant and the Surveyor Mr. Md. Jamal Uddin attending for the Designated Officer (RTI) of Roiganj Land Office presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting therequested information, he lodged the appeal petition to the appellate authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) The present Assistant Commissioner (Land) of the land office of Roiganj Upazila is newly appointed, he did not took over yet. Surveyor Mr. Md. Jamal Uddin for the Designated Officer (RTI) presented his statements that, the requested information of the complainant is prepared. It is possible to provide the information after receiving the information cost.

Discussion

Hearing the statements of both the complainant and the Surveyor Mr. Md. Jamal Uddin attending for the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) did not take over. In the statement of Mr. Md. Jamal Uddin for the Designated Officer

(RTI) that the requested information of the complainant is prepared and the same will be possible to provide the complainant. So, the case seems to be disposable.

Decision

The complaint is settled or disposed of providing the following directions:-

- 1) Mr. Selim Reza, the Assistant Commissioner (Land) & Designated Officer(RTI) of Dumuria Upazila of Khulna District has been directed to provide the requested information to the complainant on or before 13-06-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-47/2013

Complainant: Mr. Md. Rowshan Ali
Father: Late Bidesh Pramanik
House No.-4/19, Ward No.-7
Bir Muktijodya Rejaul Baki Sarak
Jaleshwaritola, Bogra.

Opposite Party: Mr. Md. Kamrul Ahsan
Deputy- Director
& Designated Officer (RTI)
Anti-Corruption Commission
Integrated District Office, Bogra

Decision Paper

Date: 05-06-2013)

In the matter of submitted complaint no.-27/2013 as the complainant Mr. Md. Rowshan Ali not getting his requested information as per the decision made by the Commission, he submitted the complaint to the Information Commission again on 29-04-2013.

In the complaint he mentioned that, in the matter of his submitted complaint no.-27/2013 in the time of hearing on 22-04-2013 in the Commission the Designated Officer (RTI) is directed to provide his requested information by 22-04-2013. But the Designated Officer (RTI) by memo no.-ACC/SaJeKa/Bogra/812, date: 21-04-2013 as per sub-section (Chha) of section-7 of Right to Information, 2009 and appendix-2 of information release Policy-2011 of Anti Corruption Commission expressed his failure in providing the information.

02) The complainant mentioned that, giving wrong explanation of sub-section (Chha) of section-7 of Right to Information, 2009 and appendix-2 of information release Policy-2011 of Anti Corruption Commission hindering the main purpose of Right to Information, 2009 intentionally and unjustly the Designated Officer (RTI) expressed his failure to provide the information to harass him only. Being aggrieved in the respond by the Designated Officer (RTI) he lodged the said complaint in the Information Commission.

03) The matter was discussed in the meeting of the Commission on 14-05-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 05-06-2013.

04) In the fixed date of hearing, the complainant, Designated Officer (RTI) and Mr. Ruhul Ilam Khan, the learned advocate for the Designated Officer (RTI) being attended presented their statements. The complainant mentioned in his statements that, the requested information of complaint no.-27/2013 was not provided him as per the decision of the Commission. He is being harassed disobeying the direction of the Information Commission. He submitted complaint to the Information Commission without getting any information. He wants to get the copy of E/R No.-31/2011.

05) Mr. Ruhul Amin Khan, the learned advocate for the Designated Officer (RTI) of Anti Corruption Commission, Integrated District Office, Bogra informed in his statements that, he verified/investigated the asset statements submitted by the complainant by E/R No.-31/2011 and the asset submitted by his wife by E/R No.-32/2011. After the completion of verification/investigation he submitted a report recommending for filing a case of recording of E/R no.- 31/2011 and in E/R no.-32/2011 against Most. Monowara Begum, the wife of complainant and Md. Rowshan Ali in section 26(2) & 27(1) of Ante Corruption Act -2004 and in section 109 of Penal Code. In the direction of Ante Corruption Commission, Head Office, Dhaka connecting the complaint E/R No.-31/2011 with E/R no.-32/2011 and in E/R no.-

32/2011 a decision have been got to file a case against Most. Monowara Begum, and Md. Rowshan Ali. Accordingly, case no.14 of Bogra PS, date: 06-03-2012 has been filed against them.

After the investigation of the case charge sheet no.-673 of Bogra Sadar PS, date: 02-12-2012 has been submitted to the learned court. Obligation has remained to provide the result in the said case of the investigation result (final result) as per the list of information oblige to provide as soon as demand as per the appendix-2 of information release policy -2011 of the Ante Corruption Commission. It is not investigation report. Accordingly, it is not possible to provide the investigation report from the ACC as per the release policy. As the fair justice will be hindered of the under trial if the information is made open information was not provided as per the section 7(Chha) of Right To Information Act, 2009. In this regard mentioning the cause to the complainant on 21-04-2013 the notice of failing of providing information has been provided.

Discussion

Hearing the statements of both the complainant and the opposite party and reviewing the submitted evidences it was noticed that, as the requested information E/R no.-31/2011 of the complainant being related with case no.-14 of Bogra PS, date: 06-03-2012 and since the case is under trial, so, it is not providable as per section 7(Chha) of Right to Information Act, 2009. As it is clear and evident that the requested information is not providable by the Designated Officer(RTI) as per the section 7(Chha) of Right to Information Act if the information is provided the under trial can be hindered, so, the complaint seems to be disposable.

Decision

Since the matter of the request information remain in the court under trail the complaint has been settled informing to the complainant to the effect that it is not suitable for providing as per section 7(Chha) of Right to Information Act. The order about providing the information provided on 16-04-2013 has been cancelled herewith.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 48/2013

Complainant:
Mr. Abdur Rahim Mia
Father-Md.Tamser Ali Mia
House- 671, Road-6
Shahinbag Old Airport
Tejgaon, Dhaka-1215.

Opposite Party:
Mr Muhammad Nur Alam
Deputy Secretary- Admin-4 and
Designated Officer- RTI
Ministry of Liberation war
Dhaka-1000.

Decision Paper

(Date: 22-08-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant applied to the Deputy Secretary and Designated Officer (RTI), Mr. Abul Kashem Talukder for the information mentioned below:

* Subject: regarding the name enlistment as Freedom Fighter under Air Force in the Freedom Fighter Gazette. Former Air Fighter BD/455027 W.O Abdur Rahim Mia(Sec Asst A , rtd)

Ref: AF Head Quarter Admin, Memo No.06.03.2600.041.83.001.12.001/45Ka, date 5 June, 2012

* Expected information: On the above mentioned issue and with ref with the letter name enlistment in the Gazette and wanted to know the progress.

02. While the complaint did not received any update on the information then on 3/4/2013 he applied with an appeal to the Secretary and Appeal Authority of K H Masud Siddiki. But there was no action regarding the appeal application and on 14/5/2013 he filed complaint to Information Commission.

03. The issue has been discussed in the meeting of the commission on 09/06/2013. As per decision of the meeting, summonses were issued to the concerned parties fixing the date hearing on 24-06-2013.

04. On the date of hearing the Complainant was present. But the Designated officer Mr Abul Kashem Talukder was absent. On 23/6/2013 Mr. Rafikul Islam, Assistant Secretary from Admin- 1 Section of Ministry of Liberation War informed that the concerned Joint Secretary Mr. Abul Kashem Talukder is now staying at London for official purpose. In this case the commission fixed the date of hearing on 4/8/2013 and summonses were issued to the Complaint and the Designated Officer(RTI), Mr. Mojibor Rahman Al Mamun.

05. On the date of hearing the Complainant was present. The Designated Officer, Mr. Majibor Rahman Al Mamun was absent. Through a letter Mr. Babul Mia, Senior Assistant Secretary from Ministry of Liberation War informed Mr. Majibor rahman Al Mamun has been promoted as Joint Secretary from Deputy Secretary and another Designated Officer is assigned instead of him named Mr. Muhammad Nur Alam, Deputy Secretary,Admin-4 and requested to settle another date of hearing on the issue. On 22/8/2013 new date of hearing was refixed and the Complainant and Designated Officer (RTI), Mr. Muhammad Nur Alam were summoned.

06. On the date of hearing both the complainant and Designated Office (RTI), Deputy Secretary-Admin-4 from Ministry of Liberation War gave their statement. The Complainant mentioned that under RTI Act, 2009, section 1 he applied for information. When he did not get that, he filed an appeal

application to the Appellate Authority (RTI). But getting no response, he submitted the complaint to Information Commission.

07. The Designated Officer(RTI), Deputy Secretary- Admin-4 Mr. Muhammad Nur Alam mentioned in his statement that when any applicant apply with necessary information and after verification the name of any Freedom Fighter is enlisted with the recommendation of Bangladesh Freedom Fighter Association. As the applicant is member of Air Force then for his recommendation the paper has been sent to Bangladesh Air Force Head Quarter. As the AFHQ did not provide any clear comment no information was delivered.

08. When the Designated Officer asked that, is there any Government Circular that with the recommendation of the Air Force name can be enlisted, Mr. Muhammad Nur Alam informed that there is no relevant circular. If any army officer apply for name enlistment then comments is required. Then commissioned asked to the Designated Officer (RTI) that if he can deliver relevant name enlistment related information to the complainant. In answer to that, the Designated officer (RTI), Mr. Muhammad Nur Alam ensured that he would deliver him the necessary information to the complainant.

Discussion

The statement of both the complainant and Designated Officer (RTI) has been heard and after reviewing the submitted proof it was found that as the complainant was former member of Air Force, the Designated Officer (RTI) sent the paper for comments to Air Force. Due to not getting any relevant information from Air Force, the necessary information cannot be delivered. As per the instruction of the commission the Designated Officer (RTI) will take necessary action for name enlistment and will deliver all relevant information, so the complaint seems to be disposable.

. Decision

The case is disposed of with following instructions:

01. After paying the information cost within 29/8/2013 or before the complainant's name enlistment and gazette publication related all information should be delivered, a relevant instruction is given to the Deputy Secretary and Designated Officer(RTI) of Ministry of Liberation war.
02. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is director to pay the information cost deposited to Government treasury code 1-3301-0001-1807.
03. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/
Mohammed Abu taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-49/2013

Complainant: Most. Zakia Begum

Father: Md. Abdur Rahman
Vill.: Karilabari
PO & Union: Dhangara
Upazila-Roiganj, Dist.: Sirajganj

Opposite Party: Designated Officer(RTI)

Upazila Land Office
Roiganj, Sirajganj.

Decision Sheet
(Date: 24-06-2013)

The complainant **Most. Zakia Begum** submitted an application on 10-02-2013 to the Assistant Commissioner (Land) & Designated Officer (RTI) Assistant Commissioner (Land) of Royganj Upazila of Sirajganj District seeking for the following information as per section 8(1) of Right to Information Act, 2009-

(a) Photocopy of gazette of the policy of Jalmahal settlement.

(b) Whether the pond of plot no.-418 of RS khatian no.1, J.L no.-133 of Chandpur Mouza of Roiganj Upazila has been given lease/settlement to any person/Youth Development Samity/Fishermen Cooperative Society from 1 Boishakh, 1409BS to 30 Chaitra, 1419 BS? If so, the papers and documents of lease, letter of permission of giving lease and Photocopy of lease agreement deed.

02) Not getting the requested information within the stipulated time, the complainant lodged an appeal in registered post to the DC of Sirajganj district and appellate authority (RTI) on 08-04-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 16-05-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 09-06-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-06-2013.

04) On the fixed date of hearing the complainant Most. Zakia Begum on account of Virus related fever remains absent consequently lodging petition seeking for time. Since the complainant did not prayed time before the fixed date of hearing it was not possible to inform the matter to the Designated Officer. In the meantime, the Designated Officer (RTI) attended in the hearing. Designated Officer (RTI) attending in the hearing presented his statements. The Designated Officer (RTI) informed in his statement that, he has brought the requested information of the complainant with him after preparing the same. He informed that the requested information of the complainant is possible to be provided.

Discussion

Hearing the statements of the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, Since, the complainant did not prayed time before the fixed date of hearing it was not possible to inform the matter to the Designate Officer. In the meantime, the Designated Officer (RTI) prepared the requested information of the complainant. He gave surety of providing the requested information. So, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Assistant Commissioner (Land) & Designated Officer (RTI) of Royganj Upazila land office of Sirajganj District has been directed to provide the requested information to the complainant on or before 01-03-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-50/2013

Complainant: Mr. Abdul Awal

Father: Late Anu Miah
Vill.: Pipyakandi
PO: Pipyakandi
Upazila: Pipyakandi,
Dist.: Comilla

Opposite Party: Assistant Commissioner

(Land) & Designated Officer(RTI)
Upazila Land Office
Daudkandi, Comilla.

Decision Paper

(Date: 24-06-2013)

The complainant Mr. Abdul Awal lodged petition on 03-02-2013 to Mr. S M Shafi Kamal, the Assistant Commissioner (Land) & Designated Officer (RTI) of Daudkandi Upazila of Comilla District seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- What are the amount of land and marshy land under khas khatian at West Mohammedpur Union of Daudkandi Upazila.

Not getting the requested information within the stipulated time, the complainant lodged the appeal in registered post to the DC of Comilla district and appellate authority (RTI) Mr. Md. Rezaul Ahsan on 01-04-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 26-05-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 09-06-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-06-2013 as to the complaint.

03) The complainant and the Land Officer of Daudkandi Upazila and former Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the appellate authority (RTI). After that without getting any solution the complainant submitted the complaint to the Information Commission.

04) Former Designated Officer(RTI) Mr. S M Shafi Kamal mentioned in his statement that, he prepared the requested information for providing to the complainant, but as the complainant did not mention in his petition in which way he will receive the information it was not possible to provide the information in time. In the next time, he took part in the government training and was transferred as the Upazila Nirabi Officer of Jamalganj Upazila of Sunamganj district. Now he has been maintaining his duty as the Upazila Nirabi Officer of Jamalganj Upazila of Sunamganj district. Prior to that, he, as a Designated Officer (RTI) prepared the requested information of the complainant and even today he brought the same to provide to the complainant. Though the present Assistant Commissioner (Land) working at Daudkandi Upazila and the Designated Officer (RTI) is directed to provide the requested information to the complainant, he gave surety of cooperating to provide the information of the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) prepared the requested information of the complainant. In the next time as he took part in the government training and was transferred as UNO he could not provide the said information to the complainant in due time. As he prepared the requested information of the complainant, therefore, direction can be given to present Assistant Commissioner (Land) of Daudkandi Upazila of Comilla district and the Designated Officer (RTI) to provide the requested information to the complainant. As the former Designated Officer (RTI) and the present Assistant Commissioner (Land) of Daudkandi Upazila of Comilla district and the Designated Officer (RTI) gave surety of providing the requested information to the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Assistant Commissioner (Land) & Designated Officer(RTI) of Daudkandi Upazila of Comilla District has been directed to provide the requested information to the complainant on or before 01-07-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-51/2013

Complainant: Mr. Md. Lutfor Rahman

Father: Late Md. Jinnat Ali (B,A BT)
Vill.: Belabo Matialpara
PO: Belabo Bazar
PS: Belabo, Dist.: Narsingdi.

Opposite Party: Mr.Md. Mosharaf Hossain

Joint Secretary (Admin)
& Designated Officer(RTI)
Ministry of Agriculture, Bhaban-04
Room no.-433, Bangladesh
Secretariat, Dhaka-1000.

Decision Paper

(Date: 24-06-2013)

The complainant **Mr. Md. Lutfor Rahman** lodged petition on 18-03-2013 to **Mr.Md. Mosharaf Hossain**, the Joint Secretary (Admin) of the Ministry of Agriculture & Designated Officer (RTI) by register post seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- 1) Advanced copy has been sent, his written petition on 14-09-2008 to the Ministry of agriculture.
- 2) Admin-02 of the Ministry of Agriculture, by discussion and reviewing with his petition on 14-09-2008 written to the Ministry of Agriculture decision has been made about house no. C-128/1, Said matter, proceeding and decision of that meeting. (Discussed matter, preceding and his decision of the house Committee meeting possible holding date on 23-10-2008 held on the chair of then Deputy-Secretary, Mr. Md. Iqbal Hossain of the said sub-section);
- 3) Copy has been sent to then Senior Assistant Secretary, Research Section-3, Ministry of Agriculture, Bangladesh Secretariat, Dhaka, the memo no.-EST-1556/04/3445 (1-11), date: 05-04-09 of BJRI.
- 4) Documents about information in which date the memo no.-EST-1556/04/3445 (1-11), date: 05-04-09 of BJRI has been receive by the Ministry of Agriculture.
- 5) As per the memo no.-Research-3/Jute-2/2008/122, date: 18-04-2010 of the Ministry of Agriculture signed by Mr. Md. Kaikobad, the Joint Secretary (Research) mentioned in the preceding of triparty meeting in the meeting of the said ministry held on 03-03-2010 and the written document of the decision of points (Ka), (Kha), (Ga), (Gha), (Uma) & (Cha) taken by both of the parties published in the papers and documents. If there is no specific documents then the said decision of the said 6 points are suitable for documentation.
- 6) The report that has been sent to the Ministry of Agriculture from BJRI with regard to memo no.-AM/Research-3/Jute-3/2011/29, date: 14-02-2013 of the Ministry of Agriculture, the same is the full report with the papers and documents mentioned in the annexure.
- 7) Full name, permanent address, official phone number & personal cell phone number of the honorable Secretary of the Ministry of Agriculture.
- 8) Full name, official address, permanent address, official phone number & personal cell phone number of the Additional Secretaries of the Ministry of Agriculture.

9) Full name, official address, permanent address, official phone number & personal cell phone number of the Joint Secretaries of the Ministry of Agriculture.

Not getting the requested information within the stipulated time, the complainant lodged the appeal in registered post to Mr. Manjur Hossain, the Secretary of the Ministry of Agriculture and appeal authority (RTI) on 29-04-2013. After that without getting any solution even after lodging the appeal the complainant submitted the complaint on 26-05-2013 to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 09-06-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-06-2013.

03) The complainant and the Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information he lodged the appeal petition to the appellate authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

04) Mr.Md. Mosharaf Hossain, The Joint Secretary (Admin) of the Ministry of Agriculture & Designated Officer (RTI) mentioned in his statement that, the information serial no.1 out of the mentioned information was not found out. It was not possible to collect the information as time was consumed to collect the information of the full name, permanent address and the personal cell number of the Secretary, the Additional Secretaries & Joint Secretaries working in the Ministry of Agriculture of the information mentioned in serial no. 7,8 &9, the information mentioned in serial no.2-9 has been collected and brought. The Designated Officer (RTI) gave surety to provide the requested information to the complainant as per the direction of the Information Commission.

05) The Commission expressed its opinion that it is not providable of any personal information, such as: the permanent address of any person and personal cell number as per the Right to Information Act, 2009. The Commission expressed its opinion that other requested information of the complainant except the personal information might be provided.

Discussion

Hearing the statements of both the complainant and the Designated Officer and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) has needed additional time to collect the information mentioned in serial no.7,8 &9 of the said information of the complainant. According to the Right to Information Act, 2009 the Commission Expressed its Opinion that as the information mentioned in serial no.7,8 &9 is the personal information, so, the same is not suitable for providing. At the time hearing it was clear from the statement of the Designated Officer (RTI) that, information is ready and it is possible to provide all of the information to the complainant except the personal information. As the Designated Officer (RTI) given surety about providing the requested information to the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 5) **Mr.Md. Mosharaf Hossain**, the Joint Secretary (Admin) of the Ministry of Agriculture & Designated Officer (RTI) has been directed to provide the requested information to the complainant except the personal information mentioned in serial no. 7,8 & 9 on or before 30-06-2013 on the condition of paying the cost of the information.

- 6) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 7) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-52/2013

Complainant: Mr. Md. Rais Uddin Badshah

Advocate
Father: Late Hamiz Uddin Badshah
Vice-Chairman, Rangpur Lawyer
Association, Rangpur

Opposite Party: Mr. Sayed Ahmad

Principal
& Designated Officer (RTI)
Millennium Stars School & College
Rangpur Cantonment, Rangpur.

Decision Paper

(Date: 18-08-2013)

The complainant Mr. Md. Abdur Razzaq lodged petition by register post on 01-04-2013 to **Mr. Sayed Ahmad**, Principal & the & Designated Officer (RTI), Millennium Stars School & College Rangpur Cantonment, Rangpur seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Whether the Managing Committee has been constituted as per Non-government (English Medium) School Registration Policy, 2007, and as per rule of section 7 of S.R O No.- 259-Law/2007
- Whether the members are elected by the guardians of the students in the Managing Committee? If any, names & address.
- As per the rule 18(2) of the said rules for ensuring the financial discipline, transparency and accountability after the end of every finance year whether the income and expenditures of the school has been audited by any C/A Firm? If done, its attested copy.
- If not audited by any C/A Firm, the statement of total expenses of the amount of money received from the admission fee studying in 2012 in all classes from Nursery to Twelfth, re-admission fee, development fee, tuition fee etc and salaries and allowances of the teachers and employees, purchasing the stationery materials, purchasing the electric materials in 2012.
- Account statement about deposited in the bank account of the school and drawn in 2012 and last balance.

02) Not getting the requested information within the stipulated time, the complainant lodged the appeal by registered post to the Brigadier Mr. Md. Nayeem Ashafaq Chowdhury, PSC, the Chairman Board of Directors (GB) and Appellate Authority (RTI) of Millennium Stars School & College Rangpur Cantonment, on 07-05-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 09-06-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Principal and Designated Officer (RTI) of Millennium Stars School & College, Rangpur Cantonment, presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not

getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Sayed Ahmad, the Principal and Designated Officer (RTI) of Millennium Stars School & College Rangpur Cantonment mentioned in his statement that, information is prepared to provide to the complainant. He informed the complainant to collect information by his advocate. As the complainant did not come to collect the information it was not possible for him to provide the same to him. The Designated Officer (RTI) gave surety of providing the requested information to the complainant.

06) Whether the income and expenditures after the end of the every year of the school has been audited by any C/A Firm? In response of such question of the Commission, the Designated Officer (RTI) informed interior audit has been made. But audit was not done with C/A Firm.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted documents, it was noticed that, the providing of information by the Designated Officer (RTI) to the complainant is prepared. Since, the Designated Officer (RTI) gave surety of providing the requested information to the complainant, so, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Principal and Designated Officer (RTI) of Millennium Stars School & College Rangpur Cantonment has been directed to provide the requested information of the complainant on or before 28-08-2013 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-53/2013

Complainant: Mr. Joynal Abedin
Father: Haji Sbadar Ali
Vill.: Arag Anandapur
Burichang, Comilla.

Opposite Party: Mr. Mohammed Khorshed Alam Khan
Assistant Commissioner (Land)
(Additional Charge)
Upazila Nirbahi Officer
& Designated Officer (RTI)
Burichang, Comilla.

Decision Paper

(Date: 18-08-2013)

The complainant lodged petition on 05-03-2013 to Assistant Commissioner (Land) (Additional Charge) Upazila Nirbahi Officer & Designated Officer (RTI) of Burichang Upazila of Comilla district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Fazlur Rahman & others demanded ownership by settlement of 35 decimals land of J.L no.- 77, R.S khatian no.-01, plot no.- 1741 of Bijoypur Mouza of Burichang PS are demanding Fazlur Rahman Trustee Board by 265/1967-68 and by settlement case no.- 42/1967-1968 demanding by Abdul Khaleq, son of Azim Uddin, vill.: Arag Anandapur, Burichang, Comilla & others by settlement ownership.
- In this situation, the information related to the mentioned settlement case information about the settlement of the said owners in the said settlement case mentioned in register no. 8,9 & 12 of your office kept at Burichang Sadar Union Land Office including the mentioned information of the settlement case settled in register no. 8,9 & 12 of your office

02) Not getting the requested information within the stipulated time, the complainant lodged the appeal by registered post to DC of Comilla district and Appellate Authority (RTI) on 15-04-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 10-06-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Principal and Designated Officer (RTI) are absent on the fixed date of hearing. The complainant informed the Information Commission that, he has been provided with the requested information appropriately. So, he does not have any complaint in this regard and the complaint can be disposed of. The Designated Officer (RTI) Mr. Mohammed Khorshed has provided the requested information to him on 07-04-2013, the complainant confirmed. He humbly requested for exemption from the liability of personal summon.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) provided the requested information to the complainant. The complainant has got all of his requested information and as, the complainant have no complaint about the requested information, so, the case seems to be disposable.

Decision

Since, the complainant got all of his requested information and to this effect informed the Commission and as he lodged application to dispose of the matter so, the case is disposed of and exempted from the liability of summon issued by the Commission.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-54/2013

Complainant: Mr. Abdul Halim

Father: Late Md. Abul Hashem Akan
Badshah Plaza, Level-8
20 Link Road, Dhaka-1000

Opposite Party: Mr. Md. Humayun Kabir

Director (Admin & Finance)

& Designated Officer (RTI)
National Human Right Commission
Gulfesha Plaza (13th floor)
8 Shahid Selina Parvin Road
Moghbazar, Dhaka-1217.

Decision Paper

(Date: 22-08-2013)

The complainant lodged petition on 10-06-2013 to Information Commission. In the complaint sheet he mentioned that, according to his filed complaint no.-21/2013 held hearing on 29-05-2013 as per the given decision by the Commission the Designated Officer did not provide him the complete information. After paying the cost of the information the Designated Officer (RTI) provided the information to the complainant on 05-06-2013, being dissatisfied, he submitted complaint again to the Information Commission.

02) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 08-04-2013.

03) Mr. Shamim Ahmmed, the Acting Secretary of National Human Right Commission informed the Information Commission by memo no- 986 on 31-07-2013 that, as on the date fixed for hearing for the emergency meeting about TAPP of National Human Right Commission on 04-08-2013 it is not possible to attend in the hearing for Designated Officer (RTI) Mr. Md. Humayun Kabir, so prayed time. The Commission sanctioned time. Fixing the date of hearing again on 22-08-2013, summonses were issued to the complainant and the Designated Officer.

04) The complainant and the Designated Officer (RTI) are present on the fixed date of hearing. The complainant mentioned in his statement that, according to his filed complaint no.-21/2013 taking hearing on 29-05-2013 as per the given decision by the Commission the Designated Officer did not provide him the complete information. Even after paying the cost of the information the Designated Officer (RTI) provided the information to the complainant on 05-06-2013, being dissatisfied, he submitted complaint again to Information Commission. Mentioning the information provided by the Human Right Commission as partial and incomplete he prayed order of solution to Information Commission.

05) The Designated Officer (RTI) Mr. Md. Humayun Kabir, mentioned in his statement that, the information those are regarded to be provided after reviewing Right to Information Act, 2009, National Human Rights Commission Act, 2009 and third party that means the opinion of the Ministry of Home Affairs, those information has been provided to the complainant on 05-06-2013.

06) After discussion with the complainant and the Designated Officer (RTI) the Commission determined that the following information are suitable to be provided out of the requested information of the complainant:-

- The complainant informed the Commission that the information mentioned in serial no.01 has been provided correctly. So, other action is not needed in this matter.
- For the information of serial no.02 why the copy of recommendation will not be provided that have to inform to the complainant mentioning the specific section of National Human Rights Act, 2009.
- For information of serial nos. 03 & 04 the complainant informed the commission that, it is not necessary to take any action in this matter.
- For information of serial nos. 05 if it is not possible to provide the copy of which cases the National Human Rights Commission taken as suo-moto, that have to inform to the complainant mentioning the specific section of National Human Rights Act, 2009.
- For information of serial nos. 06 if it is not possible to provide the copy that have to inform the complainant mentioning the specific section of National Human Rights Act, 2009.

07) After the end of the review, the Designated Officer (RTI) Mr. Md. Humayun Kabir gave surety of providing the requested information to the complainant as per the direction above.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) provided the partial information to the complainant. As the Designated Officer (RTI) gave surety of providing the requested information mentioned in chapter no. 6 of the complaint as per the direction of the Commission, so the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- Designated Officer (RTI) has been directed to provide the requested information to the complainant on or before 29-08-2013 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Mohammed Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-55/2013

Complainant: Mr. Abdullah Al Mamun

Father: Habibur Rahman
House no.- 10 (6th Floor)
Road No.-20, Sector-4
Uttara, Dhaka.

Opposite Party: Mr. Shamsul Alam

Public Relations Officer
& Designated Officer (RTI)
Moulana Basani Science & Technology
University.

Decision Paper

(Date: 04-08-2013)

The complainant lodged petition by registered post on 03-04-2013 to **Mr. Shamsul Alam**, the Public Relations Officer & Designated Officer (RTI) of Moulana Basani Science & Technology University seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- I applied in the post of Lecturer in Criminology & Police Science Department at Moulana Basani Science & Technology University. Though other candidates got letter to attend in the appointment examination, I did not get. Why I did not get the letter? Has my application been refused? If so, why?

02) Without having the requested information in the stipulated time, the complainant lodged appeal petition to Mr. Shahadat Hossain, the Registrar of Moulana Basani Science & Technology University on 27-05-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 13-06-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant and the Public Relations Officer & Designated Officer (RTI) Moulana Basani Science & Technology University presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Shamsul Alam Public Relations Officer & Designated Officer (RTI) Moulana Basani Science & Technology University mentioned in his statements that, the Deputy Registrar of Moulana Basani Science & Technology University informed the complainant that for the lacking of the educational qualification he was not called for taking part in the appointment examination over telephone, but no written response was provided. After getting the summonses from the Commission being informed about the Right to Information Act the requested information was sent to the complainant by post. If the complainant did not get information he has been giving surety of providing the same.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) provided the requested information to the complainant by post. But, if the complainant did not get the requested information then the Designated Officer (RTI) gave surety of providing the requested information to the complainant. So, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- Public Relations Officer & Designated Officer (RTI) Moulana Basani Science & Technology University has been directed to provide the requested information of the complainant on or before 17-08-2013 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-56/2013

Complainant: Mr. A S M Alamgir
Father: A K M Shahjahan
Old Bazar, Birampur
Dinajpur.

Opposite Party: Mr. Mithun Kundu
Project Implementation Officer
& Designated Officer (RTI)
Birampur, Dinajpur.

Decision Paper

(Date: 18-08-2013)

The complainant Mr. Md. Abdur Razzaq lodged petition on 24-03-2013 to **Mr. Mithun Kundu**, the Project Implementation Officer & Designated Officer (RTI) of Birampur Upazila of Dinajpur district seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- T.R, KaBiKha (Food for Work), KaBiTa (Taka for Work), employment project for the ultra poor (40 days programs), constructing small bridge culvert in rural road (up to 12 miter length), of Finance Year 2009-2010, 2010-2011, 2011-2012 and 2012-2013, full information of the special allotment of MP (name, address of allotted organizations, amount of allotment as per the project). Full description of T.R, KaBiKha work and full description of programs of 40 days. Address of T.R, KaBiKha project, amount of allotment as per project and names, addresses of the members with the member secretary of the Project Implementation Committee, full addresses of the Chairman, Secretary with mobile no. (if any).

02) Designated Officer (RTI) expressed his unwillingness in providing the information in memo no- 51.01.2710.000.41.001.12/1201/1(10) on 07-04-2013. Being dissatisfied, the complainant lodged an appeal petition to Mr. Md. Mokhlesur Rahman, the Relief & Rehabilitation Officer & Appellate Authority (RTI) of the Office of Relief & Rehabilitation Officer of Dinajpur district on 17-04-2013. After the appeal petition, the Appellate Authority (RTI) directed the concerned authority to provide the information on 23-04-2013. Getting direction, the Project Implementation Officer provided partial information to the complainant without seal and signature. While he expressed his unwillingness, Project Implementation Officer informed in writing that he will provide the information to the complainant by 30-05-2013. When he arrived at the office of the Project Implementation Officer on 30-05-2013 then he expressed his unwillingness to provide the same to him. In the next time without getting any solution, the complainant submitted the complaint to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Project Implementation Officer & Designated Officer (RTI) of Birampur Upazila of Dinajpur district presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information he lodged an appeal petition to the Appellate Authority (RTI). Appellate Authority (RTI) gave the written direction to the Designated Officer (RTI) to provide the information. Even after getting direction, the Project Implementation Officer provided the partial information of 2009-2010, 2010-2011 to the complainant without seal and signature. He was

not provided with the complete information. After that the complainant submitted the complaint to the Information Commission.

05) Mr. Mithun Kundu, the Project Implementation Officer & Designated Officer (RTI) of Birampur Upazila of Dinajpur district mentioned in his statements that, as the Designated Officer (RTI) was not informed about the Right to Information Act, 2009 it was not possible to provide information to the complaint in time. Being attended in the hearing of the Commission, he gave surety of providing the requested information to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) was newly appointed and was not informed about the Right to Information Act, it was not possible for him to provide information to the complaint in time. Being attended in the hearing of the Commission and as gave surety of providing the requested information of the complainant and as expressed his sorrow and ignorance about the Right to Information Act, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Project Implementing Officer & Designated Officer (RTI) of Birampur Upazila of Dinajpur district & Designated Officer (RTI) has been directed to provide the requested information of the complainant on or before 25-08-2013 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.
- Let the copy of order be sent to DC and District Relief & Rehabilitation Officer, Dinajpur.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-57/2013

Complainant: Mr. A S M Alamgir
Father: A K M Shahjahan
Old Bazar, Birampur
Dinajpur.

Opposite Party: Mr. Ferdous Ahmed
Project Implementation Officer
& Designated Officer (RTI)
Nawabganj, Dinajpur.

Decision Paper

(Date: 18-08-2013)

The complainant Mr. Md. Abdur Razzaq lodged petition on 03-04-2013 to **Mr. Ferdous Ahmed**, The Project Implementation Officer & Designated Officer (RTI) of Nawabganj of Dinajpur district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- T.R, KaBiKha (Food for Work), KaBiTa (Taka for Work), employment project for the ultra poor (40 days programs), constructing small bridge culvert in rural road (up to 12 miter length), of Finance Year 2009-2010, 2010-2011, 2011-2012 and 2012-2013, full information of the special allotment of MP (name, address of allotted organizations, amount of allotment as per the project). Full description of T.R, KaBiKha work and full description of programs of 40 days. Address of T.R, KaBiKha project, amount of allotment as per project and names, addresses of the members with the member secretary of the Project Implementation Committee, full addresses of the Chairman, Secretary with mobile no. (if any).

02) Not getting the requested information within the stipulated time, the complainant lodged an appeal to Mr. Md. Mokhlesure Rahman, the Relief & Rehabilitation Officer & Appellate Authority (RTI) of the Office of Relief & Rehabilitation of Dinajpur district on 20-05-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 13-06-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Project Implementing Officer & Designated Officer (RTI) of Nawabganj Upazila of Dinajpur district presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). Not getting any solution even after appeal, the complainant submitted the complaint to the Information Commission.

05) **Mr. Ferdous Ahmed**, the Project Implementation Officer & Designated Officer (RTI) of Nawabganj Upazila of Dinajpur district mentioned in his statements that, the information is ready to be provided to the complainant. When communicated with the complainant to provide his information, he refused to accept the same. As a result, it was not possible for him to provide the information. Designated Officer (RTI) gave surety of providing the requested information of the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the information is ready to be provided to the complainant. As the complainant refused to accept the same, it was not possible to provide him the information. As Designated Officer (RTI) gave surety of providing the requested information of the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

01) The Project Implementation Officer & Designated Officer (RTI) of Nawabganj Upazila of Dinajpur district & Designated Officer (RTI) has been directed to provide therequested information to the complainant on or before 25-08-2013 on the condition of paying the cost of the information.

02) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.

03) Both the parties have been directed to notify the Information Commission after implementing/ maintaining the directions.

04) Let the copy of order be sent to DC of Dinajpur and District Relief & Rehabilitation Officer.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-58/2013

Complainant: Mr. Md. Abu Taleb Sarder
Father: Late Akram Ali Sarder
Vill.: MukundaMadhusududanpur
Dist: Satkhira.

Opposite Party: Mr. Abu Hena Mostafa Kamal
Upazila Education Officer
& Designated Officer (RTI)
Office of the Primary & Education
Officer. Upazila-Kaliganj,
Dist: Satkhira.

Decision Paper

(Date: 18-08-2013)

The complainant lodged petition on 03-04-2013 to **Mr. Ariful Islam**, The Upazila Education Officer & Designated Officer (RTI) of Kaliganj of Satkhira district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- a) Photocopy of government direction of collecting money from the students from class 1 to class 5 of the Primary School.
- b) Attested copy of the description of how many students studied in class 1,2,3,4 & 5 in government and reg. Primary School of Kaliganj Upazila.
- c) Attested photocopy of government direction of collecting the scout fee.
- d) What is the amount of allotted money by the 'SLIP' committee in every school, photocopy of the direction of in which sectors the said money would be expended and by which authorities.

02) Not getting the requested information within the stipulated time, the complainant lodged appeal petition to Mr. Md. Ashraful Islam, the Primary Education Officer & Designated Officer (RTI) of Satkhira district on 09-05-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 13-06-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Primary Education Officer & Designated Officer (RTI) of Satkhira district presented their statement being attended on the fixed date of hearing. The complainant informed over telephonic discussion informed that, as he is very poor so, it is not possible for him to bear the expenses of conveyance for going to the Commission.

05) Mr. Abu Hena Mostafa Kamal, the Upazila Education Officer & Designated Officer (RTI) of Kalaiganj Upazila of Satkhira district mentioned in his statement that, the information is ready to be provided to the complainant and he brought the same with him. The Designated Officer (RTI) informed the Commission that the requested information of the complainant will be possible to provide the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the information is ready to be provided to the complainant. As the Designated Officer (RTI) gave surety of providing the requested information to the complainant, so, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Upazila Education Officer & Designated Officer (RTI) of Kalaiganj Upazila of Satkhira district has been directed to provide the requested information of the complainant on or before 25-08-2013 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.
- Let the copy of order be sent to DC of Satkhira and District Education Officer, Satkhira and Chairman, Upazilla Parishad, Kaligonj, Satkhira.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-59/2013

Complainant: Mr. Abdul Halim

Father: Late Md. Abul Hashem Akan
Badsha Plaza, Level-4
20 Link Road, Bangla Motor
Dhaka-1000.

Opposite Party: Dr. A K M Mujahedul Islam

Deputy Director
& Designated Officer (RTI)
Bangla Academy, Dhaka.

Decision Paper

(Date: 18-08-2013)

The complainant lodged petition by registered post on 24-04-2013 to **Dr. A K M Mujahedul Islam**, the Deputy Director & Designated Officer (RTI) of Bangla Academy, Dhaka seeking for the following information as per section 8(1) of Right to Information Act, 2009-

Information on stalls No.-166, 235 and 407-408 in the annual Book fair held from 21st February to 28th February, 2013. And the decision of the Parishad just before the Fair which decided that none but the professional publishers would be allowed stalls in the fair.

I had a meeting with the Director General of the Academy a week before the last book fair regarding stall allocation and also for information whether any organization other than professional publishers would be allowed any stall or not. Mr. DG replied emphatically that the Parishad had already decided that none but professional publishers would be allowed any stall.

- i). I want a copy of Bangla Academy Parishad kin this regard.
- ii). During the fair I found that Rupam Prokashani Stall no. 166; Rabeya Books Stall No. 235 had displayed and sold small number of book some of which were not even published by them. I need to know whether these two stalls conforms to the rules given in your Information Form that is to be filled up by every publishers with required number of books published by the organization. Please provide me all information which fulfilled the requirements given in your Information Form. To be specific, please provide me the copy of the Form filled up by these tow stall owners along with all papers they submitted in accordance with item Nos. 1 to 10 of your Information Form. Did they fulfill all requirements? If not, I want to know what basis Bangla Academy gave shall allocation to these publishers.
- iii). Stall no. 407-408 belong to Bashundhara Paper which is not a professional publisher. I want to know on what basis Bangla Academy gave stall allocation to this organization. Please give me copies of all information and also the Information Form filled up by this organization.
- iv). For stall allocation in the annual book fair does the Academy have any specific nitimala other than Information Form? If yes, I need a copy of that Nitimala.

02) Not getting the requested information within the stipulated time, the complainant lodged an appeal petition to Mr. Md. Shamsuzzaman Khan, the Director General of Bangla Academy on 28-05-2013. After making the appeal petition **Dr. A K M Mujahedul Islam**, the Deputy Director of Bangla Academy & Designated Officer (RTI) provided the information to the complainant. Being dissatisfied with the received information, the complainant submitted the complaint on 26-06-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission of 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant and the learned advocate appeared for Designated Officer (RTI). The learned advocate appeared for the Designated Officer (RTI) prayed time to provide the response in writing. The Commission sanctioned the time and fixing the date of hearing again on 18-08-2013 issued summonses to the complainant and the Designated Officer (RTI).

05) On the date fixed for hearing the complainant and the learned advocate appeared for **Dr. A K M Mujahedul Islam**, the Deputy Director of Bangla Academy & Designated Officer (RTI) submitted their statements. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the appellate authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

06) Mr. Md. Mahbulul Alam, the learned advocate appeared for **Dr. A K M Mujahedul Islam**, the Deputy Director of Bangla Academy & Designated Officer (RTI) mentioned in his statements that, the complainant has been provided the information that was available in his office. In the mean time, mutual memorandum of understanding has been made between Bashundhara Group and Bangla Academy for the purpose of the organizational & structural development of the Bangla Academy and for cooperation of various kinds of research related activities. In this regard, Bashundhara Group applied for stall allocation in the name of “Bashundhara Paper” out of its various produced materials in the Books Fair. As Bashundhara papers has compliance with the mutual understanding and book materials and publishing the said organization has given a stall allocation like other associates organizations up to a particular time. Memorandum of Mutual Understanding paper is not found in his office. Designated Officer (RTI) gave surety of providing the rest of the information (Memorandum of Mutual Understanding related paper) to the complainant if found in his office.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, Designated Officer (RTI) provided the partial information of the requested information to the complainant. Besides this, it is found in serial no.5 of charge sheet submitted by the complainant to the Commission that, the complainant is aggrieved for the incomplete information given by the Designated Officer (RTI) of Bangla Academy. (The information that has been supplied following appeal under section 24 is incomplete and misleading and also against the principle of Bangla Academy. Major information sought has not been given. Both the RTI Officer and Appellate Authority have violated the provisions of section 9 and 24 by not supplying information within the statutory time. Further grounds are given below:). But in serial no. 6 about the reasonability of the requested solution he mentioned about the human rights. (As a citizen I have right to get information from the statutory body and NHRC being a statutory body is bound to provide information which are relevant to the working of the Human Rights Commission).

When asked question by the Commission in this matter he expressed sorrow. He committed that such mistake will not be repeated in the future. As Designated Officer (RTI) gave surety of providing the rest of the information (Memorandum of Mutual Understanding related paper) to the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

01)The Deputy Director of Bangla Academy & Designated Officer (RTI) has been directed to provide the prayed information of the complainant to provide the rest of the information (Memorandum of Mutual Understanding related paper) to the complainant if found in his office on or before 25-08-2013 on the condition of paying the cost of the information.

02)The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.

03) The complainant has been directed to be more cautious in all of the cases with filling complaint in future to the Information Commission.

04) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complaint No.-60/2013

Complainant: Mr. Ajay Sen

Father: Late Rabindra Nath Sen
Vill, PO & Union: Ghurka
Upazilla-Roygonj
District: Sirajgonj

Opposite Party: Md. A Malek Shibly

Principal
& Designated Officer(RTI)
Roygonj Technical & Business
Management College
Roygonj, Sirajgonj

Decision Paper

(Date: 18-08-2013)

The complainant lodged petition on 12-03-2013 to the Principal, Roygonj Technical & Business Management College & Designated Officer (RTI) seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- ❖ List of name, father's name, mother's name, permanent address, date of joining of the teachers and staff of Roygonj Technical & Business Management College.

02) Not getting the sought information within the stipulated time, the complainant lodged the appeal to the Upazilla Nirbahi Officer, Roygonj of sirajgonj district and appellate authority (RTI) on 20-05-2013. Without getting any result even submission of appeal, the complainant submitted the complaint on 01-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Principal, Roygonj Technical & Business Management College and the Designated Officer (RTI) presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he preferred an appeal petition to the appellate authority (RTI). After that without getting any solution the complainant submitted the complaint to the Information Commission.

05) The Principal, Roygonj Technical & Business Management College and the Designated Officer (RTI) Mr. Md Abdul Malek Shibly mentioned in his statement that due to ignorance of the RTI Act,2009, he could not provide the requested information to the complainant in time. After getting summon from the commission, he has brought the requested information with him. He gave surety to provide the requested information to the complainant. He expressed his profound sorrow for not knowing the act.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) has brought the requested information with him to provide the same to the complainant. As, the Designated Officer gave surety of providing the requested information to the complainant, so, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 4) The Principal, Roygonj Technical & Business Management College & Designated Officer (RTI) of Sirajgonj District has been directed to provide the requested information to the complainant on or before 25-08-2013 on the condition of paying the cost of information.
- 5) The Designated Officer(RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 6) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Sd/-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Sd/-
(Md. Abu Taher)
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-61/2013

Complainant: Mr. Md. Rahim Ullah

Managing Director
Feni Tannery (Pvt) Limited
Father: Late Moulvi Ershad Ullah
325/4/1, 7/A, West Dhanmondi
Zigatola, Dhaka-1209

Opposite Party: Mr. Gopi Nath Das

Designated Officer (RTI)
Sonali Bank Ltd, Local Office
Motijheel, Dhaka.

Decision Sheet

(Date: 18-08-2013)

The complainant submitted an application on 07-04-2013 to the Designated Officer (RTI), Sonali Bank Ltd, Local Office seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- You are being requested to provide the attested documents the statements of 2590 crore taka as realization of loan from the Provision Department of bank, , amount of loan realized in bond and subsidiary sector, the paid amount of sick industry/project, that has been declared in finance budget of 2011-2012 (budget delivery-193, two pages copy are enclosed) termination of capital of 1585 sick industries/project, paying the liabilities of bank, exemption of interest, subsidiary in the mentioned chart as per Right To Information Act, 2009.

02) The information that provided by **Mr. Gopi Nath Das** , the Deputy General Manager of Sonali Bank & Designated Officer (RTI) are incomplete, faulty and dissimilar and mentioning that the complainant lodged appeal petition on 19-05-2013 to the Managing Director & Appellate Authority (RTI) of Sonali Bank, Head Office. At the time of appeal hearing the statements of both the parties, the information that provided by the Designated Officer (RTI) to the complainant on 23-04-2013 was regarded proper so , the Appellate Authority (RTI) disposed of the appeal petition. As the Appellate Authority (RTI) disposed of the appeal petition , so, the complainant submitted this complaint on 02-07-2013 to the Information Commission against the said decision.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant lodged application seeking time. The Commission granted the time and fixed the date of hearing again on 18-08-2013 and reissued summonses to the complainant and the Designated Officer.

05) The learned advocate appeared for complainant and the learned advocate appeared for the Designated Officer (RTI), Sonali Bank Ltd, Local Office presented their statement. The learned advocate appeared for complainant said, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. He mentioned that the information provided to him is incomplete, faulty and dissimilar. In the next time he lodged appeal to the Appellate Authority (RTI). As, the Appellate Authority (RTI) disposed of the appeal petition, then the

complainant submitted complaint to the Information Commission against the said decision. He requested to the Commission to give direction to the Designated Officer (RTI) to provide the requested information to the complainant specifically and clearly.

06) Which part out of the provided information he thinks are faulty, dissimilar and incomplete, in response of such question of the Commission, the complainant said that, the information about whether the name of Feni Tannery is included among the interest exemption facility got enterprises as the Sick Industry and whether any subsidiary is got as the termination of loan allocated in the name of Feni Tannery as the Sick Industry is not provided to him.

07) **Mr. Gopi Nath Das**, the Designated Officer (RTI), Sonali Bank Ltd, Local Office and his learned advocate mentioned in their statements that, the requested information of the complainant has been provided. Though as the complainant is dissatisfied with the information he received, so the Designated Officer (RTI) gave surety to provide the sought information of the complainant more specifically and clearly.

Discussion

Hearing the statements of both the Complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) said that, the prayed information of the complainant has been provided to him. In the time of hearing the complainant said that some information was not provided to him. As the Designated Office (RTI) gave surety of providing the information to the complainant more specifically and clearly to the complaint so this case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

1. The Designated Officer (RTI) has been directed to provide the information whether the name of Feni Tannery is included among the interest exemption facility gotten enterprises as the Sick Industry and whether any subsidiary is gotten as the termination of loan allocated in the name of Feni Tannery as the Sick Industry.
2. The Designated Officer (RTI) has been directed to provide the requested information to the complainant on or before 25-08-2013 on the condition of paying the cost of the information.
3. The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
4. Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-62/2013

Complainant: Mr. Iqbal Hossain Forkan

Father: Late Alhaj M A Fattah
8/G, Concord Grand, 169/1
Shantinagar, Dhaka-1217

Opposite Party: Rikta Datta

Deputy-Registrar (Gri:Ma:&Bi:Dal)
& Designated Officer (RTI)
Directorate of Cooperative, Dhaka.

Decision Sheet

(Date: 04-08-2013)

The complainant submitted an application on 04-03-2013 to **Rikta Datta** The Deputy-Registrar (Gri:Ma:&Bi:Dal) & Designated Officer (RTI), Directorate of Co-operative, Dhaka seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- In the election of the Managing Committee held on 09-12-2010 of Bangladesh Co-operative Insurance Ltd. by then Joint-Registrar Kazi Nazrul Islam of the Directorate of Cooperative in various matters complaint inquiry report and the copy of papers related with that those are submitted in the Directorate of Cooperative letter no.- (Ju:Ni: (EPP)-26(6) on dated 05-12-2010 signed by Joint-Registrar Kazi Nazrul Islam is enclosed).

02) Not getting the requested information within the stipulated time, the complainant lodged the appeal to the Secretary & appellate authority (RTI) of the Department of Rural Development and Co-operative of the Ministry of Rural Development and Co-operative on 09-06-2013. The Designated Officer (RTI) sent letter to the complainant to pay the cost of information on 09-06-2013. When Mr. Md. Amir Azam, The Deputy-Registrar (Gri:Ma:&Bi:Dal) & Designated Officer (RTI), Directorate of Cooperative expressed his unwillingness to provide the information and without getting any information even after lodging the appeal, the complainant submitted this complaint on 03-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of 16-07-2013 of the Commission. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant and the The Deputy-Registrar (Gri:Ma:&Bi:Dal) & Designated Officer (RTI) of Directorate of Cooperative presented their statement being present on the date fixed for hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the appellate authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Rikta Datta, the Deputy-Registrar (Gri:Ma:&Bi:Dal) & Designated Officer (RTI) of Directorate of Cooperative mentioned in his statements that, letter was sent to the concerned officer after receiving the application for supplying the information to the requester. He prepared the information. But in the next time when he informed not to provide the information she could not provide the information to the

complainant in due time. For the decision of not providing the information, it was delayed to provide the information to the complainant.

Discussion

Hearing the statements of both the Complainant and the Designated Officer (RTI) and reviewing the submitted documents it was noticed that, Designated Officer (RTI) provided the requested information to the complainant. As the Designated Officer (RTI) provided the requested information to the complainant so, the complaint seems to be disposable.

Decision

As the complainant has been provided the requested information so, the case is disposed of. The concerned has been directed to be more cautious in future in the matter of providing information in due time.

Send the copies to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information
Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission

Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-63/2013

Complainant: Mr. Md. Abdul Awal

Father: Late Abdus Sobhan
Vill.: Tecj Tathora
PO: Salna Bazar
Gazipur Sadar, Gazipur.

Opposite Party: Mr. Md. Shahinur Islam

Assistant Commissioner (Land)
& Designated Officer (RTI)
Gazipur Sadar, Gazipur.

Decision Sheet

(Date: 18-08-2013)

The complainant lodged petition by registered post on 16-05-2013 to Assistant Commissioner (Land) & Designated Officer (RTI) Sadar Upazila of Gazipur district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- All kinds information DCR of land, tax and the value of khariz of Gazipur Sadar area from Bengali 1379 to 1420

02) Not getting the requested information within the stipulated time, the complainant preferred an appeal to the DC & Appellate Authority (RTI) of Gazipur district on 10-06-2013. Without getting any information even after lodging the appeal, the complainant submitted the complaint on 03-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

04) The complainant and the Assistant Commissioner (Land) & Designated Officer (RTI) Sadar Upazila of Gazipur district presented their statement being present on the date fixed for hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information he preferred an appeal to the Appellate Authority (RTI). After that without getting any solution the complainant submitted the complaint to the Information Commission.

05) Mr. Md. Shahinur Islam, the Assistant Commissioner (Land) & Designated Officer (RTI) Sadar Upazila of Gazipur district mentioned in his statements that, the request of information of the complainant is not clear, yet the portion that seems to be comprehensive that has been brought with. According to the application of getting the clear and specific information of the complainant as the Designated Officer (RTI) gave surety of providing the information the complaint to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the application for information, if resubmitted clearly and specifically, the Designated Officer assured to provide the information to the complainant So, the case seems to be disposable.

Decision

The complaint has been disposed of giving direction to the complainant to apply for getting the clear and specific information. Designated Officer (RTI) has been directed to provide the information within 7 (seven) days of receiving the application.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-64/2013

Complainant: Mr. Md. Mozammel Haq
Father: Late Munshi Mortuz Ali

Fire Service Academy
30 R M Das Road
Sutrapur, Dhaka-1100

Opposite Party: Mr. Pronab Kumar Bhattacharjo
Deputy-Director (Mass Communication
Officer)
& Designated Officer (RTI)
Anti- Corruption Commission, Dhaka.

Decision Sheet

(Date: 04-08-2013)

The complainant lodged petition on 04-04-2013 to **Mr. Pronab Kumar Bhattacharjo**, the Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti- Corruption Commission seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Information on progress of Corruption of about 23 crore 54 lac taka by Fire Service and Civil Defence by way of inviting international tender in financial year 2009-2010;
- The allegation of this corruption is being conducted by Mr. Khairul Huda, Deputy Director, ACC; has he completed the investigation of this allegation?
- Copy of the letter/memo under which this allegation was brought to the notice of the ACC.
- The latest information of this allegation,

02) The Designated Officer (RTI) **Mr. Pronab Kumar Bhattacharjo** provided information to the complainant by memo no.- ACC/Mass communication/14839, date: 22-05-2013. Being dissatisfied with the provided information lodged appeal petition to Mr. Golam Rahman, the Chairman and the Appellate Authority (RTI) of Anti- Corruption Commission on 29-05-2013. Without getting any solution even after lodging the appeal, the complainant submitted the complaint on 04-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant and the, Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti- Corruption Commission presented their statement being present on the date of hearing.. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned above. Not getting the requested information he preferred an appeal petition to the Appellate Authority (RTI). After that without getting any solution the complainant submitted the complaint to the Information Commission.

05) **Mr. Pronab Kumar Bhattacharjo**, the Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti-Corruption Commission mentioned in his statement that, the complainant has been sent his requested information. But being aggrieved with the provided information he submitted complaint to the Commission. After the hearing as per the direction of the Information

Commission the Designated Officer (RTI) gave surety of providing the requested information of the complainant.

Discussion

Hearing the statements of both the Complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) gave surety of providing the requested information of the complainant, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti-Corruption Commission has been directed to provide the requested information of the complainant on or before 05-08-2013 on the condition of paying the cost of information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the value of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Send the copy to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-65/2013

Complainant: Mr. Delawar Bin Siraj
Father: Late Haji Siraj Uddin
2/2 R K Mission Road
Dhaka-1203

Opposite Party: Mr. Sukanti Bikash Sannyal
Deputy General Manager
& Designated Officer (RTI)
Agrani Bank Ltd,
18, Bangabandhu Avenue
Dhaka-1000.

Decision Paper

(Date: 15-09-2013)

The complainant lodged petition on 21-05-2013 to **Mr. Sukanti Bikash Sannyal**, the Deputy General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office seeking for the following information as per section 8(1) of Right to Information Act, 2009-

a) The details description of how many amount of loan are remained in which branches and how much money in the personal name of Mr. Sayed Ataur Rahman, the Managing Director & CEO of Union Insurance Co. Ltd. 65/2/1 Box culvert Road, Purana Paltan, Dhaka, name of the companies and sister companies.

b) The written statements of what amount of insurance of Fire, Naval, business & car of which branches of the loanee party companies with the head office from the date of joining till today as the Managing Director and CEO Mr. Syed Abdul Hamid the present MD of Union Insurance Co. Ltd.

02) The Designated Officer (RTI) **Mr. Sukanti Bikash Sannyal**, sent notice to the complainant expressing his unwillingness. Being dissatisfied with the notice, the complainant lodged appeal petition to Mr. Md. Abdul Hamid, the Managing Director & the Designated Officer (RTI) of Agrani Bank Ltd on 12-06-2013. Without getting any solution even after lodging the appeal, the complainant submitted the complaint on 09-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The Designated Officer (RTI) lodged application seeking time. The Commission sanctioned the time and fixed the date of hearing again on 22-08-2013 and issued summonses to the Complainant and the Designated Officer (RTI).

05) Both the complainant and the learned advocate Khan Md. Mahbubur Rahman appeared for the Deputy General Manager & Designated Officer (RTI) of Agrani Bank Ltd presented their statement being present on the fixed date of hearing. The appointed advocate appeared for the Designated Officer (RTI) submitted time prayer. As the opposite party consumed time and as the complainant was financially lost and harassed, so, he applied for the proper compensation. Considering the application for praying time by the commission if Mr. Sukanti Bikash Sanal, the Deputy- General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office as per sub-section 11(Dhirgu) of section 25 of Right To Information Act, 2009 would pay Tk.200/- as compensation to the complainant, then the Commission will consider the time prayer. Fixing the date of hearing again on 15-09-2013 summonses were issued to the complainant and the Designated Officer (RTI).

06) On the fixed date of hearing complainant Mr. Delawar Bin Siraj and Mr. Sukanti Bikash Sannyal, the Deputy General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office and the learned advocate Khan Md. Mahbubur Rahman appeared for him presented their statements being present. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he submitted petition to the Designated Officer (RTI) seeking for the information mentioned above. Designated Officer (RTI) provided the notice of unwillingness without date in providing information. Next time he preferred an appeal petition to the Appellate Authority (RTI). After that without getting any solution the complainant submitted the complaint to the Information Commission.

07) Learned advocate Khan Md. Mahbubur Rahman appeared for the Deputy General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office mentioned in his statement that, date was not mentioned in the notice by mistake by the Designated Officer (RTI). It is not possible to provide the information as per section 7 (Gha), (Uma) & (Ja) of own tradition of bank, banking policy and Right to Information, 2009. If such kind of information is provided there is the possibility of damaging the inner secrecy of the bank/company and business related lose may be occurred. If such kind of information is provided, the secrecy of the personal life of the person will be hampered. The requested information of the complainant is not any personal information, but also related to the organization. The Commission expressed its opinion that there is no hindrance to provide information in this regard. According to the opinion of the Commission the Designated Officer (RTI) gave surety of providing the information to the complainant .

Discussion

Hearing the statements of both the Complainant and Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the requested information of the complainant is not personal information, this related to the organization and Commission expressed its opinion that there is no hindrance to provide information in this regard. As the requested information is suitable to be provided and as the Designated Officer (RTI) gave surety of providing the requested information, the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) the Deputy- General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office has been directed to provide the requested information of the complainant on or before 25-09-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Send the copies of the order to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-66/2013

Complainant: Mr. Delawar Bin Siraj

Father: Late Haji Siraj Uddin
2/2 R K Mission Road
Dhaka-1203

Opposite Party: Mr. Sukanti Bikash Sannyal

Deputy- General Manager
& Designated Officer (RTI)
Agrani Bank Ltd, 18 Bangabandhu
Avenue, Dhaka-1000.

Decision Sheet

(Date: 15-09-2013)

The complainant lodged petition on 17-04-2013 to **Mr. Sukanti Bikash Sannyal**, the Deputy-General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office seeking for the following information as per section 8(1) of Right to Information Act, 2009-

a) The written statements about in which companies has been given the display advertisement, what amount of taka has been given the amount above Tk.5000/- from the date of joining Mr. Syed Abdul Hamid as the Managing Director.

b) List of in which sector in which newspapers, in which date, number of column inches, advertisement of what amount has been given in the sectors of auction advertisement, shifting = place from the date of joining Mr. Md. Ruhul Amin as the Deputy- General Manager (Mass Communication Department) and the list of expenditure as printing, entertainment, conveyance etc since his joining.

02) The Designated Officer (RTI) **Mr. Sukanti Bikash Sanal**, sent notice to the complainant expressing his unwillingness. Being dissatisfied with the unwillingness of notice, the complainant lodged an appeal petition to Mr. Md. Abdul Hamid, the Managing Director & the Designated Officer (RTI) of Agrani Bank Ltd on 16-05-2013. Without getting any solution even after lodging the appeal, the complainant submitted this complaint on 09-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing date of hearing on 04-08-2013.

04) The Designated Officer (RTI) lodged application seeking time. The Commission sanctioned the time and fixed the date of hearing again on 22-08-2013 and reissued summonses to the complainant and the Designated Officer (RTI).

05) The learned advocate appeared for the Designated Officer (RTI) applied seeking time for submitting the documents. The Commission sanctioned the time and fixed the date of hearing again on 15-09-2013 and issued summonses to the complainant and the Designated Officer (RTI).

06) Both the complainant and the learned advocate Khan Md. Mahbubur Rahman appeared for the Deputy- General Manager & Designated Officer (RTI) of Agrani Bank Ltd presented their statement being present on the date fixed of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in above. Designated Officer (RTI) provided the notice of unwillingness without date in providing information. In the next time he lodged the appeal petition to the Appellate Authority

(RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

07) Learned advocate Khan Md. Mahbubur Rahman appeared for the Deputy- General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office mentioned in his statements that, date was not mentioned in the notice of unwillingness by mistake by the Designated Officer (RTI). It is not possible to provide the information as per section 7 (Gha), (Uma) & (Ja) of own tradition of bank, banking policy and Right to Information, 2009. If such kind of information is provided there is the possibility of damaging the inner secrecy of the bank/company and business related lose may be occurred. If such kinds of information are provided, the secrecy of the personal life of the person will be damaged. The requested information of the complainant is not any personal information, this related to the organization and Commission expressed its opinion that there is no hindrance to provide information in this regard. According to the opinion of the Commission the Designated Officer (RTI) gave surety of providing the information to complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the requested information of the complainant is not any personal information, this is very much related to the organization and Commission expressed its opinion that there is no hindrance to provide information in this regard. As the requested information is suitable to be provided and as the Designated Officer (RTI) gave surety of providing the requested information to the complainant, the complaint is seems to be disposable.

Decision

The complaint is disposed with the following directions:-

- 1) the Deputy- General Manager & Designated Officer (RTI) of Agrani Bank Ltd, Head Office has been directed to provide the requested information of the complainant on or before 25-09-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Send the copy of the order to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-67/2013

Complainant: Mr. Md. Abdul Hakim
Father: Late Momin Uddin Howlader
Vill.: Baliakatham, PO: Chakhar
Upazila: Banaripara, Dist.: Barishal.

Opposite Party: Momena Khatun
Deputy- Secretary
& Designated Officer (RTI)
Ministry of Environment & Forest,
Dhaka.

Decision Paper

(Date: 23-09-2013)

The complainant submitted complaint to the Information Commission on 10-07-2013. He mentioned in his complaint that, according to the decision of the Information Commission on 16-04-2013 of his previous complaint no- 26/2013, the Designation Officer (RTI) did not provide him the requested information as per section 4 of the Right to Information Act, which is similar to the misuse of power and tyranny as per section 27 of Public Service Conduct Rule,1979. As a result, the complainant incurred irreparable loses both financially and mentally. In order to implementing the Right to Information Act, 2009 he submitted compliant requesting for taking the legal action and providing the requested information as per sub-section 27 (1) (Kha) (Ga) of the said Act.

02) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 18-08-2013.

03) On the date fixed for hearing, the Designated Officer (RTI) was present. The complainant applied for time. The Commission sanctioned the time and fixed the date of hearing again on 15-09-2013 and reissued summonses to the complainant and the Designated Officer (RTI).

04) The complainant and the Designated Officer (RTI) lodged application seeking time. The Commission sanctioned the time and fixed the date of hearing again on 23-09-2013 and issued summonses to the complainant and the Designated Officer (RTI).

05) On the date fixed for hearing, the complainant was absent and did not apply seeking time. Momena Khatun, the Deputy-Secretary & the Designated Officer (RTI) of the Ministry of Environment & Forest presented her statement being present. She mentioned in her statement that, the requested information has been provided to the complainant. She brought the requested information of the complainant with her even today.

Discussion

Hearing the statement of the Designated Officer (RTI) and reviewing the submitted documents, it seems that the Designated Officer (RTI) provided the requested information to the complainant and brought the same with her again. As the complainant was absent from the hearing for 03 (three) consecutive times it is clear that, he is not interested to more about his complaint and in the matter of receiving the information. Besides, there is obligation to dispose of the complaint within specified period which is nearly end.

Decision

The complaint is disposed of with the following directions:-

As the complainant was absent from the hearing for 03 (three) consecutive times it seems that, the complainant does not have the necessity of the information and as there is obligatory provision to dispose of the matter within the fixed time as per the Right to Information Act,2009, so, the complaint is dismissed.

Send the copy to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission

Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-68/2013

Complainant: Mr. Md. Mozammel Haq

Father: Late Munshi Mortuza Ali
Fire Service Academy
30 R M Das Road
Sutrapur, Dhaka-1100

Opposite Party: Mr. Pronab Kumar Bhattacharjo

Deputy-Director (Mass Communication Officer)
& Designated Officer (RTI)
Anti- Corruption Commission,
Dhaka.

Decision Paper

(Date: 04-08-2013)

The complainant lodged petition on 30-05-2013 to **Mr. Pronab Kumar Bhattacharjo**, the Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti- Corruption Commission seeking for the following information as per section 8(1) of Right to Information Act, 2009-

I want to get Information on Corruption of about 23 crore 54 lac taka by Fire Service and Civil Defense by way of inviting international tender in financial year 2009-2010;

- 1) The allegation of this corruption is being conducted by Mr. Khairul Huda, Deputy Director, ACC; has he completed the investigation/inquiry of this allegation?
- 2) Copy of the letter/memo under which this allegation was brought to the notice of the ACC.
- 3) At which particular date did the Commission start inquiry in this case? Did the commission send any notice under the law to appear before it and give statement to any one involved in this corruption case? I need copy of such notices sent to the persons under allegation.

02) Without having the requested information within the stipulated time, the complainant lodged the appeal petition to Chairman & the Designated Officer (RTI) on 03-07-2013. Nurjahan Ahmed, the Deputy Director (Admin) for Appellate Authority (RTI) informed the complainant in this effect that as the matter is under inquiry in memo no.- ACC/Admin & Logi:/02/09/19533 (5) on 08-07-2013 that there is no scope of appeal petition. Subsequently, the complainant being dissatisfied, submitted complaint to the Information Commission on 11-07-2013.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant and the, Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti- Corruption Commission presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Pronab Kumar Bhattacharjo, the Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti- Corruption Commission mentioned in his statement that, the

complainant has been sent his requested information. But being dissatisfied with the provided information, he submitted complaint to the Commission. After the hearing as per the direction of the Information Commission the Designated Officer (RTI) gave surety of providing the requested information to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) gave surety of providing the requested information to the complainant, the complaint seems to be disposed of.

Decision

The complaint is disposed of with the following direction:-

- 1) The Deputy-Director (Mass Communication Officer) & Designated Officer (RTI) of Anti-Corruption Commission has been directed to provide the requested information of the complainant on or before 05-08-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-69/2013

Complainant: Mr. Arup Roy

Father: Utpal Roy
51/A Bazar Road
Upazila- Savar, Dist.- Dhaka

Opposite Party: Mr. Alamgir Hossain

Officer in Charge
Designated Officer (RTI)
PS-Dhamrai, Dhaka.

Decision Paper

(Date: 04-08-2013)

The complainant lodged petition on 20-04-2013 to **Mr. Alamgir Hossain**, the Officer in Charge & Designated Officer (RTI) of Dhamrai Police Station seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Number, name, father's name and permanent-temporary full address as per year basis those are provided the verification certificate of the police constable appointed in the post of Police Constable in quota of Dhamrai Upazila/PS of Dhaka district in the year of 2011, 2012 & 2013.

02) Without having the requested information within the stipulated time, the complainant lodged the appeal petition to Mr. Md. Habibur Rahman, The Police Super & the Appellate Authority of Dhaka district on 27-05-2013. After that without getting any solution, the complainant submitted the complaint to the Information Commission on 11-07-2013.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The complainant and **Mr. Alamgir Hossain**, the Officer in Charge & Designated Officer (RTI) of Dhamrai Police Station presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) **Mr. Alamgir Hossain**, the Officer in Charge & Designated Officer (RTI) of Dhamrai Police Station mentioned in his statement that, as more time was needed to collect the information of the complainant so it was delayed to provide the requested information to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) provided the requested information to the complainant. As the Designated Officer (RTI) provided the requested information to the complainant, the complaint seems to be disposable.

Decision

Since, the requested information of the complainant is provided to the complainant, so the complaint is disposed of.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-70/2013

Complainant: Sayema Afroz

Father: Sayed Bin Iskandar
House no.- 15/A, Road-3
Dhanmondi Residential Area
Dhaka-1205.

Opposite Party: Mr. Sheikh Abdul Mannan

Member (Planning)
& Designated Officer (RTI)
Rajdhani Unnayan Kartipakkha
Dhaka.

Decision Paper

(Date: 15-09-2013)

The complainant lodged petition on 22-08-2013 to **Mr. Sheikh Abdul Mannan**, Member (Planning) & Designated Officer (RTI) of Rajdhani Unnayan Kartipakkha seeking for the following information as per section 8(1) of Right to Information Act, 2009-

* A copy of Existing Land use Map of Gazipur Part signed jointly by Rajuk and M/S Data Expert (Pvt.) Ltd.

02) Without having the requested information within the stipulated time, the complainant lodged the appeal petition by registered post to the Secretary & the Appellate Authority (RTI) of the Ministry of Housing & Public Works on 03-06-2013. Not getting any solution even after the appeal petition, the complainant being dissatisfied submitted complaint to the Information Commission on 11-07-2013.

03) The matter was discussed in the meeting of the Commission on 16-07-2013. According to the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 04-08-2013.

04) The Designated Officer (RTI) lodged application seeking time. The Commission sanctioned the time and fixed the date of hearing again on 18-08-2013 and issued summonses to the complainant and the Designated Officer (RTI).

05) The Designated Officer (RTI) lodged application seeking time. The Commission sanctioned the time and fixed the date of hearing again on 15-09-2013 and issued summonses to the complainant and the Designated Officer (RTI).

06) The learned advocate Syeda Rizwana Hasan appeared for the complainant and the Member (Planning) & Designated Officer (RTI) of Rajdhani Unnayan Kartipakkha presented their statement being attended on the fixed date of hearing. The complainant mentioned in her statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, she lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission. Subsequently the information that has been provided to her is not desirable to him. But Rajuk sent the Map of Purbachal new town in misleading manner on 13-03-2013 that is not desirable to her. She sought for the copy of Existing Land use Map of Gazipur Part signed jointly by Rajuk and M/S Data Expert (Pvt.) Ltd, but that was not provided to her.

07) **Mr. Sheikh Abdul Mannan**, Member (Planning) & Designated Officer (RTI) of Rajdhani Unnayan Kartipakkha mentioned in his statements that, the complainant has been sent her information. Besides this, the information of the complainant has been attached in the own website of Rajuk and the

requested information is related to the Purbachal new town project. But as the complainant was not satisfied with the information she received, the Designated Officer, after collecting information from the concerned section, gave surety of providing to the complainant clearly again.

08) The complainant sought Existing Landuse Map of Gazipur, but whether the map of the Purbachal new town is her map, when the Commission asked him, the Designated Officer (RTI) informed the information that has been provided to the complainant is the map of Gazipur.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the information that the Designated Officer (RTI) provided to the complainant, the complainant is dissatisfied with that information. As Designated Officer (RTI), after collecting the information from the concerned section, gave surety of providing the information clearly and specifically, so, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Member (Planning) & Designated Officer (RTI) of Rajdhani Unnayan Kartipakkha has been directed to provide the requested information to the complainant on or before 24-09-2013 on the condition of paying the of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-71/2013

Complainant: Mr. Abdul Halim

Father: Late Md. Abul Hashem Akan
Badshah Plaza, Level-3
20 Link Road, Bangla Motor Mor

Dhaka-1000

Opposite Party:01) Mr. Kamruzzaman

Deputy-Director (Admin)
& Designated Officer (RTI)
Information Commission,
Dhaka-1207

02) Mr. Md. Farhad Hossain
Secretary & Appeal Authority (RTI)
Information Commission,
Dhaka-1207

Decision Paper

(Date: 06-10-2013)

As in some government and statutory organizations, Designated Officer (RTI) & Appellate Authority (RTI) as per Right to Information Act, 2009 were not determined, the complainant Mr. Abdul Halim submitted compliant to the Information Commission in section 13(1)(ka) & 13(2) of Right to Information Act, 2009 on 15-07-2013. He mentioned in the complaint that, according to the appeal submitted to the Designated Officer (RTI) of the Information Commission, the Designated Officer (RTI) of Information Commission provided the information of the Designated Officer (RTI) & Appellate Authority of some government and statutory organizations, but the information of the Designated Officer (RTI) & Appellate Authority of many government and statutory organizations was not provided to him. Subsequently, though communication was made with the Appellate Authority no solution was found. Whether the Information Commission at the very out set gave direction or sent any letter generally to the government and statutory organizations in 2009 for appointing the Designated Officer & Appellate Authority? If any, it's copy. Copy with memo & date of direction or letter that was sent to the following government & statutory organizations-

- 1) Bangladesh BAR Council
- 2) Office of the Attorney General of Bangladesh
- 3) Bangladesh Judicial Service Commission
- 4) Office of District & Session Judge, Dhaka
- 5) Special Branch of Police, Dhaka.
- 6) Detective Branch of Police, Dhaka.
- 7) Dhaka University.
- 8) Dhaka College.

02) The complainant submitted the complaint seeking for the copy mentioned the name and designation if the Designated Officer (RTI) has been appointed & if Appellate Authority (RTI) has been determined in the said government and statutory organizations. He further mentioned in the complaint that, he expressed hope that the Commission will take the legal action as per law for giving direction of informing to the Commission by 15 (fifteen) days showing in the respective website appointing the Designated Officer & determining the Appellate Authority in all of the government and statutory

organizations. If the Commission fail to maintain this duty, subsequently, he will file writ petition before the honorable Supreme Court.

03) The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15-09-2013.

04) On the date fixed for hearing, the complainant Mr. Abdul Halim lodged petition seeking time, the Designated Officer (RTI) & the Appellate Authority (RTI) was present. The Commission sanctioned the time and fixed the date of hearing again on 06-10-2013 and issued summonses to the complainant, Designated Officer (RTI) & the Appellate Authority (RTI).

05) The complainant Mr. Abdul Halim and **Mr. Kamruzzaman**, the Deputy-Director (Admin) & Designated Officer (RTI) of Information Commission and Mr. Farhad Hossain, the Secretary of Information Commission & Appellate Authority (RTI) were present on the fix date of hearing. The complainant mentioned in his statement that, Designated Officer (RTI) & Appellate Authority (RTI) was not being appointed in the organizations mentioned in chapter 01. Whether the Commission took any action against the said organization? If so, its copy.

06) Mr. Kamruzzaman, the Deputy-Director (Admin) & Designated Officer (RTI) of Information Commission mentioned in his statement that, in Right to Information Act, 2009 there is no rule of sending letter for appointing the Designated Officer (RTI) & Appellate Authority (RTI) to any other organization by the Designated Officer (RTI). Yet, he discussed with the Appellate Authority (RTI) of Information Commission and letter has been sent to the said organizations for appointing the Designated Officer (RTI) and the Appellate Authority (RTI) for assisting in getting the information. Reminder has been sent. Prior to the specific time, the complainant lodged appeal petition to the Appellate Authority (RTI), he added.

07) Mr. Farhad Hossain, the Secretary of Information Commission & Appellate Authority (RTI) mentioned in his statement that, as the requested information of the complainant is related to third party so, the Designated Officer should get 30 (Thirty) working days to provide the same. But the complainant submitted the appeal petition to him earlier. So, the appeal petition has been disposed of. At present, the complainant lodged the writ petition in higher court and the matter might be regarded as sub-judice.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the complainant lodged the writ petition in this matter. Since, the matter is under trial in the higher court, so to take any decision about Sub-judice matter will not be proper legally. It can be informed to the complainant that, it is not possible for the commission to take decision in this matter until the disposal of the writ petition.

Decision

The complaint is disposed of with the following directions:-

Since the complainant lodged the writ petition in the higher court, so, it is not possible for the commission to take decision in this matter until the disposal of the writ petition. Inform to the complainant.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-72/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur PS
Kafrul, Dhaka.

Opposite Party: Sarah Sadia Taznin

Assistant Commissioner & Magistrate
& Designated Officer (RTI)
Office of the DC, Dhaka.

Decision Paper

(Date: 15-09-2013)

The complainant submitted the complaint on 15-07-2013 to the Commission. He mentioned in the complaint that, according to his complaint no.-30/2013 on 30-04-2013 to the Information Commission taking the hearing as per the decision of the Commission, information provided by Mr. Morarji Deshai Borman, the Designated Officer (RTI) that is incomplete. As a result, he lodged complaint to the Information Commission on 15-07-2013 prayed the order of solution in section 25(4), 25(11), 27(Ga), 27(Gha), 27(Uma) of Right to Information Act, 2009.

02) The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15-09-2013.

03) The complainant and **Sarah Sadia Taznin**, Assistant Commissioner & Magistrate and the Designated Officer (RTI) of the Office of the DC and Most. Rahima Akter, the Land Acquisition Officer -2 presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. The information that is provided to him is incomplete. It is not mentioned in the provided information whether the land has been acquired or not against his mentioned deed.

04) **Sara Sadia Taznin**, Assistant Commissioner & Magistrate and the Designated Officer (RTI) of the Office of the DC and Most. Rahima Akter, the Land Acquisition Officer -2 mentioned in their statements that, the complainant has been provided with his requested information. Land acquisition is not made in favor of the deed, land is acquired in favor of khatian and plot. Informing the matter to the complainant, the Designated Officer (RTI) gave surety of providing the information again.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) provided his requested information, but the complaint is not satisfied with that. Whether land acquisition is made in favor of the deed or not mentioning that matter clearly and as the Designated Officer (RTI) gave surety of providing the requested information to the complainant, so, the case seems to be disposable.

Decisions

The complaint is disposed of with the following directions:-

- 4) The Assistant Commissioner & Magistrate and Designated Officer (RTI) of the Office of the DC has been directed to provide the requested information to the complainant whether land acquisition is made in favor of the deed or not mentioning that matter clearly on or before 22-09-2013 on the condition of paying the cost of the information.
- 5) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 6) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-73/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur PS
Kafrul, Dhaka.

Opposite Party: Sarah Sadia Taznin

Assistant Commissioner & Magistrate
& Designated Officer (RTI)
Office of the DC, Dhaka.

Decision Paper
(Date: 15-09-2013)

The complainant lodged petition on 25-03-2013 to **Morarji Deshai Borman**, the Assistant Commissioner & Magistrate & Designated Officer (RTI) Office of the DC of Dhaka district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- I applied attaching court fee of fixed Tk.16 to the Record Room Deputy Collector included of Dhaka district DC for certified Porcha of SA plot no.- 2472 of SA khatian no.-102, Mouza: Bhatara of PS- Keraniganj, then Tejgaon, Dist.- Dhaka, that has been returned back in mentioned prayed khatian 102. As a result, I applied in the light of Right to Information Act, 2009 that collecting from the working volume of the office of the DC special request has been made for providing information to me by certified copy.
- 02)** According to the said appeal while **Morarji Deshai Borman**, The Assistant Commissioner of Judicial Section of Dhaka district Magistrate Office expressed his unwillingness to provide the requested information by memo no.- 05.41.2600.011.04.017.11-700 (Sang) on 24-04-2013, then the complainant lodged the appeal petition to A N Samsuddin Azad Chowdhury, the Divisional Commissioner, Dhaka & Appellate Authority (RTI) on 17-06-2013. When the Appeal Authority disposed of the appeal petition, the complainant submitted complaint against **Morarji Deshai Borman**, Designated Officer (RTI) of Office of the DC of Dhaka district and against Abeda Afsari, Record Room Deputy Collector on 15-07-2013.
- 03)** The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15-09-2013.
- 04)** The complainant and **Sarah Sadia Taznin**, the Assistant Commissioner & Magistrate and present Designated Officer (RTI) of the Office of the DC presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Without having the information, he lodged appeal to the Appellate Authority (RTI). After hearing the appeal petition, the Appellate Authority disposed of the same. Since the appeal has been disposed of, he submitted the complaint to the Information Commission.
- 05)** **Sarah Sadia Taznin**, the Assistant Commissioner & Magistrate and Designated Officer (RTI) of the Office of the DC and Most. Rahima Akter mentioned in their statements that, as the Porcha of SA khatian no.-102 and SA Plot no.- 2473 was damaged so, it was not possible to provide the information to the complainant. Besides this, for providing Porcha it is provided from finally published volume by advertisement in gazette. In that respect there is no scope of providing Porcha

from working volume. Mentioning the cause of not providing the requested information to the complainant, the Designated Officer (RTI) gave surety of informing again to the complaint.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Porcha of SA khatian no.-102 and SA Plot no.- 2473 it was not possible to provide the information to the complainant. Besides this, for providing Porcha it is provided from finally published volume by advertisement in gazette. In that respect there is no scope of providing Porcha from working volume. Mentioning the cause of not providing the requested information to the complainant and as the Designated Officer (RTI) gave surety of informing again to the complaint, so the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Assistant Commissioner & Magistrate and the Designated Officer (RTI) of the Office of the DC has been directed to inform the complainant mentioning the cause of not providing the requested information to the complaint on or before 25-09-2013.
- 2) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-74/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur PS
Kafrul, Dhaka.

Opposite Party: Sarah Sadia Taznin

Assistant Commissioner & Magistrate
& Designated Officer (RTI)
Office of the DC, Dhaka.

Decision Paper

(Date: 15-09-2013)

The complainant lodged petition on 25-03-2013 to **Morarji Deshai Borman**, the Assistant Commissioner & Magistrate & Designated Officer (RTI) of Office of the DC of Dhaka district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- I applied attaching court fee of fixed Tk.16 to the Record Room Deputy Collector included of Dhaka district DC for certified Porcha of SA plot no.- 2375 of SA khatian no.-115, Mouza: Bhatara of PS- Keraniganj, then Tejgaon, Dist.- Dhaka, that has been returned back mentioning as not suitable for recording. As a result, I applied in the light of Right to Information Act, 2009 that collecting from the working volume of the office of the DC special request has been made for providing information to me by certified copy.
- 02)** According to the said appeal while **Morarji Deshai Borman**, the Assistant Commissioner of Judicial Section of Dhaka district Magistrate Office expressed his unwillingness to provide the requested information by memo no.- 05.41.2600.011.04.017.11-700 (Sang) on 24-04-2013, then the complainant lodged the appeal petition to A N Samsuddin Azad Chowdhury, the Divisional Commissioner, Dhaka & Appellate Authority (RTI) on 17-06-2013. When the Appellate Authority disposed of the appeal petition, the complainant submitted complaint against **Morarji Deshai Borman**, Designated Officer (RTI) of Office of the DC of Dhaka district and against Abeda Afsari, Record Room Deputy Collector on 15-07-2013.
- 03)** The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15-09-2013.
- 04)** The complainant and **Sarah Sadia Taznin**, the Assistant Commissioner & Magistrate and present Designated Officer (RTI) of the Office of the DC presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Without having the information, he lodged appeal to the Appellate Authority (RTI). After lodging the appeal petition, the Appellate Authority hearing the appeal disposed of the same. Since the appeal has been disposed of, he submitted the complaint to the Information Commission.
- 05)** **Sara Sadia Taznin**, the Assistant Commissioner & Magistrate and Designated Officer (RTI) of the Office of the DC and Most. Rahima Akter mentioned in their statements that, as the Porcha of SA khatian no.-115 and SA Plot no.- 2375 was damaged so, it was not possible to provide the information to the complainant. Besides this, for providing Porcha, it is provided from finally

published volume by advertisement in gazette. In that respect there is no scope of providing Porcha from working volume. Mentioning the cause of not providing the requested information to the complainant the Designated Officer (RTI) gave surety of informing again to the complaint.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Porcha of SA khatian no.-115 and SA Plot no.- 2375 was damaged so, it was not possible to provide the information to the complainant. Besides this, for providing Porcha, it is provided from finally published volume by advertisement in gazette. In that respect there is no scope of providing Porcha from working volume. Mentioning the cause of not providing the requested information of the complainant, the Designated Officer (RTI) gave surety of informing again to the complaint, so the case seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Assistant Commissioner & Magistrate and Designated Officer (RTI) of the Office of the DC is directed to inform the complainant mentioning the cause of not providing the requested information to the complaint on or before 25-09-2013.
- 2) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-75/2013

Complainant: Jesmin Haq

Father: Late Gazi Faridul Haq

C/O-Sheikh Abdur Rouf

Vill.+Post-Dholaitola

PS: Lohagora, Dist.: Narail

Opposite Party: Mr. Md. Shamim Ahsan, NDC

Director General (Outer publicity Wing)

& Designated Officer (RTI)

Ministry of Foreign Affairs,

Administration Wing, Dhaka.

Decision Paper

(Date: 15-09-2013)

The complainant lodged petition by registered post on 15-05-2013 to **Mr. Md. Shamim Ahsan, NDC**, Director General (Outer publicity Wing) & Designated Officer (RTI) of Ministry of Foreign Affairs, seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- I was dismissed from service and was tortured by the employer during his service in Saudi Arabia in 2004-2005. Seeking solution, I lodged complaint to Bangladesh Consulate Office in Jeddah and Riyadh Embassy. In the matter of the said complaint the employees of the office not helping me conversely they tortured on me. I lodged complaint in this matter returning in the country in the Ministry of Foreign Affairs on 11-06-2008. According to the submitted appeal no-71/2012 of Information Commission the informed by the letter signed by Mr. Masud Mahamud Khandoker of Outer publicity Wing of the Ministry of Foreign Affairs that, the complaint was not proved for lack of lucid testimony and evidences. The incidents mentioned in the complaint was not investigated appropriately and in impartially. I was not sent letter for my attendance in the investigation and testimony and evidences were not taken. So, executing the same investigation in exparte the accused have been released from the complaint. Not being satisfied with this matter, I lodged complaint to the honorable Foreign Affairs Minister for re-investigation on 14-01-2013 (photocopy attached). Bangladesh Embassy, Jeddah Consulate Office and Riyadh embassy is liable for the harm of my life. I should be compensated. Whether re-investigation has been made about the said complaint and if not making re-investigation, I am requesting humbly to take action against the accused.

02) Without having the requested information in the stipulated time, the complainant lodged appeal petition by registered post to Mr. Md. Shahidul Haq, the Secretary of the Ministry of Foreign Affairs & Appellate Authority (RTI) on 12-06-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 18-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15-09-2013.

04) The complainant and the Designated Officer (RTI) of the Ministry of Foreign Affairs presented their statement being attended on the fixed date of hearing. The complainant mentioned in her statement that, according to the Right to Information Act, 2009 she lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, she lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) Mr. Md. Shamim Ahsan, NDC, Director General (Outer publicity Wing) & Designated Officer (RTI) of Ministry of Foreign Affairs mentioned in his statements that, according the appeal of the complainant, the Ministry of Foreign Affairs reviewed the file of Jemine Haq and started working on it. Considering the appeal of Jesmine Haq with importance, the Ministry of Foreign Affairs realized that, re-investigation of the complaint of the Jesmine Haq is needed. As a result, taking the hearing of both of the parties the Ministry of Foreign Affairs took a decision of constituting an Investigation Committee for settling the complaint. In the mean time, the Ministry of Foreign Affairs making a Director General as Convener on 12 September, 2013 a Committee composed of three members has been constituted. This matter will be informed to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences, it was noticed that, in the mean time the action that has been taken about the complaint of the complainant by the Ministry of Foreign Affairs. As the Designated Officer (RTI) gave surety of informing the matter to the complainant, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Designated Officer (RTI) of the Ministry of Foreign Affairs has been directed to provide the requested information to the complainant on or before 25-09-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-76/2013

Complainant: Mr. Nasim Ahmed

Father: A.A Aminuzzaman
Flat-B, House no.- 8, Road No.- 19
Nikunja-2, Dhaka-1229

Opposite Party: Mr. ATM Al Fattah

Assistant Director (Admin)
& Designated Officer (RTI)
Directorate of Secondary & Higher
Education, Education Bhaban,
16 Abdul Goni Road, Dhaka.

Decision Paper
(Date: 23-09-2013)

The complainant lodged petition by registered post on 26-05-2013 to **Mr. Md. Rafiqul**, the Library Development Officer & Designated Officer (RTI) of the Directorate of Secondary & Higher Education, seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- After the end of shifting the project according to the transfer order signed by the In Charge Director Mr. Abul Kalam Azad on 22-12-2005 I was transferred to Feni Teachers Training College from Dhaka Teachers Training College. I sought information about why I was not provided the copy of transfer order in spite of in project.
- Full information including the goods shifting and the agenda of handing over of the project officer from 22-12-2005 to 31-12-2005.
- Information with the written order signed by the then Director General of the Directorate of Secondary & Higher Education for working in the Directorate of Secondary & Higher Education and the Directorate of Secondary & Higher Education from 01-01-2006 after the end of the project.
- Full information about why my name, post, date of birth, no. & date of the appointment letter, educational qualification, date of joining in the project etc information was not kept in the statement of the post approved by the project even after remaining all of my information about service in the project in Planning Department of the Directorate of Secondary & Higher Education.
- Under which rule of Bangladesh Service Rules the then In Charge Officer of the Project Mr. Abul Kalam Azad Saifuddin transferred me. Detains information including the said rule. (After handing over the goods of the project).
- On 22-02-2006 Saleha Khandoker (Technical Officer, Resource Center, T.T.C Dhaka) was engaged with Mr. Abdul Khaleq, the Assistant Director (Engineering) of Planning & Development Section of Directorate of Secondary & Higher Education (that is signed by Prof. Johra Umme Hasan, the Director (Planning & Development of Directorate of Secondary & Higher Education). Full information about after transferring me not providing the copy of transferring and the information of transferring not keeping my name in the post statement of the project why Saleha Khandoker was shown as the Officer of Teachers Training College.
- After the end of the project the other officers/employees who were in their respective position I also was like that, that means we were looking forward for the shifting the post of the project in revenue budget. Information about why information was sent in the Education Ministry

mentioning not working of me in the project again and again not providing the direction of working me in the Planning Division of Directorate of Secondary & Higher after the end of the project.

- You are being requested to provide the correct and true information about why again the then In Charge Project Director transferred me not being transferred by the then Director General of Directorate of Secondary & Higher Education after transferring all of my information about service in the project, the goods & deeds of the project in the Planning Division of the Directorate of Secondary & Higher Education.

Information of the sent proposal to the Ministry of Public Administration from the Directorate of Secondary & Higher Education & the Ministry of Education before one year from six months of ending the promote project following the direction of the Ministry of Public Administration in memo no.-SaMa/SattaBa/Team-4(2) U:Pro:Ni:-47/97-61 on 17 April, 2000 (that has been sent in the Ministry of Public Administration fulfilling the approved chart of the Ministry of Public Administration).

- Full information why necessary action was not taken till today in spite of applying to the In Charge Project Director and the Director General of Directorate of Secondary & Higher Education for transferring a post of Technical Officer to the revenue budget in many time till today from handing over the goods of the project.

03) Without having the requested information in the stipulated time, the complainant lodged appeal petition by registered post to Fahima Khatun, the Director General of Directorate of Secondary & Higher Education & Designated Officer (RTI) on 26-06-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 22-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-09-2013.

04) The complainant Mr. Nasim Ahmed and Mr. ATM Al Fattah, Assistant Director (Admin) & the Designated Officer (RTI) of Directorate of Secondary & Higher Education presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission.

05) According to section 2(ka) of Right to Information Act, 2009 the Secretary of the Education Ministry is the Appellate Authority of Designated Officer(RTI) of Directorate of Secondary & Higher Education. As the appeal petition was not lodged to the appropriate authority according to the Right to Information Act, the complaint was not regarded as acceptable by the Commission.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, according to section 2(ka) of Right to Information Act, 2009 the Secretary of the Education Ministry is the Appellate Authority of Designated Officer(RTI) of Directorate of Secondary & Higher Education. As the appeal petition was not lodged to the appropriate authority according to the Right to Information Act, the complaint was not acceptable by the Commission. The complainant committed to make appeal to the appropriate authority.

Decision

The complaint is disposed of with the following directions:-

Since, the complainant did lodge the appeal petition to the appropriate appellate authority, so, the complaint has been disposed of giving direction to the complainant to lodge appeal petition to the Secretary of the Ministry of Education as per section 2(Ka) of Right to Information Act, 2009.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-77/2013

Complainant: Mr. Alauddin Al Masum
Father: Late Md. Yakub Ali
624/2 Ibrahimpur PS
Kafrul, Dhaka.

Opposite Party: Mr. Mohammed Kazi Foysal
Assistant Commission Land
& Designated Officer (RTI)
Tejgoan Circle, 14/2 Topkhana Road
Dhaka-1000.

Decision Paper

(Date: 23-09-2013)

The complainant lodged petition on 17-07-2013 to **Mr. Mohammed Kazi Foysal**, the Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgoan Circle, 14/2 Topkhana Road, Dhaka seeking for the following information as per section 8(1) of Right To Information Act, 2009-

- Measurement of land is 46 decimal or 0.4600 acre of SA khatian no.-102, SA plot no.-2473 of Bhatara PS, former Badda, prior to that Gulshan, prior to that Tejgaon, prior to that Keraniganj of Dhaka district. How many mutation total has been made till today in the said schedule, whose name and how measurement of land has been mutated its serial with date, I am requesting this details information as per the chart provided by me.
- 02)** While the Designated Officer (RTI) returned after refusing to accept the petition, the complainant without lodging the appeal petition, submitted the complaint to the Information Commission on 22-07-2013 in section 25(1)(Ka), 25(4)-25(9) of Right to Information Act, 2009 (As per 13(1)(Ka) of Right to Information Act, 2009).
- 03)** The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-09-2013.
- 04)** The complainant Mr. Alauddin Al Masum and the Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgaon circle presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. While the Designated Officer (RTI) returned after refusing to accept the petition, the complainant submitted complaint to the Information Commission.
- 05)** **Mr. Mohammed Kazi Foysal**, the Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgoan Circle, mentioned in this statement that, Bhatara Mouza is not under Tejgaon circle. The complainant has been suggested verbally to collect his requested information from Gulshan circle. Bhatara mouza was under Tejgaon circle up to February of 2012. It was under Gulshan circle from March of 2012.
- 06)** Why the application for information of the complainant was not accepted? In response of such question of the commission, the Designated Officer (RTI) said that, the requested information of the complainant is not kept in his office and as not having the clear and specific idea about Right to Information Act, 2009 the petition of the complainant was not accepted. He expressed sorrow and begged pardon in this matter. At the same time he informed that, in the mean time the requested

information of the complainant has been provided from Gulshan circle. In this regard, the complainant mentioned in his statement that, the provided information was not same as his prayed chart and he has been informed that register 9 have remain in Tejgaon circle. In this matter Commission informed both the parties that, if information is sought like own opinion the Designated Officer (RTI) is not bound to provide the information.

- 7) Accepting the petition for information of the complainant right today, if the requested information of the complainant kept in register 9, the same would be provided accordingly, in response of such opinion of the Commission, the Designated Officer (RTI) gave surety of providing the requested information to the complainant verifying the same in register 9.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) is uninformed about the Right to Information Act, 2009 he did not accept the petition for getting information of the complainant. He is repentant for that and apologized. As the Designated Officer (RTI) accepting the petition of getting information of the complainant right today and gave surety of providing the requested information to the complainant verifying the register 9, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) Assistant Commission Land & Designated Officer (RTI) of Tejgaon Circle has been directed to provide therequested informationto the complainant verifying in register 9 on or before 07-10-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-78/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur PS
Kafrul, Dhaka.

Opposite Party: Mr. Mohammed Kazi Foysal

Assistant Commissioner (Land)
& Designated Officer (RTI)
Tejgaon Circle, 14/2 Topkhana Road
Dhaka-1000.

Decision Paper

(Date: 23-09-2013)

The complainant lodged petition on 17-07-2013 to **Mr. Mohammed Kazi Foysal**, the Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgaon Circle, 14/2 Topkhana Road, Dhaka-1000 seeking the following information as per section 8(1) of Right to Information Act, 2009-

- Measurement of land is 46 decimal or 0.4600 acre of SA khatian no.-102, SA plot no.-2473 of Bhatara PS, former Badda, prior to that Gulshan, prior to that Tejgaon, prior to that Keraniganj of Dhaka district. I want to know the details information with date whether by mutation case no.-991, date: 02-01-1975 of 23 decimal land out of 46 decimal of the said SA plot no.-2473 in the name of Hari Laxmi Das. Wife of Late Amanyia Mistri and by mutation case no.-12324/79-80 of the said 23 decimal land 0.2300 acre land in the name of Azi Ullah Khan, son of Late Abdul Ali Khan has been completed or not. It is necessary to mention that, when asked about the matter of the said schedule to the present Designated Officer of the Office of the Assistant Commissioner Land, Gulshan circle he informed by the said attached letter that, the file of the concerned mutation case and register-9 remain in Assistant Commissioner (Land), Tejgaon circle.

02) While the Designated Officer RTI) returned after refusing to accept the petition for information, the complaint without lodging the appeal petition submitted the complaint to the Information Commission on 22-07-2013 in section 25(1)(Ka), 25(4)-25(9) of Right to Information Act, 2009 (As per 13(1)(Ka) of Right to Information Act, 2009).

03) The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-09-2013.

04) The complainant Mr. Alauddin Al Masum and the Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgaon circle presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. While the Designated Officer RTI) returned after refusing to accept the petition, the complainant submitted complaint to the Information Commission.

05) Mr. Mohammed Kazi Foysal, the Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgaon Circle, mentioned in their statements that, Bhatara Mouza is not under Tejgaon circle. The complainant has been suggested verbally to collect his requested information from Gulshan circle. Bhatar mouza was under Tejgaon circle up to February of 2012. It was under Gulshan circle from March of 2012.

06) Why the petition of getting information of the complainant was not accepted? In response of such question of the commission, the Designated Officer (RTI) said that, the requested information of the complainant is not kept in his office and as not having the clear and specific idea about Right to Information Act, 2009 the petition of getting information of the complainant was not accepted. He expressed sorrow and begged pardon in this matter. At the same time he informed that, in the mean time the requested information of the complainant has been provided from Gulshan circle. In this regard, the complainant mentioned in his statement that, the provided information was not provided as per his prayed chart and he informed that register 9 have remain in Tejgaon circle. In this matter Commission informed both of the parties that, if information is sought like own opinion the Designated Officer (RTI) is not bound to provide the information.

7) Accepting the petition of getting information of the complainant right today if the requested information of the complainant kept in register 9, the same would be provided accordingly, in response of such opinion of the Commission the Designated Officer (RTI) gave surety of providing the requested information to the complainant verifying the same in register 9.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) is uninformed about Right to Information Act,2009, he did not accept the petition of getting information of the complainant. He is repentant for that and apologized. As the Designated Officer (RTI) accepting the petition of getting information of the complainant right today and gave surety of providing the requested information to the complainant verifying the register 9, so, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) Assistant Commissioner (Land) & Designated Officer (RTI) of Tejgaoan Circle has been directed to provide the requested information to the complainant verifying the register 9 on or before 07-10-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- 3) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-79/2013

Complainant: Mr. Delawar Bin Siraj

Father: Late Haji Siraj Uddin
2/2 R.K Mission Road
Dhaka-1203

Opposite Party: Mr. Md. Mosfafizur Rahaman

Deputy-General Manager
& Designated Officer (RTI)
Milk Vita, 139-140 tejgaon I/A
Dhaka-1208

Decision Paper

(Date: 23-09-2013)

The complainant lodged petition on 09-06-2013 to **Mr. Md. Mosfafizur Rahaman**, Deputy-General Manager & Designated Officer (RTI) of Milk Vita seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- What type of facilities Mr. Hasib Khan Tarun, the present Chairman of Milk Vita, took after taking charge of some of them are-
 - (1) How many cars he uses, how many kilometers he travels & what amount of fuel he uses and its price.
 - (2) Sector wise statements of money taken by him as travelling, inspection and visiting abroad.
 - (3) What amount of money he can approve and pass.
 - (4) How many times he functions as chairman and up to which dates he continues the duty of the Chairman.
 - (5) What amount of money he spends for entertainment, fax, phone and miscellaneous cost during his duty.
 - (6) Detailed description of taking facilities that is out of jurisdiction (If any) and in case of taking money- written statement of the amount of taka with mentioning cheque no. and the photocopy of counter of cheque.
- 02)** In response to the said petition, the Designated Officer (RTI) informed that the requested information in memo no- MiE/PaUSa/Information-26/2013/449 on 17-06-2013 is not possible to be provided. Subsequently, the complainant lodged appeal petition to Mr. Hasib Khan Tarun, Chairman & Appellate Authority (RTI) of Milk Vita on 18-06-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 22-07-2013 to the Information Commission. He further mentioned that, according to order of the Information Commission on complaint no.-29/2013 on 29-05-2013, the Designated Officer (RTI) provided information of former 'Ka' point, but the information he provided in point 'Kha' is incomplete and false.
- 03)** The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-09-2013.
- 04)** The complainant **Mr. Delawar Bin Siraj** and the Deputy-General Manager & Designated Officer (RTI) of Milk Vita presented their statement being attended on the fixed date of hearing. The

complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint to the Information Commission. He further mentioned that, according to the order of complaint no.-29/2013 the information that the Designated Officer (RTI) provided in point 'Kha' is incomplete and false. He has been provided the information of 76 (seventy six) companies. Information of rest 17 (seventeen) companies were not provided.

- 05) **Mr. Md. Mosfafizur Rahaman**, Deputy-General Manager & Designated Officer (RTI) of Milk Vita, mentioned in his statement that, as the requested information of the complainant is personal information it was not possible to be provided. The Commission expressed its opinion that there is no hindrance as per Right to Information Act, 2009 to provide the information to the complainant. According to the opinion of the Commission, the Designated Officer (RTI) prayed time for preparing response. The Commission considering heartily the appeal for extending time for the Deputy-General Manager & Designated Officer (RTI) of Milk Vita according to sub-section 11(Dhircou) of section 25 of Right to Information Act, 2009 seeking time was sanctioned on the condition of paying Tk.200 to the complainant as conveyance. The Designated Officer (RTI) gave surety to provide the requested information to the complainant if the complainant provide the name list of 17 (seventeen) companies within the stipulated time.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) considered the requested information of the complainant is personal information, so, he did not provide the information. Earlier, point 'Kha' information of 76 (seventy six) companies have been provided. Within the specific time of the Commission, so, the Designated Officer (RTI) gave surety to provide the requested information to the complainant if, the complainant provide the name list of 17 (seventeen) companies within the stipulated time, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Deputy-General Manager & Designated Officer (RTI) of Milk Vita has been directed to provide the requested information to the complainant on or before 25-09-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-80/2013

**Complainant: Mr. Md. Harunar Rashid
Jamaddar**

Father: Late Md. Rafiq Uddin Jamaddar
Mallika-1,
Eskaton Garden Officers Quarters
Eskaton Garden Road, Dhaka-1000.

Opposite Party: Mr. Md. Sabbir Hossaim

Assistant Manager
& Designated Officer (RTI)
Court of Wards Dhaka Nawab Estate
Land Reformation Board, Dhaka

Decision Paper

(Date: 23-09-2013)

The complainant lodged petition on 05-05-2013 to the Designated Officer (RTI) of Land Reformation Board seeking for the following information as per section 8(1) of Right to Information Act, 2009-

C A Roll & other information of Nawab Estate Court of Wards of Dhaka are-

- 1) Copy of C A Roll (Compensation Assessment –roll) of Nawab Estate Court of Wards of Dhaka.
 - 2) What is the name of main owner of Nawab Estate Court of Wards of Dhaka?
 - 3) Who are the owners of the properties of adjustment of CS khatian no.-7, SA khatian no.-6, plot no.- 895, 896, 897 and 898, RS khatian no.- 46 of Dania Mouza of former Demra, currently Jatrabari Mouza of Dhaka district? Their names and addresses.
 - 4) With what amount of acres land Nawab Estate Court of Wards of Dhaka formed? Whether the owner of this property is Land Reformation Board? If so, under what rules/regulations?
 - 5) Whether the government has been paid other taxes with rents to the government in every year till today? If so, its copy.
 - 6) Has this property been sold or leased or handed over to any person or organization? If so, its information.
 - 7) Is this property under your occupancy? If so, whether any installation on it?
- 02)** Not getting the requested information within the stipulated time, the complainant lodged the petition on 09-06-2013 to the Chairman and Appellate Authority (RTI) of Land Reformation Board. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 22-07-2013 to the Information Commission.
- 03)** The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-09-2013.
- 04)** The complainant **Mr. Md. Harunar Rashid Jamaddar** and the Assistant Manager Designated Officer (RTI) of Court of Wards Dhaka Nawab Estate presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer seeking for the information mentioned in chapter no.01. Not getting the information he lodged an appeal petition to the Appellate Authority (RTI). Without getting any solution, the complainant submitted the complaint to the Information Commission. After submitting complaint, partial information has been provided without signature and seal.

- 05) Mr. Md. Sabbir Hossain**, the Assistant Manager & the Designated Officer (RTI) of Court of Wards Dhaka Nawab Estate informed in his statement that, petition was lodged to Land Reformation Board for getting information, in the next time the application of the complainant for getting information has been sent at his office. The complainant has been provided his requested information. But by mistake there was not signature and seal in the provided information. The Designated Officer (RTI) assured him to provide the information with seal and signature again.
- 06)** When Commission asked the complainant about the cause of not applying to the Designated Officer (RTI) of Court of Wards Dhaka Nawab Estate, the complainant informed that, as the Designated Officer (RTI) was not appointed by Court of Wards and as it was not possible to inform this to the Designated Officer (RTI) he lodged application to the Designated Officer (RTI) of Land Reformation Board.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) provided the requested information to the complainant. But by mistake there was not signature and seal in the provided information. But as the Designated Officer (RTI) assured him to provide the information with seal and signature again, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- 1) The Assistant Manager Designated Officer (RTI) of Court of Wards Dhaka Nawab Estate has been directed to provide the requested information to the complainant on or before 30-09-2013 on the condition of paying the cost of the information.
- 2) The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- 3) Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-81/2013

Complainant: Mr. Md. Abdul Hakim

Father: Late Momin Uddin Howlader
Vill.: Baliarkathi
PO: Khalisakota, Via Chakhar
Upazila- Banaripara, Dist: Barisal

Opposite Party: Designated Officer

Office of the Chittagong Coastal
Divisional Forest Officer,
Chittagong

Decision Paper

(Date: 23-09-2013)

The complainant lodged petition by registered post on 21-05-2013 to **Designated Officer**, the Office of the Chittagong Coastal Divisional Forest Officer seeking for the following information as per section 8(1) of Right to Information Act, 2009-

1. The taken decision of the honorable Cabinet on 22-05-1983 and Clear direction of memo no.- E.D.S A 1-3/83-257(100) on 13-06-1983. According to the order of transfer 74/P on 18-05-1985 violating by Forest Preserver of Khulna I was terminated by Chandpai Rang Officer by memo no.- 731/ChaPa-5 on 07-06-1985. As per the rule of chapter no.-9(10) of the constitution within my obtained joining time as per the rules 299 & 300 of service rules on 10-06-1985 submitting the certificate of the govt. Dr. I sent application by registered post to the Divisional Forest Officer of Chittagong seeking time for joining. Her accepting my application he not giving time to me for joining as per section 299 & 300 of Service Rules in which rule suspending me on 20-08-1985 in which rule not providing the order sheet to me in which he concealed in his office, I would like to know the correct information of that rules. Because, for providing order evidences in acknowledgement.
2. As per sub-section 11(2) of Govt Discipline & Appeal Rules of 1985 as any direction for showing cause has not been provided to me as per section 7(1) of rules within 30 days of order, the suspension order is regarded to be cancelled on 20-09-1985. In which rule by the Divisional Forest Officer giving release not giving direction of joining in the service as per which rule of the rules after long 1209 days of suspension order in extrajudicial section of rules of 1984 suspended by officer order no. 298 & 299 on 17-12-1985 filling proceeding case against me appointing the terminated officer as the Investigation Officer he gave direction to conduct the investigation work. I would like to have the overall information of those rules.
3. In the rule cancelled on 17-12-1985 against me filed proceeding case appointing the investigation officer as per rule 1 of rules of 1985 and sub-section 7(1)(2) of rules and in spite of the illegal as per the decision given in 29 D L R (Su) page 43, 20 D R 680, 732 & 772 pages and PLD Peswar 148 pages. The Divisional Forest Officer in which rule giving me release not giving direction to join me in the work by 252-06-1986. In which rule gave direction to me to join the job within 10 days by memo no.- 1057/5-12 on 22-06-1986. I would like to have the overall information of those rules.
4. I appeared before Khulna Civil Surgeon on 28-06-1986 for collecting the medical certificate for joining in the service as per the direction on 22-06-1986. Then he testing me issued certificate for resting four weeks from 29-06-1986. That I informed the Divisional Forest Officer through application by registry post on 30-06-1986. As per the rules of which regulations neglecting the

given certificate of Civil Surgeon in which rule in section 5(4) of Govt. Employees Special Measure Ordinance and as per the decision 30 D L R (Su) 96 pages and 27 D L R 428 pages not providing any notice of show cause in which rule by office no. 131 on 17-07-1986 noting mentioning from which date desertion made suspension in the accusation of additional desertion again. I would like to have the overall information of those rules.

5. As per the mentioned decision of the higher court in spite of the suspension order on 17-07-1986 being regarded as the illegal and as per sub-section 11(2) of Rules of 1985 even after cancelling of the suspension order on 18-08-1986 automatically in which the Divisional Officer noting giving me the direction to join on the job. Under which rule of law the sub-section 7(1) (2) of Rules as per the decision given in 29 D L R (Su) page 43, and 20 D L R 680, 732 & 772 pages and PLD Peswar 148 pages. No giving the me the notice of show cause under which rule suspension order of office order no.-131 on 17/7/86 after a long 52 days by office no.-62 on 06-09-86 after filling the proceeding case against me appointing the investigation Officer. Under which rule gave the direction of show cause to the given officer. I would like to have the overall information of those rules.
6. In spite of not having the legal power and right of the appointed investigation officer extrajudicial appointing in section 7(2) of the Rules by which rules of the law the Divisional Forest Officer as per section 7(4) and 10 off Rules and as per the decision of 32 D. L.R (AD) of the higher not conducting the investigation work. Without taking the testimony of the witnesses in my absence on 04-10-86 solve the investigation work in one day. I would like to have the overall information of those rules.

As the investigation officer appointed out the section 7(2) of Rules as not having the legal power and to conduct the investigation work with him for out of section 7(4) and 10 of the rules and out of power. As per section 7(5) of the rules with the direction of 2nd show cause of office order no.-186 on 16-10-86 by the Divisional Officer for failure of providing me the copy of the illegal investigation report of the illegal investigation officer as per the decision of the higher court of 32 D.L.R 224 pages in spite of the suspension order being cancelled. And as per the decision of case no.- 298/94 of the Honorable Appeal Division of the Supreme Court on 06-04-95 in spite of there is no legal power taking action against me of the Divisional Forest Officer.

Under which rule of law the Divisional Forest Officer by order no.-194 on 30-10-86 keeping in force the suspension order up to 29-10-86. Again under which rule of law violating the fundamental right of chapter no. 31 & 32 of the constitution and rule o 5 of human rights under which rule of law by office order no.-194 on 30-10-86 suspended from service of bread & butter. I would like to have the overall information of those rules.

7.As per B.M R 71 section and it has been said chapter no. 53 of the constitution that, when the government employee remain in suspension he will get salary. The government or none can violate that and in spite of that rule. In the time of suspension by order no.- 194 on 30-10-86 by the Divisional Forest Officer by which rule of law salary and allowance remain stopped till today I would like to get over all information of keeping those salaries and allowances.

02) Not getting the requested information within the stipulated time, the complainant lodged the petition on 18-06-2013 to the Divisional Forest Officer and Appellate Authority (RTI) of Coastal Forest Department, Chittagong . After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 23-07-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 29-08-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-09-2013.

04) The complainant Mr. Md. Abdul Hakim submitted the written statement being absent and the Designated Officer (RTI) of Office of the Chittagong Coastal Divisional Forest Officer, Chittagong is absent. But Mr. Faridul Alam, the learned advocate for the Designated Officer (RTI) is present. The learned advocate for the Designated Officer (RTI) lodged appeal for time for submitting the response.

05) As per section 2(ka) of Right to Information Act, 2009, the Appellate Authority (RTI) of Office of the Chittagong Coastal Divisional Forest Officer, Chittagong is the Conservator of Forest, Chittagong circle. As the appeal petition was not lodged to the appropriate authority, the complaint was not acceptable by the Commission as per Right to Information Act.

Discussion

Hearing the statements of the complainant and reviewing the submitted evidences it was noticed that, the Complainant did not lodge the appeal petition to the appropriate authority. As per section 2(ka) of Right to Information Act, 200 Appellate Authority (RTI) of Office of the Chittagong Coastal Divisional Forest Officer, Chittagong is the Conservator of Forest, Chittagong circle. As the appeal petition was not lodged to the appropriate authority, the complaint was not acceptable by the Commission as per Right to Information Act.

The complaint can be disposed of giving suggestion to the complainant to lodge the appeal petition to the appropriate authority.

Decision

The complaint is disposed of with the following directions:-

Since, the complainant did not lodge the appeal petition to the appropriate authority, so, the complaint has been disposed of giving direction to the complainant to lodge appeal to the Conservator of Forest of Chittagong circle as per section 2(Ka) of Right to Information Act, 2009.

Let the copy sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 82/2013

Complainant:
Mawlana Quaree Md. Ilias
Father- Quaree Hasmat Ali
Vill+Post- Mesera
Post Code No- 2300
Hossainpur, Kishorgonj

Opposite Party:
Mr. Md. Nurul Islam Talukder
Sub registrar Nandail
and
Designated Officer- RTI
Sub Registrar Nandail, Mymensingh

Decision Paper

(Date: 23/09/2013)

The Complainant, submitted an application on 11-03-2013 to, Mr. Md. Nurul Islam Talukder, Sub registrar Nandail Mymensing District and Designated Officer (RTI) seeking for the following information as per section 8(1) of the Right to Information Act, 2009:

* Required report of the Letter to Sub Registrar dated 13/10/2010 as per District Registrar Memo no 2711.

02. While the complainant did not receive the required information then he preferred an appeal to the District Registrar- Mymensingh and Appellate Authority (RTI), Mr. Anwarul Islam. When he did not get any response from the Appellate Authority he then filed a complaint to the Information Commission on 24/07/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23/09/2013.

04. On the date fixed for hearing the complainant, Mowlana Quaree Md. Ilias and the Designated Officer (RTI), Sub registrar Nandail, Mr. Md. Nurul Islam Talukder both were absent. Lawyer Mr. S M Arif Mandal being present on behalf of the Designated Officer (RTI) presented his speech. He mentioned in his statement that the Designated Officer has sent the required information erroneously to the Appellate Authority instead of the Complainant. The required information of the complainant is ready and as per instruction of the Commission the Designated Officer (RTI) is ready to deliver the information.

Discussion

After listening to the Lawyer assigned by the Designated Officer and reviewing all the submitted proofs, it has been proved that the required information of the complainant has been sent to the Appellate Authority erroneously. It was not sent to the complainant. The required information is ready. Lawyer, assigned by the Designated Officer, ensured that the required information would be delivered to the complainant. So, the complaint seems to be disposable.

Decision

The complaint has been resolved following the instruction given below:

01. The Sub Registrar Nandail and Designated Officer (RTI) is instructed to provide the requested information to the complainant after realization of cost of information on or before 07/10/2013.

02. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury code 1-3301-0001-1807.

03. Both parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 83/2013

Complainant:
Mr. Ferdous Hasan
Father- Md. Hasan Ali Sheikh
JC Road, Dhanbandhi, Sirajgonj.

Opposite Party:
1. Dr. Parvez
Deputy Director(Establishment)
& Designated Officer
Directorate of Primary Education
Mirur-2, Dhaka-1216
2. Director General
Directorate of Primary Education
Mirpur-2, Dhaka-1216
3. Rebeka Sultana
Senior Assistant Secretary- Admin-1
Primary and Public Education Ministry
Dhaka

Decision Paper

(Date: 06-10-2013)

According to the Right to Information Act, 2009, the Complainant, filed a complaint on 29-07-2013 based on the previously filed complaint no: 38/2013 in which the commission gave decision after hearing on 24/06/2013 and that was not implemented by the opposite party within 15/07/2013 and they have violated the order of commission.

02. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 15/09/2013.

03. On the date of the hearing, both the complainant Mr. Ferdous Hasan, and Dr. Parvez, the Designated Officer (RTI), Directorate of Primary Education are present. In the statement the complainant mentioned that, as per the decision of the commission after hearing in complaint no: 38/2013 on 24/06/2013 the opposite party did not comply within 15/07/2013 so, he has resubmitted the complaint.

04. On the date of hearing the Designated Officer (RTI) of Directorate of Primary Education and Deputy Director (Establishment), Dr Parvez mentioned that, as per the decision of the hearing the Primary and Public Education Ministry sent a letter to the complainant. In the letter the Senior Assistant Secretary of Primary and Public Education Ministry mentioned that the exam numbers of written and viva is a secret matter and cannot be made public. For that reason the information cannot be delivered. The commission commented that the Director General of Primary and Public Education Department should be present and instructed to settle the hearing.

05. For further hearing of the complaint, the hearing date was shifted on 06/10/2013 and summoned to the Complainant, Designated officer (RTI), DG, Primary Education Department –and Senior Assistant Secretary of the same ministry.

06. On the date of hearing the complainant Mr. Ferdous Hasan, the Designated Officer- RTI, Dr. Parvez, DG of Primary Education Department, Mr, Shyamal Kanti Ghosh and Senior Assistant Secretary, Primary and Public Education Ministry, Rebeka Sultana were present. The complainant mentioned in his

statement that, as per the decision of the commission after hearing in complaint no: 38/2013, on 24/06/2013, the opposite party did not comply within 15/07/2013 he has re submitted the complaint.

07. The Designated Officer (RTI) of Primary Education Department and Deputy Director (Establishment), Dr. Parvez mentioned in his statement that as per the decision of hearing, the Primary and Public Education Ministry sent a letter to the complainant. In the letter the Senior Assistant Secretary of Primary and Public Education Ministry mentioned that the exam numbers of written and viva and as per the result processing organization agreed contract wise it has been preserved to IICT of BUET. The exam results of recruitment is a secret matter and cannot be made public. For this reason the information could not be provided.

08. The DG of Primary Education Department, Mr. Shyamal Kanti Ghosh mentioned that, on 2010 the instruction was given by the ministry to recruit Primary School Teacher. When BUET was assigned to conduct the exam it was taken in the MCQ method. All the transcript, written and viva result number is stored to them. As per the decision of the BUET those are preserved in sealed CD. As per the agreement, if they are requested then they can take necessary action.

09. The Senior Assistant Secretary of Primary and Public Education Ministry, Rebeka Sultana mentioned that, as per the decision of the higher authority, she has just sent a letter regarding that.

10. Appellate authority is supposed to give decision after hearing of the both parties and given decision should be circulated to all the concerned. When the result was published it became the Public Document, under RTI, 2009 there is no bindings to reveal the information to people. As per the comments of the commission, the Designated Officer (RTI) ensured to provide the information to the complainant.

Discussion

After listening to the Complainant, Designated officer (RTI) of Primary Education Department, DG of Primary Education Department and comments of the Senior Assistant Secretary of Primary and Public Education Ministry and after reviewing all the documents it was found that, the required information is about the Exam result related. As the exam result has been published, so, it became public document and it has no legal binding to deliver. As per the comments of the Commission, the Designated Officer (RTI) ensured to provide the requested information to the complainant, so, the case seems to be disposable.

Decision

The complaint has been resolved with the following instructions:

01. The Designated Officer (RTI) of Directorate of Primary Education and Deputy Director (Establishment) is instructed to provide the requested information after realization of cost of information on or before 24/10/2013.
02. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code 1-3301-0001-1807.
03. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 84/2013

Complainant:

Mr. Md. Lutfor Rahman
Father- Late Md. Jinnat Ali (B,A BT)
Village- Belab Matialpara
Post- Belab Bazar
PS- Balab, District- Narshingdi

Opposite Party:

Mr. Md. Amirul Islam
Deputy Secretary (Admin-3 sub section)
and Designation Officer- RTI
Agriculture Ministry, Dhaka-1000.

Decision Paper

(Date: 23/09/2013)

The complainant filed the complaint on 04/08/2013. He mentioned that, as per the previous complaint no: 51/2013 followed by the hearing on 24/06/2013 the provided information by the Designated Officer is false and baseless. In this case under Right to Information Act, 2009, section 25 wise the Complainant filed the complaint to get the required information.

02. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting summonses were issued to the concerned parties on dated 23/09/2013 for hearing.

03. On the date of hearing the complainant Mr. Md Lutfor Rahman, Deputy Secretary of Agriculture Ministry and Present Designated Officer being present adduced their statement. The complainant mentioned in his speech that as per his filed complain 51/2013 which had hearing on 24/06/2013 and as per decision of commission the Designated officer (RTI) provided some information that is false, confusing and unexpected. He has filed the complaint for exact information.

04. The deputy secretary of Ministry of Agriculture and present Designated Officer (RTI) Mr. Md Amirul Islam mentioned in his statement that from 19/08/2013 he is acting as the Designated Officer (RTI). The complainant's required information as per the serial 7,8 and 9 was mistakenly given the same number of Secretary in Charge and Additional Secretary's office was provided. As per the required serial 1 information the data properly cannot be provided as the main application copy of the complainant cannot be found. It was not informed to the complainant that without the advance application copy and special instruction diary cannot be done. So, by mentioning the reason for not providing information under serial 1 and mistaken information under serial 7,8 and 9, the present Designated Officer (RTI) ensured that the information would be corrected and provided again.

Discussion

After listening to the complainant and Designated Officer (RTI) and reviewing all the submitted proofs, it has been proved that the Designated Officer provided the information to the Complainant. The asked information mentioned serial 1 was not informed properly and 7,8 and 9 mentioned data was typed mistakenly. The Designated Officer ensured that the mistaken data would be corrected and ensured to deliver again, so the complaint seems to be disposable.

Decision

The complaint has been disposed of with the following instructions:

01 The Designated Officer (RTI) of Agriculture Ministry is instructed to provide the requested information to the complainant free of cost on or before 07/10/2013.

02. Both the parties are directed to inform the Commission on compliance of the directions.

Send the copies of the order to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 85/2013

Complainant:	Opposite Party:
Mr. Tarek Mahmud George	1. Mr. Ohidul Islam
Father- Late Muhammad Safar Uddin	Sub registrar and Designated Officer- RTI,
C/O- Legal Section-1	Sonargaon, Narayangonj.
Bangladesh National Parliament Secretariat	2. Mr. Nrependra Chandranath
Dhaka	District Registrar and Appeal Authority (RTI),
	Narayangonj.

Decision Paper
(Date: 22/10/2013)

The complainant, Mr. Tarek Mahmud George submitted an application on 04/06/2013 to Sub registrar, Sonargaon, Narayangonj and Designated Officer (RTI) seeking for the information below:

- a. Revised fees collection application sl no- 16476-15444, date- 24/08/2011, 4979-4968, date 18/03/2012 and 4980-4969, 18/03/2012 for Heba Deed Main Copy/ Copy and related information from the Sub Registrar of Sonargaon Upazila of Narayangonj District.
- b. Name, designation of the related officers with the said deed, along with their address.

02. The complainant did not receive any information in time and submitted appeal application to Narayangonj District Registrar and Appellate Authority (RTI) by registered post on 17/07/2013. When he did not get any response from the appellate authority, then he filed complaint to the information commission to 04/08/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting summonses were issued to the concerned parties fixing the date of hearing on 06/10/2013.

04. On the date fixed for hearing, the Designated Officer (RTI) was absent and the service return of the summon was not received, so, the hearing date was resettled on 22/10/2013 and the Complainant, Designated Officer (RTI) and Appellate Authority (RTI) were summoned.

05. On the date of hearing, the complainant Tarek Mahmud George, Sub Registrar, Sonargaon, Narayangonj and Designated Officer (RTI), Mr. Ohidul Islam and Narayangonj District, Sub Registrar and Appellate Authority (RTI) Nripendra Chandranath were present. The complainant mentioned in his statement that, as per RTI Act, 2009 section 01 he applied to the designated officer for information. When he failed to get information, then he appealed to Appellate Authority (RTI). When he did not get any response, then he lodged complaint to Information Commission.

06. Sub Registrar, Sonargaon, Narayangonj and Designated Officer mentioned that, he joined the new workplace on last 01/07/2013. The complainant asked information from the previous designated officer (RTI) for which he did not know anything. District Registrar, Narayangonj was present in the hearing as per the order of the commission. He informed about the information that, to deliver the registered deed at first he has to deposit the receipt. If the complainant deposit receipt and filled form with fee (Registration Act, 1908 wise) he ensured to provide the information.

07. The District Registrar and Appellate Authority (RTI) of Narayangonj District informed in his statement that, when complainant contacted with the office assistant then he was informed about the fee deposition. But due to his non payment of the fees, necessary papers could not be delivered. If the complainant pay fees (Registration Act, 1908 wise) then the information can be delivered.

Discussion

After listening to the Designated Officer (RTI) with the Appellate Authority (RTI) and reviewing all the submitted proofs, it has been noticed that the recent Designated Officer was not informed about the issue and as per Registration Act, 1908 receipt and other fee was not paid, the necessary papers could not be provided. If the complainant deposit the receipt and fill up the form, then the Designated Officer (RTI) ensured the delivery of the required information to the complainant. So, the case seems to be disposable.

Decision

The complaint has been resolved with the instruction given below:

01. The complainant is directed to deposit the required fee and to fill up the form to submit to the Designated Officer (RTI) as per Registration Act, 1908 for taking registered deed.
02. The Designated Officer (RTI), Sub Registrar, Sonargaon, Narayngonj is instructed to provide the required information after realization of cost of information.
03. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is director to pay the information price deposited to Government treasury code 1-3301-0001-1807.
04. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 86/2013

Complainant:
Mr. Nasim Ahmed
Father A A Aminuzzaman
Flat-B, House-8
Road-19, Nikunja-2
Dhaka-1229

Opposite Party:
Designated Officer- RTI
Dhaka Government Teachers Training
College
Dhaka

Decision Paper

(Date: 06/10/2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant, requested for information to the Vice Principal and Designated Officer (RTI) of Dhaka Government Teachers' Training College, Syed Sadik Jahidul Islam through registered post and applied with two individual application:

Applied information on 08/04/2013.

On last 26/11/2005, at Dhaka Teachers' Training College implemented Promote project at Resource Center with involvement of Project Liaison Officer, who signed papers of resource center goods (signed by technical officer), the representative of MUS Directorate, TQI, Project Officer and in presence of the Director In Charge the Principal selected representative has taken the transferred goods. Detailed information about the issue.

*Applied information on 21/04/2013.

From last 22/12/2005 to 31/12/2005 the Promote Project goods, deed of transfer and one Technical Officer took part in the hand over process. In presence of the below mentioned officer the project materials and other deeds are handed over to the selected representative of the then Principal of Dhaka Teachers' Training College.

1. Abdul Khaled, Assistant Director(Planning and Development), MUS Directorate.
2. Shamim Ahsan Khan, Research Officer, MUS Directorate.
3. Project Finance and Admin Officer, Promote Project
4. Ali Hossain, Chief Engineer, Promote Project and
5. Abul Kalam Azad Saifuddin, Director in Charge, Promote Project.

All the goods are transferred and hand over agenda was complete in participation of the technical officer and related information and Saleha Khandaker joined the Dhaka Teachers' Training College Resource Center Officer, related information.

02. When required information was not received, the complainant preferred an appeal on 22/05/2013 to the Principal and Appellate Authority (RTI), Dhaka Government Teachers' Training College Mr. Dipak Kumar Nag. When he did not receive any solution on the issue, then he filed a complaint to the information commission.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 06/10/2013.

04. On the date of hearing, the complainant and Designated Officer (RTI) both were absent. The complainant informed the Information Commission through a letter that his required information has been provided. In this case he has no other complain and through another letter on 02/09/2013 he requested to resolve the issue. The Principal and Appellate Authority (RTI), Mr. Dipak Kumar Nag sent a letter bearing the memo no- TTCD/Misc-80/2013/573 that the complainant has been delivered the required information and requested the Commission to kindly resolve the issue.

Discussion

After reviewing the submitted proofs of Complainant and Designated Officer (RTI), it appeared that the required information of the Complainant has been delivered. Complainant has received all his information. As the required information has been delivered and there is no complain of the complainant and as they have all requested commission to resolve the issue, this complaint seems to be disposable..

Decision

As the complainant has received all his information and informed the commission and has applied to resolve the issue, so, the case is disposed of.

Send copies of the order to all the parties concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 87/2013

Complainant: Mr. Md. Iqbal Hossain Father- Late Abdus Sattar House- 39, Road-8, Block-Kha, Mohammedpur Housing PC Culture and Faming Co Operative Society Ltd, Mohammedpur Dhaka-1207.	Opposite Party: Rikta Dutta Deputy Registrar and Designated Officer (RTI) Directorate of Co-operatives F-10/A-B, Agargaon Civic Sector Sher-e-Bangla Nagar, Dhaka-1207.
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Decision Paper
(Date: 06-10-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant applied to the Deputy Registrar and Designated Officer (RTI), Ms. Rikta Dutta on 09-06-2013 for the information mentioned below:

a) Information about the Barisal Central Fisher Multipurpose Society Limited, bankrupt from Chanmari C/A, Barisal owner CCDB, 33.50 decimal land with Ice Factory with other equipments has been sold without permission of the registrar and the attached 42 pages with the complaint paper to Mr. Mrinal Kantu Biswas, District Multipurpose Officer, Faridpur.

b) Information about the Barisal Central Fisher Multipurpose Society Limited, bankrupt from Chanmari C/A, Barisal owner CCDB, 33.50 decimal land with Ice Factory with other equipments has been sold without permission of the registrar and the attached 86 pages with the complaint paper to Mr. Fakrul Islam, Joint Registrar, Divisional Multipurpose Office, Rajshahi Division, Rajshahi bearing memo no- DMO/Raj/No-2260/96/70-C, Date : 14/08/2011.

02. While the complaint did not receive the required information, he then preferred an appeal to the Secretary, Ministry of Local Government and Co-operatives and Appellate Authority (RTI) on 04-07-2013. Getting no remedy even submission of appeal, he lodged complaint to the Information Commission on 04-08-2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties on dated 15/09/2013 for hearing.

04. On the date of the hearing, the complainant and the Designated Officer (RTI) were absent. The complainant informed the commission through a letter that he has been provided the requested information by the Designated Officer (RTI). He also informed the commission as he has received the required information so, he has no objection if the complaint is disposed of by the commission with a direction to the Designated Officer (RTI) not to make any delay in future in providing the information.

Discussion

After perusal of the letter of the complainant, it appears that the complainant has been provided with the requested information by the Designated Officer (RTI). The complainant has also requested the

commission to dispose of the complaint with a direction to the Designated Officer (RTI) not to make any delay in future in providing the information. So, the case seems to be disposable.

Decision

As the complainant has received all of his information and as he requested to dispose of the complaint, so, the case is disposed of with a direction to the Designated Officer not to make any delay in future in providing the information.

Send copies of the order to all the concerned parties.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

**Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207**

Complaint No- 88/2013

Complainant:
Mr. Biplob Kumar Karmakar
S/O- Suvas Chandra Karmakar
Jamuna Bank Ltd, Sylhet Branch
Bandar, Sylhet

Opposite Party:
Helena Begum
Public Relation Officer and
Designated Officer (RTI)
Bangladesh Government Public Service
Commission Secretariat, Dhaka.

**Decision Paper
(Date: 17/11/2013)**

The complainant, Mr. Biplob Kumar Karmakar under RTI Act, 2009, section 8(1) applied to the Public Relation Officer and Designated Officer (RTI) of Bangladesh Government Public Service Commission Secretariat, Dhaka, Mr. Mir Mosharraf Hossain through a registered letter on 13-05-2013 seeking for the information below.

Regarding 29th BCS Exam related:

Q-1: How much marks obtained in viva-voce bearing the Reg. No- 113824 in 29th BCS?

Q-2: What was the lowest viva-voce mark of 29th BCS Exam, Foreign, Admin, Customs, Police and Tax Cadre recommended person? (only Merit and District quota)

Q-3: The honorable examiner who assessed the paper of Reg. no 113824 of the paper of Science and Technology, had any related sort of expertise in Computer Science and Technology (honors/masters/PHD)? if any, then his short profile. On which year he passed, from which university, achieved result/CGPA etc. If the honorable teacher had any other degree then it also can be mentioned.

02. When the complaint did not get the information in time, then he preferred an appeal through registered letter to the Secretary and Appellate Authority (RTI) Mr. Chowdhury Mr. Babul Hasan, Bangladesh Public Service Commission on 2/7/2013. While he did not get any solution, he then filed this complaint to the Information Commission on 11/8/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 06/10/2013.

04. On the date of hearing, the complainant and the Designated Officer presented their statement. For further hearing another date for hearing was set on 22/10/2013 and the concerned Complainant, Designated Officer and Appellate Authority were summoned.

05. On the date of hearing, the complainant, Biplob Kumar Karmakar, Public Relation Officer and Designated officer of Bangladesh Public Service Commission, Mr. Mir Mosharraf Hoosian and assigned lawyer Md. Kabir Hossain Shikder were present for Appellate Authority. Due to some restriction and commission office transfer the Designated Officer requested to fix another date for hearing. Commission resettled another date on 17/11/2013 and the Complainant, the Designated Officer and Appellate Authority were summoned.

06. On the date of hearing, the complainant, Biplob Kumar Karmakar, Public Relation Officer and Present Designated officer of Bangladesh Public Service Commission, Helena Begum and assigned

lawyer of Appellate Authority, Md. Kabir Hossain Shikder were present. In the statement the Complainant mentioned that as per RTI Act, 2009, section 1 he applied for information to the Designated Officer. When failed to get so, he applied to Appellate Authority for further information. When also Appeal Authority (RTI) did not respond, then he filed complaint to the Information Commission. Then he received the information of written marks from sl-1. But he did not receive the number of Viva-voce. Even he did no receive information from sl 2 & 3.

07. Public Relation Officer and Present Designated officer of Bangladesh Public Service Commission informed in her statement that the complainant has been delivered the information of written information from serial-1. But there is no rule to deliver information of Viva-voce number from requested sl 1 & 2. If the number is delivered than the neutrality, secrecy and personal security of board members are at risk. So, if the requested SI 3 mentioned data is delivered then the personal safety of the examiner will be hampered, so the information was not delivered.

08. In case of SI 1 mentioned data, as the 29th BCS has been published it will be considered as public document. In case of SI 3 mentioned data is about the examiner, the qualification without the Name can be delivered. The sl 2 mentioned data is not clear. Commission commented that the complainant can mention the Reg number of other cadres and can apply again.

Discussion

After listening to the complainant and Designated Officer (RTI) and assigned Lawyer of Appellate Authority and reviewing all the submitted proofs, it has been proved that SI 1 mentioned data is a public document. SI 3 mentioned data can be delivered mentioning the qualification of examiner without the Name. In case of sl 2, the complainant can mention the Reg number of other cadres and can apply again to the Designated Officer (RTI). In this case the Public Service Commission Act,1960 and RTI Act, 2009 can be reviewed for necessary action. After ensuring the information delivery of SI 1 and 3 mentioned data by the designated officer, the case seems to be disposable.

Decision

The complaint is disposed of with the following instructions:

1. The sl 1 mentioned data is a public document and the designated officer and Public relation officer of Public Service Commission is instructed to deliver the data on or before 26/11/2013.
2. In case of SI 2 mentioned data mentioning the examiner's registration number the information can be asked from the Designated Officer (RTI), the complainant is instructed to do so.
3. Without mentioning the Name of examiner, SI 3 mentioned Examiners' qualification can be delivered within 26/11/2013 and the Designated Officer is instructed to do so.
4. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury code 1-3301-0001-1807.
5. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 89/2013

Complainant:
Mr. A A M Ekramul Haq Asad
Editor and Publisher
Nirvik Sangbad, 57, Tejturi Bazar
Rahman Mansion- 3rd Floor
Farmgate, Dhaka-1215.

Opposite Party:
Audit Officer and
Designated Officer (RTI)
Secondary and Higher Secondary
Education Board, Jessore.

Decision Paper
(Date: 06/10/2013)

The complainant, applied to the Audit Officer and Designated Officer (RTI), Sheikh Md. Bodiuzzaman of Secondary and Higher Secondary Education Board, Jessore seeking for some information on 6/6/2013 under Right to Information Act, 2009, section 8(1).

- a. The Headmaster on behalf of Managing Committee of Barat Monoharpur School of Tala Upazila, Satkhira district as per memo no BA-6/4916/812/6/5, date 12/5/10 wise sent paper's full copy and
- b. As per instruction of the Education Ministry Babu Madan Kumar, Deputy School Inspector, issued investigation letter, memo no- BA/6/271, date 3/3/2013, one copy and
- c. Photocopy of approved Barat Monoharpur Secondary School approved Managing Committee of Tala Upazila, Satkhira District (duration 2 years) from 1986 to 2013.

2. When the complainant did not get the information within time limit, then he filed an appeal application to the Secretary, Secondary and Higher Secondary Education Board, Jessore and Appellate Authority (RTI), Prof. Md. Abdul Mazid on 8/8/2013. When after filing the appeal he did not get any response, then he filed a complaint to the Information Commission on 14/8/2013.

3. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 06/10/2013.

4. On the date of hearing, the complainant Mr. A A M Akramul Haq Asad, and the Designated Officer (RTI) Mr. Sheikh Md. Badiuzaman, Deputy Controller of Jessore Education Board were present. The complainant mentioned that as per RTI Act, 2009, section 1 he applied for information. When he did not receive any information, then he filed an appeal to Appellate Authority. But after that he did not get any solution and filed complaint to Information Commission.

5. Mr. Sheikh Md. Badiuzaman, Deputy Controller of Jessore Education Board and the Designated Officer (RTI) told that, he was in charge as an Audit Officer as a Designated Officer. Now he is assigned as the deputy controller of the same office. The present Audit officer is the assigned Designated Officer (RTI) now. As he has received the summonses, issued to his own name, he is present and the information, the Complainant asked for, is ready to deliver.

Discussion

After listening to the both party and reviewing all the submitted proofs, it has been proved that the present Deputy Controller of Jessore Education Board was the Designated Officer while he was the audit officer. Now another audit officer is assigned as the Designated Officer (RTI). As the previous designated officer is present because the summonses issued in his name and he is ready to provide the information.

The previous Designated officer is now working at secondary and higher secondary education board, Jessore and the present Audit Officer and Designated Officer (RTI) will deliver all necessary information, so the complaint seems to be disposable.

Decision

The complaint is disposed of with the following instructions:

1. The Audit Officer and the Designated Officer (RTI) of Secondary and Higher Secondary Education Board, Jessore is directed to provide the requested information after realization of the cost of information on or before 13/10/2013
2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
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Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 90/2013

Complainant:

Mr. A A M Ekramul Haq Asad
Editor and Publisher
Nirvik Sangbad, 57, Tejturi Bazar
Rahman Mansion- 3rd Floor
Farmgate,Dhaka-1215.

Opposite Party:

Mr. Nur Muhammad Tejarat
Upazila Secondary Education officer and
Designated Officer (RTI)
Upazila Secondary Education Office, Tala,
Satkhira.

Decision Paper

(Date: 06-10-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant A A M Ekramul Haq Asad on 06/06/2013, requested the Upazila Secondary Education Officer and Designation Officer (RTI), Mr Nur Muhammad Tejarat from Tala Upazila, Satkhira District seeking for the information mentioned below:

- a. The Headmaster on behalf of Managing Committee of Barat Monoharpur School of Tala Upazila, Satkhira district as per memo no BA-6/4916/812/6/5, date 12/5/10 wise sent paper's full copy and
- b. Photocopy of approved Barat Monoharpur Secondary School approved Managing Committee

02. While the complaint did not receive the information, he filed an appeal application to the Satkhira District Secondary Education Officer and Appellate Authority (RTI), Mr. Kishori Mohan Sarkar on 09/07/2013. When he did not receive any solution, then he filed complaint to the Information Commission on 14/08/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 06/10/2013.

04. On the date of hearing, the complainant, Mr A A M Ekramul Haq Asad, Mr. Nur Muhammad Tejarat, the Upazila Education Officer and Designated Officer (RTI) were present. The complainant mentioned that, as per RTI act, 2009 section 1 wise he applied to the Designated Officer (RTI) for information. When he did not receive the same, then he filed appeal application to the appellate authority. When he did not get any information, then he filed complaint to the Information Commission.

05. Mr. Nur Muhammad Tejarat, the Upazila Education Officer and Designated Officer (RTI) of Tala Upazila, Satkhira District mentioned that all the Private School is operated by their own Governing Body. He has sent letter to the concerned school headmaster to send the relevant information again and again. When he did not get the information, he sent show cause notice to the head master. Due to unavailability of information it cannot be delivered. Then he has provided the information to the complainant without information price and even he has brought the information with him.

06. The Designated Officer (RTI) of any Private MPO school is the Head Master of that school and the Governing Body Chairman is the Appellate Authority. In future, if any information is required then one has to apply to the School concerned Designated Officer (RTI),the commission observed.

Discussion

After reviewing the statement of the Complainant, Designated officer (RTI) and submitted documents it was found that, the MPO Private Schools are controlled by their concerned Governing Body. The Upazila Education Officer could not collect the related information from the school Head Master and Designated Officer (RTI), so he was unable to deliver the information. The opposition however, managed the information and delivered to the complainant. He also has brought the information with him. The Designated officer (RTI) also ensured to deliver the full information, so the complaint seems to be disposable.

Decision

After detailed discussion the complaint is disposed of with the instructions given below:

1. As per RTI Act, 2009 the Concerned Designated Officer-RTI and Appellate Authority (RTI) should be approached, the instruction is provided to the complainant.
2. The Designated Officer (RTI) and Upazilla Secondary Education Officer, Tala of Satkhira District is directed to provide the requested information to the complainant after realization of cost on or before 13/10/2013.
3. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
4. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the concerned parties.

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Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 91/2013

Complainant:
Mr. A A M Ekramul Haq Asad
Editor and Publisher
Nirvik Sangbad, 57, Tejturi Bazar
Rahman Mansion- 3rd Floor
Farmgate, Dhaka-1215.

Opposite Party:
Mr. Kazi Liakat Hossain
Designated Officer- RTI
District Food Controller Office
Satkhira

Decision Paper

(Date: 06-10-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant A A M Ekramul Haq Asad on 06/06/2013, requested the Upazila Food Controller and Designated Officer (RTI), Mr. Kazi Liakat Hossain, of Satkhira District Food Controller office for the information mentioned below:

a. As per government rules of collecting Rice and Paddy from approved Mills, Name and Address and Mill wise allocation. List as per Upazila.

b. How many Rice Mill is there in Satkhira District? How many licensed Rice Mill is there?

02. While the complaint did not receive the information, he filed an appeal application to the Satkhira District Food Controller and Appellate Authority (RTI) Mr. Shailandra Nath Rai on 09/07/2013. When he did not receive any solution, then he filed complaint to the Information Commission on 14/08/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the meeting decision, summonses were issued to the concerned parties fixing the date of hearing on 06/10/2013.

04. On the date of the hearing, the complainant, Mr A A M Ekramul Haq Asad, Satkhira Food Controller Officer assigned Designated Officer (RTI) and his assisting Lawyer Mr. Md. Nasir Uddin were present. The complainant mentioned that, as per RTI act, 2009 section 1 wise he applied to the Designated Officer (RTI) for information. When he did not receive the same, then he filed appeal application to the appellate authority. When he did not get any information, then he filed complaint to the Information Commission.

05. The assigned lawyer of the Designated Officer (RTI) mentioned that the required information of the complainant is partially ready and requested for some additional time to deliver it. He has also assured that as per the commission allotted time the whole information will be delivered.

Discussion

After reviewing the statement of the Complainant, assigned Lawyer of the Designated officer (RTI) and the submitted documents it was found that, the partial information of the complainant is ready by the Designated Officer. The Lawyer has requested for some additional time. One behalf of the Designated officer, the lawyer ensured that within the specified time by the commission, information will be delivered, so the complaint can be resolved.

Decision

After detailed discussion the complaint is disposed of with the instruction given below:

1. The Designated Officer (RTI) is directed to provide the requested information to the complainant after realization of the cost of information on or before 13/10/2013.
2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the parties concerned.

Sd/-
Prof. Dr. Sadeka Halim
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Commissioner

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F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 92/2013

Complainant:	Opposite Party:
Mr. Mahmud Al Hasan	Mr. A S M Kamrul Hasan
Father- Md Anwar Hossain	Licensing Authority (Additional Duty) and
Dysin Chem Limited	Designated Officer (RTI), BRTA, Nilphamari
Plot- 181/182, Tejgaon Industrial Area, Circle.	
Dhaka- 1208.	

Decision Paper

(Date: 06-10-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant Mr Mahmud Al Hasan on 06/06/2013, requested the BRTA, Nilphamari Authority for the information mentioned below:

1. If the application of applicant with photo has been received by the BRTA, Nilphamari Authority for new Motor Cycle Driving License? If have not done, why?
2. if new licence is given then in which stage my work is at and which parts are due.
3. Why it is taking much time?
4. When can be the license issued?

02. While the complaint did not receive the information, he filed an appeal application to the Appellate Authority (RTI) BRTA, Rangpur Circle on 12/5/2013. When he did not get any information, then he filed the complaint to the Information Commission on 19/8/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 06/10/2013 for hearing.

04. On the date of the hearing the complainant, Mr. Mahmud Al Hasan, BRTA, Nilphamari Licensing Authority and Designated Officer (RTI) and on his behalf Lawyer Mr. Munshi Al Akbar Uddin were present. The complainant informed that, as per RTI Act 2009, section 1 he has applied for the information. When he did not get any response, then he filed appeal application to the appellate authority. When he also did not get any solution, then he filed complaint to the Commission. The Complainant informed that after filing complaint, he has been informed about license. If he get the license, then he will not have any objection.

05. The Designated Officer (RTI) told that the BRTA Circle is newly established. On 2011 all the Driving License Card has been changed to Smart Card. Due to newly established Zone of Nilphamari, the necessary information could not be delivered timely. The complainant was contacted by mobile and informed that if he contact with necessary paper and photo, then within 15 days he can get the smart card. When the complainant did not contact, then the license could not be done. When the complainant contacted the Designated Officer- RTI and he ensured that as per rules the license can be provided.

Discussion

After reviewing to the statement of the Complainant, Designated officer-RTI and submitted documents it was found that, the designated officer is ready to make the license. On the other hand, the

complainant informed that if he gets the license, then he will not have any complaint. The Designated Officer (RTI) ensured that the license would be provided as per rules. So, the complaint seems to be disposed of.

Decision

After detailed discussion the complaint is disposed of with the instruction given below:

1. As per the act and rules of BRTA necessary papers should be deposited on or before 24/10/2013 and the complainant is instructed to reapply for the license.
2. After getting all necessary papers the Smart card would be issued within 15 days and the related instruction is given to the Designated Officer- RTI.
3. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
4. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

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(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 93/2013

Complainant:	Opposite Party:
Mr. Pranab Kumar Dev	Mr. Nazmul Haq Khan
Father- Hari Mohan Dev	Deputy Secretary and Designated Officer
Assistant Teacher	(RTI), Education Ministry, Bangladesh
Biddamayi Government Girls High School	Secretariat, Dhaka.
Mymensingh	

Decision Paper
(Date: 17-11-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant on 05/05/2013, requested Designated Officer- RTI of Education Ministry for the information mentioned below:

- a. The Education Deputy Secretary (Secondary) Mr. Shahidul Islam do not have any expertise on Investigation as per memo No 05.182.999.00.00.003. 2010-297 date 12/06/2011, why he was assigned to do so and the related papers in attested format.
- b. As per memo no SHE/6-C/70-SM/2008/14847/11-SM, date- 15/10/2012 for illegal order, continuous complaint has been done against the Education Secretary, so why necessary action would not be taken against the Deputy Secretary(Secondary) Mr. Shahidul Islam.
- c. What is the reason for the education secretary to violate the order of Honorable President?

02. While the complaint did not receive the information, he filed an appeal application to the Education Ministry Secretary and Appellate Authority (RTI) on 30/6/2013. When he did not get any information, then he filed the complaint to the commission on 19/8/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 06/10/2013 for hearing.

04. On the date of the hearing, the Designated Officer (RTI) was absent and applied for time and the Complainant was also absent. The application of the Designated Officer was granted and on next 22/10/2013 has been summoned to the both parties.

05. On the date of hearing, the Complainant was again absent. The Designated Officer was present. On the 17/11/2013 the next hearing was summoned and informed both the parties.

06. On the date of hearing, the Complainant Mr. Pranab Kumar Deb, Designated officer (RTI), of Education Ministry Mr. Nazmul Haq Khan were present and given their statement. The complaint informed that as per RTI Act, 2009 section 1 he applied for the information to the Designated Officer. When he did not get any response, then he applied to the appellate authority. When he did not get any response, then he filed complaint to the Commission. On next 15/11/2013 he informed that he received partial information. But he is not satisfied with that.

07. The complainant filed complaint against a. mentioned Education Ministry Deputy Secretary (Secondary), b. mentioned Secretary and DG, c. mentioned Secretary. The Senior Authority do not have any knowledge and expertise and that's why the complainant informed that why they have violated order of the honorable president. But he could not give proper answer about the complaint file. The Government Employee Regulation Rules, 1985, section 2/F, iv if any false and intentional complaint is found, then it will be considered as the violation of rules. As per the same act, section 6 and 7 the Investigation Officer- Whoever not from any below post, will be honored and will operate the rules. It was necessary to do any sort of investigation against the assistant teacher by the Head Master. When the same was done by a Deputy Secretary level officer and his qualification is under question then it is violation of Government Employee regulation and it is violation of filing complaint against them.

Discussion

After reviewing the statement of the Complainant, Designated officer-RTI and submitted documents it was found that, the filed complaint of sl a, b and c are found against the higher authority which is unrestrained, false, annoying and trivial. The complainant could not explain the reason for filing the complaint. He has filed complaint by commenting adverse against higher authority (government officer) that is against the Discipline & Appeal Rules, 1985. So, it would be appropriate to draw Departmental Procedure against him as per said law.

Decision

After detailed discussion, the complaint is disposed of with the instruction given below:

1. Due to making unfair comments against senior officers as per the Government Employee Discipline and Appeal Rules, 1985 for taking necessary action, the Director General of Secondary and Higher Education Directorate is directed. The taken action should be informed to the Commission.
2. Send copy of the order to the Secretary, Ministry of Education, for necessary action.
3. The complaint for getting information was not appropriate under RTI Act-2009, that is why it is cancelled.

Send copies of the order to all the concerned.

Sd/-
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Information
Commissioner

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(Mohammed Farooq)
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Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 94/2013

Complainant:	Opposite Party:
Mr. Mawlana Quaree Md. Ilias	Mr. Md Wadud
Father- Quaree Hasmat Ali	Deputy Director and Designated officer- RTI
Vill and Post- Mesera	Islamic Foundation, Kishorgonj.
Upazila- Hossainpur	
District- Kishorgonj	

Decision Paper

(Date: 06-10-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant Mr. Mawlana Quaree Md. Elias on 19/05/2013, requested Designated Officer- RTI and Deputy Director, of Islamic Foundation, Kishorgonj Mr. Md. Wadud for the information mentioned below:

* Mawlana Quaree Md. Elisas was assigned as the teacher at Rani Khamar Jame Mosque, of Hossainpur Upazila of Kishorgonj District. He has been terminated from the post on 2010. The copy of termination paper and the written orders.

02. While the complaint did not receive the information, he filed an appeal application to the Director General and Appellate Authority (RTI) of Islamic Foundation on 26/6/2013. When he did not get any information even submission of appeal, then he filed the complaint to 25/8/2013.

03. The issue has been discussed in the meeting of the commission on 29/08/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 06/10/2013 for hearing.

04. On the date of hearing, the complainant Mawlana Quaree Md Elias, Islamic Foundation, Kishorgonj, Deputy Director and Designated Officer- RTI, Mr. Md Wadud were present. The complaint informed that as per RTI Act, 2009 section 1 he applied for information to the Designated Officer- RTI. When he did not get information, then he filed appeal application to the Appellate authority. When he did not get any response, then he filed complaint to Information Commission. The complainant informed that he was appointed in written.

05. Deputy Director and Designated Officer- RTI of Islamic Foundation, Kishorgonj mentioned that in all Mosque and Madrasa based education is operated with Temporary Teacher and not in full swing. As they are not appointed, then they are informed orally to terminate. There is no termination letter. The complainant was appointed for one year. After one year his contract was cancelled. In this case there was no information in the office, so he cannot be provided anything. If the Complainant can give a copy of his Appointment Letter and if the termination letter copy is preserved in the office, then as the Designated Officer he can deliver necessary information.

Discussion

After reviewing the statement of the Complainant, Designated officer-RTI and submitted documents it was found that, the designated officer do not have any joining letter of the complainant. If he is provided with the copy of joining letter, then if there is any termination letter preserved to him, then he ensured to deliver it and the complainant can be resolved.

Decision

After detailed discussion the complaint is resolved as per the instruction given below:

1. The Complainant is instructed to provide a copy of his joining to the Designated Officer- RTI.
2. If the complainant is providing the appointment and joining letter then as per his application the designated officer will provide available information.
3. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
4. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

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Mohammed Abu Taher
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(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 95/2013

Complainant:
Mr. Himel Chakma
Father- Jibmay Chakma
South Kalindipur
Rangamati Sadar
Rangamati Hill Tracts District

Opposite Party:
Mr. Mongsen Lain Rakhain
Public Relation Officer and Designated officer- RTI
Chittagong Hill Tracts Development Board
Rangamati Hill Tracts District

Decision Paper

(Date: 22-10-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant Mr. Himel Chakma on 22/05/2013, requested Public Relation Officer and Designated Officer (RTI) of Chittagong Hill District Council, Mr. Mongsen Lain Rakhain for the information mentioned below:

- a. How many development project is implemented in last three years? The name of them and what was the allocation?
- b. In which areas the project was implemented? In which paper and which date the project circular was issued? Tender document copy.
- c. Which contractor company was involved in the project development works? Their address.
- d. In present financial year how many projects are ongoing? What are the names? Where are they implementing? Which contractor firm is implementing the projects?
- e. How many projects are waiting for sanction? What are the types of the project? What is the expenditure?
- f. On which date the Development Board chairman took charge? On the day of office day, how many days he was present?

02. While the complaint did not receive the information, he filed an appeal application to the CHT Development Board Chairman and Appellate Authority (RTI) on 17/7/2013. When he did not get any information, then he filed the complaint to the commission on 03/09/2013.

03. The issue has been discussed in the meeting of the commission on 25/09/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 22/10/2013 for hearing.

04. On the date of hearing, the complainant Himel Chakma had an examination for his BBS (Honors) under Science Department- 4th Year and he sought for time by a letter remained absent. The Public Relation Officer and Designated Officer- RTI of Chittagong Hill District Council, Mr. Mongsen Lain Rakhain was present.

05. The Public Relation Officer and Designated Officer- RTI of Chittagong Hill District Council, Mr. Mongsen Lain Rakhain told in his statement that he has requested the concerned department to deliver the necessary information to the complainant. The concerned department took much time to deliver the information, so he could not deliver it in time. He ensured that he has brought the information to him and will deliver to the complainant.

Discussion

After reviewing the statement of Designated officer (RTI) and submitted documents, it was found that, the information collection by the concerned department took much time that did not allow him to deliver it timely to the complainant. He has brought the information from the concerned department and as he ensured to deliver the information to the complainant, the complaint seems to be disposable.

Decision

After detailed discussion the complaint is disposed of with the instruction given below:

1. The Public Relation Officer and Designated Officer (RTI) of Chittagong Hill District Council, Mr. Mongsen Lain Rakhain is directed to provide the requested information to the complainant after realization of the cost of information on or before 31/10/2013.
2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 wise the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send the copies of the order to all the concerned.

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Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 96/2013

Complainant:
Mr. Md. Nazmus Sakib
Father- Faridul Alam
49/1, West Hazipara,
Ramna Police Station, Dhaka.

Opposite Party:
Mr. Humayun Kabuir
Director-Admin and Designated Officer-
RTI, National Human Rights Commission,
Gulfesha Plaza, 8, Shahid Journalist Selina
Parvin Road, Mogbazar, Dhaka- 1217.

Decision Paper

(Date: 17-11-2013)

According to the Right to Information Act, 2009, section 8(1) wise the Complainant Mr. Md. Nazmus Sakib on 11/06/2013, requested Director-Admin and Designated Officer (RTI), National Human Rights Commission, Mr. Humayun Kabir for the information mentioned below that was received officially on 23-06-2013:

1. Do Human Rights Commission take information on Kidnap, Crossfire or Illegal Killing, Police Torture- on 4 of this topics. If does, then how many incident happened on 2011 and 2012?
2. There is mentioned on page 31 of the Human Rights Commission 2011 Annual Report where it is told that 19 custodial death/ torture has been settled. First 5 settlement copy of commission.
3. In the same report, it tells that 5 enforced disappearance has been settled. Copy of those five settled cases.

02. While the complaint did not receive the information, he filed an appeal application to the Secretary and Appellate Authority (RTI) of Human Rights Commission, Mr. Md Tajul Islam Chowdhury on 30-07-2013. After the appeal application on 12/08/2013 as per memo no 1018 the Designated Officer Mr. Md. Humayun Kabir has informed the issue that as per National Human Rights Commission Act, 2009 section 19/5 and 21st Commission, (May 31/2013) meeting had decision that without the parties none cannot be given the decision papers, so you cannot be provided with that. In this case, the complainant filed the complaint to Information Commission on 03/09/2013.

03. The issue has been discussed in the meeting of the commission on 25/09/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 22/10/2013 for hearing.

04. On the date of hearing the Designated Officer applied for time extension. Commission extended the time. On next 17/11/2013 the further date of hearing is settled and summoned the Complainant and Designated Officer (RTI).

05. On the date of hearing, the complainant Mr. Md Nazmus Sakib, National Human Rights Commission Director (Admin) and Designated Officer (RTI), Mr Humayun Kabir being present given his statement. The complainant mentioned in his statement that, RTI Act, 2009 the section 01 the mentioned information has been asked. When he did not get the information, then he applied to the Appellate Authority (RTI). After his appeal application to the Authority the sl -1 mentioned data has been provided. But when the rest information was not provided, then he filed complaint to the Commission.

06. The National Human Rights Commission Director (Admin) and Designated Officer (RTI) mentioned in his statement that, the complainant has been provided with the necessary information. As per the section 19/5 of the National Human Rights Commission Act and as per decision of the meeting on 30/05/2013, no copies are distributed without the parties, so, the complainant was not provided the information of sl- 2 and 3.

07. As per taken decision as it is the Public Document as per RTI Act, 2009 the information has no binding to be distributed. The Designated Officer (RTI) has ensured to deliver the data to the Complainant.

Discussion

After reviewing to the statements of Complainant, Director (Admin) and Designated Officer (RTI) of National Human Rights Commission and submitted documents it was found that, there is no bindings to deliver the documents which is actually a public document. The Designated officer ensured that the information would be delivered under RTI Act, 2009 and National Human Rights Act, 2009. So, the complaint seems to be disposed of.

Decision

After detailed discussion the complaint is resolved as per the instruction given below:

1. The Director (Admin) and Designated Officer (RTI) of National Human Rights Commission is directed to provide the information to the complainant under RTI Act, 2009 and National Human Rights Act, 2009 after realization of cost on or before 31/10/2013.

2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8, the designated officer is directed to deposit the cost of information to the Government Treasury in code no:1-3301-0001-1807.

3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 97/2013

Complainant:
Dr. Badiul Alam Majumder
Father- Rangu Mia Majumder
12/2 Iqbal Road
Mohammedpur, Dhaka.

Opposite Party:
Mr. S M Asaduzzaman
Director- Public Relation and Designated
Officer- RTI, Bangladesh Election Commission
Secretariat, Sher e Bangla Nagar, Dhaka.

Decision Paper

(Date: 22-10-2013)

According to the Right to Information Act, 2009, section 8(1), the Complainant Dr. Badiul Alam Majumder on 12/06/2013, requested Director-Public Relation and Designated Officer (RTI), Bangladesh Election Commission Secretariat, Mr. S M Asaduzzaman for the information mentioned below:

* According to Political Party Registration Regulation, 2008 it is bound for the Political parties to submit their yearly income and expenditure to the Bangladesh Election Commission. Till now how many Annual Reports are submitted, copy of them.

02. As per the application on 14/07/2013, by memo no- 80 Bangladesh Election Commission Secretariat, Director – Public Relation and Designated Officer- RTI, Mr. S M Asaduzzaman informed the complainant to collect the information from Political Parties. Then, the complainant on 04/08/2013 filed an appeal to Secretary and Appellate Authority- RTI of Bangladesh Election Commission Secretariat. As per the appeal application the Bangladesh Election Commission Secretariat informed and attached with the decision of the Designated Officer-RTI. In this case the complainant filed a complaint to Information Commission on 09/09/2013.

03. The issue has been discussed in the meeting of the commission on 25/09/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 22/10/2013 for hearing.

04. On the date of hearing ,the Complainant Dr. Badiul Alam Majumder, Bangladesh Election Commission Secretariat Director- Public Relation and Designated Officer (RTI), Mr. S M Asaduzzman and on behalf of him the lawyer Mr. Touhidul Islam being present and given their statement. The complainant mentioned in the statement that as per RTI Act, 2009 section 1 he applied to the designated officer for information. When the designated officer denied to deliver the data, then he applied to Appellate Authority (RTI). When the Appeal Authority stick to the same decision, then he filed the complaint to the commission.

05. Bangladesh Election Commission Secretariat Director- Public Relation and Designated Officer- RTI mentioned in his statement that there is a list in their website. As per section 9 (8) of RTI Act, 2009 no secret information cannot be disclosed without their consent. As per the complainant asked information has attachment with third party, the information could not be delivered. The honorable lawyer mentioned that, all Political Party submitted income and expenditure- Audit Report to the Election Commission is not the personal information of commission. Without comments of the Political parties those cannot be delivered.

06. As the requested information of the complainant was not clear, as of which party information and for which years he is interested to get information that should be clearly stated to the Designated Officer (RTI). As per RTI Act, 2009 section 9 (8) as there are issues of permission from third party they can be asked for comments through Notice as the commission suggested.

Discussion

After reviewing the statement of Complainant, Designated Officer- RTI and honorable Lawyer and submitted documents it was found that, there are third party involvement with the requested information of the complainant. Without taking third party's comments, it cannot be delivered by the Designated Officer (RTI). As there was unclear information request, so, there is no binding to deliver the documents which is actually a public document. The Designated officer (RTI) ensured that the information would be delivered under RTI Act, 2009. So, the case seems to be disposable.

Decision

After detailed discussion the complaint is disposed of with the instruction given below:

1. The Complainant should mention of which political parties information he want to have and specifically if informed to the Bangladesh Election Commission Secretariat Designated Officer- RTI within 31/10/2013.

2. Within 5 days of applying as per RTI Act, 2009 section 9 (8) after discussion with the third party it should be informed to the complainant, as the Designated officer is instructed.

3. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8 the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.

4. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 98/2013

Complainant:	Opposite Party:
Mr. Md. Raisuddin Badsha	Mr. Sayed Ahmed
Advocate	Principal and Designated Officer- RTI
Father- Late Hamizuddin Mia	Millennium Stars School and College,
Vice Chairman, Rangpur Lawyer Society	Rangpur Cantonment, Rangpur.
Rangpur	

Decision Paper

(Date: 22-10-2013)

According to the Right to Information Act, 2009, section 8(1) the Complainant Mr. Raisuddin Badsha filed complaint to Information Commission on 10/09/2013. In the complaint he mentioned that his previous complaint 52/2013 wise, in the provided information by the order of the commission there some discrepancies.

1. SI 1 mentioned data demands, as per Private(English Medium) School Registration Rules, 2007 wise SRO no- 259-Law/2007 section 7 wise if the Managing Committee has been formed or not? There was no related information.

2. SI 2 mentioned data demands, as per In the Managing Committee if any student parent elected member is present or not? There is no mention of the issue. But the information was that as per the regulation three Parent member is in the Governing Body- that is totally false and misleading.

3. SI 3 mentioned data demands, as per Regulation-18/2 wise all financial rules, transparency and answering ensuring is available in the yearly Income-Expenditure that is audited by a CA Firm? There is no related information.

4. SI 1 mentioned data demands, all the admission, re admission, development, tuition fee and others of the 2012 FY for all classes from Nursery to 12th Class it was found incomplete. Though the delivered data showing the fund in Income as student fee as 30523746.00 taka was mentioned. But there is no data of Admission, readmission and Development fee. Additionally the both shift student and collected money has not been properly mentioned.

In the complaint he has requested to reconsider the issue and take proper action.

02. The issue has been discussed in the meeting on 25/09/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 22/10/2013 for hearing.

03. On the date of hearing the Complainant and Designated Officer-RTI is absent. As per sent letter to Information Commission, the complainant informed that as per decision on complaint no- 52/2013, all the information and others are discussed and reached in a consensus and requested to give order the cancellation of the case no 98/2013.

04. The Principal and Designated Officer (RTI) sent letter to Information Commission and both the parties have agreed to deliver and resettle the complaint.

Discussion

After reviewing the statement of Complainant, Designated Officer (RTI) and submitted documents it was found that, both the parties have communicated with each other and settled the issue so, the case seems to be disposable.

Decision

As the complainant and Designated Officer (RTI) have applied for the settlement of the complaint, so, the case is disposed of.

Send copy to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 99/2013

Complainant:
Mr. Jayanta Bhowmik
Father- Dilip Bhawmik
8/19 Sir Sayad Road,
Mohammedpur, Dhaka

Opposite Party:
Mr. Azam Md. Abdul Masud
Divisional Engineer- Ex-1 and Designated
Officer –RTI, T&T Exchange, Nilkhet, Dhaka.

Decision Paper

(Date: 22-10-2013)

According to the Right to Information Act, 2009, section 8(1) the Complainant filed complaint to the Designated Officer/ Chief/ Chief Officer, T&T Exchange, Nilkhet, Dhaka for the below mentioned information that is received by the office on 01/07/2013.

- a. As per your office Citizen Charter if any complaint is submitted then in how many days they are solved.
- b. Under your office the Science Lab area there is a number 9660013. The Complaint center assigned staff and their designation should be mentioned who were there in 15 June 2013 to 22 June 2013.
- c. From 15 June 2013 to 22 June 2013 all the complaint center, have received how much complaint that is registered in registrar book and attested copy of that and how many has been settled the information.
- d. How many cases are not settled? Why they are not settled the reason is required.

02. He mentioned in his complaint that, after 20 days passed he contacted the office and came to know that none is assigned for the job. As per RTI Act, 2009 section 10, this is violation. He also mentioned that, as per the 25(1)(ka) and 13(1) and 25(2) all are needed to follow up for reducing the internal problem and bring transparency on 11/09/2013 and a complaint was filed against Mr. Md Moin Uddin Ahmed, General Manager, T&T Exchange, Nilkhet, Dhaka to the Information Commission.

03. The issue has been discussed in commission meeting. As per meeting decision, both the parties have been summoned for hearing on 22/10/2013.

04. On the date of hearing, Complainant Mr Jayanta Bhowmik, T&T Exchange, Nilkhet General Manager, Mr. Moin Uddin Ahmed, Divisional Engineer- Ext-1 and Assigned Designated Officer RTI, Mr. Azam md Abdul Masud and on behalf of him the lawyer, Mr. Sayed Alam Tipu were present for their statement. The complainant mentioned that, as per the RTI Act, 2009 in section 1, he asked for information to the Designated Officer.

20 working days have been passed and he contacted to office and wanted to know, who is the Designated Officer. From that office it was told that due to low manpower, there is no Designated Officer. He filed the complaint to the Information Commission.

05. Md.Moin Uddin, General manager of T&T Exchange, Nilkhet mentioned that, Designated Officer- RTI is assigned there and Divisional Engineer is the designated officer. The lawyer on behalf of the Designated officer mentioned that, the complainant did not applied for any information. On 17/4/2013 all the BTCL office have assigned Designated Officer.

06. Divisional Engineer- Ext-1 and Designated Officer, RTI, T&T Exchange of Nilkhet mentioned that he was not informed about the RTI Act and for that reason he could not give any information. On 6//10/2013 he provided the information by courier. When the Complainant informed that he did not get the information then he ensured to deliver the information again.

Discussion

After reviewing the statement of Complainant, Designated Officer (RTI), T&T Exchange , T&T Exchange, Nilkhet General Manager submitted documents it was found that, the Assigned Designated Officer was not aware about the RTI Act, for what he could not deliver any information. then he delivered the information by courier service and brought the information at the time of hearing. When the complainant informed that he did not get the information then and the Designated Officer (RTI) ensured to deliver it then the complaint was decided to be resolved.

Decision

1. The Designated Officer (RTI) & Divisional Engineer (External:-1), T&t exchange, Nilkhet is directed to provide the requested information after realization of the cost of information on or before 27/10/2013.
2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8, the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 100/2013

Complainant:
Mr. Arup Roy
Father- Utpal Roy
51/A Bazar Road
Upazila- Savar, District- Dhaka

Opposite Party:
Designated Officer (RTI)
Savar Municipality, Genda
Dhaka

Decision Paper
(Date: 22/10/2013)

The complainant, applied to the Designated Officer (RTI), Savar Municipality, for some information on 20/6/2013 under Right to Information Act, 2009, section 8(1).

- d. How many Brick Built building under Savar Upaliza of Dhaka District.
- e. Among them how many are of 4, 5, 6, 7,8,9 storied building?
- f. Bismilla Tower- Holding No- 132/B at Bazar Road, Uttar para, Savar has taken permission for how many storied building? Was the construction work stopped after started? If yes then why it was stopped?

2. When the complainant did not get the information within time, then he filed an appeal application to the Mayor in Charge and Appellate Authority (RTI) Mr. Abdul Kader on 1/8/2013. When after filing the appeal he did not get any response, then he filed a complaint to Information Commission on 12/9/2013.

3. The issue has been discussed in the meeting on 25/09/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 22/10/2013 for hearing.

4. On the date of hearing, the complainant Mr. Arup Roy, and on behalf of Savar Municipality Designated Officer (RTI), City Planner Zannatul Ferdous were present and given their statement. The complainant mentioned that as per RTI Act, 2009, in section 1 he applied for information. When he did not receive any information, then he filed an appeal to Appellate Authority. But after that he did not get any solution and filed complaint to Information Commission.

5. On behalf of Savar Municipality Designated Officer, City Planner Zannatul Ferdous mentioned that the Designated Officer is sick and she has come here as his representative. Among the required information only C has been delivered. As they do not have any data on A and B, they could not be delivered. She ensured to deliver the same data later.

Discussion

After listening to the both party and City planner on behalf of Designated Officer- RTI and reviewing all the submitted proofs, it has been proved that the C mentioned data has been delivered. As the city planner has ensured to provide A and B mentioned data, so, the complaint can be resolved.

Decision

The complaint has been disposed of with following instructions:

1. By paying the information price within 19/11/2013 the information should be delivered to the complainant and necessary instruction is given to Designated Officer- RTI of Savar Municipality.

2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8, the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.

3. Both the parties are directed to inform the Commission on compliance of the directions.

All the concerned should be sent copies.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 101/2013

Complainant:
Mr. Md. Abdul Haq
Father- Hazi Md. Abdul Hakim
Harua East Fishari Road
Upazila and District- Kishorgonj

Opposite Party:
Designated Officer- RTI
District Primary Education Office
Kishorgonj

Decision Paper

(Date: 22-10-2013)

The complainant, applied to the Cashier and Designated Officer- RTI, Primary Education Office, Kishorgong for some information on 28/5/2013 under Right to Information Act, 2009, section 8 (1).

* Marium Akter-Meri, Husband- A Latif- Badal, Address- Goal Hati, Upazila- Nikli. Father- Md. Matiur Rahman, Address- Mindib, Upazila- Karimgonj, District- Kishorgonj. She was studying in Honors of Science Department at Government Gurudayal College and is she able to be be Teacher of Government Primary School? Is it possible to continue both Government school service and study honors in college?

2. When the complainant did not get the information within time, then he filed an appeal application to the Divisional Deputy Director, Education Directorate on 21/7/2013. As per appeal application the Divisional Deputy Director Dr Md Mahfuzul Alam on 21/8/2013 as per memo no- 919/10/1978 informed the complainant that no action can be taken from his department on the issue. When after filing the appeal he did not get any solution, then he filed a complaint to Information Commission on 18/9/2013.

3. The issue has been discussed in the meeting on 25/09/2013. As per the meeting decision , summonses were issued to the concerned parties on dated 22/10/2013 for hearing.

4. On the date of hearing, the complainant Mr. Md Abdul Haq, Designated Officer- RTI off Kishorgonj District Primary Education Office, on behalf of him the Monitoring Officer, Mr. Md. Shafiqul Islam were present and given their statement. The complainant mentioned that as per RTI Act, 2009, in section 1, he applied for information. When he did not receive any information, then he filed an appeal to Appellate Authority. But after that he did not get any solution and filed complaint to Information Commission.

5. On behalf of Designated Officer (RTI), Monitoring Officer, Md.Shafiqul Islam mentioned that the complainant has been delivered the information that Marium Akter is working at Jhowtola Primary School at Karimgonj Upazila from 16/9/2010 and requested to collect further information from that organization. When he was asked that if it is possible that anyone doing job as Primary School Teacher and study in college at Honors then Mr. Shafiqul Islam informed that with permission of authority, one can continue higher study while doing job. On behalf of Designated Officer (RTI), the Monitoring Officer ensured that he would provide the information to the complainant.

Discussion

After reviewing the statements of Complainant, Designated officer assigned Monitoring Officer and submitted documents it was found that, Designated Officer is instructed to deliver the information clearly to the complainant and the Monitoring Officer on behalf of him ensured the issue. As the Monitoring

Officer ensured to provide the requested information to the Complainant, so, the case seems to be disposable.

Decision

After detailed discussion the complaint is disposed of with the instruction given below:

1. By paying the information price within 31/10/2013 the information should be delivered to the complainant and necessary instruction is given to the Designated Officer (RTI).
2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8, the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send the copies to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 102/2013

Complainant:
Dr. Md. Nazim Khan
Father- Md. Abul Kashem Khan
Doctors Qtr (Karabi), Ground Floor
House- 34, Road- 25, Rupnagar
R/A, Pallabi, Mirpur, Dhaka.

Opposite Party:
Dr. Shafiul Azam
Doctor Supervisor
And
Designated Officer- RTI
300 Bed Hospital, 17/1 Isha Kha Road,
Khanpur, Narayangonj.

Decision Paper

(Date: 23-12-2013)

The complainant, Dr. Nazim Khan applied to the Supervisor And Designated Officer (RTI) of 300 bed hospital of Narayangonj for some information mentioned below on 26/5/2013 under Right to Information Act, 2009, section 8(1).

* Md. Siddikur Rahman, PA to Super, 200 Bed Hospital, Narayangonj has a corruption case and all related information since 1985, was applied but not delivered, the Supervisor has agreed to the issue indirectly.

2. When the complainant did not get the information within time, then he filed an appeal application to the Secretary and Appeal Authority- RTI, Health and Family Welfare Ministry and DG and Appellate Authority (RTI) of Health Directorate, Mohakhali, Dhaka Directorate on 14/7/2013 and 20/7/2013. When after filing the appeal he did not get any solution, then he filed a complaint to Information Commission on 2/10/2013.

3. The issue has been discussed in the meeting on 5/12/2013. As per the meeting decision summonses were issued to the concerned parties on dated 23/12/2013 for hearing.

4. On the date of hearing, the complainant Dr. Md Nazim Khan, Narayangonj 300 bed hospital Medical Supervisor and Designated Officer (RTI), Dr. Shafiul Azam were present.

The complainant mentioned that as per RTI Act, 2009, in section 1, he applied for information. When he did not receive any information, then he filed an appeal to Appellate Authority. But after that he did not get any solution and filed complaint to Information Commission. How you came to know about the corruption of Siddikur Rahman, in this question of Commission he replied that the news has been published in daily newspaper. When the issue of corruption is mentioned before it was not taken into account.

5. Narayangonj 300 bed hospital Medical Supervisor and Designated Officer (RTI) informed that he has no information about it. He has received the application, but he did not deliver the information, so he has been sent Show Cause notice. Regarding the information related issue he informed that the hospital has been established in 1986 but there is no clue of asking record of corruption form 1985. After checking the service book of Siddikur Rahman there was no information for corruption was found. It is also not known that there was any investigation report published in the newspaper.

6. As the complainant did not ask for information specifically, he was instructed and agreed to ask information again.

Discussion

After reviewing the statements of Complainant, Designated officer and submitted documents it was found that, the hospital has been established on 1986 and corruption information has been asked from 1985. So the information request is not clear. The complainant is requested to ask information specifically, so, the complaint seems to be disposable.

Decision

After detailed discussion the complaint is disposed of with the instruction given below:

1. Complainant is requested to approach Designated Officer (RTI) with specific information request.
2. Md. Siddikur Rahman, PA to Super has some corruption news published in local newspaper and if any action is taken against him, the DG and Appellate Authority (RTI) of Health Directorate is requested to inform the commission.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of the order to all the concerned

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 103/2013

Complainant:
Mr.Md. Mokhlesur Rahman
Father- Md. A Bari Hawlader
9 lane, Sabujbag,
Patuakhali

Opposite Party:
Mr. Md. Safiuddin
Executive Engineer and
Designated Officer (RTI)
Water Development Board, Kolapara,
Patuakhali.

Decision Paper
(Date: 27/01/2014)

The complainant, Md. Mokhlesur Rahman applied to the Executive Engineer and Designated Officer (RTI), Water Development Board, Kolapara, Patuakhali District, for some information mentioned below on 27/8/2013 under Right to Information Act, 2009, section 8 (1).

- a. The establishment date of Kolapara WDB and how many license Have been issued and up to on 30 June 2013 and address.
- b. Year wise project/ company wise amount, money amount, work amount and project last status.
- c. Total implemented tender of this division, work order and opening sheet.

2. When the complainant did not get the information from Executive Engineer and Designated Officer- RTI, Water Development Board, Kolapara, Patuakhali District within time, then he filed an appeal application to the Appellate Authority (RTI) on 8/9/2013 and as per memo no PC 1/195 instruction was given to deliver information to him but not done so. When after the instruction, he did not get any response, then he filed a complaint to Information Commission on 03/10/2013.

3. The issue has been discussed in the meeting on 5/12/2013. As per the meeting decision, summonses were issued to the concerned parties on dated 23/12/2013 for hearing.

4. Designated Officer- RTI asked for time extension on 22/12/2013. Commission approved the application and settled date for hearing on 27/1/2014 and issued summonses to the both complainant and designated officer- RTI.

5. On the date of hearing the complainant, Mr. Mokhlesur Rahman, opponent, Executive Engineer and Designated Officer- RTI, Water Development Board, Kolapara, Patuakhali District, Mr. Md. Shafiuddin were present. The complainant mentioned that as per RTI Act, 2009, in section 1 he applied for information. When he did not receive any information, then he filed an appeal to Appellate Authority, when he was instructed to deliver information then it was not followed. But after that he did not get any solution and filed complaint to Information Commission.

6. Executive Engineer and Designated Officer- RTI, Water Development Board, Kolapara, Patuakhali District mentioned in his statement that he did not get any information application. Then he came to know about the information application of complainant from the appellate authority. The office staff is assigned to prepare the information. Due to his tour abroad it was not delivered and the required information is ready as he informed. The Designated officer- RTI ensured that the information would be delivered.

Discussion

After listening to the both party of Complainant and designated officer- RTI and reviewing all the submitted proofs, it has been proved that the Designated Officer did not receive any application for information. When he came to know about the issue he instructed to prepare the information. Due to his tour in abroad he could not deliver the information. He has kept the information ready for the complainant and ensured to deliver it properly. So, the case seems to be disposable.

Decision

The complaint is disposed of with the following instructions:

1. By paying the information price within 06/02/2014 the information should be delivered to the complainant and necessary instruction is given to Designated Officer- RTI .
2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8, the designated officer is directed to deposit p the information price to Government treasury in code no: 1-3301-0001-1807.
3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies of order to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information
Commissioner

Sd/-
Mohammed Abu Taher
Information
Commissioner

Sd/-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban
F-4/A, Agargaon Administrative Area
Sher-e-Bangla Nagar, Dhaka-1207

Complaint No- 104/2013

Complainant:
Mr.Md Helal Uddin Khan
Father- Md. Habibur Rahman Khan
Village- Kakbasia
Post- Anulia Ashashuni, Satkhira

Opposite Party:
Mr. Md. Ruhul Amin
Head Master and Designated Officer (RTI),
Kakbasia Bangabandhu Secondary School
Ashasuni, Satkhira.

Decision Paper

(Date: 23/12/2013)

The complainant, Md. Helal Uddin Khan applied to Mr. Md. Ruhul Amin Head Master and Designated Officer (RTI), Kakbasia Bangabandhu Secondary School, Ashasuni, Satkhira for some information on 18/7/2013 under Right to Information Act, 2009, section 8 (1).

* Copy of Memorandum of Understanding, Instruction for making Building and Budget Copy, List of Project Committee and previous resolution.

2. When the complainant did not get the information from Mr. Md. Ruhul Amin Head Master and Designated Officer-RTI, Kakbasia Bangabandhu Secondary School, Ashasuni, Satkhira, he preferred an appeal to Dr. Mohammed Shihab Uddin, Chairman and the Appellate Authority, Kakbasia Bangabandhu Secondary School on 03-09-2013 by GEP post. Getting no remedy even after submission of appeal, he filed a complaint to Information Commission on 08-10-2013.

3. The issue has been discussed in the meeting on 5/12/2013. As per the decision of the meeting, summonses were issued to the concerned parties on dated 23/12/2013 for hearing.

4. On the date of hearing the complainant, Md. Helal Uddin Kha is absent and Mr. Md. Ruhul Amin, Head Master and Designated Officer-RTI, Kakbasia Bangabandhu Secondary School, Ashasuni, Satkhira is present. The Designated Officer- RTI informed that after getting the application he did not have the information ready to him and could not deliver instantly. He has collected the information and kept with him to provide to the complainant.

Discussion

After listening to the designated officer- RTI and reviewing all the submitted proofs, it has been proved that the Designated Officer did not have the information ready but he brought the information with him. As the designated officer ensured to deliver the information then the complaint seems to be disposable.

Decision

The complaint is disposed of with the following instructions:

1. The Designated Officer (RTI) is directed to provide the requested information to the complainant after realizing the cost of information on or before 31/12/2013.

2. As per Right to Information Act, 2009 section 9 and Right to information regulation (Regarding information receiving), 2009 section 8, the designated officer is directed to deposit the information price to Government treasury in code no: 1-3301-0001-1807.

3. Both the parties are directed to inform the Commission on compliance of the directions.

Send copies to all the concerned.

Sd/-
Prof. Dr. Sadeka Halim
Information Commissioner

Sd/-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-105/2013

Complainant: Mr. Md. Mokhlesur Rahman
Father: Md. Abdur Bari Howlader
No.9 Lane, Sabujbagh
Patuakhali.

Opposite Party: Mr. Md. Safiuddin
Executive Engineer
& Designated Officer (RTI)
Water Development Board, Kalapara
Patuakhali.

Decision Paper

(Date: 27-01-2014)

The complainant **Mr. Md. Mokhlesur Rahman** lodged petition on 27-08-2013 to **Mr. Md. Safiuddin**, the Executive Engineer & Designated Officer (RTI) of Water Development Board of Kalapara Upazila of Patuakhali seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Number of issued license, address, category from 30 June, 2013 from date and establishing of Kalapara PDB Division.
- Year wise number, amount of taka, amount of works & last progress of the projects of the organization wise/project wise development works in the said time.
- Tender notice, work order & opening sheet implemented under the said Division.

02) As the Designated Officer (RTI) did not accept the application of the complainant, he lodged appeal petition on 29-08-2013 to the Superintendent Engineer & the Appellate Authority (RTI) of Water Development Board of Kalapara Upazila of Patuakhali district. Though the Appellate Authority (RTI) gave direction to provide the requested information to the complainant in memo no.-PC-1/195 on 08-09-2013 yet, the Designated Officer (RTI) did not provide the information to the complainant. Then he submitted the complaint on 08-10-2013 to the Information Commission.

03) The matter was discussed in the meeting of 05-12-2013 of the Commission. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-12-2013 as to the complaint.

04) The Designated Officer (RTI) lodged application on 22-12-2013 seeking for time. The Commission sanctioned the time and fixing the date of hearing again on 27-01-2014 and summonses were issued to the concerned parties.

05) The complainant **Mr. Md. Mokhlesur Rahman; opposite party**, and **Mr. Md. Safiuddin**, the Executive Engineer & Designated Officer (RTI) of Water Development Board of Kalapara Upazila of Patuakhali are present on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the information he lodged the appeal petition to the Appellate Authority (RTI). Though the Appeal Authority (RTI) gave direction of providing the information yet, the Designated Officer (RTI) did not provide the information so, he submitted the complaint to the Information Commission.

06) The Executive Engineer & Designated Officer (RTI) of Water Development Board of Kalapara Upazila of Patuakhali district mentioned in his statement that, he did not get the application of getting information lodged by the complainant. Subsequently, he was informed about the matter of application of getting the information through the Appellate Authority (RTI). The employee of office has been given the responsibility for making the information. Besides, he could not provide information as he was in abroad and informed that at present the requested information of the complainant is ready to be provided. The Designated Officer ensured to provide the information to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) did not get the application of the complainant about getting the information. Subsequently, he was informed about the matter of application of getting the information through the Appellate Authority (RTI). The employee of office has been given the responsibility for making the information. Besides, he could not provide information as he was in abroad and informed that at present the requested information of the complainant is ready to be provided. Subsequently, Designated Officer (RTI) prepared the information of the complainant and ensured to provide the same, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Executive Engineer & Designated Officer (RTI) of Water Development Board of Kalapara Upazila of Patuakhali district has been directed to provide the requested information to the complainant on or before 06-02-2014 on the condition of paying the cost of the information.
- The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right To Information (Information finding related) Rules, 2009.
- Both the parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-106/2013

Complainant: Mr. Abu Musa

Father: Late Abdus Sobhan
Vill: U:Mu:Madati
PO: Votmari, Kaliganj
Lalmonirhat

Opposite Party: Dr. Golam Azam Moududi

Principal & Designated Officer (RTI)
Munirabad Ekarmia Alim Madrasa,
Votmari, Kaliganj, Lalmonirhat.

Decision Paper

(Date: 03-03-2014)

The complainant **Mr. Abu Musa** lodged petition by registered post on 16-07-2013, 12-09-2013 & 12-10-2013 to **Dr. Golam Azam Moududi**, the Principal & Designated Officer (RTI), Munirabad Ekarmia Alim Madrasa, Votmari, Kaliganj, Lalmonirhat seeking for the following information as per section 8(1) of Right to Information Act, 2009-

Requested information on 16-07-2013:

- Copy of notice to the students/guardians.
- Copy of declaration of schedule.
- Copy of the nomination paper of the elected persons.
- Copy of draft voter list.
- Copy of final voter list.
- Copy of appointing Presiding Officer
- Copy of election result
- List of complete Committee
- All of the copy of resolution.

Requested information on 12-09-2013:

All of information about terminating of Minurabad Sufia Ekramia Alim Madrashah (Break down) are as followed:

- The resign letter of all of the members.
- Copy of all resolution about termination of the committee.
- The report given by the Upazila Secondary Education Officer. All other papers about that.
- Appointing Upazila Fishery Officer as Presiding Officer appointed by the Upazila Nirbahi Officer & voter list (final), copy of the result of election, list of final committee, all of the papers with resolution.
- All of the required papers with formation of adhoc committee.

Requested Information on 12-10-2013:

All of the information about formation, termination of Munirabad Sufia Ekramia Alim Madrashah (regular) & formation of new committee are as followed:

- Complete copy of the notice to the students/guardian.
- Copy of declaration of schedule, copy of the nomination of the elected persons, draft voter list, copy of the final voter list.
- Appointing Upazila Fishery Officer as Presiding Officer appointed by the Upazila Nirbahi Officer.
- Resign letters of all of the members (of regular committee)
- Copy of all of the resolution of termination/break down of the regular committee.
- According to the application on 28-24-2013 copy of investigation report by the Upazila Secondary Education Officer.
- All of the required papers with formation of adhoc committee.

02) As the receiver did not receive the application sent by register post sent on 16-07-2013 and as it come back and when went for taking application in hand on 12-09-2013 the Principal and the Designated Officer (RTI) refused to accept that. On 15-09-2013 he informed to Upazila Secondary Education Officer, Kaliganj, Lalmonirhat of the matter of not getting the information & papers as per Right to Information Act, 2009. In this regard, in memo no.- UMaShiAa/Kali/Lal/Investigation-13/216 the Principal, Minurabad Sufia Ekramia Alim Madrashah, Votmary, Kaliganj, Lalmonirhat has been directed by Mr. S.M. Shahidul Islam, Upazila Secondary Education Officer, Kaliganj, Lalmonirhat to take the necessary action as per the merit of the application. When the complainant lodged application for getting the information to the Principal on 12-10-2013 that was refused again. Subsequently, the complainant submitted the complaint on 22-10-2013 to the Information Commission.

- 03)** The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-12-2013.
- 04)** The Designated Officer (RTI) lodged application on 22-12-2013 seeking for time. The Commission sanctioned the time and fixing the date of hearing again on 27-01-2014, summonses were issued to the concerned parties.
- 05)** The Designated Officer (RTI) was absent on the fixed date of hearing. The Commission fixing the date of hearing on 03-03-2014, the complainant and the Designated Officer ((RTI) were summoned.
- 06)** The complainant Mr. Abu Musa and opposite party: Mr, Md. Raju Miah, the learned advocate for **Dr.Golam Azam Moududi**, are present on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the information, he lodged the appeal petition by registered post. As the application of registry post was not accepted it came back so, he submitted the complaint to the Information Commission without lodging the appeal petition.
- 07)** The Designated Officer (RTI), Munirabad Ekarmia Alim Madrasa, Votmari, Kaliganj, Lalmonirhat mentioned in his statement that, during the time of meeting, when he wanted to know the information he said the complainant to collect his requested information from notice Board. He did not get any written application for getting the information. He was not informed about the Right to Information Act, 2009 before, after getting the summonses of the Commission, he was informed about the Right to Information Act. At present, preparing the information he brought with him. The Designated Officer (RTI) ensured to provide the complainant of his requested information.
- 08)** The complainant was attended in the hearing of Commission 02 (two) times before. But, as the Designated Officer (RTI) was absent, he was the victim of harassment. For that reason, while the Commission directed the Designated Officer (RTI) to pay amounting Tk.1250/- (one thousand two

hundred fifty) taka only as conveyance and other expenses and the Designated Officer (RTI) agreed on it.

Discussion

Hearing the statements of both complainant and Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, he was not informed about the Right to Information Act, 2009 before, after getting the summonses of the Commission he was informed about the Right to Information Act. At present, preparing the information he brought with him. As the Designated Officer (RTI) ensured to provide the requested information to the complainant as per the direction of the Commission, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Principal & Designated Officer (RTI), Munirabad Ekarmia Alim Madrasa, Votmari, Kaliganj, Lalmonirhat has been directed to provide the requested information to the complainant on or before 24 hours on the condition of paying the cost of the information.
- The Designated Officer has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-107/2013

Complainant: Mr. Shirish Paharia
Father: Sreepad Paharia
Vill: Baro Bahadurpur
PO: Salampur
Lalpur, Natore.

Opposite Party: Mr. Md. Amirul Islam
Upazila Nirbahi Officer
& Designated Officer (RTI)
Lalpur, Natore.

Decision Paper

(Date: 23-12-2013)

The complainant **Mr. Shirish Paharia** lodged petition on 21-07-2013 to **Mr. Md. Amirul Islam**, the Upazila Nirbahi Officer & Designated Officer (RTI) of Lalpur Upazila of Natore district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

❖ What is the Manual/Policy of getting different grants from government for the aboriginal ethnic people?

02) Not getting the requested information within the stipulated time, the complainant lodged the appeal petition on 17-09-2013 to Mr. Md. Jafor Ullah, the DC and Appellate Authority (RTI) Natore district. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 31-10-2013 to the Information Commission.

03) The complaint was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-12-2013.

04) The complainant and the Designated Officer are absent on the fixed date of hearing. Sending letter to the Information Commission the complainant mentioned that, he received the information, at present, he has no complaint/objection and he requested for the order of withdrawing the complaint.

Discussion

Reviewing the submitted evidences of the complainant it was noticed that, the Designated Officer (RTI) provided the requested information to the complainant. The complainant got the information and as requested to withdraw the complaint, so the complaint seems to be disposable.

Decision

Since, the complainant got the information and as requested to withdraw the complaint, so, the complaint is disposed of with permission of withdrawing the same.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-108/2013

Complainant: Mr. Dulu Biswas (Paharia)

Father: Late Logen Biswas (Paharia)
Vill: Daharshoila, PO: Ishwardi
PS: Lalpur, Natore.

Opposite Party: Mr. Md. Amirul Islam

Upazila Nirbahi Officer
& Designated Officer (RTI)
Lalpur, Natore.

Decision Paper

(Date: 23-12-2013)

The complainant **Mr. Dulu Biswas (Paharia)** lodged petition on 21-07-2013 to **Mr. Md. Amirul Islam**, the Upazila Nirbahi Officer & Designated Officer (RTI) of Lalpur Upazila of Natore district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- ❖ The final list of distributing the education stipend of Fiscal Year 2012-2013 for the aboriginal ethnic poor students of Lalpur Upazila.

02) Not getting the requested information within the stipulated time, the complainant lodged the petition on 17-09-2013 to Mr. Md. Jafor Ullah, the DC and Appellate Authority (RTI) Natore district. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 31-10-2013 to the Information Commission.

03) The complaint was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-12-2013.

04) The complainant and the Designated Officer are absent on the fixed date of hearing. Sending letter to the Information Commission the complainant mentioned that, he received the information, at present, he has no complaint/objection, he requested for the order of withdrawing the complaint.

Discussion

Reviewing the submitted evidences of the complainant it was noticed that, the Designated Officer (RTI) provided the requested information to the complainant. The complainant got the information and as requested to withdraw the complaint, so, the complaint seems to be disposable.

Decision

Since, the complainant got the information and as requested to withdraw the complaint, so, the complaint is disposed of with permission of withdrawing the same.

Let the copy sent be to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-109/2013

Complainant: Mr. Md. Golam Morshed

Father: Md. Abdul Khalek
Cha-59/5, 4th floor, Flat no.-13
North Badda, Dhaka-1212

Opposite Party: Ira Dibra

Principal, Dhaka Nursing College
& Designated Officer (RTI)
Dhaka Medical College Hospital, Dhaka.

Decision Paper

(Date: 23-12-2013)

The complainant **Mr. Md. Golam Morshed** lodged petition on 20-10-2013 to **Ira Dibra**, the Principal, Dhaka Nursing College & Designated Officer (RTI) of Dhaka Medical College Hospital, Dhaka, seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- a) Constitution and principles and Rules & Regulations of Bangladesh Nurses Association B.N.A
- b) Why qualified representative was not elected by election in last 07 year.
- c) List with name & address who became the members of nurse BNA in last 10 years
- d) The complete list of development you done so far after becoming the Chairman of B.N.A.
- e) Complete list of income and expenditure after you becoming the Chairman of B.N.A.

02) The complainant mentioned in his statement that, in the meantime, as he does not get any response or information lodging application two times to the Principal, Dhaka Nursing College & Designated Officer (RTI) of Dhaka Medical College Hospital when went to submit an application in hand the mentioned officer did not accept that. Subsequently, though application was submitted by registered post on 20-10-2013 as it was not accepted, the complainant submitted complaint to the Information Commission on 31-10-2013.

03) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 23-12-2013.

04) The complainant **Mr. Md. Golam Morshed**, and **Ira Dibra**, the Principal, Dhaka Nursing College & Designated Officer (RTI) of Dhaka Medical College Hospital are present on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no-01. As the application was not accepted, he submitted the complaint to the Information Commission.

05) The Principal, Dhaka Nursing College & Designated Officer (RTI) of Dhaka Medical College Hospital mentioned in his statements that, she did not get any application of getting the information in hand in hand or by registry post. She did not get the copy of the summonses provided by the Commission, but as per information over telephone by the Commission, she appeared in the hearing today and was informed about the application of getting information.

06) As the requested information of the complainant is acceptable as per Right to Information Act, 2009 and the Commission directed to provide the information to the complainant. So, as per the direction of the Commission, the Designated Officer (RTI) ensured to provide the requested information to the complainant.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) did not get the request for information, so, she could not provide the information. As the Designated Officer (RTI) ensured to provide the information to the complainant as per the direction of the Commission, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Principal, Dhaka Nursing College & Designated Officer (RTI) of Dhaka Medical College Hospital has been directed to provide the prayed information of the complainant on or before 02-01-2014 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-110/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur
PS: Kafrul, Dhaka.

Opposite Party: Mr. Mohammed Ali

Officer in Charge
& Designated Officer (RTI)
Vatara PS, DMP, Dhaka.

Decision Paper

(Date: 24-12-2013)

The complainant **Mr. Alauddin Al Masum** lodged petition on 24-10-2013 to **Mr. Mohammed Ali**, Officer in Charge & Designated Officer (RTI), Vatara PS, DMP, Dhaka seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Total measurement of land is 0.2300 acre in RS khatian no- 1618 & RS plot no.-6600 of Bhatara mouza under Vatara PS of Dhaka. Of the said 0.2300 acre my property is 0.0900 acre. In the necessity of the road of Rajuk taking decision of acquiring 0.1046 acre property out of the said 0.2300 acre property the DC of Dhaka provided notice to me in section 6 of case no.- L.A 13/2010-11. I filed writ petition no.-8279/211 before the honorable High Court. The Division Bench form with the justice Mr. Mohammed Bazlur Rahman and the justice Mr. M. Enayetur Rahim of the honorable High Court issued rule nisi against the concerned including Rajuk/DC on 18-10-2011 and so that they cannot evict me/the petitioner from the said 0.0900 acre property order the injunction of 3 (three) months. In the state of extending the time of the order of injunction by turn by the honorable High Court the Division Bench form with the justice Naima Haider and the justice Mr. Jafor Ahmed of the honorable High Court extended time on 22-07-2013 until the settling of the next rule nisi. That is informed by you usually through the submitted attached copy by GD no.-127, date: 03-08-2013. In the state of the order of injunction of the honorable High Court in my said 0.0900 acre property for the purpose of harassing me for one Samsul Haq with the under trial issue the terrorist/extortionist/Land robber Fatema Jahan (against whom more than one case is under trial/running at more than one PS including the case of Vatara PS and against whom more than one GD exist) and being affected according to the submitted application for solving the matter as the Chairman of Union Council being attended physically to measure at the office of Union Parishad, Khilbarir Tec Shahadatpur, PS Vatara (suit land with injunction, at PS Bhatara) against the emergency notice to be provided by the Chairman of Union Parishad provided to me on 13-07-2013, 17-08-2013, 28-09-2013 you, the PS authority refusing to receive the GD filed by me you did not take any action. As a result, whether about the information it is ought to/urgent/right of you/the concerned Vatar PS to all out effort for cooperation so that they cannot evict me for avoiding to take any action for evicting by Rajuk/DC or any other person or being respected to the order of the honorable High Court.

02) When the concerned Designated Officer refused to accept the application and returned back, the complainant submitted the complaint to the Information Commission on 10-11-2013.

03) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.

04) The complainant **Mr. Alauddin Al Masum** is present on the fixed date of hearing, but Mr. Mohammed Ali, Officer in Charge & Designated Officer (RTI), Vatar PS, DMP, Dhaka is absent. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. When the Designated Officer (RTI) returned back the complaint refusing to accept the same, he submitted the complaint to the Information Commission. In the hearing, the complainant complaint that, writ petition has been filed in the higher court about the proposed matter and the learned court issued the injunction. In the state of the order of injunction by the court, when notice was issued by the UP Chairman in this matter that the land will be measured physically, the Officer in Charge expressed his unwillingness to accept the GD filed against the said notice.

Discussion

Hearing the statements of the complainant and reviewing the submitted evidences it was noticed that, writ petition has been filed by the complainant in the higher court about the proposed matter and the learned court issued the injunction. Since, the matter is under trial in the higher court, so, according to the section 7(Ta) of Right to Information Act, 2009 as it is regarded as Sub-judice, so, it will not be proper legally to take any decision by the Commission.

Decision

The complaint is disposed of with the following directions:-

Since, writ petition has been filed by the complainant and the learned court issued the injunction and, as the matter is under the jurisdiction of the court, so Commission took the decision that according to the section 7(Ta) of Right to Information Act, 2009 as it is regarded as Sub-judice it will not be proper legally to take any decision.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-111/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur
PS: Kafrul, Dhaka.

Opposite Party: Mr. Mohammed Ali

Officer in Charge
& Designated Officer (RTI)
Vatara PS, DMP, Dhaka.

Decision Paper
(Date: 24-12-2013)

The complainant **Mr. Alauddin Al Masum** lodged petition on 23-10-2013 to **Mr. Mohammed Ali**, Officer in Charge & Designated Officer (RTI), Bhatara PS, DMP, Dhaka seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- The information about whether the Officer in Charge of the concerned PS or the Duty Officer of your PS has legal right to refuse to take/accept the GD/case filed by the petitioner against taking the illegal activities for evicting the petitioner in the place with the order of injunction for not evicting the petitioner from 0.0900 acre property of the petitioner of khatian no.-1618 and RS plot no.-6600 of Vatara mouza under Vatara PS of Write Petition no.-8279/2011, date: 18-10-2011 of the honorable High Court.
- 02)** When the concerned Designated Officer (RTI) refused to accept the application and returned back, the complainant submitted the complaint to the Information Commission on 10-11-2013.
- 03)** The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.
- 04)** The complainant **Mr. Alauddin Al Masum** is present on the fixed date of hearing, but Mr. Mohammed Ali, Officer in Charge & Designated Officer (RTI), Vatara PS, DMP, Dhaka is absent. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. When the Designated Officer (RTI) returned back the complaint refusing to accept the same, he submitted the complaint to the Information Commission. In the hearing, the complainant complaint that, writ petition has been filed in the higher court about the proposed matter and the learned court issued the injunction. In the state of the order of injunction by the court when notice was issued by the UP Chairman in this matter that the land will be measured physically, the Officer in Charge expressed his unwillingness to accept the GD filed against the said notice.

Discussion

Hearing the statements of the complainant and reviewing the submitted evidences it was noticed that, writ petition has been filed by the complainant in the higher court about the proposed matter and the learned court issued the injunction. Since, the matter is under trial in the higher court, so, according to the section 7(Ta) of Right to Information Act, 2009 it is regarded as Sub-judice, so, it will not be proper legally to take any decision by the Commission.

Decision

The complaint is disposed of with the following directions:-

Since, writ petition has been filed by the complainant and the learned court issued the injunction and, as the matter is under the jurisdiction of the court and Sub-judice, so, Commission took the decision that according to the section 7(Ta) of Right to Information Act, 2009 as it is regarded as Sub-judice, so, it will not be proper legally to take any decision.

Let the copy be sent to the concerned parties.

Signed /-
(Mohammed Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-112/2013

Complainant: Mr. Alauddin Al Masum

Father: Late Md. Yakub Ali
624/2 Ibrahimpur
PS: Kafrul, Dhaka.

Opposite Party: Rabeya Akter

Secretary
& Designated Officer (RTI)
Office of Vatar Union Parishad
Khilbarirtec, Vatar, Dhaka.

Decision Paper

(Date: 24-12-2013)

The complainant **Mr. Alauddin Al Masum** lodged petition on 23-10-2013 to **Rabeya Akter**, the Secretary & Designated Officer (RTI), Office of Vatar Union Parishad, Khilbarirtec, Vatar, Dhaka seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Total measurement of land is 23 decimal or 0.2300 in RS khatian no.-1618 & RS plot no.-6600 of Vatar mouza under Bhatara PS of Dhaka district in writ petition no.- 8279/2011 about L.A case-13/2010-11 of the DC of Dhaka. Of the said 0.2300 acre land measurement of the land of me/Alauddin Al Masum is 0.0900 acre. The honorable High Court issued order of the said attached injunction on 18-10-2011 on the said 0.0900 acre property of the petitioner. In the state of remaining the order of injunction receiving the signed notice of Mr. Abdul Aziz member for the Chairman on 13-07-2013 to the petitioner/me at Union Parishad Office for the direction of being present physically with the necessary papers and evidences I attended at Union Parishad physically on 20-07-2013 and informed the matter of injunction to the Union Parishad Chairman and Abdul Aziz Member. Therefore, whether there is legal right of providing the said attached notice signed by your Chairman on the fixed date: 22-08-2013⁶ for judging the said place with the said injunction or for measuring the same or information about whether court condemnation has been committed or not.

02) Without having the requested information in the stipulated time, the complainant lodged appeal petition to Mr. Md. Aaur Rahman, the Chairman & Appellate Authority (RTI), Office of Vatar Union Parishad, Khilbarirtec, Vatar, Dhaka on 10-11-2013. But as the Appeal Authority (RTI) refused to take the appeal petition and returned back the same, the complainant submitted the complaint on 10-11-2013 to the Information Commission as per section 25(1)(Ka), 25(4)-25(9) of Right to Information Act, 2009.

03) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.

04) The complainant **Mr. Alauddin Al Masum, the Secretary & Designated Officer (RTI)** and the learned advocate Mr. Md. Belal Uddin appeared for the Secretary & Designated Officer (RTI), Office of Vatar Union Parishad, Khilbarirtec, Bhatara, Dhaka are present on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he preferred an appeal petition to the Chairman, Vatar UP & Appellate Authority. But he refused to take the appeal and returned it back, so, the complainant submitted the complaint to the Information Commission.

05) The Secretary & Designated Officer (RTI), Office of Vatar Union Parishad mentioned in her statement that, the complaint of the complainant is not specific and not under the Right to Information Act, 2009. He applied only for the legal opinion. The learned advocate appeared for the Designated Officer (RTI) mentioned in his statement that, the opinion about contempt of the court can be determined only by the court. Besides this, writ petition has been filed to the learned court by the complainant and as injunction has been issued by the learned court in this matter, so, no more action has been taken in this matter.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI), reviewing the submitted evidences it was noticed that, writ petition has been filed by the complainant in the higher court about the proposed matter and the learned court issued the injunction. Since, the matter is under trial in the higher court, so, according to the section 7(Ta) of Right to Information Act, 2009 it is regarded as Sub-judice, so, it will not be proper legally to take any decision by the Commission.

Decision

Since, writ petition has been filed by the complainant and the learned court issued the injunction and, as the matter is under the jurisdiction of the court and Sub-judice, so, Commission took the decision that according to the section 7(Ta) of Right to Information Act, 2009 as it is regarded as Sub-judice, so, it will not be proper legally to take any decision.

Let the copy be sent to the concerned parties.

Signed /-
(Mohammed Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-113/2013

Complainant: Moulana Mostafizur Rahman

Father: Late Moulana Obayed Ulla
C/O-Chatalia Barobari
Vill.+PO: South Mandari
Laxmipur Sadar, Laxmipur

Opposite Party: Mr.Md. Mahbubur Rahman Billah

Deputy-Director
& Designated Officer (RTI)
Primary Education, Chittagong
Division, Chittagong.

Decision Paper
(Date: 27-01-2014)

The complainant **Moulana Mostafizur Rahman** lodged petition by registered post on 24-08-2013 to the Deputy Director & Designated Officer (RTI), Primary Education, Chittagong Division, Chittagong seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- Information of progress of taking action about the charge sheet of registration no. 759 (date: 04-09-2012) of Post Department, that has been accepted at your office on 05-09-2013.

02) As the office of the Deputy-Director returned back the application not accepting the same again seeking information about the progress of the complaint on 08-09-2013 and if information has not been provided attaching form “Kha” for unwilling notice lodged application for getting information by registered post. As again the application of getting information returned back, he submitted the complaint, without lodging appeal petition to the Appellate Authority, to the Information Commission directly on 19-11-2013.

03) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.

04) The Designated Officer (RTI) lodged petition seeking for time. The Commission sanctioned the time and fixed the date of hearing again on 27-01-2014 and issued summonses to the complainant, Designated Officer (RTI) .

05) On the fixed date of hearing the complainant Moulana Mostafizur Rahman is absent submitting his written statement; the opposite party, **Mr.Md. Mahbubur Rahman Billah**, the Deputy-Director & Designated Officer (RTI), Primary Education, Chittagong Division, Chittagong is present. The Designated Officer (RTI) mentioned in his statement that, he did not get the application for getting information of the complainant before in the specific form as per the Right to Information Act. The appellant in the meantime mentioning various complaints against one teacher, submitted an application to transfer that teacher elsewhere. According to his application, the then Deputy-Director & Designated Officer (RTI), Primary Education, Chittagong Division, Chittagong being informed contacting to the district primary education officer that, the complaint has been inquired by the Education Office of Laxmipur Sadar Upazila and reviewing the inquiry report he informed that the complaint brought against him is not entirely true.

06) Reviewing the complaint filed before and in the cooperation of the District Education Officer and the Upazila Education Officer inquiry must be done again against the accused teacher. When the

Commission expressed its opinion that the applicant and the Director General of the Directorate of the Primary Education must be informed of the matter of inquiry, the Designated Officer (RTI) agreed on it.

Discussion

Hearing the statements of the Designated Officer (RTI), reviewing the submitted evidences it was noticed that, he did not get the application of getting information of the complainant. As the appellant in the meantime mentioning various complaints against a teacher, the said matter of the complaint has been inquired by Laxmipur Sadar Upazila Education Office. And reviewing the inquiry report he informed that the complaint brought against him is not entirely true. Inquiring the matter again against that teacher the Designated Officer (RTI) when ensured all of the concerned to inform the matter, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following direction:-

The Designated Officer (RTI) has been directed to inform the matter to the applicant and the Director General of the Directorate of the Primary Education investigating again against the accused teacher in the cooperation of the District Education Officer and the Upazila Education Officer.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-114/2013

Complainant: Mr. Md. Khaliduzzaman (Shamim)

Father: Nurul Islam
Sultan Plaza, Shahid Smriti Road
Adjacent to small bridge, 1st floor
Madhupur, Tangail.

Opposite Party: Mr. Sanowarul Haq

Assistant Commissioner
& Designated Officer (RTI)
Office of the DC, Tangail.

Decision Paper

(Date: 27-01-2014)

The complainant **Mr. Md. Khaliduzzaman (Shamim)** lodged petition by registered post with postal order of Tk.200 (two hundred taka only) on 05-05-2013 to Mr. Vaskar Devnath Bappy, the Assistant Commissioner & Designated Officer (RTI) of Office of the DC of Tangail district seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- a) Land of which CS & RS plot has been acquired of Mymensing-Tangail Road & Jamalpur-Madhupur Road of Madhupur Mouza of Madhupur Upazila under Tangail district?
- b) What is the separate amount of land based on plot of the acquired land?
- c) What is the acquired L.A. case?

02) According to the said application the Land Acquisition Officer of the Office of the DC, Tangail has been requested to provide information on 07-05-2013. Land Acquisition Officer Farida Khanam expressed her unwillingness to provide the information as L.A. case no. and plot no. was not mentioned in the application of getting the information by memo no.-995 on 16-05-2013. Not getting the information, the complainant submitted the appeal petition to the Divisional Commissioner, Dhaka on 22-09-2013.

03) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.

04) The Designated Officer (RTI) lodged petition seeking for time. The Commission sanctioned the time and fixed the date of hearing again on 27-01-2014 and issued summonses to the complainant, Designated Officer (RTI).

05) The complainant **Mr. Md. Khaliduzzaman (Shamim)**; opposite party, **Mr. Sanowarul Haq**, the Assistant Commissioner & the Designated Officer (RTI) of Office of the DC of Tangail district presented their statements being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009 he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Without having the information, he lodged appeal to the Appellate Authority (RTI). The Appellate Authority (RTI) restored the decision given by the Designated Officer (RTI). Subsequently, he submitted complaint to the Information Commission.

6) The Assistant Commissioner & the Designated Officer (RTI) of Office of the DC of Tangail district mentioned in his statement that, after receiving the application of getting the information letter has been sent at L.A section for providing information as per application. Land Acquisition Officer expressed her unwillingness to provide the information as L.A. case no. and plot no. was not mentioned in the

application of getting the information. The information related to the acquisition recorded as per the year and no. of L. A case register. Tangail district was established prior to forty years of Mymensing-Tangail Road & Jamalpur-Madhupur road. It is tough to find out the information about acquisition of any mouza without the year and no. of L.A case. There is rule of mentioning other necessary relevant information for determining the position of the demanded information except the correct and specific information as per the section 8(2) of Right to Information Act, 2009. As the complainant did not mentioned the CS & SA plot no. of the concerned acquired land with the year and no of L.A case in his application it was not possible to provide the requested information.

Discussion

Hearing the statements of the complainant and the Designated Officer (RTI), reviewing the submitted evidences it was noticed that, As the complainant did not mention the CS & SA plot no. of the concerned acquired land with the year and no of L.A case in his application, so, it was not possible to provide the requested information. If the requested information was not found in the office of the Designated Officer (RTI) mentioning that in which office information will be found as the Designated Officer (RTI) ensured to cooperate the complainant in this matter, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- If the requested information of the complainant is not found in the office of the Designated Officer (RTI) mentioning that to the complainant in which office the same is existed the Assistant Commissioner & the Designated Officer (RTI) of Office of the DC of Tangail district has been directed to inform that by 07 (seven) days. After informing the matter to the complainant by the Designated Officer (RTI) the complainant can lodge application to the concerned Designated Officer for getting the information.
- Copy of the decision must be provided to the DC, Dhaka, Tangail, Mymensingh & Jamalpur.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof.: Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information
Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
F-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-115/2013

Complainant: Mr. Delawar Bin Siraj
Father: Late Haji Siraj Uddin
2/2 R K Mission Road
Dhaka-1203

Opposite Party: Mr. Md. Mostafizur Rahman
Deputy- General Manager
& Designated Officer (RTI)
Milk Vita, 139-140 Tejgaon C/A
Dhaka-1208.

Decision Paper

(Date: 27-01-2014)

The complainant **Mr. Delawar Bin Siraj** submitting complaint to the Commission on 25-11-2013 mentioned that, according his filed complaint no.-79/2013 taking hearing on 23-09-2013 according to the decision given by the Commission the Designated Officer (RTI) did not provide his requested information and did not pay Tk.200/- to the complainant as conveyance. He submitted complaint requesting to take measure of taking the legal action and for providing his requested information as per sub-section 27(Uma) of the said rule for implementing the Preservation of the Right to Information & Right to Information Act, 2009.

02) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.

03) The complainant **Mr. Delawar Bin Siraj** ; opposite party, the learned advocate Molla Kismat Habib for **Mr. Md. Mostafizur Rahman**, the Deputy- General Manager & the Designated Officer (RTI) of Milk Vita are present. During the time of hearing, the defendant party sought for time. When the learned advocate has been told that if paid the prior conveyance cost, the matter of sanctioning the time would be considered, then he paid Tk.200/- as conveyance cost of the complainant. Subsequently, the Commission sanctioned time and fixed the date of hearing again on 27-01-2014 and summonses were issued to the complainant and the designated Officer (RTI).

04) The complainant **Mr. Delawar Bin Siraj**, opposite party, **Mr. Md. Mostafizur Rahman**, the Deputy- General Manager & the Designated Officer (RTI) of Milk Vita are present. The complainant mentioned in his statement that, as he did not get the entire information he submitted complaint to the Information Commission. As prior conveyance cost Tk.200/- has been paid to him on the day of hearing on 24-12-2013.

05) The Deputy- General Manager & the Designated Officer (RTI) of Milk Vita mentioned in his statement that, he did not get the summon, he appeared in the hearing getting information over telephone. As the learned advocate was not present, he requested for time for taking some legal decision. As there is no ground of sanctioning time by the Commission considering the following matters the application for time has not been sanctioned.

- It is found reviewing former complaint no- 29/2013 in the same matter, application for extending time has been sanctioned once and partial information has been provided.
- In complaint no- 79/2013 application for extending time for providing information has been sanctioned paying Tk.200/- to the complainant as conveyance cost.

About not sanctioning time, the Designated Officer (RTI) mentioned in his statement that, as the complainant sought for the personal information, so, it was not possible to be provided to him. The Commission thinks that, in reviewing complaint no.- 79/2013 as per Right to Information Act, 2009 the complainant did not lodge application seeking for any personal information and when the designated officer (RTI) has been directed to provide information as per Right to Information Act, 2009, he did not have any objection for providing information.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, as the Designated Officer (RTI) considered the complainant's application for information to be personal information, so, he did not provide the information to the complainant. As per the direction of the Commission as the Designated Officer (RTI) ensured to provide the information as per Right to Information Act, 2009 the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Deputy- General Manager & the Designated Officer (RTI) of Milk Vita has been directed to provide the requested information to the complainant on or before 06-02-2014 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof. Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Md. Abu Taher)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner

Information Commission
Archeological Bhaban (2nd Floor)
sF-4/A, Agargaon Administrative Area
Sher-E-Bangla Nagar, Dhaka-1207

Complain No.-116/2013

Complainant: Mr. Nasim Ahmed

Father: A.A Aminuzzaman
Flat-B, House no.- 8, Road No.- 19
Nikunja-2, Dhaka.

Opposite Party: Mr. S.M. Kamal Uddin Haider

Assistant Director (College-2)
& Designated Officer (RTI)
Directorate of Secondary & Higher
Education, Education Bhaban,
16 Abdul Goni Road, Dhaka.

Decision Paper

(Date: 24-12-2013)

The complainant **Mr. Nasim Ahmed** lodged petition by registered post on 30-09-2013 to **Mr. A.T.M. Al Fattah**, the Library Development Officer & Designated Officer (RTI) of the Directorate of Secondary & Higher, seeking for the following information as per section 8(1) of Right to Information Act, 2009-

- After the end of shifting the project according to the transfer order signed by the In Charge Director Mr. Abul Kalam Azad Saifuddin on 22-12-2005 I was transferred to Feni Teachers Training College from Dhaka Teachers Training College. I sought information about why I was not provided the copy of transfer order in spite of in project.
- Full information including the goods shifting and the agenda of handing over of the project officer from 22-12-2005 to 31-12-2005.
- Information with the written order signed by the then Director General of the Directorate of Secondary & Higher for working in the Directorate of Secondary & Higher and the Directorate of Secondary & Higher from 01-01-2006 after the end of the project.
- Full information about why my name, post, date of birth, no. & date of the appointment letter, educational qualification, date of joining in the project etc information was not kept in the statement of the post approved by the project even after remaining all of my information about service in the project in Planning Department of the Directorate of Secondary & Higher.
- Under which rule of Bangladesh Service Rules the then In Charge Officer of the Project Mr. Abul Kalam Azad Saifuddin transferred me. Detains information including the said rule. (After handing over the goods of the project).
- On 22-02-2006 Saleha Khandoker (Technical Officer, Resource Center, T.T.C Dhaka) was engaged with Mr. Abdul Khaleq, the Assistant Director (Engineering) of Planning & Development Section of Directorate of Secondary & Higher (that is signed by Prof. Johra Umme Hasan, the Director (Planning & Development of Directorate of Secondary & Higher). Full information about after transferring me not providing the copy of transferring and the information of transferring not keeping my name in the post statement of the project why Saleha Khandoker was shown as the Officer of Teachers Training College.
- After the end of the project the other officers/employees who were in their respective position I also was like that, that means we were looking forward for the shifting the post of the project in revenue budget. Information about why information was sent in the Education Ministry

mentioning not working of me in the project again and again not providing the direction of working me in the Planning Division of Directorate of Secondary & Higher after the end of the project.

- All of the information about the service of me in the project. You are being requested to provide the correct and true information about why again the then In Charge Project Director transferred me not being transferred by the then Director General of Directorate of Secondary & Higher after transferring all of my information about service in the project, the goods & deeds of the project in the Planning Division of the Directorate of Secondary & Higher. Information of the sent proposal to the Ministry of Public Administration from the Directorate of Secondary & Higher & the Ministry of Education before one year from six months of ending the promote project following the direction of the Ministry of Public Administration in memo no.-SaMa/SattaBa/Team-4(2) U:Pro:Ni:-47/97-61 on 17 April, 2000 (that has been sent in the Ministry of Public Administration fulfilling the approved chart of the Ministry of Public Administration).
- Full information why necessary action was not taken till today in spite of applying to the the In Charge Project Director and the Director General of Directorate of Secondary & Higher for transferring a post of Technical Officer to the revenue budget in many time till today from handing over the goods of the project.

02) Without having the requested information in the stipulated time, the complainant lodged appeal petition by registered post to Dr. Kamal Abdul Naser Chowdhury, the Secretary of the Ministry of Education & Appellate Authority (RTI) on 06-11-2013. After that without getting any solution even after lodging the appeal, the complainant submitted the complaint on 25-11-2013 to the Information Commission.

03) The matter was discussed in the meeting of the Commission on 05-12-2013. According to the decision of the meeting, summonses were issued to the concerned parties fixing the date of hearing on 24-12-2013.

04) The complainant Mr. Nasim Ahmed and Mr. S.M Kamal Uddin Haider, Assistant Director (College-2) & the Designated Officer (RTI) of Directorate of Secondary & Higher Education presented their statement being attended on the fixed date of hearing. The complainant mentioned in his statement that, according to the Right to Information Act, 2009, he lodged petition to the Designated Officer (RTI) seeking for the information mentioned in chapter no.01. Not getting the requested information, he lodged the appeal petition to the Appellate Authority (RTI). After that without getting any solution, the complainant submitted the complaint to the Information Commission

05) The Assistant Director (College-2) & the Designated Officer (RTI) of Directorate of Secondary & Higher Education mentioned in his statement that, the letter was sent to the complainant to collect the information paying the cost of the information. As the complainant did not collect the information paying the cost of the information, it was not possible to provide the information. He kept the information to provide to the complainant. If, the complainant pay the cost of the information, he will provide the information.

06) Why the cost of the information was not paid? being asked by the commission the complainant informed that, he depositing his cost of information to bank by invoice sent one of its copy by post to the Designated Officer (RTI). Besides this, when asked about seeking same information in various ways, the complainant could not answer properly.

Discussion

Hearing the statements of both the complainant and the Designated Officer (RTI) and reviewing the submitted evidences it was noticed that, the Designated Officer (RTI) sent the letter to the complainant to

collect the information paying the cost of the information. As no evidence about paying the cost of the information was in the hand of the Designated Officer (RTI) it was not possible for him to provide the information to the complainant. He kept the information to provide to the complainant. As the Designated Officer (RTI) ensured to provide the requested information to the complainant as per the direction of the Commission, the complaint seems to be disposable.

Decision

The complaint is disposed of with the following directions:-

- The Assistant Director (College-2) & the Designated Officer (RTI) of Directorate of Secondary & Higher Education has been directed to provide the requested information to the complainant on or before 31-12-2013 on the condition of paying the cost of the information.
- The Designated Officer (RTI) has been directed to deposit the realized money in code no.- 1-3301-0001-1807 in public treasury the cost of the provided information according to the section no.-9 of Right to Information Act, 2009 and rule no.-8 of Right to Information (Information finding related) Rules, 2009.
- Both parties have been directed to inform the Information Commission after implementing/ maintaining the directions.

Let the copy be sent to the concerned parties.

Signed /-
(Prof. Dr. Sadeka Halim)
Information Commissioner

Signed /-
(Mohammed Farooq)
Chief Information Commissioner