

# International Workshop on the draft Right to Information Ordinance 2008

Institute of Governance Studies, BRAC University



*Bringing value to public life*

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Part II



# Independence and Accountability of Information Commission

## Independence

- ▶ Independence means freedom from undue influences of the executive and the legislative branch of the government
- ▶ An independent IC should have managerial autonomy
- ▶ Should have financial autonomy

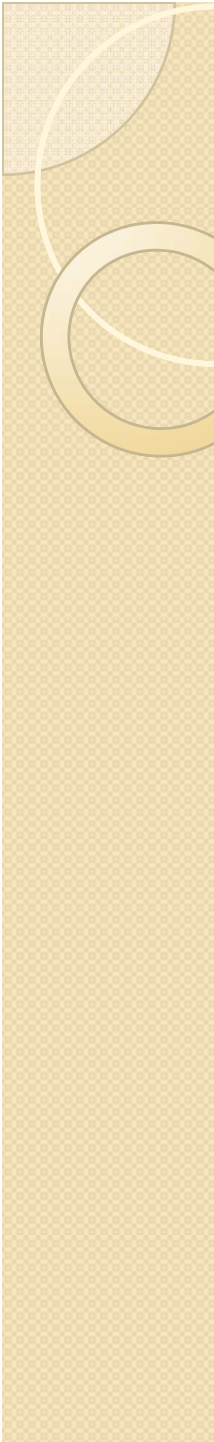
## Accountability

- ▶ External
- ▶ Internal

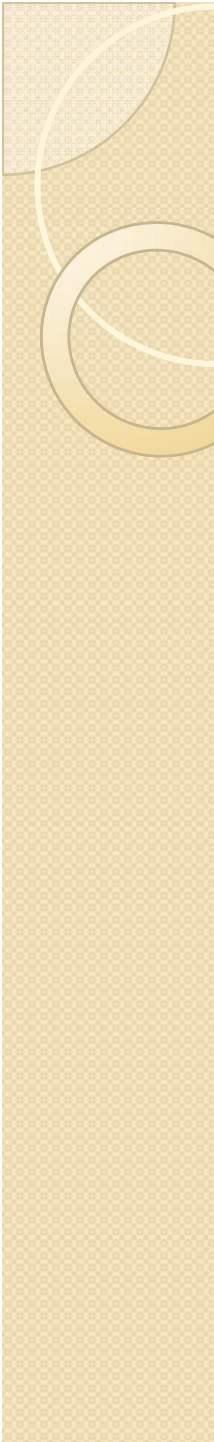


## Learning from Institutions of Accountability Series

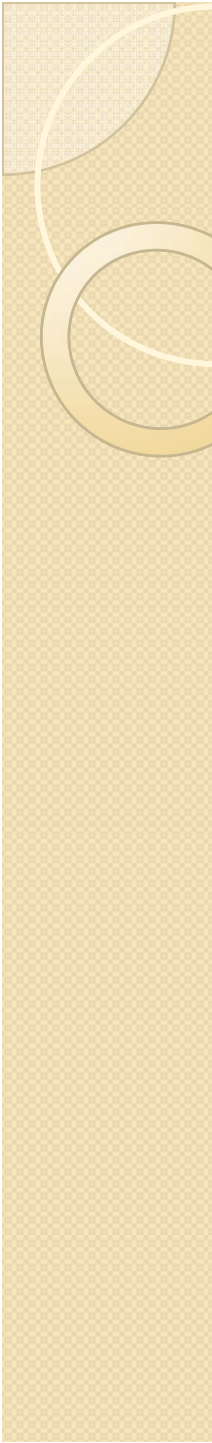
- Mode of Appointment of the Chair and the Members
- Rank Status of the Chair and the Members
- Financial Autonomy of the Institution
- Appointment of the Commission Employees
- Control on Training and Performance Evaluation
- Commission-Bureaucracy Relationship
- Accountability Mechanism of and within the Commission



What is Proposed	Problems and/or Ways to Improve
<i>Section 12(a)</i> of the draft proposes for one Information Commission.	The draft should incorporate regional Information Offices.
<i>Section 12(b)</i> proposes a Commission to be established with three Commissioners.	Given the scope of operation of the proposed Commission this could possibly constraint its operation.

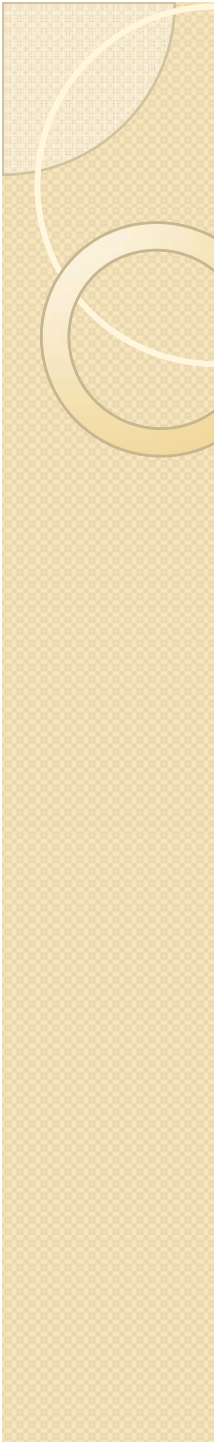


What is Proposed	Problems and/or Ways to Improve
Lacks scope for civil society participation in the selection process- <i>Section 12(d)</i>	Representation of Civil Society should be ensured.
<i>Section 12(e)</i> allows the Commission to enjoy complete autonomy. However, <i>Section 15</i> indicates the Government will arrange (not appoint) necessary human resources for the Commission.	Does not specify how the government will arrange the required human resources. The Commission should have the authority in appointing its own employees.



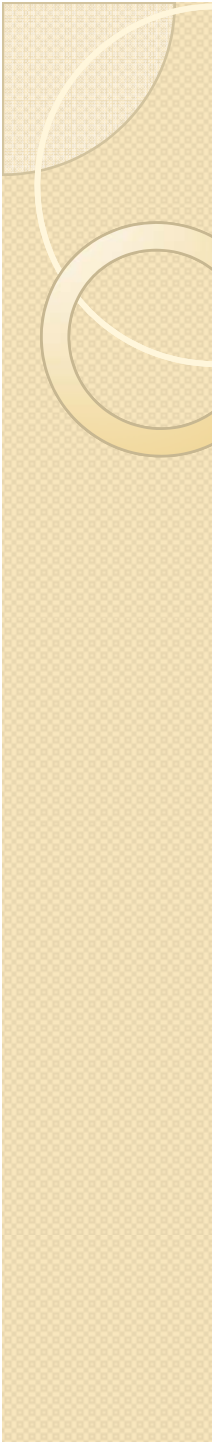
What is Proposed	Problems and/or Ways to Improve
Section 12(f) states that a member of parliament or a person having any political involvement shall not be considered as Commissioner.	We propose to replace a person having political involvement with membership of political party.
Parliament does not have any role in the selection process.	Role of Parliament should be incorporated.

What is Proposed	Problems and/or Ways to Improve
<p><u>Remuneration and allowances</u></p> <ul style="list-style-type: none"> <li>▶ CIC = Judge of the Appellate Division</li> <li>▶ ICs = Judge of the High Court Division.</li> </ul> <p><i>(Section 14).</i></p>	<p>Does not specify the rank status of the CIC and Commissioners as par the 'Warrant of Precedence'. Should be well defined.</p>
<p>In order to remove the CIC and ICs, the President can seek suggestion from the Supreme Court – <i>Section 16 (b).</i></p>	<p>As they are equivalent to the Appellate Division Judge or High Court Division Judge, their removal requires formation of Supreme Judicial Council.</p>



What is Proposed	Problems and/or Ways to Improve
<p><i>Section 17</i> states the roles and functions of the Commission. In <i>Section 4(c)</i> it states that The Commission will prepare a guideline to be followed by the competent authority to prepare the catalogue and index of available information.</p>	<p>Is it obligatory for the government bodies?</p> <p>Who will supervise?</p>





What is Proposed	Problems and/or Ways to Improve
<p><i>Section 25</i> does not state whether the Commission will receive a share of the revenue generated through fees from information request.</p>	<p>The Commission should have control over its own earning.</p>
<p>As per <i>Section 26</i>, the IC shall submit an annual report to the government.</p> <p>Does not state anything about the internal accountability.</p>	<p>Role of parliament should be specified in order to make the commission accountable.</p> <p>Should be made clear to whom the Information Officers are accountable.</p>



## Points to Ponder...

- How can we make the search committee effective?
- What role should the parliament play in selecting the commissioners?
- What should be the appropriate number of commissioners?
- How can the information commission have complete control over its employees (including the information officers)?



## Points to Ponder...

- What should be the rank number of the CIC and the ICs?
- What should be the role of the Information Commission?
- How can we ensure the accountability of the Commission?