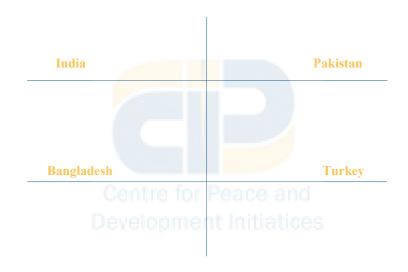
Comparison of Laws on Freedom of Information



Centre for Peace and Development Initiatives, Pakistan (CPDI-Pakistan), Islamabad

&

Commonwealth Human Right Initiatives (CHRI), Delhi



Comparison of Laws on Freedom of Information

| Countries/ Provisions | India Right to Information Act 2005 | Pakistan Freedom of Information Ordinance 2002 | Bangladesh Right to Information Act 2009-2000 | Turkey The Law on Right to Information 2003 |
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| Who has the right to information? | All citizens of India have the right to access information. The Act extends to the whole of India except the State of Jammu and Kashmir [S. 1(1) and 3]. | All citizens of Pakistan have the right to access public records [S.3]. | Citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him information. Section 4 | |
| Meaning of Right to Information | Right to information means the "right to information accessible under this Act which is held by or under the control of any public authority and includes the right to (i) inspection of work, documents, records; (ii) taking notes, extracts, or certified copies of documents or records; (iii) taking certified samples of materials; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device" [S. 2(j)]. | No such provision. | The right to information means the right to information from any authority. (S. 2g) | "Access to information and document: Depending on the nature of the information and the document, providing a copy of the information or the document to the applicant; in cases where it is not possible to give a copy, permitting the applicant to examine the original information or the document and to take notes or to see the contents, or to listen to" [Article 3 (e)]. |

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| Definition of Information and Record | Information means "any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data materials held in any electronic form and information relating to any private body which can be accessed by a public body under any law for the time being in force" [S. 2(f)]. Records includes "(a) any document, manuscript and file; (b) any microfilm, microfiche and facsimile copy of a document; (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and (d) any other material produced by a computer or any other device" [S. 2(i)]. | Information not defined. Record means "record in any form, whether printed or in writing and includes any map, diagram, photography, film, microfilm, which is used for official purpose by the public body which holds the record". | Information includes any memo, book, design, map, contract, data, logbook, order, notification, document, sample, letter, report, account, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relationship, structure and official activities of any authority. Provided that note-sheets or copies of note-sheets shall not be included in it. (S.2f) | "Information: Every kind of data that is within the scope of this law and are included in the records of the institution" [Article 3 (c)]. "Document: Any written, printed or copied file, document, book, journal, brochure, etude, letter, software, instruction, sketch, plan, film, photograph, tape and video cassettes, map of the institutions and the information, news and other data that are recorded and saved in electronic format that are within the scope of this law" [Article 3 (d)]. |
| Applicability/ Scope of Law | Any authority or body established or institution of self-government established or constituted: (i) by or under the Constitution; (ii) by any other law made by Parliament or a State Legislature, (iii) by notification made by an appropriate government and includes (a) any other body owned, controlled or substantially financed and (b) non-government organization substantially financed; by funds provided directly or indirectly by the appropriate Government [S.2(h)]. | Any Ministry, Division or attached department of the Federal Government; Secretariat of Majlis-e-Shoora (Parliament); any office of any Board, Commission, Council, or other body established by, or under, a Federal law; courts and tribunals [S.2] | Any Department of Government, body performing public function under any legislation and private bodies where the information is required for the exercise or protection of any rights [S.4]. | Public institutions and private organizations, which qualify as public institutions [Article 2]. |
| Application on Private Bodies | Includes (a) any other body owned, controlled or substantially financed and (b) non-government organization substantially financed; by funds provided directly or indirectly by the appropriate Government [S.2(h)]. | Not applicable on private bodies | Includes private bodies. "Any private organization or institution run on government funding or with help from the government exchequer, any private organization or institution run on foreign funding, any organization or institution that undertakes public functions in accordance with any contract made on behalf of the government or made with any public organization or institution; or any organization or institution as may be notified in the | Private organizations that qualify as public institutions [A. 2]. |

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| | | | official gazette from time to time by the government. (S. 2) | |
| Suo Motu/ Proactive Disclosure | It shall be a constant endeavour of every public body to provide as much information as possible suo moto to the public at regular intervals through various means of communications. Information shall be disseminated as widely as possible and in such form and manner which is easily accessible to the public, including through notice boards, newspapers, public announcements, media, internet or any other means including inspection of offices of any public authority. Every public body shall publish the following information: i) the particulars of its organization, its functions and duties; ii) the powers and duties of its officers and employees; iii) the procedures followed in the decision making process, including channels of supervision and accountability; iv) the norms set by it for the discharge of its functions; v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions; vi) a statement of the categories of documents that are held by it or under its control; vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or | The acts and subordinate legislation such as rules and regulations, notifications, by-laws, manuals, orders having the force of law in Pakistan shall be duly published and made available at a reasonable price [S. 5]. | Every authority shall publish and publicize all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens. In publishing and publicizing information under sub section 1, no authority shall conceal any information or limit its easy access. Every authority shall publish a report every year which shall contain the following information, namely: (a) Particulars of its organizational structures, activities, responsibility of the officers and employees, and description and process of the decision making; (b) lists of all laws, acts, ordinance, rules regulations, notifications, directives, manuals and classification of all information lying with the authority; (c) Description of the terms and conditions under which a citizen may get services from the authorities in obtain any license, permit, grant, consent approval or other benefits and of such conditions, that require the authority to make transactions or enter into agreements with him; (b) Particulars of the facilities ensuring right to information of the citizens, and the full name, designation, address, and, in cases where applicable fax number and E-mail addresses of the assigned officer. | N/a |

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| | implementation thereof; viii) a statement of the boards, councils, committees, etc., and whether their meetings are open to public, or the minutes of such meetings are accessible to public; | | | |
| | ix) a directory of its officers and employees; | | | |
| | x) the monthly remuneration received by each of its officers and employees, including the system of compensation as | | | |
| | provided in its regulations; xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and | | | |
| | reports on disbursements made; xii) the manner of execution of subsidy programmes, incl. the amounts allocated and details of beneficiaries; | | | |
| | xiii) particulars of recipients of concessions, permits or authorizations granted by it; | | | |
| | xiv) details in respect of the information, available to or held by it, reduced in an electronic form; | | | |
| | xv) the particulars of facilities available to citizens for | | | |
| | obtaining information; xvi) the names, designations and other particulars of the Public Information Officers; | | | |
| | xvii) any other information as may be prescribed [S.4]. | | | |
| | In addition, every public authority is required to: | | | |
| | i) publish all relevant facts while formulating important policies or announcing the decisions | | | |

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| | which affect public; ii) provide reasons for its administrative or quasi-judicial decisions to affected persons [S.4]. | | | |
| Information Request Procedure | Request in writing or through electronic means to the Public Information Officer with reasonable assistance to be provided in the case of oral requests [S. 6]. The application for information should include particulars of the requested information, contact details of applicant and application fee as prescribed. Applicant is not required to give any reason for requesting the information or any other personal details except those necessary for contacting him/ her [S. 6 (2)]. | Application to the Designated Official in the form prescribed. Must furnish necessary particulars and pay such fee and at such time, as may be prescribed [S. 12] Duty on public body to take necessary steps, as may be prescribed, to assist the requester [S. 9]. Under the Rules, it is necessary for the applicant to give the purpose for requesting the information; and to declare that the requested information would not be used for any other purpose. [Annexure I of The Freedom of Information Rules, 2004]. | A person may apply to the officer-in-charge requesting for information either in writing or through electronic media or through email. A person can receive information by requesting it on a white paper if prescribed form is printed or not available. The requester is not asked to mention the purpose of seeking information. The law mentions reasonable fee for having access to information and also says that the government may exempt an individual or a class of individuals or any other class from paying such price. | Requests are to be made in writing or in electronic form if the identity of the applicant and their signature can be verified using for example a digital signature [A. 6]. Oral requests are to be treated "with hospitality and kindness" and immediately reviewed and resolved if possible [Circular 2004/12]. |
| Public Records/ Exemptions | (c) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an Offence; (d) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court; (e) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature; (f) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the | Only the following, subject to a large number of exemptions and exclusions, have been declared as public records: a) policies and guidelines; b) Transactions involving acquisition and disposal of property and expenditures undertaken by a public body; c) information regarding grant of licenses, allotments and other benefits and privileges and contracts and agreements made by a public body; d) final orders and decisions, including decisions relating to members of public; and e) any other record, which may be notified by the Federal Government as public record for the purpose of this Ordinance [S. 7]. | Information pertaining to corruption and violation of human rights in national security sector is not exempted from disclosure. Section 32 (2) (a) any such information that may, if disclosed, pose to be a threat to the security, integrity and sovereignty of Bangladesh; (b) any such information relating to any foreign policy that may offend the existing relationship with any foreign country or international organization or any regional bloc or organization; (c) any secret information received from a foreign government; (d) any information relating to inherent secrets of commercial or business nature, copyright or intellectual property that may, if published, harm the intellectual property right of a third party. (e) any of the following information that may, if | a) state secrets which would clearly cause harm to the security of the state or foreign affairs or national defense and national security; b) harmful to the economic interests of the state or cause unfair competition or enrichment; c) the duties and activities of the civil and military intelligence units; d) administrative investigations; e) judicial investigations or prosecutions; f) violate the private life or economic or professional interests of an individual; |

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| Provisions | competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of information; (g) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information; (h) information received in confidence from foreign government; (i) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes; (j) information which would impede the process of investigation or apprehension or prosecution of offenders; (k) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers; Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over; Provided further that those matters which come under the exemptions specified in this section shall not be disclosed; (l) information which relates to personal information the discloser of which has no relationship to any | Freedom of Information Ordinance 2002 However, even the limited number of above listed public records are subject to a large number of exclusions. Exclusions include: a) noting on the files; b) minutes of meetings; c) any intermediary opinion or recommendation; d) record of the banking companies and financial institutions relating to the accounts of their customers; e) record relating to defense forces, defense installations, or connected therewith or ancillary to defense and national security; f) record declared as classified by the Federal Government; g) record relating to the personal privacy of any individual; h) record of private documents furnished to a public body either on an expressed or implied condition that information contained in any such document shall not be disclosed to a third person; i) any other record which the Federal Government may, in public interest exclude from the purview of this Ordinance. [S. 8] Restrictions imposed on access also relate to: a) international relations; b) disclosure harmful to law enforcement; c) privacy and personal information; d) economic and commercial | disclosed, be gainful or damaging to any particular individual or organization, such as:- (i) any advance information about income tax, customs, VAT and law relating to excise duty, about budget or change in the tax rate; (ii) any advance information about changes related to exchange rate and interest rate; (iii) any advance information about the management and supervision of the financial institutions including banks; (f) any such information that may, if disclosed, obstruct the enforcement of law or incite any offence; (g) any information that might, if disclosed, endanger the security of public or impede the due judicial process of a pending case; (h) any information that might, if disclosed, offend the privacy of the personal life of an individual; (i) any information that might, if disclosed, endanger the life or physical safety of any person; (j) any information given in confidence to any law enforcement organization by a person; (k) any matter pending in any court of law and which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court; (l) any information that may, if disclosed, impede the process of investigation; (m) any information that may, if disclosed, affect any criminal investigation process and arrest or prosecution of offenders; (n) any such information which is, according to law, liable to be published only for a certain period of time; | g) privacy of communications; h) trade secrets; i) intellectual property; j) internal regulations; information notes and recommendations if determined by the institution to be exempt; and k) requests for recommendations and opinions [Part 4]. |
| | public activity or interest, or which | affairs [S. 14, 15, 16, 17, 18]. | | |

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| | would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information; Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person (S. 8]. Without prejudice to the provisions of section 8, the Public Information Officer | | (o) any information that is generated through technical or scientific experiment, and is expedient to keep secret for strategic or commercial reasons; (p) any information pertaining to a purchase process before it is complete or a decision has been taken about it; (q) any information that may be prejudicial to the special rights of the National Parliament; (r) any secret information of a person which is protected by law; (s) any advance information relating to question papers of an examination or marks obtained; | |
| | may reject a request for information where it would involve an infringement of copyright subsisting in a person other than the State [S. 9]. Certain specified intelligence and security agencies, except where the Information Commissioner holds that the requested information pertains to allegations of corruption or human rights violations [S.24 and Schedule 2]. | | (t) any document including summaries to be placed before the Cabinet, or as the case may be, Council of Advisers and information relating to discussions and decisions of such meetings: Provided that the decisions of Cabinet or as the case may be, Council of Advisors, , reasons thereof, and the basis upon which the decisions are taken, may be made public. Further provided that the relevant authority shall take prior approval from Information Commission for withholding information under this section. [S 7] | |
| Public Interest Disclosure | But notwithstanding anything in the Official Secrets Act or exemptions, information may still be disclosed if the public interest in disclosure outweighs the harm to protected interests [S. 8(2)]. | No public interest override. Reverse public interest test included, such as that the Government can broadly refuse to disclose any other record from the purview of this Ordinance in the public interest [S. 8(i)]. | No such provision | N/a |
| Partial Disclosure / Severability | Information to be given if reasonably severable [S. 10(1)]. | No such provision. | No such provision | Severance allowed, where such information shall be set aside if separable [A. 9]. |

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| Fees and Waiver | Must be reasonable & will not be imposed where the applicant is below the poverty line. Amount to be prescribed [S. 7(5)]. Information is provided free if the public authority fails to comply with time limits [S. 7(6)]. | Fee to be prescribed in Rules by the Government. [S. 12 & 25(2)]. But the decision to prescribe fee should take into account Section 3, which reads that the Ordinance shall be interpreted so as "to facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information". Under the Rules, the applicant is required to pay an initial fee of RS. 50 for 10 or less than 10 pages. An amount of RS. 5 per page of photocopy shall be paid for every additional page i.e. exceeding 10 pages [The Freedom of Information Rules, 2004]. | The government may, in consultation with the Information Commission, fix the fees for having any information by notification in the official gazette, and, if necessary, and may fix the price of information, or as the case may be, may exempt an individual or a class of individuals or any other class from paying such price. Section 8(5) | N/a |
| Time for Providing Access to Information | 30 working days for granting or refusing the information request [S. 7]. 40 days where confidential third party information has been requested [S. 11(3)]. | Required information or, as the case may be, a copy of any public record must be provided with 21 days of receipt of the request [S. 13]. | 20 working days from the date of receiving the request. Section 9 (1). If more than one unit or authority is involved then the information is to provided within 30 working days | Government bodies are required to respond in 15 working days. This can be extended to 30 days if the information is held in another unit of that institution or if it is held by another institution or if the opinion of another institution is required [A. 11]. |
| Urgent Requests | Where the information requested concerns the life and the liberty of a person, it should be provided within 48 hours of receipt of the request [S. 7(1)]. | No such provision. | No such provision | No such provision although Circular 2004/12 states that oral requests are to be immediately reviewed and resolved if possible. |

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| | recommend disciplinary action against the Officer at fault under the applicable service rules [S. 20]. | be imposed on the complainant up to an amount not exceeding Rs. 10,000 [S. 20]. | with mala fide intention; (d) provides wrong, incomplete, confusing and distorted information in place of the information that is sought for; (e) creates impediments in proving information; then, it may impose 50 (fifty) taka per day as compensation for the period from the date of doing such action by the officer-in-charge to the date of providing information, and such compensation shall not, in any way, exceed more than 5000 (five thousand) taka. (2) The Information Commission shall, before imposing any compensation under subsection (1), give the officer-in-charge an opportunity to place his arguments. (3) If the Information Commission is satisfied that the officer-in-charge creates impediments in getting information by any citizen by the an act under sub-section (1), then, it may, in addition to imposing compensation under subsection (2), recommend the concerned authority to take departmental action treating such an act of such officer to be a misconduct, and may request to keep the Information Commission informed in respect of the action taken last. (4) If any compensation or fine payable under this ordinance is not paid, it may be recoverable from the concerned officer through such procedures as are applicable for the recovery of a land revenue in accordance with the provisions of Public Demand Recovery Act, 1908 (Act IX of 1908). Section 27 | |

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| Protection fo Actions Under the Act / Whistleblowe Protection | prosecution or any other legal | No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance with the Ordinance or its Rules Act [S. 22]. # Specific whistleblower protection not provided under this Act. | Whistle blower protection not provided. No prosecution, suit, or other legal proceedings shall be initiated against the Commission, the Chief Information Commissioner or any Commissioner, officers or employees thereof or Officer in Charge of any authority or any other officer or employee thereof in respect of any information made public or deemed to be made public in good faith under this ordinance or rules or regulations made there under. Section 31 | N/a |
| Reporting & Ongoing Monitoring/ Review | Information Commissions required to monitor the Act and produce Annual Reports on the implementation of the Act, including recommendations for improvements. Annual reports to be forwarded to the appropriate Government for tabling in Parliament. Each Ministry or Department shall, in relation to their public authorities, collect and provide to the Information Commissions such information as needed to comply with their monitoring duties [S. 25]. | No such provision. | (1) The Commission shall, by 31 March of every year, submit an annual report to the President about its activities of the previous year. (2) In the report mentioned in sub-section (1), the following information shall be included: (a) the number of requests made to each authority; (b) the number of decisions refusing requests for information to the applicants, and description of the provisions of this ordinance under which these decisions were made; (c) the number of appeals filed against the decisions of the officer-in-charge, and the result thereof; (d) particulars of any disciplinary action taken against any officer by any authority; (e) the amount of money collected by each authority under this ordinance; (f) description of different activities taken by the authorities to implement the provisions of this ordinance; (g) reform proposal received from different authorities relating to ensuring right to information of the citizen; (h) number of complaints received by the | Institutions must prepare reports on the application of the law and submit them to the Board of Review. The Board must produce an annual report for submission to the National Assembly, which will be made public. |

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| Provisions | Right to Information Act 2005 | Freedom of Information Ordinance 2002 | Right to Information Act 2009-2000 | The Law on Right to Information 2003 |
| | | | Information Commission; | |
| | | | (i) description of the actions taken by the Information Commission in respect of the complaint received; | |
| | | | (j) number of officers punished by the Information Commission and description of such punishments; | |
| | | | (k) total amount of compensation imposed and recovered by the Information Commission; | |
| | | | (l) description of the regulations made and instructions issued by the Information Commission; | |
| | | | (m) accounts of incomes and expenditures of the Information Commission; | |
| | | | (n) any other related matters that the Information Commission thinks proper; | |
| | | | (o) recommendations to take actions against those authorities that appear to be unwilling to follow the provisions of this law. Section 30 | |
| Implementation: Public Education, Training for Officials, etc. | Where resources are available, appropriate Government must: a) develop and organize educational programmes for the public (in particular of disadvantaged communities) on how to exercise rights under the Act; b) encourage public authorities to participate in programmes organized under clause (a), and to undertake such programmes themselves; c) promote timely and effective dissemination of accurate information by public authorities about their activities; and d) train public information officers | Each public body shall endeavour within reasonable time and subject to availability of resources that all records covered by the provisions of this Ordinance are computerized and connected through a network all over the country on different systems so that authorized access to such records is facilitated [S. 6]. | (a) issue directives for the preservation, management, publication, publicity of and access to information by the authority; (b) prescribe the procedure for applying for information from the authority and as the case may be, fix appropriate price of information; (c) formulate guidelines and directives as to the preservation and implementation of the right to information of the citizens; (d) in order to preserve the right to information, consider the provisions recognized under the Constitution of the People's Republic of Bangladesh or any other law for the time being in force and recommend to the Government for their effective implementation by indicating the impediments; | No such provision. |

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| | and produce relevant training materials for use by the public authorities themselves [S. 26]. | | (e) identify the impediments against the preservation and implementation of right to information of the citizens and recommend to the Government the appropriate solution; (f) conduct research on the agreements related to the right to information and other international instruments and recommend to the Government for their implementation; (g) examine the similarities of the prevailing law related to the maintenance and implementation of the right to information of the citizens and make necessary recommendation to the government, or as the case may be to the appropriate authority in order to ensure their harmonization with the international instruments; (h) advise Government to ratify or sign any international instrument on right to information; (i) conduct research on preservation and implementation of the right to information and contribute in the educational and professional institution for their implementation; (j) work in order to increase awareness about the right to information by publishing, disseminating or any other means the issues related to the preservation and implementation of the right to information among different classes of citizens of the society; (k) advise and provide assistance to the Government in order to make necessary laws and administrative directives for preservation and implementation of right to information; (l) advise and provide assistance to the organizations or institutions who are working for the preservation and implementation of the right to information and to citizens in general; (m) increase public awareness on right to information by conducting research, seminars, symposiums, workshops and similar other measures and disseminate the result obtained from the research; | |

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| | | | (n) give the authority technical and other assistance with the aim to ensuring right to information; (o) establish a web portal for Bangladesh to ensure right to information; (p) oversee the actions taken under any other laws relating to preservation and realization of the right to information. Section 13 | |