

Changing Contours of RTI, Part II

[Shamsul Bari and Ruhi Naz](#)

It would be unfair to compare the Bangladesh situation with the Indian experience (refer to Part I of this column published yesterday). This is mainly because our citizens are not using the RTI Act as much as Indian citizens do in their country. Unlike India, we did not have a long-drawn peoples' movement for accountable governance preceding adoption of the Act. Unless citizens put the law to use with a missionary zeal, real change is bound to be slow. A few statistics may help to understand the differences between the two situations.

In 2015 alone, the forecast in India is that over 6 million RTI applications will be filed all over the country. This will bring the total in the last one decade to around 25 million. Only such huge numbers can generate an average of about 3000 complaints/appeals to the Central Information Commission (CIC) per month. If we compare it to our figure of 926 complaints handled by the Bangladesh Information Commission (IC) in the last six years, the gulf between the two countries become clearer. Expecting systemic change at such a pace is thus a far cry. But there is no reason to lose hope. The pace has begun to pick up as stated in this column last month. The main task is how to accelerate it.

INDICATIONS FROM RECENT DECISIONS OF THE IC

The following case studies based on decisions of the Bangladesh IC in the last one year are cited to show recent trends in the nature and subjects of RTI applications. They indicate that applications are going beyond personal concerns, which we witnessed in the earlier phase, to probing integrity and objectivity of decision-makers. If the trend continues and the number of such applications increases, we may begin to see the proverbial light at the end of the tunnel.

Selection process by Public Service Commission: Thakur Das Malo, Sub-Inspector of Police Kalabagan Thana, sent an RTI application to the DO of BPCS seeking information on the number of posts in the general cadre under 28th BCS exam, numbers reserved for Adivasis/Upojatis (indigenous) candidates, number of Adivasis recommended for appointment at cadre posts, number of Adivasis/Upojatis qualified for the written/viva-voce exam and finally number of posts that remained vacant under Freedom Fighter, indigenous and women quota etc. He was given a response after appeal which he found incomplete and misleading. So he complained to the IC which found the information provided to be justified under the given circumstances.

Union Parishad irregularities: Matiur Rahman of village Kolma, Savar, filed an RTI application seeking information on the amount of money allocated under Local Governance Support Project (LGSP) for financial years 2010-2014, list of development work undertaken with the money including awarding of contract to a particular agent. Not

receiving information from DO or appellate authority, he filed a complaint to the IC, which ordered disclosure of the information.

Checking on the Anti-Corruption Commission: Matlu Mollik of Daily Alokito Bangladesh submitted an RTI application to the DO of ACC seeking information on charge sheets prepared by the Commission between July 1 2014 to Feb 28 2015 together with names and addresses of persons charge-sheeted, case numbers and date of commencement of investigation, date of approval of charge sheet, investigating officer's name and that of the court. At complaint hearing, the IC directed the DO to provide the information sought except the name and designation of investigating officer.

Illegal occupation of land: Arup Roy of Savar asked the Water Development Board, through an RTI application, if a particular piece of land was owned by it, whether it was leased out to any private person/organisation, or, if it was acquired land, information of such acquisition and its present status. Without any result at the earlier stages, the matter went up to the IC. The latter directed the DO of the Board to initiate the process of collecting names of illegal land grabbers, provide the same to the applicant and undertake eviction measures with the help of the DC.

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Non-action by law enforcement agencies: Md. Kutub Uddin of Agargaon, Dhaka, filed an RTI application to the DO of Ministry of Home Affairs, seeking information as to why an accused was not arrested and charge-sheeted in a particular criminal case of Keranigonj thana under Dhaka District. The matter went up to the IC as no response came from the DO or appeal authority. At the complaint hearing, the DO claimed non-receipt of application. The IC asked the complainant to resubmit his application and directed the DO to provide the information.

Corruption in banks: Delwar Bin Shiraj of Bangabandhu Avenue, Dhaka, sought, through an application to the DO of Janata Bank, information on issuance of loans from 2013 to 2015 as recorded in the register book of the bank. Not receiving a response from the DO and the appellate authority, he filed a complaint to the IC. At the complaint hearing, the applicant informed that he got the information the same day and prayed for withdrawal of complaint.

Environment issues: Badshah Miah of Karwan Bazar, Dhaka filed an RTI application to the DO of Environment Directorate seeking information on list of factories which were mandated to install Effluent Treatment Plant (ETP), number of environment release orders provided to ETP-compliance factories, number of ETP-compliance factories which were inspected by mobile court during inspection drives and number of factories fined for non-compliance. Not receiving the information, he appealed to the appellate authority with no result. So he filed a complaint to the IC. Upon hearing both sides, the IC asked the complainant to frame his question more specifically and directed the DO to provide information upon receipt of his reformulated application.

Discriminatory appointment: Nazrul Islam Ajhar, a journalist from weekly Banglacumi of Joydebpur, Gazipur District, used RTI to seek information from Bangladesh Agricultural Research Institute (BARI) on its practice of appointing labour at its head office and sub-offices pursuant to an executive order and asked if the order was legal. Not receiving an answer even at appellate stage, he complained to the IC which passed an order directing DO of BARI to provide information sought.

Tender irregularities: Saif Ali from Daily Sarejamin Barta of Dhaka filed an RTI application with DO of Police Super office seeking information on a tender invitation for construction of a boundary in Gopalganj district, the names of national dailies publishing the tender, date and name of the company obtaining the contract along with its commercial address. Not receiving the desired information from the DO or the appellate authority, he filed a complaint to the IC which passed an order directing the DO to provide the information requested.

A stark element that emerges from the above examples is that in almost all the cases the information sought was not supplied by the concerned authorities before reaching the complaint stage. They agreed to provide information only at the prodding of the IC. Therefore, if the IC puts greater attention to the matter and starts imposing fines on defaulting officials, it is likely to infuse more life into the RTI regime. However, what is clear is that citizens have begun to understand the potentials of the Act, however slowly. If their efforts are sustained, and larger numbers take the cue from above examples and start to put the law to more vigorous use, systemic change may not be far away.

The writers are Chairman of Research Initiatives, Bangladesh (RIB) and Project Coordinator (RTI), RIB respectively.